

Submission to the Environment Committee: Fast-track Approvals Bill

Introduction

Mana Mokopuna – Children and Young People’s Commission has the statutory responsibility to advocate for the rights, interests, participation and well-being of all children and young people (mokopuna¹) in Aotearoa New Zealand, including young people aged 18-25 years if they are, or have been, in care or custody.

The changing climate is already having, and will continue to have, significant implications for all mokopuna in Aotearoa New Zealand. These impacts are not only significant in children and young people’s lives today, but will have long-term, intergenerational consequences. After all, it is important to remember that a child born today will very likely still be alive in the year 2100.

Mokopuna have told us that environmental protection and preventing further climate change are important issues for them. The Fast-track Approvals Bill is designed to bypass a number of current Acts that protect the environment - we urge the Committee to safeguard the interests, safety and rights of mokopuna now and into the future.

Executive Summary

1. Mana Mokopuna welcomes the opportunity to submit on the Fast-track Approvals Bill (the Bill). We strongly oppose the Bill on the basis that it does not give adequate consideration to impacts on the rights of mokopuna and future generations.¹
2. One of our Commission’s key functions is to promote and encourage the participation and voices of mokopuna. Article 12 of the United Nations Convention on the Rights of the Child (Children’s Convention) underpins our mandate to promote, publish and share the voices of mokopuna in relation to decisions that affect their lives.² Our submission brings forward what we have heard from mokopuna regarding climate change, the environment, and their right to participate. We emphasise that the Government has a duty to listen to the views of mokopuna and take them seriously.
3. We all have the right to a safe and healthy environment and this Bill threatens this right for current and future generations. Mokopuna will be impacted the most by the ongoing effects and costs of environmental degradation and climate change increasing risks to their health and well-being. All children have the right to life, survival and development under Article 6 of the Children’s Convention.

¹ At Mana Mokopuna we have adopted the term ‘mokopuna’ to describe all children and young people we advocate for. ‘Mokopuna’ brings together ‘moko’ (imprint or tattoo) and ‘puna’ (spring of water). Mokopuna describes that we are descendants, and or grandchildren, and how we need to think across generations for a better present and future. We acknowledge the special status held by mokopuna in their families, whānau, hapū and iwi and reflect that in all we do. Referring to children and young people we advocate for as mokopuna draws them closer to us and reminds us that who they are, and where they come from, matters for their identity, belonging and well-being at every stage of their lives.

² [Children and Young People’s Commission Act 2022 No 44, Public Act 22 Function relating to encouraging children’s and young people’s participation and voices – New Zealand Legislation](#)



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4. Some mokopuna are more likely to experience the impact of environmental degradation and climate change disproportionately, such as mokopuna Māori, mokopuna belonging to minority groups (e.g. Pacific mokopuna), mokopuna whaikaha (disabled) and those living in disaster-prone or climate-vulnerable environments.³ These risks are borne both here in Aotearoa New Zealand and throughout our Pacific region of Moana-Nui-a-Kiwa.
 5. Prioritising short-term economic prosperity over sustainable development will have greater economic costs as well as human costs, in the future. These include the external costs of pollution, cleaning up degraded sites, loss of biodiversity and replacing poorly designed infrastructure. We are concerned that these factors will be inadequately considered if the Bill is passed.
 6. We urge the Committee to listen to mokopuna and act to protect our natural resources, environment and human health. For more information on how to do this, please refer to our [Climate Inquiry submission](#). Our previous submission promotes the importance of building resilient communities and enabling community-led decisions. It highlights mokopuna rights in the changing climate, including access to education, play, and recreation, as well as mokopuna participation in environmental protection, climate mitigation and adaptation planning and decision-making.
 7. Mana Mokopuna requests the opportunity to provide an oral submission to the Environment Committee on this Bill.

Recommendations

Mana Mokopuna – Children and Young People’s Commission recommends that:

8. The Government consult children and young people and involve them in decisions that will impact their lives today and in the future.
9. The rights, interests, well-being and participation of mokopuna is a primary consideration of the Environment Committee in assessing the Bill.
10. The Bill is **not passed** and the following Acts are **not amended** to adapt the process for approvals under:
 - The Wildlife Act 1953
 - The Conservation Act 1987
 - The Reserves Act 1977
 - The Freshwater Fisheries Regulations 1983
 - The Heritage New Zealand Pouhere Taonga Act 2014
 - The Exclusive Economic Zone and Continental Shelf Act 2012
 - The Crown Minerals Act 1991
 - The Public Works Act 1981
 - The Fisheries Act 1996.

