

# Departmental Disclosure Statement

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Fast-track Approvals Amendment Bill
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The departmental disclosure statement for a government Bill seeks to bring together in one place a range of information to support and enhance the Parliamentary and public scrutiny of that Bill.

It identifies:

- the general policy intent of the Bill and other background policy material;
- some of the key quality assurance products and processes used to develop and test the content of the Bill;
- the presence of certain significant powers or features in the Bill that might be of particular Parliamentary or public interest and warrant an explanation.

This disclosure statement was prepared by the Ministry for the Environment and the Ministry of Business, Innovation, and Employment.

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

23 October 2025

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## Part One: General Policy Statement

The Commerce Commission has found that competition does not work well in New Zealand's grocery sector, and that New Zealand consumers spend more on groceries than in Australia and the UK, with New Zealand's grocery expenditure the fifth highest per capita in the OECD.

### Relation to government priorities

The legislative proposals in this Bill:

- aim to boost productivity and living standards through improving competition in this key sector. The proposals advance a key action in the Competitive Business Settings pillar of the Government's Going for Growth agenda
- relate to the coalition agreement commitment between the New Zealand National Party and New Zealand First relating to exploring options for improving competition in the grocery sector
- aim to ensure the Fast-track Approvals Act 2024 (FTAA) is operationally and procedurally efficient to support the Government's economic growth plan, by helping accelerate infrastructure and development projects that deliver significant regional and national economic benefits.

### Legislative proposals

The Fast-track Approvals Act 2024 (FTAA) was enacted in December 2024, with applications able to be lodged under it since February 2025.

While grocery retail sector participants can already apply to the Minister for Infrastructure to refer a development project for decision-making under FTAA, the Government's request for information process revealed that one barrier to entry into the grocery sector was the uncertainty that these types of projects may be referred based on improving market competition. To address this, the Bill amends the FTAA to improve certainty that grocery retail competition is a relevant factor in deciding whether a project has significant regional or national benefits and adding a power to issue Government Policy Statements under the FTAA. Separately (outside this legislative process), the Government is developing a Government Policy Statement on grocery competition that it intends to issue under the FTAA once the amendments are enacted.

For potential grocery developers, these proposed amendments would mean a clearer and faster pathway through land use consenting processes, making it easier to establish new stores and expand operations in New Zealand's grocery sector.

This Bill also includes specific technical and machinery changes to the FTAA and its processes, informed by feedback from current system users. These amendments are aimed at improving system efficiency by reducing timeframes, duplication and unnecessary costs, improving clarity for applicants and other system users, and addressing ambiguities or errors and promote consistency in the original drafting. These changes are in line with the overarching policy intent and purpose of the FTAA. Collectively, the amendments are expected to speed up the process by over 6 weeks across the combined referral and substantive processes.

The amendments make technical and machinery changes within the FTAA's existing overall scheme, but do not substantially alter its decision-making framework of referral applications being determined by the Minister for Infrastructure, and substantive decisions on projects being made by expert panels established by the panel conveners, with invitations to comment being sought.

