Submission on the Conservation Amendment Bill (Government Bill 309-1)

To the Environment Committee

This is a personal submission from Ripley Robins, a private individual. It is not made on behalf of any organisation. I do not wish to appear before the committee.

Part 1 — Summary and recommendations

I oppose the Conservation Amendment Bill. I ask that it not proceed in its current form.

I do not oppose all reform. The concession backlog is real, many management plans are out of date, and a charge on international visitors, properly ring-fenced, is reasonable. I would support a bill that fixed those things. This is not that bill. It changes the purpose of conservation land from protection to development, opens most of the conservation estate to sale and exchange, narrows the Treaty of Waitangi guarantee in section 4, reaches into settled Treaty redress, and removes the public's right to be heard. These are changes to the foundations of the system, not repairs to it, and they fall on the most threatened nature on Earth. The government's own analysis concedes the direction: its supplementary analysis report on the purpose change calls "greater economic development" the "primary objective", and admits that recreational, historic, natural and cultural values "may be diminished" as a result.

My recommendations, in order of priority:

1. **Withdraw the bill, or remove its core provisions.** It should not proceed with new section 6(ea), new Part 3C (land disposal and exchange), new section 4A, and the Treaty-settlement renegotiation provisions intact.
2. **Do not change the purpose of conservation land.** Delete new section 6(ea). If a development-related function is kept, qualify it "to the extent consistent with conservation", matching section 6(e). Remove the "greatest extent practicable" wording from the purposes of the NCPS (section 13D(2)(b)) and area plans (section 13H(2)(b)).
3. **Do not loosen the rules for selling and swapping conservation land.** Remove new Part 3C and keep the existing high threshold. If any change proceeds, protect habitat for "at-risk" species as well as "threatened" species, require an independent determination rather than the Minister's, and restore the public's right to be heard.
4. **Leave section 4 alone.** Remove clause 5 (new section 4A) and the declaratory part of new section 14ZG. Let section 4 stand as the courts have interpreted it.
5. **Protect Treaty settlements.** Exclude all Treaty settlement land and redress from the bill, and remove the provisions that require post-settlement entities to renegotiate how their redress operates.

6. **Keep independent oversight and public voice.** Retain the statutory approval functions of the New Zealand Conservation Authority and conservation boards, retain submitters' right to be heard, and apply the full statutory consultation process to the first National Conservation Policy Statement.
7. **Limit visitor amenities areas to genuine public facilities.** Remove accommodation, restaurants and cafes from the list of permitted amenities in new section 16A(2), and remove the override in new section 16G that lets development displace the purpose for which land is held.
8. **If an international visitor charge proceeds,** ring-fence the revenue to conservation in the Act itself, replace the criminal penalty in new section 11(2) with an infringement-only regime, and keep free public access as the default.

Part 2 — Why this matters

I am submitting as a private citizen, not for any organisation, and not because I have anything to gain. I have no commercial interest in conservation land. I am submitting because that land is held in trust, and this bill treats it as though it were the government's to spend.

A third of this country is public conservation land. It does not belong to the government of the day. It belongs to everyone, including the people who are not yet born, and the present generation holds it on their behalf. That is what a public estate is: an inheritance we are allowed to use and required to pass on whole. There is a word in te ao Māori that holds the whole of this idea: taonga, something treasured and carried across generations, not ours to sell.

What this bill puts in play cannot be replaced. Once conservation land is sold it is gone from the commons for good. No future government can buy back a beech forest that has been cleared, a wetland that has been drained, or a coastline that has been subdivided. The decision runs one way only. That is the centre of my objection: the bill makes a permanent loss easy, quick and quiet, in exchange for a return the public collects once.

Part 3 — What is at stake: the rarest nature on Earth

Aotearoa New Zealand has the highest proportion of threatened indigenous species of any country in the world. The Department of Conservation's own analysis for this bill records that 84 percent of reptile species, 82 percent of bird species, 80 percent of bat species, 76 percent of freshwater fish species and 46 percent of plant species "either face extinction or are at risk of becoming threatened with extinction." More than 4,000 species are threatened or at risk in total.

