

Jonathan Boston

# Assessing Aotearoa's Latest 'War on Nature' – or 'Goodbye Freddy'

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## Abstract

Since taking office in late November 2023, the National/ACT/New Zealand First coalition government in Aotearoa New Zealand has made rapid, comprehensive and far-reaching changes to environmental laws, regulations and policies. Further significant policy reforms are pending. This article outlines the main policy changes and summarises the many concerns that they have generated. It then discusses the coalition's apparent rationale for the changes, focusing particularly on resource management reform. Following this, the article outlines the ecological values and principles that ought to inform environmental policy. It concludes with brief reflections on the longer-term implications of the coalition's approach to environmental governance and management and the wider global failure to tackle the current ecological crises.

**Keywords** ecological crises, Aotearoa, coalition government, environmental policy changes, rationale, implications

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### Tears for nature

Reflecting on the abrupt shift in environmental policies since late 2023 in Aotearoa New Zealand, the evocative title of Alan Paton's landmark novel of the late 1940s, *Cry, the Beloved Country*, comes to

mind. Paton's book brought international attention to South Africa's tragic history of brutality, gross inequality and racial segregation. Rehearsing the details here is unnecessary. But the plight of a country's government rejecting fundamental ethical

norms, such as human equality and dignity, truth, integrity, compassion and justice, has some disturbing local parallels. Of course, unlike Paton's grim experience in South Africa, the current ethical challenges in Aotearoa do not involve the denial of our common humanity; nor has there been a comprehensive disavowal of widely accepted civil and political rights.<sup>1</sup> Rather, what is at stake is the comprehensive deprioritisation, if not denigration, devaluing and occasional disparagement, of fundamental ecological values and principles, and related environmental rights.

Since the formation of the three-party coalition government, involving National, ACT and New Zealand First, in late November 2023, the country has witnessed a breathtaking series of legislative, regulatory and budgetary measures affecting the full range of environmental domains and policy issues (see Appendix). With few exceptions, these measures have prioritised economic goals – notably growth, productivity, efficiency and development – over ecological and sustainability goals. The sheer magnitude, comprehensiveness and relentless rapidity of these measures has been described by the normally moderate and restrained Environmental Defence Society as

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constituting a 'war on nature'. They represent, according to the EDS, a 'profound retreat from the responsible environmental management of recent Labour and National-led governments' (Environmental Defence Society, 2024, 2023).

Such judgements are not isolated. Multiple other critics, including many leading scientists, have variously castigated the government's changes as 'environmentally damaging', 'environmentally disastrous', 'environmental vandalism', a 'policy bonfire' and 'injurious to human health'. Aside from grave concerns about the likely harmful environmental impacts of the government's

crisis, large-scale ecological degradation, widespread deforestation, increasing ocean acidification, extensive plastic pollution, and much else (Dasgupta et al., 2021; Hopper et al., 2012; IPCC, 2021, 2022a, 2022b, 2023; Ripple et al., 2022, 2023). According to leading scientists, humanity's ecological footprint (i.e., the quantity of nature required to support current lifestyles) is excessively large (for New Zealand, see Royal Society Te Apārangi, 2013). Numerous safe biophysical boundaries have already been crossed, at multiple scales (Gupta et al., 2023; Rockström et al., 2023; Steffen et al., 2018;

- per capita greenhouse gas emissions remain high by international standards;
- at least 90% of the country's wetlands and over 70% of its native forests have been lost since human settlement;
- about 60 native bird species have already been rendered extinct, with thousands of other native species threatened or at risk due to habitat destruction, introduced predators, climate change and development activities;
- severe soil erosion is compounding flood risk in multiple catchments;
- freshwater quality has deteriorated in many parts of the country over recent decades, with toxic algae now widespread in many lakes and rivers.

Aside from the growing evidence of environmental degradation, the damaging impacts of climate change are escalating, as highlighted by the extraordinary succession of powerful storms and floods that have ravaged many parts of Aotearoa over the past several years, most recently in coastal Otago.

Given this sobering litany, what should be our response to a government making multiple policy reversals, some of an unprecedented kind, that will worsen many environmental outcomes, harming ecological stability and resilience, and placing at risk yet more indigenous species and unique ecosystems? Surely, it deserves a deep groan and remorseful lament: 'Cry, the beloved country'! What on earth – literally – are we doing?

