

# Short-Form Supplementary Departmental Disclosure Statement

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Fast-track Approvals Amendment Bill – Amendment Paper
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A short form supplementary disclosure statement for proposed government amendments to a Bill seeks to bring together in one place some selected information to support and enhance the Parliamentary and public scrutiny of those proposed amendments.

It highlights certain significant powers or features in the proposed amendments that might be of particular Parliamentary or public interest and warrant an explanation.

It provides a limited supplement to the original disclosure statement for the Fast-track Approvals Amendment Bill 2025, dated 23 October 2025, which can be found at this link:

<http://legislation.govt.nz/disclosure.aspx?type=bill&subtype=government&year=2025&no=219>

This supplementary disclosure statement was prepared by the Ministry for the Environment.

The Ministry for the Environment certifies that, to the best of its knowledge and understanding, the information provided is complete and accurate at the date of finalisation below.

5 December 2025

## Significant Legislative Features

### Offences, penalties and court jurisdictions

<b>1. Do the proposed amendments create, amend, or remove:</b>	
<b>(a) offences or penalties (including infringement offences or penalties and civil pecuniary penalties)?</b>	<b>NO</b>
<b>(b) the jurisdiction of a court or tribunal (including rights to judicial review or rights of appeal)?</b>	<b>YES</b>
Please refer to clause 50 of the Fast-track Approvals Amendment Bill 2025, and section 3.4 of the Departmental Disclosure Statement. This Amendment Paper does not alter clause 50 of the Bill.	

<b>1.1. Was the Ministry of Justice consulted about these provisions?</b>	<b>YES</b>
Please refer to section 3.3 of the Departmental Disclosure Statement for the Bill.	

### Privacy issues

<b>2. Do the proposed amendments create, amend, or remove any provisions relating to the collection storage, access to, correction of, use or disclosure of personal information?</b>	<b>NO</b>
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### Compulsory acquisition of private property

<b>3. Do the proposed amendments contain any provisions that could result in the compulsory acquisition of private property?</b>	<b>NO</b>
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### Charges in the nature of a tax

<b>4. Do the proposed amendments create or amend a power to impose a fee, levy or charge in the nature of a tax?</b>	<b>NO</b>
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## Retrospective effect

<b>5. Do the proposed amendments affect rights, freedoms, or impose obligations, retrospectively?</b>	<b>NO</b>
<p>The Amendment Paper includes transitional provisions for the specific amendments. Some of the amendments apply to applications in-train at commencement, before the relevant decision is made by the Minister (for a referral application), or an expert panel (for a substantive application).</p> <p>These include the following decision-making considerations and procedural matters:</p> <ul style="list-style-type: none"> <li>• consideration of a Government Policy Statement by the Minister and expert panel</li> <li>• consideration of grocery competition (section 22)</li> <li>• the ability for an applicant to reduce the scope of an application during the process</li> <li>• replacing the role of the Minister to suspend an application (giving this role to the panel convener)</li> <li>• extending the maximum applicant-requested suspension period (up to 100 working days)</li> <li>• expert panel consideration of the Minister's reasons for referring an application</li> <li>• explicitly enabling expert panels to set conditions relating to infrastructure (new section 84A)</li> <li>• specific conservation and Crown minerals related amendments.</li> </ul> <p>The Amendment Paper also includes transitional provisions addressing pre-lodgement engagement amendments for particular applications or around commencement.</p> <p>Clause 12 of the transition schedule clarifies that the amendment to section 99 (appeals) does not apply to any persons that had already been invited to comment on an application prior to commencement.</p> <p>Clause 13 of the transition schedule clarifies that, after commencement, the EPA can earn interest on funds that it had received from applicants prior to commencement. It does not retrospectively extend to any interest earned on those funds prior to commencement.</p>	

## Strict liability or reversal of the burden of proof for offences

<b>6. Do the proposed amendments:</b>	
<b>(a) create or amend a strict or absolute liability offence?</b>	<b>NO</b>
<b>(b) reverse or modify the usual burden of proof for any offence or civil pecuniary penalty proceeding?</b>	<b>NO</b>