These species are ours and nowhere else's. Roughly 80 percent of our freshwater fish, 70 percent of our animals and 40 percent of our plants are found only here. They evolved over tens of millions of years on islands that had no native land mammals, which is why so many of them are strange and irreplaceable. If they are lost here, they are lost from the world.

The Minister who introduced this bill said as much. He opened his first-reading speech by celebrating “over 28,000 endemic species found nowhere else on Earth” and noting that “more than 4,000 are threatened or at risk.” He was right, and that is what makes the rest of the bill so hard to follow. The strongest tool we have for keeping these species alive is keeping their habitat in public ownership, managed for conservation. The Department of Conservation has acknowledged, in information released under the Official Information Act, that apart from owning land it has very few tools to protect rare species and ecosystems. Land protection is the tool. This bill weakens it.

The current Conservation Act 1987 holds conservation land for its own sake and for public enjoyment, and allows the use of natural resources only where that use is consistent with their conservation. Conservation first, use within it: that ordering is the design of the whole system. This bill reverses it. The Minister told the House that “the wording of section 4 has not been changed” and that the bill is about efficiency. The explanatory note tells a different story. It says the changes are intended “to streamline processes by explicitly acknowledging that development is an acceptable activity on conservation land, and to increase the likelihood of granting concessions where they otherwise may not have been granted” (page 1). That is a change of purpose, in the government’s own words, applied to the most threatened nature on the planet. A country with our record cannot afford to repurpose this land without the most careful protection, and this bill removes the protection.

Part 4 — Detailed comments

I have organised these by the bill’s clauses and the new sections they insert, as the Office of the Clerk guide suggests.

4.1 The bill changes the purpose of conservation land: clause 6 (new section 6(ea)), new sections 13D and 13H

Clause 6 keeps the recreation function and adds a new one. Read the two together and the problem is plain.

The existing recreation function, re-stated in new section 6(e), is “to foster the use of land and other natural resources and historic resources managed by the Department for recreation **to the extent consistent with their conservation**”.

The new development function, new section 6(ea), is “to recognise the economic opportunities that arise from the use and development of land and other natural resources and historic resources managed by the Department, and **to enable this use and development to the greatest extent practicable** under this Act and other enactments”.

Recreation is held within conservation. Development is not. It carries a maximising instruction with no conservation limit on it. The same instruction is written into the purpose of the National Conservation Policy Statement (section 13D(2)(b)) and the purpose of area plans (section 13H(2)(b)), and under new section 13A those instruments govern decisions made under the Conservation Act, the National Parks Act 1980, the Reserves Act 1977, the Marine Reserves Act 1971, the Marine Mammals Protection Act 1978, the Wild Animal Control Act 1977 and the Wildlife Act 1953. The instruction to enable development "to the greatest extent practicable" therefore reaches beyond stewardship land into national parks and reserves.

A department whose statutory job is to enable development to the greatest extent practicable is a different department from the one we have. This is the most important change in the bill, and it is the foundation the rest of it builds on.

The Department's supplementary analysis report on this change is candid about what the change is for. It records that "greater economic development on PCL is the primary objective" of the purpose amendments, and that "mitigating the risks of legal challenge is a subsidiary objective". It explains that "the prioritisation of conservation values in the purpose of the Conservation Act is one factor that constrains how far the NCPS and area plans could go to enable economic development". In plain terms, the conservation-first purpose is the constraint, and the change is there to loosen it. A stated objective is also to "reduce the exposure of the Crown to potential legal challenge", which means making development approvals harder to contest.

The same report concedes how little is known about the benefit. It calculated no monetised benefits at all, recording "none calculated", and says the Department "cannot quantify the impacts of the proposed change". It also records that the Minister "did not see a strong case for a shift away from conservation as the primary purpose of the system". A change with no quantified benefit, which the responsible Minister saw no strong case for, is being made to the purpose of the Act that protects the rarest nature on Earth.