³ United Nations Committee on the Rights of the Child, General comment No. 26 on children’s rights and the environment, with a special focus on climate change, para 14. 2023.

Mokopuna have rights to participate and be heard in our democracy

11. The Fast-track Approvals Bill (the Bill) has implications for the democratic rights of all New Zealanders. The Bill over-rides several existing pieces of legislation that currently afford environmental and social protections. These existing mechanisms have been developed for the benefit of Aotearoa New Zealand's people, land and future, over the past seven decades through democratic processes.
12. Mana Mokopuna – Children and Young People's Commission is concerned that mokopuna who already have little say and involvement in central government policy and legislation (which directly affects them), will have their rights, interests and well-being further marginalised if this Bill is passed. They will lose the active protections to their natural and built environments, and future sustainability, that are currently afforded through the various Acts that this Bill would amend if passed. We are concerned about the lack of an adequate Regulatory Impact Statement in relation to this Bill that considers the risks to society, sustainability and the environment.
13. The Bill provides unreasonable control to decision-makers who may well be subjected to excessive lobbying. This could further undermine the declining trust that mokopuna have in the system of Parliament and the members of Parliament who are elected by persons aged over 18.⁴ In our direct conversations and engagements with mokopuna throughout Aotearoa New Zealand, mokopuna have shared their concerns relating to our democracy and the impact that government decision-making has on them. Concern for the environment and the impacts of climate change was raised by mokopuna in our "What matters most in your world?" survey. One mokopuna shared:



Climate change, racism. Anti-LGBTQI+. The new government. The world is becoming a meaner place. We are lied to by our politicians and they feel no shame." (young person 12-17 years old What Matters Most? Mana Mokopuna survey)⁵

14. Given the significant and far-reaching impacts this Bill would have on current and future generations of mokopuna, our Commission strongly recommends that the Government consults mokopuna explicitly on this Bill, and makes decisions in their best interests. Mokopuna should also be consulted on alternatives to this Bill to improve sustainable economic and social outcomes, in line with the [UN Sustainable Development Goals](#), the [Children's Convention](#), and [other international human rights conventions](#) to which New Zealand is a States Party.

Mokopuna want climate action not environmental degradation

15. Mokopuna have told us that they care about nature, the environment and are very concerned about climate change.⁶ One mokopuna recently shared the following with us, in response to our question, "What matters most in your world?":

⁴ The latest data available from the [CYWS Annual Report](#) shows that the percentage of young people (aged 18-24) reporting holding trust in Parliament has significantly reduced from 66 percent in 2019/20 to 39 percent in 2021/22.

⁵ Mana Mokopuna, What Matters Most Survey, 2023.

⁶ We note a number of youth organisations who care about due democratic process have submitted on this Bill. We urge the Committee to take their points seriously, to listen to their concerns, and to make a decision that is in the best interests of mokopuna, now and in the future.



Everybody keeping our Earth clean. Cos I don't like thinking about the Earth feeling sick."

(Mokopuna, 6yrs old, Ngāpuhi, What Matters Most? Mana Mokopuna survey)⁷

16. On April 9th 2024, approximately 100,000 children and young people gathered across Aotearoa New Zealand to represent their regions as part of the collective School Strike 4 Climate protest.⁸ It was loud and clear that these mokopuna strongly oppose the Bill.⁹ As an independent advocate for our country's mokopuna, we pay close attention to what mokopuna are saying. We commend mokopuna for their courage in exercising their civil and political rights, and sharing their views on this Bill among other urgent kaupapa that affect them and matter in their lives.¹⁰



Climate change is also really important! I want to live a life that is not affected by climate change."

(Young person, 12-17 years old, What Matters Most? Mana Mokopuna survey)¹¹

17. Engaging with mokopuna to make decisions and design solutions that protect and preserve te taiao (the natural world) is important, as they bring different perspectives, fresh ideas and problem-solving approaches, and genuine concern for the future. Due to the risks of this Bill, and the disproportionate impact of environmental degradation on mokopuna, we urge the Committee to prioritise the voices of mokopuna in considering the Bill. Listening to mokopuna Māori is essential, as they are often most affected by the impacts of environmental degradation and climate change.¹²
18. Mokopuna who are alive today will be most impacted by climate change long into the future, together with future generations of mokopuna. The decisions taken today – such as whether or not this Bill progresses further – will have a ripple effects in the lives of mokopuna and future generations.