#### Why 'Goodbye Freddy'?

The reference to 'Goodbye Freddy' in the title of this article relates to a flippant, yet callous, remark by Shane Jones, the minister for oceans and fisheries, minister for resources and minister for regional development. Speaking in Parliament in December 2023, shortly after the coalition government took office, Jones commented that 'if there is a mineral, if there is a mining opportunity and it's impeded by a blind frog, goodbye, Freddy' (Jones, 2023). Clearly, from the minister's perspective, frogs are much less precious than gold – and that includes at-risk native species.

The context of the minister's remark is important. As it happens, there are over 7,000 species of frog globally, with new ones

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measures, some of the proposed changes, especially the Fast-Track Approvals Bill, have also raised serious issues of constitutional propriety, being regarded by leading constitutional experts as 'authoritarian', 'deeply unconstitutional' and 'constitutionally outrageous'. To illustrate, Colin Keating, a former secretary of justice and senior diplomat, described the original version of the bill as 'dangerously radical', 'undemocratic' and 'fundamentally flawed'. It constituted, he argued, a 'classic example of sacrificing an essential constitutional principle in order to achieve an alleged efficiency' (Keating, 2024).

Half a century ago, the formation of a government dismissive, if not at times contemptuous, of important environmental goals, principles and values might not have seemed unusual or morally shameful. But in 2024 humanity is entering a new geological epoch – the Anthropocene (Dryzek and Pickering, 2018) – and faces acute ecological challenges: a deepening climate emergency, a severe biodiversity

see also PIK, 2024). A mass extinction event is underway and rapidly gathering pace (IPBES, 2019). Global warming may be accelerating (Hansen et al., 2023; Jenkins et al., 2022). And the Earth system is approaching a series of critical tipping points, with amplifying feedbacks and potentially serious, widespread and irreversible consequences (Kemp et al., 2022; Lenton et al., 2019, 2022, 2023; OECD, 2022; Wunderling et al., 2023). Hence, the risks to the wellbeing of current and future generations of humanity are immense. The evidence is unequivocal. The reasons for concern are overwhelming. The moral imperative for decisive measures to support ecological sustainability is compelling.

Locally, citizens often take pride in Aotearoa being 'clean and green'. Yet much evidence points strongly to the contrary (Blumhardt and Prince, 2022; Brown et al., 2015; Clarkson, 2022; Joy, 2022; Lawrence et al., 2022; Ministry for the Environment, 2020; OECD, 2017; Treasury, 2023).<sup>2</sup> For instance:

still being discovered. But Aotearoa has only three native frog species or pepeketua: Archey's frog, Hamilton's frog and Hochstetter's frog. They belong to the genus *Leiopelma*, which is an ancient species, little changed in 70 million years. All three species are currently classified as either 'threatened' or 'at risk' under the IUCN's Red List and New Zealand's threat classification (Burns et al., 2017). Unlike frogs elsewhere in the world, they don't croak regularly and two of the three species lack a tadpole stage. It appears that Jones was referring, in his parliamentary comments, specifically to Archey's frog, which is the country's smallest native frog. These frogs, which are found in the Coromandel, thrive in an area believed to contain large seams of gold (Milne, 2022). A mining company, OceanaGold, has been seeking to develop an underground mine in the area for several years. A key question is whether, and to what extent, such a development would impact negatively on the conservation land above the mine and the habitats of the affected flora and fauna, including the Archey's frog. For instance, there are concerns about how the vibrations generated by the mining operations would affect the frogs, along with the possible impacts of heavy metals and hydrological changes. Moreover, there is continuing uncertainty over precisely how many Archey's frogs remain, with estimates varying sharply.

Whatever the risks to the Archey's frog from future gold mining, the minister's reference to 'blind frogs' is intriguing. Many frogs have particularly good night vision. While their eyes come in many different shapes and sizes, most frogs have bulging eyes which enable them to see simultaneously in several directions – forwards, to their sides, and to a limited extent behind. Hence, unlike some politicians, they have a broad and expansive view of their immediate environment. Mercifully, too, they are not wilfully blind.