There is a further problem with the government's defence of this change. The government argues that the change is minor because only about 2 percent of concession applications are declined now. If it is that minor, it cannot be worth the risks the report itself lists. If it is not minor, the "modernisation" framing is wrong. The report cannot have it both ways, and it admits the 2 percent figure understates the constraint, because proposals that are never lodged "due to a perception that they would not be approved" are not counted.

Recommendation: delete new section 6(ea). If a development-related function is retained, qualify it "to the extent consistent with conservation" to match section 6(e). Remove the "greatest extent practicable" wording from sections 13D(2)(b) and 13H(2)(b).

4.2 The bill opens most of the conservation estate to disposal and exchange: clause 23, new Part 3C (sections 15 to 15ZB)

The bill's explanatory note says "the highest value conservation land (approximately 40%) will continue to be ineligible for both exchange and disposal" (page 4). The other side of that figure is the headline: roughly 60 percent of the public conservation estate, about five million hectares, becomes eligible for disposal or exchange. Forest & Bird has mapped where that land is. A Curia poll it commissioned found two-thirds of voters oppose selling public conservation land and only about a quarter support it.

The Minister has called the fear of a sell-off "a myth" and points out that the bill does not require any land to be sold. That is true, and it misses the point. The bill does not order a sale. It removes the protections that currently prevent one, lowers the threshold, and hands the decision to a single Minister. Whether there is a sell-off then turns on the intentions of whoever holds the office, now and for decades to come. A public estate should not be guarded only by the restraint of the Minister of the day.

The threshold for selling is far lower than it is now

Under new section 15K, the Minister may dispose of land if "the land is not important for the conservation of threatened species or threatened ecosystems" and, in its ecological district, the vegetation or habitat "is not the best, or one of the best, examples of that type". Two things follow.

First, the test protects "threatened" species but not "at-risk" species. At-risk is the classification one step below threatened, and it covers many of our native birds, lizards and plants. Land that is the ordinary habitat of at-risk species can be sold. Stripping protection from that habitat is exactly how an at-risk species slides into "threatened", except that by then the land is private, and there is no obligation to manage it for the species at all.

Second, the land that stays protected is a short list. New Schedule 5 protects the highest-value categories: national parks, wilderness, ecological and sanctuary areas, nature, scientific and marine reserves, wildlife sanctuaries, Ramsar-listed wetlands, and a few named reserves and islands. Everything else, including conservation parks, most stewardship land and most scenic reserves, is eligible. The categories on the protected list cannot be cut by Order in Council (section 15Z(2)), which is a real safeguard, but it guards a narrow list and leaves the wide one exposed.

Once the land is gone, it is gone

Disposal is permanent. New section 15T says the land "ceases to be held under the Conservation Act 1987, the Reserves Act 1977, or the Wildlife Act 1953". New section 15S(2) requires the Registrar-General of Land to accept the transfer "as conclusive evidence that the land is no longer required for the conservation or other purposes for which it was held". From that point the land can be cleared, drained, subdivided, built on or mined, and no later government can reverse it. Forest & Bird has warned the bill could open parts of the Coromandel to mining. Greenpeace has called it the biggest attack on conservation land in the country's history.

One person decides, and the public cannot be heard

The decision to dispose sits with the Minister. A member of the public who objects has no right to be heard: new section 15M(1) states that "a submitter on a publicly notified disposal application has no right to be heard on their submission". The bill does require the Director-General to consult and report, and section 15O lists matters the Minister must consider, including biodiversity value, ecosystem services, public access and Treaty implications. But these are matters to "consider", not limits on the outcome, and the Minister can proceed in spite of them.

Concentrating this power in one office is a problem whoever holds it. The safeguard against misuse, whether favour to a backer or donor, pressure from a commercial interest, or simply a government short of cash, has to live in the law rather than in trust of the individual. This bill puts it in the individual. The concern is not hypothetical. The New Zealand Deerstalkers' Association, a hunting body rather than an environmental one, has warned that the new revenue structure could create "perverse processes and outcomes", with a cash-strapped Department recommending land for sale while benefiting from the proceeds. New section 15U sends disposal proceeds first to cover the Department's own costs of the disposal, and then to buying other land or building assets.