## Civil or criminal immunity

<b>7. Do the proposed amendments create or amend a civil or criminal immunity for any person?</b>	<b>YES</b>
<p>Please see clause 56 of the Bill (new clause 13 of Schedule 3) and section 4.5 of the Departmental Disclosure Statement for the Bill.</p> <p>The Amendment Paper does not change this aspect of the Bill.</p>	

## Significant decision-making powers

<b>8. Do the proposed amendments create or amend a decision-making power to make a determination about a person's rights, obligations, or interests protected or recognised by law, and that could have a significant impact on those rights, obligations, or interests?</b>	<b>NO</b>
<p>Please see section 4.6 of the Departmental Disclosure Statement for the Bill. The Amendment Paper does not change this aspect of the Bill.</p> <p>The Amendment Paper amends clause 46, to clarify that an expert panel is only able to impose an obligation on the applicant through conditions set under proposed section 84A (and not other groups such as third-party infrastructure providers).</p>	

## Powers to make delegated legislation

<b>9. Do the proposed amendments create or amend a power to make delegated legislation that could amend an Act, define the meaning of a term in an Act, or grant an exemption from an Act or delegated legislation?</b>	<b>YES</b>
<p>Please refer to section 4.7 of the Departmental Disclosure Statement for the Bill.</p> <p>The Amendment Paper amends clause 54 to make it clear that no new projects can be added to Schedule 2 of the Fast-track Approvals Amendment Act via an Order in Council.</p>	

<b>10. Do the proposed amendments create or amend any other powers to make delegated legislation?</b>	<b>YES</b>
<p>Please refer to clauses 51-53 of the Bill and section 4.8 of the Departmental Disclosure Statement for the Bill.</p> <p>The Amendment Paper amends clause 53 to clarify that the proposed regulation-making power in relation to actual and reasonable costs can also provide for certain categories of costs that may be included (not just excluded).</p>	

## Any other unusual provisions or features

11. Do the proposed amendments contain any provisions (other than those noted above) that are unusual or call for special comment?	YES
<p>Please refer to section 4.9 of the Departmental Disclosure Statement for the Bill.</p> <p>The Amendment Paper makes the following relevant changes to the proposals in the Bill:</p> <ul style="list-style-type: none"> <li>• Amends clause 5, to enable the Minister for Infrastructure to consult any other person the Minister thinks appropriate before issuing a Government Policy Statement (in addition to consulting relevant portfolio Minister(s)).</li> <li>• Amends clause 33, to remove the proposed requirement for expert panels to first seek the views of councils and administering agencies before exercising its discretion whether to invite comments from any other person or group under section 53(3) of the Act.</li> <li>• Amends clause 48, to clarify that the Minister for Infrastructure cannot give direction in relation to a statutorily independent function of the EPA, or that requires the performance or exercise, or prevents the performance or exercise, of a particular function, duty, or power in relation to a particular person or substantive application. This reflects existing section 113(1) of the Crown Entities Act 2004.</li> <li>• Clause 55 as introduced amended the existing description of the Port of Tauranga's <i>Stella Passage</i> project in Schedule 2 of the Act. The Amendment Paper further amends the specific descriptions and/or locations of other projects in Schedule 2, reflecting changes to those projects since the Fast-track Approvals Act 2024 was passed. These include projects from New Zealand Transport Agency Waka Kotahi, KiwiRail Holdings Limited, Tāiko Critical Minerals Limited (which also involves a company name change to the authorised person in Schedule 2), Harmony Energy NZ (multiple companies - #5, #6 and #8), and Precinct Properties New Zealand Limited.</li> <li>• Clause 56(1) and (2) of the Bill as introduced proposed a formal process for parties to raise concerns about prospective panel member before appointment. The Amendment Paper deletes the relevant provisions for that process from the Bill.</li> <li>• Clause 2 provides for two commencement periods: <ul style="list-style-type: none"> <li>○ amendments that require updates to the EPA's system to implement will commence on 31 March 2026</li> <li>○ other amendments will commence the day after Royal assent.</li> </ul> </li> </ul>	