## Part Two: Background Material and Policy Information

### Published reviews or evaluations

<b>2.1. Are there any publicly available inquiry, review or evaluation reports that have informed, or are relevant to, the policy to be given effect by this Bill?</b>	<b>YES</b>
<p>Commerce Commission: Annual Grocery Report – 2024 Annual Grocery Report, 6 August 2025. <a href="https://www.comcom.govt.nz/regulated-industries/grocery/annual-grocery-report/">https://www.comcom.govt.nz/regulated-industries/grocery/annual-grocery-report/</a></p> <p>Commerce Commission: Annual Grocery Report – First Annual Grocery Report, 6 August 2024. <a href="https://www.comcom.govt.nz/regulated-industries/grocery/annual-grocery-report/">https://www.comcom.govt.nz/regulated-industries/grocery/annual-grocery-report/</a></p> <p>Commerce Commission: Market study into the retail grocery sector – Final Report, 8 March 2022; Draft Report, July 2022. <a href="https://www.comcom.govt.nz/regulated-industries/projects/market-study-into-retail-grocery-sector/?target=documents&amp;root=228475">https://www.comcom.govt.nz/regulated-industries/projects/market-study-into-retail-grocery-sector/?target=documents&amp;root=228475</a></p> <p>Ministry for the Environment: BRF-6601, Technical and machinery amendments to the Fast-track Approvals Act 2024, 7 August 2025. <a href="https://environment.govt.nz/what-government-is-doing/cabinet-papers-and-regulatory-impact-statements/amendments-to-the-fta-act-2024/">https://environment.govt.nz/what-government-is-doing/cabinet-papers-and-regulatory-impact-statements/amendments-to-the-fta-act-2024/</a></p> <p>Ministry for the Environment: BRF-6672, Further technical and machinery amendments to the Fast-track Approvals Act 2024, 12 August 2025. <a href="https://environment.govt.nz/what-government-is-doing/cabinet-papers-and-regulatory-impact-statements/amendments-to-the-fta-act-2024/">https://environment.govt.nz/what-government-is-doing/cabinet-papers-and-regulatory-impact-statements/amendments-to-the-fta-act-2024/</a></p> <p>Ministry for the Environment and Ministry of Business, Innovation and Employment: BRF-6871, Fast-track Approvals Amendment Bill - Minor amendments to mining permitting, 9 September 2025. <a href="https://environment.govt.nz/what-government-is-doing/cabinet-papers-and-regulatory-impact-statements/amendments-to-the-fta-act-2024/">https://environment.govt.nz/what-government-is-doing/cabinet-papers-and-regulatory-impact-statements/amendments-to-the-fta-act-2024/</a></p> <p>Ministry for the Environment: BRF-6770, Advice on additional amendments for inclusion in the FTAA Amendment Bill, 11 September 2025. <a href="https://environment.govt.nz/what-government-is-doing/cabinet-papers-and-regulatory-impact-statements/amendments-to-the-fta-act-2024/">https://environment.govt.nz/what-government-is-doing/cabinet-papers-and-regulatory-impact-statements/amendments-to-the-fta-act-2024/</a></p>	

### Relevant international treaties

<b>2.2. Does this Bill seek to give effect to New Zealand action in relation to an international treaty?</b>	<b>NO</b>
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### Regulatory impact analysis

<b>2.3. Were any regulatory impact statements provided to inform the policy decisions that led to this Bill?</b>	<b>NO</b>
<p>When policy decisions were taken in August 2025, the Ministry for Regulation granted an exemption from the requirement to provide a Regulatory Impact Statement on the grounds that the economic, social or environmental impacts are limited and easy to assess.</p>	

## Extent of impact analysis available

<b>2.4. Has further impact analysis become available for any aspects of the policy to be given effect by this Bill?</b>	<b>NO</b>
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<b>2.5. For the policy to be given effect by this Bill, is there analysis available on:</b>	
<b>(a) the size of the potential costs and benefits?</b>	<b>NO</b>
<b>(b) the potential for any group of persons to suffer a substantial unavoidable loss of income or wealth?</b>	<b>NO</b>
Refer to 2.1 above.	

<b>2.6. For the policy to be given effect by this Bill, are the potential costs or benefits likely to be impacted by:</b>	
<b>(a) the level of effective compliance or non-compliance with applicable obligations or standards?</b>	<b>NO</b>
<b>(b) the nature and level of regulator effort put into encouraging or securing compliance?</b>	<b>NO</b>

## Part Three: Testing of Legislative Content

### Consistency with New Zealand's international obligations

<b>3.1. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with New Zealand's international obligations?</b>
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There has not been any assessment of the policy contained in the Fast-track Amendments Bill against New Zealand's international obligations.
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### Consistency with the government's Treaty of Waitangi obligations