The government's own analysis says the same

The Department's regulatory impact statement on these provisions is candid. It describes the change as "removing the requirement that land needs to be of no or very low conservation value to be exchanged or disposed of", the very protection that, in its words, exists "to avoid breaking up or reducing the areas of land protected for conservation and future generations". It records that the courts have confirmed the scope for disposal and exchange is "limited to a narrow set of circumstances", and that a protected area's status cannot be revoked "unless the conservation values of the resources on the land no longer justify that protection". The bill sets out to remove that limit. The statement could not estimate how much land would become available, and its quality assurance panel rated it only "partially meets" the standard, citing "the limited engagement undertaken on certain options".

The Department's own consultation summary is just as clear. A majority of submitters opposed more flexibility for both exchanges and disposals. Their general concern was that the proposal is "too broad and provides an opportunity to more easily exchange PCL to enable development or mining operations that would significantly impact important conservation values", and that land could be sold "in perceived response to budget, lobbying and commercial interests". Some submitters asked for safeguards "to avoid corruption". These are the government's own records of what the public told it.

It is a poor deal for the public, even counted in dollars

Set the nature aside for a moment and weigh this as money. Public conservation land can be sold once. The Crown receives a single payment, and section 15U applies that payment first to the costs of the sale. Everything after that, including any resale, any capital gain, and any profit from developing or mining the land, goes to the private owner. The public sells the asset once; someone else profits from it every time after.

Against that one-off receipt, the same land kept in public hands earns every year. The Minister told the House that tourism on conservation land brings in around five billion dollars a year, and that return depends on the land staying intact and open to people. Trading a perpetual annual benefit for a single payment, and handing all future value to a private buyer, is a poor deal on the government's own economic logic, before the loss of the nature is counted at all.

Privatised land can pass to overseas owners

The bill says nothing about foreign investors and gives them no preference. The point is what disposal makes possible. Once land leaves the conservation estate it becomes ordinary private property that can be on-sold on the open market. From 6 March 2026, the Overseas Investment (National Interest Test and Other Matters) Amendment Act streamlined that market: it speeds up screening for less sensitive transactions and lifts the threshold at which leasehold interests in non-residential sensitive land are screened at all, from three years to ten. This bill, separately, allows concession leases of up to 60 years for long-life assets. The two reforms point the same way, towards easier private and overseas control of land that is public today. The protection worth keeping is public ownership itself.

The Treaty problem inside this Part

The bill does protect land that is currently the subject of Treaty settlement negotiations (section 15K(2)(c)) and land held by a settlement body that has not agreed to a disposal (section 15K(2)(d)). But land that hapū or iwi may seek to have returned in future, and that is not yet in formal negotiation, is only a matter for the Minister to "consider" (section 15O). It can be sold ahead of any claim. Once it is private, it is beyond the reach of any future settlement.

Recommendation: remove new Part 3C and keep the existing high threshold for disposal and exchange. If any change proceeds: extend the disposal test to protect habitat for at-risk species; require an independent determination rather than the Minister's; restore the public's right to be heard; and prohibit the disposal or exchange of any land that is, or may become, subject to Treaty settlement.

4.3 The bill removes independent oversight and public voice: clauses 7, 9, 23, and the transitional provisions

The bill weakens the checks that currently sit between a Minister and the conservation estate.

The New Zealand Conservation Authority and the conservation boards lose their approval functions and are reduced to providing “comments” on draft documents (new sections 6B and 6M). These bodies were built into the system in the 1980s as an independent voice. Comment-only is not the same as approval. The Department’s regulatory impact statement on planning confirms the shift in the government’s own words: it describes the new role for the Authority and the boards as “an advisory role”, with “the Minister of Conservation approving both national and area planning documents”.