What matters most is ensuring a better future for the generations to come. What that means for me is changing the ways in which we validate young people's voices, there needs to be a transformational shift in young people's representation in politics and the openness and active listening to youth voice from politicians."

(Mokopuna, 5-11 years old What Matters Most? Mana Mokopuna survey)¹³

⁷ In late 2023 we surveyed mokopuna to find out "What matters most to children and young people?". We informed participants that their response to the survey would help us plan what we should focus on over the next four years, and that their anonymised views may also be used in other work we do, to help amplify the voice of children and young people. This quote is from our What Matters Most Survey, 2023.

⁸ [Students blast ACT leader David Seymour over climate strike comments | Newshub](#)

⁹ [Community Scoop » NZ Unites For Intergenerational Climate Strike](#) – one of the SS4C's 2024 demands is "Slow down the fast track: Prioritize people over profit. End legislation that fast-tracks environmentally damaging projects without environmental assessments and community consultation".

¹⁰ We note that mokopuna are sharing their views, and advocating for climate justice and environmental protection, as well as social justice, through a range of ways including protest, art, song, and through active participation in youth-led climate action groups at local, regional and national levels.

¹¹ Mana Mokopuna, What Matters Most Survey, 2023.

¹² United Nations Committee on the Rights of the Child, General comment No. 26 on children's rights and the environment, with a special focus on climate change, para 14. 2023.

¹³ Mana Mokopuna, What Matters Most Survey, 2023.

A rights-based approach is essential in the development of this Bill

19. In the face of complex decision-making, it is important to uphold the rights of children and young people under both Te Tiriti o Waitangi and the Children's Convention.
20. Mokopuna are more likely to disproportionately experience the impact of climate change and environmental degradation. Mokopuna Māori, mokopuna belonging to minority groups (i.e. Pacific mokopuna), mokopuna whaikaha and those living in disaster-prone or climate-vulnerable environments will be further affected.¹⁴ We have already seen the disproportionate impacts of climate change on these groups of mokopuna during, and in the aftermath of, recent local extreme weather events such as the Auckland Anniversary Weekend Floods and Cyclone Gabrielle.
21. Te Tiriti o Waitangi lays out the foundation of our obligations to tangata whenua and it's promise to protect Māori rights, interests and taonga, including mokopuna Māori. Rangatahi Māori climate activists connect the degradation of the environment to colonisation and modern day expressions of continued colonisation.¹⁵ Tangata whenua, including mokopuna Māori, must be equitably involved in decision-making.
22. Article 2 of Te Tiriti o Waitangi asserts that Māori have authority over their land and resources. All government policy and legislation must ensure that the voices and rights of tangata whenua and mokopuna Māori are respected when decisions are made which effect Māori Land Trusts, the whenua and environment.¹⁶
23. If this Bill were to pass, the effects could spill over to the wider Pacific, to which many Pacific mokopuna have deep and wide linkages. Environmental protections and climate mitigation are incredibly important for Pacific mokopuna who reside both in Aotearoa and Moana-Nui-a-Kiwa. The evidence about impacts on Pacific mokopuna is critically important to understand and respond to in Aotearoa New Zealand, particularly considering our constitutional responsibilities.¹⁷
24. The Government has a responsibility to support Pacific nations, Pacific mokopuna, their aiga, fanau and their communities who are incredibly vulnerable to the impacts of climate change. This includes bringing Pacific indigenous traditional knowledge to solutions that help protect our environment and climate.¹⁸ We remind the Committee of Aotearoa New Zealand's role as a Pacific nation, and the importance of approvals processes always needing to consider broader regional impacts.¹⁹
25. The Children's Convention sets out the specific rights that New Zealand, as a States Party to this international treaty, has a duty to respect, protect and fulfil for all children. Our Commission has a specific mandate to raise awareness and

¹⁴ United Nations Committee on the Rights of the Child, General comment No. 26 on children's rights and the environment, with a special focus on climate change, para 14. 2023.