<b>3.2. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with the principles of the Treaty of Waitangi?</b>
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Section 7 of the FTAA includes obligations for decision-makers relating to Treaty settlements and recognised customary rights. No changes are proposed in relation to these obligations.
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Certain Māori groups must still be invited for comment on applications, and the Ministry for the Environment must prepare a report on 'Treaty settlements and other obligations' for each application under section 18 of the FTAA. These provisions inform decision-making on referral and substantive applications, and are proposed to be retained.
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Technical and machinery amendments are proposed to apply generally to all system users, including but not specific to Māori consultation groups, for example, shortening the comment period for referral applications from 20 to 15 working days.
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Te Puni Kōkiri commented that overall, the Amendment Bill may impact the way Te Tiriti o Waitangi/Treaty of Waitangi obligations or Treaty settlement agreements are dealt with under the FTAA. Replacing pre-application consultation with a requirement to notify, will reduce the quality engagement and the opportunity for Post-settlement Governance Entities, and others listed in section 11, to have input prior to lodgement of applications. However, the Minister and expert panels will still be obliged to make decisions in a manner consistent with Treaty settlement obligations and recognised customary rights (under section 7). To help inform this, comments must still be invited from these groups during the application process.
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### Consistency with the New Zealand Bill of Rights Act 1990

<b>3.3. Has advice been provided to the Attorney-General on whether any provisions of this Bill appear to limit any of the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990?</b>	<b>YES</b>
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An assessment of the Bill's consistency with the Bill of Rights Act will be completed and made public here: <a href="#">Advice on consistency of Bills with the Bill of Rights Act   New Zealand Ministry of Justice</a>
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## Offences, penalties and court jurisdictions

<b>3.4. Does this Bill create, amend, or remove:</b>	
<b>(a) offences or penalties (including infringement offences or penalties and civil pecuniary penalty regimes)?</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>
<p>The current right to judicial review of decisions made under the FTAA are retained. Specific appeal rights (currently limited to points of law) exist in the FTAA regarding substantive decisions made by expert panels. This appeal right was available to any party that was invited to comment on an application under the FTAA (and did so). The Bill contains an amendment that would limit this appeal right to those parties that the FTAA requires to be invited to comment (and did so), and excludes those parties that may have been invited at the discretion of the Minister or the expert panel.</p>	

## Privacy issues

<b>3.5. Does this Bill 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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## External consultation

<b>3.6. Has there been any external consultation on the policy to be given effect by this Bill, or on a draft of this Bill?</b>	<b>YES</b>
<p>The Bill's grocery-related amendments are informed by the Government's Request for Information (RFI) held over March – May 2025 to hear from investors and prospective grocery market competitors about barriers to entry and to investing and growing at scale in the market. 24 prospective competitors, existing businesses, and advocacy and other groups responded to the RFI with feedback that was used to inform the changes brought in by the Bill.</p> <p>Targeted consultation has occurred with a number of Fast-track Approvals system users to inform the proposed technical and machinery amendments. This included independent targeted engagement with number of applicants, Māori groups, and councils. Other system users including the panel convenor, Environmental Protection Authority, and administering agencies (including the Department of Conservation, Ministry for the Environment, Ministry for Business, Innovation and Employment, and Heritage NZ), have been engaged on proposed amendments contained in this Bill.</p>	

## Other testing of proposals

<b>3.7. Have the policy details to be given effect by this Bill been otherwise tested or assessed in any way to ensure the Bill's provisions are workable and complete?</b>	<b>YES</b>
<i>[See above]</i>	

## Part Four: Significant Legislative Features

### Compulsory acquisition of private property

<b>4.1. Does this Bill 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>4.2. Does this Bill 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>4.3. Does this Bill affect rights, freedoms, or impose obligations, retrospectively?</b>	<b>NO</b>
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### Strict liability or reversal of the usual burden of proof for offences

<b>4.4. Does this Bill:</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 an offence or a civil pecuniary penalty proceeding?</b>	<b>NO</b>

### Civil or criminal immunity

<b>4.5. Does this Bill create or amend a civil or criminal immunity for any person?</b>	<b>YES</b>
Existing clause 13 of Schedule 3 of the FTAA affords protection from liability for the panel convener (and members) when appointed to an expert panel for anything they do or omit in good faith. The Bill proposes to extend this to the panel convener and associate panel convener in exercising their wider functions, duties and powers under the FTAA.	