Members of the public lose the right to be heard on the decisions that affect them most: concessions (new section 14S), land disposals (new section 15M) and visitor amenities areas (new section 16D). The bill also removes newspaper-notification requirements and removes public notification for some concession applications.

Power moves to the Minister across the board. The Minister makes the NCPS, approves area plans, decides exchanges and disposals, grants concessions, sets levies, and issues hunting permits.

The most consequential instrument in the new system, the first National Conservation Policy Statement, is exempt from the statutory consultation process. The transitional provisions (new clause 8 of Schedule 1AA) state that the Minister does not need to follow the new Schedule 2 process when making the first NCPS. That process is where the guaranteed iwi engagement timeframes and the assessment of effects on Māori rights live. The Department is running a separate, non-statutory consultation on a future NCPS that closes on 10 August 2026, but the binding statutory safeguards do not apply to the first one.

New section 13E(2) compounds this. It lets the Minister classify a whole class of activity as pre-approved or exempt without being satisfied that “every instance” of the activity will be consistent with conservation purposes. That is a blanket approval without case-by-case assessment.

The planning problem the Department identifies is real: of more than 100 statutory planning documents, around 80 percent are out of date. That problem can be fixed on its own, without the purpose change or the new disposal powers attached to it.

Recommendation: retain the statutory approval functions of the Authority and the boards; retain submitters’ right to be heard on concessions, disposals and visitor amenities; apply the full Schedule 2 consultation process to the first NCPS; and remove new section 13E(2).

4.4 The bill weakens the Treaty of Waitangi guarantee in section 4: clause 5 (new section 4A) and new section 14ZG

Section 4 of the Conservation Act requires the Act to be “interpreted and administered as to give effect to the principles of the Treaty of Waitangi”. It is the oldest and strongest Treaty clause in the statute book. In *Ngāi Tai ki Tāmaki Tribal Trust v Minister of*

Conservation [2018] NZSC 122, the Supreme Court held that this duty is stated in imperative terms, is not overridden by other statutory imperatives, and requires more than procedural steps: substantive outcomes for iwi may be necessary, including consideration of a preference for iwi in the granting of concessions.

New section 4A does not repeal section 4, but it sets out to define what section 4 “requires”. For each kind of decision it opens with the words “To provide certainty as to the steps, processes, and other activities that section 4 requires the Crown to undertake”, and then lists consultation steps: invite written comments, allow a set number of working days, consider the comments, prepare a report. The effect is to recast an outcome duty as a process duty. New section 14ZG goes further and declares that section 4 “does not require the Minister to initiate an allocation process for the purpose of granting concessions”. That is a direct legislative answer to the issue the Supreme Court decided, in a case the current Minister led before he entered Parliament.

The government’s own impact statements confirm what new section 4A is for. Both the land statement and the planning statement record that the bill will “make it clear that complying with these specific measures will be sufficient to comply with section 4”. That is the conversion of a substantive duty into a procedural one, described by the officials who designed it.

Reducing “give effect to the principles” to a checklist of consultation steps is a narrowing of the guarantee, whatever the explanatory note calls it. The Waitangi Tribunal recently granted an urgent inquiry into the Crown’s wider review of Treaty clauses, finding it could cause “significant and irreversible prejudice” to Māori. The Crown left the Conservation Act out of that review on the basis that it is being dealt with in this bill, so the section 4 change is being made without the scrutiny the Tribunal said such changes need. Section 4 is deeply embedded in the Treaty settlement framework. It is wrong to rewrite it in haste, and ahead of the Tribunal reporting on the very concerns it has raised.

Recommendation: remove clause 5 (new section 4A) and the declaratory part of new section 14ZG. Leave section 4 to be interpreted and applied as the courts have done. Wait for the Waitangi Tribunal’s findings and the Treaty-clause review before any change to section 4.

4.5 The bill destabilises Treaty settlements, including the Taranaki Maunga settlement: Part 3 and Schedule 1AA (new clauses 24 and 25)

The bill tells post-settlement governance entities that their settled redress will be reworked. The Crown commits to “work with” them “to seek agreement on how Treaty settlement redress will operate with the same or equivalent effect to the greatest extent possible in the new system”, and until agreement is reached, redress is to be given “the same or equivalent effect, to the greatest extent possible” (explanatory note, page 5; new clauses 24 and 25 of Schedule 1AA).