#### **Environmental policy changes – the record since November 2023**

The Appendix summarises the main environmental policy changes undertaken by the coalition government since late November 2023 and foreshadows other reforms that are in the pipeline. As the Appendix highlights, the list is long. It is

also sobering. Changes have been made to every environmental domain (i.e., air, atmosphere and climate, fresh water, land and marine) and every significant environmental policy area (resource management, climate change mitigation, climate change adaptation, fresh water, energy, transport, agriculture, forestry, fishing, etc.). Also, the government has signalled changes to important policy-related accountability practices (e.g., corporate climate-related disclosures) and substantially reduced public expenditure on multiple environmental policy initiatives (see Treasury, 2024). Moreover,

that public authorities should 'give effect to the principles of te Tiriti o Waitangi'. Accordingly, it has discarded the concept of 'te oranga o te taiao', the upholding of which was fundamental to the purpose statement in section 3 of the ill-fated Natural and Built Environment Act 2023. The concept in question refers, among other things, to the health of the natural environment and the importance of sustaining the capacity for life. Unsurprisingly, the coalition's policies since late 2023 have prompted repeated claims to the Waitangi Tribunal alleging that the Crown has breached its obligations

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while some changes are relatively minor and even inconsequential, many are highly significant, if not fundamental.

Several features of environmental policymaking since late 2023 deserve emphasis. First, many of the changes have been undertaken at great speed, thus providing only limited opportunities for public consultation, debate and reflection. To compound matters, some of the legislative amendments have been enacted under parliamentary urgency, thus circumventing proper select committee reviews. For good constitutional reasons, urgency should be used sparingly. Plainly, the current government believes otherwise.

Second, and related to this, the government has pursued a radically different policy approach to its predecessors regarding its obligations under te Tiriti o Waitangi, on matters of both process and substance. Notably, it has rejected the inclusion of important Māori concepts, such as 'te mana o te wai', in environmental legislation and dismissed the proposition

under the Treaty and caused harm to Māori/iwi/hapū. A proper discussion of such matters is beyond the scope of this article. But the government's actions have undoubtedly strained Crown/Māori relations, threatened significant Māori rights and interests, caused deep disquiet in legal circles, and almost certainly worsened race relations.

Third, some, if not many, of the environmental policy changes implemented since late 2023, as well as various environmental reforms that have been foreshadowed, run contrary to the advice the government has received from independent experts, such as the Climate Change Commission (2023) and the Parliamentary Commissioner for the Environment, as well as from its own departmental advisers, including the prime minister's chief science advisor.

Of course, governments are at liberty to reject expert advice; that is their right and privilege. But the past year has witnessed an increasingly consistent pattern of ministers

disregarding or dismissing the best available evidence across multiple policy domains – health, housing, transport, energy, fishing, road safety, and much else. Such an approach poses significant risks. Not only is it likely to generate harmful – or, at least, less desirable – policy outcomes, but it may also undermine public trust and confidence in our democratic institutions. Aside from this, it is demoralising for scientific experts and professional policy advisers – and dispiriting for all those who value robust evidence and careful, rigorous, objective analysis.

Fourth, remarkably, the minister for the

there is a compelling ethical and political case for distributive justice, especially in times of deep uncertainty and increasing risk and when large-scale transitions are unavoidable. Otherwise, the economic adjustments required for decarbonisation, along with the planned relocation of communities exposed to growing climate-related risks, are more likely to be resisted, and thus delayed. Equally, their impacts are bound to fall disproportionately and undeservedly on our most vulnerable citizens. But perhaps the government's failure to endorse the concept of just

other policy changes, such as those affecting climate change mitigation and adaptation, energy and transport matters. The minister's principal claims, arguments and priorities can be summarised as follows:

- The country's economic growth has been too slow. Enhancing the growth rate will require going 'as hard as we can'.
- Growth is necessary not only for better living standards, but also for environmental protection. 'Wealthy countries look after their environment because they can afford to, and they have the resources to make a difference.'
- 'The welfare of current [and] future generations ... depends on more than a sustainable environment, important as that is.'
- The planning system governed by the RMA has 'consistently failed to deliver better outcomes, both for development and the natural environment'. Among other things:
  - a. it has been 'too hard and expensive', as well as too slow, 'to get things done'; this applies especially to large-scale infrastructure projects, the development of renewable energy resources, and housing construction;
  - b. it has locked up too much land, contributing significantly to the country's housing shortage and property price inflation;
  - c. it has had a breadth and complexity that is too great for councils to implement effectively;
  - d. it has lacked the tools needed for sound environmental management;
  - e. the 'purpose statement of the RMA puts the environment above development and other land use. That makes the RMA fundamentally incompatible with what people want by establishing a presumption against land use';
  - f. plans and consents, while important, 'should not run economies ... or trade off social, cultural, economic and environmental outcomes'.
- For such reasons, the planning system needs reform, thereby 'unlocking

While [Chris Bishop] speech focused primarily on resource management issues, many of his arguments apply equally to other policy changes, such as those affecting climate change mitigation and adaptation, energy and transport matters.

environment, Penny Simmonds, is not a member of the cabinet. This is the first time since the environment portfolio was created in 1972 that the minister responsible has not been represented at the highest level of government. Significantly, too, at the time of writing (early October 2024) the position of the prime minister's chief science advisor remained vacant: Dame Juliet Gerrard stood down in June 2024 after six years in the role.