¹⁵ For example, see [India Miro Logan-Riley](#), and their presentation at [COP 26 \(2021\)](#)

¹⁶ Please refer to page 11 of our Submission on the Climate Inquiry provided to the Environment Committee in November 2023. Available here: [Submission on the Inquiry into Climate Adaptation | Mana Mokopuna](#)

¹⁷ <https://www.tandfonline.com/doi/full/10.1080/17565529.2023.2255563> and <http://www.climatehealthaotearoa.org.nz/climate-change-and-mental-health-and-wellbeing-and-the-relevance-of-the-concept-of-solastalgia-for-pacific-communities/>

¹⁸ Kerr, Emma. "' We are not drowning, we are fighting': A critical examination of the climate change adaptation law and policy framework in the Pacific Islands." Te Mata Koi: Auckland University Law Review 28 (2022): 47-77.

¹⁹ <https://www.pcf.org.nz/pacific-perceptions-report> - demonstrates that more than half of New Zealand citizens believe we have responsibilities to our Pacific neighbours in terms of climate protection, climate refugees etc.

understanding of the Children’s Convention and advocate for the government’s implementation of it in practice. We recommend that the Committee adopts, as a basis for its work (including in relation to this Bill) *General comment No. 26 (2023) on Children’s Rights and the Environment, with a special focus on climate change* (General comment No.26)²⁰. General Comment No. 26 can be utilised as a guiding framework for the Government when considering the design and implementation of sustainable economic growth, and when considering the direct relationships that environmental and climate policies have on children’s rights.²¹

26. Mokopuna in Aotearoa New Zealand have shared with us that they want to see the Government, decision-makers and law-makers implement General Comment No. 26. As one mokopuna from Next Generation Conversation²² recently said to the Chief Children’s Commissioner: **“Help us to propel action on General Comment No. 26 in Aotearoa New Zealand, including taking this forward to the Government!”**
27. Our Commission brings forward the following rights of children that are of particular concern in relation to the Bill as evidenced by General Comment No. 26:
 - Article 6 of the Children’s Convention recognises the child’s right to life, survival and development. An inherent aspect of this is the right of all mokopuna to a clean, healthy and sustainable environment. This includes the mental health implications for mokopuna from climate change, emerging evidence shows that the impacts on mental health should be watched closely.²³
 - Article 19 of the Children’s Convention establishes the right of children to be protected from all forms of violence, including the impacts of environmental degradation and climate change-related disasters. Ensuring a safe and sustainable environment is essential for safeguarding the well-being of today’s mokopuna and for future generations.
 - Article 24 of the Children’s Convention establishes the right of children to the highest attainable standard of health. Climate change and environmental degradation pose significant threats to children’s health through impacts on air quality, water availability and quality, food security, and the spread of diseases. Adequate measures must be taken to mitigate these risks and currently, this Bill places further risk on the right to health as there are no protective measures in place to consider the health and well-being of communities, the environment and our ecosystem. A harm minimisation approach is essential in this context.
 - Article 26 of the Children’s Convention recognises the right of children to benefit from social security and an adequate standard of living, including access to clean water, nutritious food, and adequate housing. Climate change exacerbates existing inequalities, disproportionately affecting marginalised communities and placing children at greater risk of poverty, displacement, and food insecurity. Policies and

²⁰ <https://www.ohchr.org/en/documents/general-comments-and-recommendations/crccgc26-general-comment-no-26-2023-childrens-rights>

²¹ General Comment No. 26 was issued by the UN Committee on the Rights of the Child as definitive guidance on implementing the rights of children in relation to the environment. It was developed with the active participation of children and young people from around the world, including New Zealand and the Pacific.

²² [Facilitated Projects - Future Curious](#)

²³ <https://www.bmj.com/content/379/bmj-2022-071690>

initiatives must prioritise the needs of vulnerable children and families, ensuring equitable access to essential resources and support services.

28. Upholding children’s rights requires a commitment to inclusive decision-making processes, equitable resource allocation, and proactive measures to mitigate the impacts of climate change on the well-being and future prospects of mokopuna. We draw the Committee’s attention to the following paragraphs of General Comment No. 26 which are particularly relevant to the Committee’s consideration of the Bill:

“The obligation to fulfil rights requires that States combat negative societal attitudes to children’s right to be heard and to facilitate their meaningful participation in environmental decision-making.” (paragraph 70)

“All proposed environment-related legislation, policies, projects, regulations, budgets and decisions, and those already in force, require vigorous children’s rights impact assessments, in accordance with Article 3 (1) of the Convention. States should require the assessment, both before and after implementation, of the possible direct and indirect impact on the environment and climate, including the transboundary, cumulative, and both production and consumption effects, on the enjoyment of children’s rights.” (paragraph 75)

29. Mana Mokopuna strongly recommends that the rights, interests, well-being and participation of mokopuna is a primary consideration of the Environment Committee in assessing the Bill, so we can build a more just, resilient, and sustainable society for mokopuna today, and for future generations.