“The same or equivalent effect to the greatest extent possible” is a standard the Crown sets and judges, and it is weaker than the settlements’ own terms. Full and final settlements should not be reopened by a general statute. Ngāi Tahu, Te Pāti Māori and others said at the first reading that the bill forces iwi to renegotiate parts of settlements the Crown promised were final.

Taranaki Maunga is the clearest example. The Taranaki Maunga Collective Redress Act 2025 (Te Pire Whakatupua mō Te Kāhui Tupua) took effect in January 2025 as the hundredth Treaty settlement. It granted legal personhood to Te Kāhui Tupua, the maunga and its peaks recognised as a living and indivisible whole. It established Te Tōpuni Kōkōrangi and Te Tōpuni Ngārahu, through which the eight iwi of Taranaki make management decisions on the national park alongside the Minister of Conservation. It renamed Egmont National Park as Te Papa-Kura-o-Taranaki, and it acknowledged the Crown’s confiscation of 1.2 million acres and the “immeasurable harm” done.

This bill replaces national park management plans with the NCPS and area plans (clauses 62 and 63), the very instruments that now carry the instruction to enable development “to the greatest extent practicable”, and it places the Taranaki co-governance arrangements, barely a year old, into the renegotiation regime described above. The Minister praised Taranaki Maunga in his first-reading speech as a place that “exudes kaitiakitanga and conservation”. The bill undermines the settlement that gave the maunga its legal standing and the iwi their role.

Tongariro is the other example worth naming. The first national park in this country was the gift, the tuku, of Te Heuheu Tūkino IV of Ngāti Tūwharetoa in 1887. The foundation of our national park system was an act of Māori kaitiakitanga. The same subordination of management to development now applies to it.

The Department’s own analysis concedes the risk. Its supplementary analysis report on the purpose change records that “the proposed changes will have an impact on Treaty Settlements that refer to the purpose of the Conservation Act”. The report claims that impact will not be “material”, but the admission of impact stands, and it sits uneasily with the renegotiation regime the bill sets up for every settlement.

Recommendation: exclude all Treaty settlement land and redress from the bill. Remove new clauses 24 and 25 of Schedule 1AA and the consequential amendments to Treaty settlement Acts in Part 3. The Crown should honour settlements as written.

4.6 The bill commercialises the conservation estate through visitor amenities areas: clause 23, new Part 3D (sections 16 to 16I)

New section 16 lets the Minister set apart a “visitor amenities area” within a conservation park, a stewardship area, a national park, or a reserve. New section 16A(2) lists what such an area can provide: “toilets, visitor centres, accommodation, car parks, restaurants, and cafes”, plus “tour operator services, catering, merchandising, guiding, transportation, and equipment rental”. The list puts accommodation, restaurants and cafes inside protected areas.

New section 16G is the provision to watch. Within a visitor amenities area, an activity can be authorised if it is consistent with the area plan's amenities chapter, and section 16G(2) states that this applies "even if authorising the activity would be inconsistent with any other provision of that area plan", and that "the purposes for, or principles under which, that conservation park, stewardship area, national park, or reserve is held apply only so far as they are compatible with that authorisation". In plain terms, inside these areas the conservation purpose of the land, including the purpose of a national park, becomes subordinate to the approved development. Concession leases in these areas can run up to 60 years for long-life assets, and a submitter has no right to be heard (new section 16D).

The Department's regulatory impact statement on amenities areas confirms the effect in the government's own words. It states that declaring an amenities area "enables a greater scale of development within the defined area than is normally allowed in a national park", and that a national park's values then apply only as far as they are compatible with the amenities and services provided. That is section 16G described by its authors. The statement acknowledges a "potential risk of adverse conservation outcomes", and that if the design or implementation is got "wrong" there is "the potential for negative conservation and/or tourism impacts". Its quality assurance panel rated it only "partially meets".

