

# **Submission to the Select Committee considering legislation in respect of fast tracking: Fast-track Approvals Bill**

In the realm of governance (and therefore Government), the process by which laws are enacted is as crucial as the laws themselves. Fast-tracking legislation, while seemingly expedient, carries inherent risks that undermine the very essence of democracy and good governance. This submission seeks to elucidate why the practice of fast-tracking legislation is fundamentally flawed and why it should be approached with caution. More to the point I have stood against fast tracking legislation before such as during COVID19 and legislation being introduced that would have allowed warrantless searches of Marae – in that case the Government of the day removed that clause but issued a warning that Maori should be careful what we wish for. My point at the time was also understanding both the intended and unintended consequence of such legislating. For example, in this case the Government is seeking to enable economic development while ignoring a potentially unintended series of consequences ranging from impacts to the environment and species right through to the usurping of the judiciary, in this case a clear example of mining companies withdrawing from legal proceedings potentially expecting to get around previous rulings by the courts. This is very dangerous territory and no Government should wield such power – these matters are in addition the potential expunging of Maori interest and rights, including that of already tested proprietary interests and rights.

## **In shorter form other concerns include:**

1. **Lack of Transparency and Public Participation:** Fast-tracking legislation often bypasses crucial steps in the legislative process, such as committee hearings, public consultations, and expert analysis. This lack of transparency deprives citizens of the opportunity to understand, scrutinize, and contribute to the formation of laws that directly affect their lives. In a democratic society, public participation is not merely a formality but a fundamental pillar of legitimacy and accountability.
2. **Erosion of Checks and Balances:** The fast-tracking of legislation can circumvent vital checks and balances that are designed to prevent the abuse of power and ensure the integrity of the legislative process. Rushing bills through without thorough scrutiny increases the risk of unintended consequences, loopholes, and the enactment of flawed or unjust laws. Without adequate time for deliberation and review, lawmakers may overlook crucial details or succumb to undue influence, compromising the integrity of the legislative outcome.
3. **Implications for Policy Quality and Effectiveness:** Legislation crafted hastily is prone to oversights and errors, leading to poorly drafted laws that fail to achieve their intended objectives. Rushed legislation may also lack the necessary foresight to anticipate future challenges or changes in circumstances, resulting in the need for frequent amendments or, worse, exacerbating existing problems. Quality legislation demands careful consideration, informed debate, and evidence-based policymaking – elements that are often sacrificed in the rush to fast-track bills.
4. **Undermining Democratic Values:** At its core, democracy hinges on the principles of deliberation, accountability, and respect for minority rights. Fast-tracking legislation undermines these foundational values by prioritizing speed and expediency over

thoroughness and inclusivity. By limiting opportunities for debate and dissent, fast-tracking can foster a climate of authoritarianism and marginalize voices that dissent from the prevailing political agenda. In a healthy democracy, the legitimacy of laws derives from the robustness of the process through which they are enacted – a legitimacy that fast-tracking jeopardizes.

In concluding, fast-tracking legislation is a perilous practice that undermines the core tenets of democracy, transparency, and accountability. While there may be instances where urgent action is necessary, such as in times of national crisis, the routine use of fast-tracking erodes the very foundations of good governance. Instead, policymakers should prioritize a deliberative and inclusive approach to lawmaking, one that respects the principles of democracy and upholds the trust and participation of citizens. Only through careful consideration and open dialogue can legislation truly serve the public interest and advance the common good. My point is we are not in a national crisis, we are in a state of fear bought about by the narrative of politicians who should not be trusted with untested and unfettered powers whereby they get to decide, unchecked by the judiciary, projects that could have significant adverse effects to New Zealand, our economy, our reputation, our agreements in terms of trade with other nations, our signature to various international conventions and so on.

I would be happy to appear in person on this Kaupapa.

Matthew Tukaki, Chairman  
The National Maori Authority  
18/04/2024

**About the Authority:**

Nga Ngaru is the National Maori Authority established to advocate on behalf of Maori when it comes to economic, social and environmental issues. Nga Ngaru is a member based organisation comprised of individuals, Iwi and community based organisations, Maori business and industry, academia and researchers. As one of the Registered Maori Organisations our work spans a wide range of fields from research and analysis to the development of economic development strategies in support of our members while also focusing in on innovative approaches to innovation around social services. The Authority also runs workshops, forums and events to ensure our members are both well informed and educated when it comes to hot button issues, governance and management training, best practice and the develop strategies and programs that improve the way organisations operate.