### Significant decision-making powers

<b>4.6. Does this Bill 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>
The Bill contains technical and mechanical amendments to the FTAA expert panel's procedures and considerations when determining substantive applications under the Act. However, these amendments <u>do not</u> significantly alter or reduce: <ul style="list-style-type: none"><li>• the panel's application of the principles of natural justice</li><li>• the criteria for the panel's exercise of decision-making power</li><li>• the expertise and independence of the panel</li><li>• the judicial review process for panel or Ministerial decisions.</li></ul> An amendment in the Bill reduces the group of parties that can appeal (on points of law) to those whose existing rights, obligations, or interests are recognised in the FTAA requirement that they 'must' be invited to comment (and did so). The discretionary invitation to comment by Ministers or the expert panel, is not a recognition that these invited 'other' parties have any "substantial rights, obligations, or interests protected or recognised by law".	

## Powers to make delegated legislation

<b>4.7. Does this Bill 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>Clause 54 provides the Executive the ability to create regulations to amend the descriptions of projects listed in Schedule 2 of the FTAA. There may be minor or unintentional errors affecting listed projects and therefore subverting the Government's intention when listing those projects. Further, projects may naturally evolve from when they were first considered for listing in 2024 to when they are ready for substantive lodgement.</p> <p>However, this delegated legislative power is limited to changes that mean the scope of the project is not substantially different, taking into account various factors. This is similar to section 39AAN of the Public Works Act 1981, which enables critical infrastructure project descriptions to be amended by Order in Council under that Act.</p>	
<b>4.8. Does this Bill create or amend any other powers to make delegated legislation?</b>	<b>YES</b>
<p>Clauses 51 - 53 amend the FTAA to ensure that cost recovery regulations can be made to assist agencies and parties to determine 'actual and reasonable' costs and resolve disputes if they occur. Providing guidance to local authorities and agencies on issues such as costs and fees is complex and requires regular review and updating as processes and fiscal environments change. Regulations are a better way of providing this regularly updatable guidance.</p>	

## Any other unusual provisions or features

<b>4.9. Does this Bill contain any provisions (other than those noted above) that are unusual or call for special comment?</b>	<b>YES</b>
<p>Clause 5 of the Bill enables the creation and reference to Government Policy Statements that state the Government's policies about the regional or national benefits of certain types of infrastructure or development projects. Where relevant, these must be considered in decisions on referral and substantive applications.</p> <p>Clause 48 of the Bill enables the Minister for Infrastructure to give general direction to the Environmental Protection Authority (EPA) in relation to its functions under the FTAA. This reflects that Minister for Infrastructure is the Minister responsible for the FTAA, and the EPA's role in administering it. The power is focused solely on FTAA matters, unlike the wider annual letter of expectations that the Minister for the Environment provides to the EPA. This is similar to section 88 of the Climate Change Response Act 2002, under which the Minister of Climate Change may give general directions to the EPA in relation to certain matters under that Act.</p> <p>Clause 56 of the Bill allows parties to raise concerns about a prospective panel member, during the expert panel appointment process. In those instances, the Secretary for the Environment is enabled to provide advice to the Panel Convener, considering that person's expertise, impartiality and previous involvement. This retains the Panel Convener's core role in appointing panel members, while also providing an additional avenue for checking panel member suitability via the Secretary for the Environment.</p> <p>Clause 55 of the Bill amends the description of the Stella Passage Project in Schedule 2 FTAA to ensure the drafting of that description accurately reflects the intended scope of that Listed project (correcting a drafting error that occurred during the original Fast-track Approvals Bill process in 2024).</p> <p>Clause 33 of the Bill sets out the following process for the panel to use its discretionary power to invite other parties to comment on an application:</p> <ol style="list-style-type: none"><li>1. The panel should first seek the views of councils and administering agencies, and consider if the issue is something these organisations would be able to comment on, and if not, who would be better placed to provide those comments.</li><li>2. When inviting comment from an additional person or organisation under 53(3), that invitation should be limited to the topics that cannot be addressed by councils or administering agencies</li></ol> <p>Other technical and machinery amendments are largely procedural in nature.</p>	