Finally, at a time when major economic transformations, with significant societal implications, are vital for both environmental sustainability and risk mitigation, it is lamentable that the government has largely abandoned any mention of, let alone strong support for, the concept of 'just transitions'. It is no accident, therefore, that the 'Just Transitions' programme in the Ministry of Business, Innovation and Employment has been discontinued. Yet, as highlighted by several contributors to this special issue of *Policy Quarterly* (see, for instance, the articles by Milena Bojovic and Gradon Diprose et al.),

transitions simply reflects its overall lack of concern for distributive justice, together with a limited understanding – or even denial – of the gravity and urgency of humanity's sustainability challenges.

#### The rationale for the coalition's environmental policy changes

The extraordinary scope, scale and speed of the coalition's environmental policy changes prompt an obvious question: wherein lies their logic or rationale? Put differently, what are their main justifications and why has the government questioned, if not abandoned, so many of the assumptions and values of its predecessors?

In a speech to the New Zealand Planning Institute in March 2024, the minister for resource management reform, Chris Bishop, helpfully outlined the rationale for some of the government's main environmental policy changes (Bishop, 2024b). While his speech focused primarily on resource management issues, many of his arguments apply equally to

development capacity’ and ‘investment’ and ending the current ‘gridlock’. It needs to be simpler, with solutions linked to problems, ‘clear rules’, and a ‘purpose statement that is consistent with human welfare’. The ‘enjoyment of property rights’ should be ‘its guiding principle’, with the goal being to ‘maximise the welfare of current and future generations of people’. At the same time, development and land use must be ‘within environmental limits’ and in accordance with national standards.

- Legislation protecting the environment will be separate from that governing the process of urban and spatial planning. The experiment with integrated management under a single statute – the RMA – will cease.
- The previous government ‘talked big and achieved basically nothing’; ‘we intend to deliver’.

Subsequent speeches by the minister during 2024 elaborated on these ideas, including a joint speech in September to the Resource Management Law Association with Simon Court, an ACT MP and the parliamentary under-secretary to the minister responsible for resource management reform (Bishop and Court, 2024; see also Bishop, 2024a).

Any proper assessment of the claims and arguments advanced in such speeches would be a major undertaking. Several brief comments must suffice.

#### *Improving environmental policymaking*

No doubt many of the minister’s criticisms of the RMA have validity (Randerson et al., 2020; Palmer and Clarke, 2022). But the legislation that his government repealed was not the RMA; it was legislation that had taken five years of painstaking policy work and extensive public consultations to formulate, draft and enact, namely, the Natural and Built Environment Act and the Spatial Planning Act 2023. While the two new Acts were far from perfect, they addressed many of the coalition government’s concerns. Had they been implemented, there would have been:

- a national planning framework providing more consistent government objectives and policy directions;

- fewer and clearer plans, faster plan-making processes, and a fast track for renewables;
- fewer consents;
- stronger compliance provisions;
- better spatial planning.

By abruptly repealing the two Acts, the government has increased policy uncertainty and almost certainly delayed by several years the long hoped-for benefits of reform. Further, the idea of separating, from a statutory perspective, the goals of environmental protection and development raises multiple issues, not least how governmental priorities will be determined

The current government has good reason to be concerned. But whether economic growth should be, as the minister asserts, the ‘main goal’ (Bishop and Court, 2024), raises multiple philosophical questions. Also, the extent to which the RMA and other environmental regulations have ‘stifled’ and ‘resisted’ growth and thus contributed to Aotearoa’s sluggish economic performance is open to debate. After all, many other factors can readily be identified. Collectively, their impact has been far more important than the RMA, as various independent reviews by the OECD, the recently abolished Productivity

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and conflicting goals resolved.