The bill also removes a current check. At present the Minister can only set apart an amenities area in a national park "on the recommendation of the New Zealand Conservation Authority"; the bill removes that requirement. The Department's consultation summary records that submitters opposed this, warning it "would place too much power in the hands of the Minister", and that amenities areas could become "a backdoor for inappropriate development in highly protected areas". Milford Sound / Piopiotahi, in Fiordland National Park, is named as the likely first amenities area.

Toilets, shelters and safety infrastructure are reasonable, and I do not oppose them. Accommodation, restaurants and cafes in protected areas are a different matter, and the override in section 16G has it backwards. Development should fit within the purpose the land is held for, not displace it.

Recommendation: limit visitor amenities areas to genuine public and safety facilities. Remove accommodation, restaurants and cafes from the list in new section 16A(2). Remove the override in new section 16G.

4.7 International visitor access levy: clause 13 (new section 11) and new section 48D

I do not oppose this part outright. A charge on international visitors, with the revenue ring-fenced for conservation, is reasonable in principle, and other countries charge for access to their national parks.

I have three concerns. First, new section 11(2) makes non-payment a criminal offence with a fine of up to $5,000. Criminal liability is out of proportion to a fee, and an infringement regime would do the job. Second, free public access to conservation land has been a longstanding principle in this country, and it should remain the default. Third, the revenue protection sits in regulation rather than in the Act, which makes it easier to redirect later.

Recommendation: if an international visitor charge proceeds, ring-fence the revenue to conservation in the Act itself, replace the criminal penalty in new section 11(2) with an infringement-only regime, and keep free public access as the statutory default.

4.8 Process and commencement: clause 2 and the transitional provisions

Clause 2 brings the Act into force the day after Royal assent, with no transition period for a change of this size. The first NCPS skips the statutory consultation process, as set out in 4.3. These choices compress scrutiny at the points where scrutiny matters most.

The way this bill was developed adds to the concern. The purpose change at the centre of it was never put to the public. The Department's supplementary analysis report states plainly that "no public consultation has been undertaken on this issue", and that the analysis was a retrospective one, prepared after Cabinet had already directed the change. There was public consultation on the wider reforms, between November 2024 and February 2025, and it drew over 5,500 submissions. The Department records that between 30 and 50 percent of submitters raised concerns about policies that enable economic development having undesirable effects on conservation values, that about a third opposed the exempt and pre-approved activities, and that almost half opposed the proposed process for the NCPS. The direction of public opinion was clear before this bill was written, and a Curia poll since has put two-thirds of voters against selling conservation land.

The pattern runs through the package. Of the four regulatory impact statements prepared for the bill, three (those on the purpose change, on land disposal and exchange, and on amenities areas) were each rated only "partially meets" the quality standard, in each case because of limited analysis or consultation under a timeframe the Department says "limited the time and resources available for policy analysis". Only the planning statement met the standard in full. The most consequential parts of the bill rest on the weakest analysis. A bill of this reach, running against the weight of public opinion, deserves the fullest scrutiny this committee can give it.

Recommendation: if the bill proceeds, provide a meaningful transition period, apply the full consultation process to the first NCPS, and allow the select committee the time and the hearings a change of this scale requires.

Part 5 — Conclusion

This bill is presented as modernisation. What it does is change the purpose of conservation land from protection to development, open most of the estate to sale, narrow the Treaty guarantee in section 4, reopen settled redress, and shut the public out. The concession backlog and the out-of-date plans can be fixed without any of that, and I would support a bill that did only that.

The land this bill puts in play is the rarest nature on Earth, held in trust for the people who come after us. It is taonga. It is not stock to be cleared from the books in a hard year. It should not be sold once and cheaply, for a return the public collects a single time while someone else profits from the land for good. We are allowed to use this inheritance. We are not entitled to spend it.

I ask the committee to recommend that the bill not proceed in its current form, and to adopt the recommendations in Part 1. Thank you for considering my submission.

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