We are concerned the Bill may have negative intergenerational impacts for New Zealanders, the environment and mokopuna of today and the future

“ Stopping climate change and ensuring that it doesn’t get any worse, ensuring that the future generations grow up in a world which is safe for people to live in and preserving what we have.”

(18-24 year old, What Matters Most? Mana Mokopuna survey)²⁴

30. At our current rates of resource use and changes to the state of the environment, the Ministry for the Environment and Stats NZ noted with high confidence that damage to natural infrastructure will result in high costs and significant economic losses.²⁵
31. It is apparent that the Bill encourages economic projects in the interests of short-term profits or gains, that would not otherwise pass the rigors of social and environmental protection and safety. This will likely degrade natural resources, rather than support well-evidenced, sustainable approaches that promote the health and well-being needs of New Zealanders (including mokopuna).
32. The purpose of the Bill to speed up decision-making for projects that are considered to have “significant regional or national benefits” is not necessary. Such benefits are undefined, subject to significant economic bias that ignores externalities (costs that

²⁴ Mana Mokopuna, What Matters Most Survey, 2023.

²⁵ Ministry for the Environment & Stats NZ (2024). New Zealand’s Environmental Reporting Series: Our land 2024. [Our-land-2024.pdf \(environment.govt.nz\)](#)

are borne by wider society or 'down the track'), and lack holistic, inter-generational and socio-ecological considerations.

33. An alternative to this Bill to support fast-track approval processes of economically important projects is to return to the Natural and Built Environment Act 2023. Before it was repealed, it provided a fast-track consenting process which required applicants to consider the implications of environmental damage and how to mitigate or prevent them, before they were granted approvals.²⁶
34. Aotearoa New Zealand signed up to the UN Sustainable Development Goals that require us to work towards sustainability rather than against it. This means on land, in water and by protecting biodiversity, life and lifestyles for future generations. Our population growth is already placing pressures on the ecological services provided by the natural environment to sustain life. We must prioritise sustainable development in order to manage population growth and resource depletion.
35. We have commitments and obligations under international conventions and environmental law, including trade agreements, to reduce air and water pollution, preserve biodiversity and reduce carbon and other greenhouse gas emissions (for example under the Paris Agreement).²⁷ Further consideration and analysis must be undertaken to fulfil our obligations under these international agreements, and our national laws should be consistent with these obligations.
36. Mana Mokopuna strongly recommends the Bill is not passed and the consequent Act amendments are not made. The rights, interests and well-being of mokopuna must be at the forefront of the Government's priorities and decision-making. We urge the Committee to consult widely with mokopuna from diverse backgrounds on this Bill.

Conclusion



The system of the world right now is so corrupt and focused on endless economic growth and resources it makes me so sad everyday seeing the genocides in gaza, sudan, congo etc. and also climate change, i just want a world with genuine equity, where is [the] wellbeing of people & quality of life of [for] everyone and sustainability is [are] valued.”

(12-17 year old, What Matters Most? Mana Mokopuna survey)²⁸

37. This Bill has significant implications for the rights, interests and well-being of the mokopuna of today, as well of future generations. Mokopuna have urged against the Bill and we stand with them and promote their right to have a say in decisions that affect them. After all, it is their health, their taonga and their future that will suffer if pressures on our environment continue. It is essential that we maintain democratic processes and decision-making that will promote and safeguard the rights of mokopuna today, and those of future generations.

²⁶ [Natural and Built Environment Act 2023 | Ministry for the Environment](#)

²⁷ Paris Agreement, art. 4 (2). and *Sacchi et al. v. Argentina* (CRC/C/88/D/104/2019), para. 10.6. See also *Sacchi et al. v. Brazil* (CRC/C/88/D/105/2019), *Sacchi et al. v. France* (CRC/C/88/D/106/2019) and *Sacchi et al. v. Germany* (CRC/C/88/D/107/2019) and *Sacchi et al. v. Turkey* (CRC/C/88/D/108/2019).

²⁸ Mana Mokopuna, What Matters Most Survey, 2023.