**Labour Minority View on the Resource Legislation Amendment Bill**

The New Zealand Labour Party opposes this bill and recommends that it not proceed.

The very broad range of submitters opposed to the bill included Local Government New Zealand and a great many regional and district councils, major land developers including Fulton Hogan, major corporates including Fonterra, infrastructure owners including airport and quarry owners, all environmental NGOs, the New Zealand Law Society, and numerous others.

Even amongst the minority of submitters who supported parts of the bill, many used guarded words like “we support the intent of the bill” before criticising much of its detail.

The bill if passed would add complexity to the Resource Management Act 1991 (RMA), and make it less effective and more expensive to use, rather than better. Legitimate complaints by submitters include:

* The draconian ministerial regulatory powers to override plans and control consents, and to limit rights of participation. These are tantamount to a return to the National Development Act 1979, and are on the spectrum of the patently excessive regulation-making powers abused under the former Economic Stabilisation Act 1987.
* The power to standardise plan formats and definitions inappropriately extends to the content and substantive provisions of plans.
* The rule-making powers of the Minister are also far too broad.
* These three forms of ministerial powers are so poorly drafted and patently excessive as to be constitutionally outrageous.
* The bill also overrides, and allows the Minister to further override local and district council functions in such a broad and fundamental way that it overturns the traditional division of power and roles between central and local government.
* The limits to public notification and participation, including on the subdivision of land, are wrong. Those concerned include land developers, and the owners of existing infrastructure concerned about reverse sensitivity effects on their operations. Many submitters said that earlier changes to notification have worked in recent years, and that further change is unnecessary.
* The department said the regulatory powers that can limit rights of participation are intended to apply in urban areas, but the sections as drafted also apply to regional councils and could be used to stop people advocating against pollution of rivers.
* Water Conservation Orders are undermined.
* New provisions introducing unreasonably short time limits for some council processes will have the unintended consequence of councils making more activities discretionary rather than controlled. Overall this will complicate and delay consent applications rather than speed them up.
* The codification of collaborative processes is unnecessary, wrong in its detail, and adds further complexity to the RMA.
* Plan-making processes are curtailed, with insufficient safeguards to ensure that single step processes are fair and robust when appeal rights are abrogated.
* Appeal rights are curtailed, to the detriment of adversely affected private parties, councils, communities and the environment.
* The important experience and wisdom of the Environment Court is lost from many decisions.
* Many changes introduce more complexity to the RMA, through convoluted decision-making criteria and extra process alternatives. The multiple flow diagrams helpfully produced by the department to assist us illustrated how this bill makes the RMA processes more complex.
* There are a myriad of other changes to the RMA and other Acts being amended by the bill, many of which are wrong.

Some of the changes proposed to national guidance through policy statements and environment standards are appropriate, but others are unnecessarily complex and will give rise to less consistency, not more.

The assertion that the bill is needed because the RMA is the cause of the Auckland housing crisis is wrong, and no justification for this flawed bill.

**Committee process**

The process for passage of this bill has been shambolic, and that is no fault of the committee. The bill was referred to our committee 11 months ago on 3 December 2015. We advertised for submissions and heard them in the new year.

We heard a total of 160 submissions in Wellington, Auckland, and Christchurch. Many were complex with enormous effort from submitters. Those submissions exposed many, and major, flaws with the bill.

We finished hearing submissions on 2 June 2016*.* The departmental report has been delayed month upon month, with numerous provisional time periods passing. Two extensions to the report-back date were obtained from the Business Committee. Further delays followed. The committee was told this was because the Cabinet had not signed off proposed changes to policy positions in the bill as introduced.

Although not confirmed by officials, it is apparent that much of the delay is because the National Government has not had the voting numbers to pass the bill in the House, even if it uses its majority at this committee to force the bill through select committee.

The many months of delay mean that some members of the committee may have forgotten details of many of the submissions heard many months earlier.

The second-stage departmental report, which the committee only had in draft form until 2 November 2016, runs to over 400 pages.

The complexity of the changes proposed is so substantial as to amount to an effective rewrite of the bill. PCO have advised this would take months after it receives drafting instructions.

The substantially different bill will not have the benefit of submitter scrutiny. The draft departmental report indicated that excessive ministerial powers would remain.

Opposition members, after many months of cooperation in agreeing to extensions of time, refused to agree to yet another extension.

Government committee members have displayed an unwillingness to make whatever changes they believe are necessary, preferring to await direction from the Executive via the long delayed departmental report. This is a worrisome trend on committees, where even relatively minor decisions are increasingly given across to the Executive. This delays committee processes, and underutilises the skills and experience of committee members, who after all are the ones who hear the submissions on bills.

The Executive plainly cannot make its mind up on what it wants to do.

It is time to end the horse trading behind the scenes, and the abuse of the select committee process.

This bill is fatally flawed. The bill should be referred back to the House without amendment, with the recommendation that it not proceed.