Aside from this, the proposition that planning legislation should have ‘the enjoyment of property rights’ as its ‘guiding principle’ is highly problematic, as Ben France-Hudson eloquently explains in this special issue of *Policy Quarterly*. After all, the reason that planning legislation is needed is that many people, while enjoying their property rights, can cause harm to other people and the wider natural world – and, regrettably, this harm can be severe, widespread and irreversible. Hence, arguably the fundamental logic for planning legislation is not to enable ‘the enjoyment of property rights’ but rather to constrain the exercise of these rights, thereby protecting the public interest and the natural environment.

#### *The negative impact of poor environmental management on economic growth*

Without question, the country’s productivity growth has been relatively slow by OECD standards for many decades.

Commission, and the Treasury have highlighted over many years. Such factors include:

- the country’s relative isolation geographically and hence its distance from major international markets;
- the small size of the country’s domestic market, which constrains opportunities for economies of scale and reduces competition;
- a relatively high risk of damage from natural hazards, along with increasing climate-related risks which are contributing to higher insurance costs;
- a long history of low public and private investment in research and development;
- a low ratio of capital per worker and significant skill mismatches;
- a significant proportion of the economy in sectors with low productivity growth (e.g., tourism);
- a tax system which has encouraged property investment for capital gains rather than productive investment;

- inadequate investment in high-quality public infrastructure at all levels of government.

Obviously, some of these factors are beyond the government's capacity to control. Unfortunately, however, several of the coalition's policy decisions, such as the large reduction in public investment in research and development, risk undermining future productivity growth.

That said, from the perspective of *long-term* human wellbeing across all its multiple dimensions, many significant questions relating to economic growth arise. One of these is whether continuing

greater damage to natural habitats from predators and land development, and so forth. Over time, such outcomes impose additional financial and non-financial costs on property owners, taxpayers and ratepayers. Indeed, this is happening now – and the costs of poor environmental regulation are already large, with some destined to be massive (see, for instance, the contribution of Emily Carr and her colleagues in this special issue of *Policy Quarterly*).

Take the case of anthropogenic climate change: this is projected to cause significant sea level rise over the coming century and

management nationally, is not the only concern: a failure to apply sensible environmental regulations can also hamper economic activity in the short-to-medium term. For instance, serious traffic congestion in Auckland, Tauranga and Wellington is currently inflicting significant daily costs on citizens and businesses.

Similarly, a failure to impose adequate environmental regulations may harm offshore consumer demand for some of the country's exports and reduce access to international markets where treaty obligations have been breached. It has been estimated that around 80% of Aotearoa's exports by value are destined for markets where mandatory reporting of environmental, social and governance (ESG) matters (e.g., mandatory carbon-related disclosures) is already in force or has been proposed (Aotearoa Circle, 2024). From 2026, for example, the European Union's Carbon Border Adjustment Mechanism will be operative and other countries can be expected to establish similar tariff arrangements to protect their local producers against unfair competition from jurisdictions deemed to be environmental laggards.

Of particular concern locally in this context is the coalition's repeal of the 2018 ban on new offshore oil and gas exploration: according to legal advice from the Ministry of Foreign Affairs and Trade, such action is 'likely' to breach the country's legal obligations in recent free trade agreements (see Daalder, 2024). Whether such a breach results in legal challenges, however, remains uncertain. Be that as it may, the greater part of Aotearoa's export earnings, including those from international tourism, and most of its major commodity exports depend on natural capital and the ecosystem services this capital provides. Ignoring such facts would be foolish.

In sum, going for economic growth 'as hard as we can', to quote Chris Bishop, will eventually be counterproductive if the type of growth that occurs damages ecosystem services and undermines long-term environmental sustainability, thereby destroying the conditions for human flourishing (Hagens, 2020; Helm, 2023; Petrie, 2021). But poor environmental regulation can also have negative short-term economic impacts. Unfortunately, for

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growth is actually feasible or desirable on a finite planet with constrained natural resources and the limited capacity of the biosphere to absorb waste (Boston, 2022; Hagens, 2020; Hickel, 2021; Hickel and Hallegette, 2022; Jackson, 2009, 2022). Another relates to the form any such growth can and should take. In other words, what kind of growth is most likely to be desirable and sustainable over many generations and under what conditions? After all, if growth occurs at the expense of environmental sustainability, then by definition it will ultimately be unsustainable. For instance, particular patterns of growth can cause a range of negative environmental externalities. These, in turn, will subsequently impede, if not eventually undermine, long-term prosperity. Currently examples of such externalities include higher greenhouse gas emissions and related planetary warming, increased ocean acidification, lower freshwater quality in lakes and rivers, greater chemical contamination of groundwater, a higher rate of soil erosion, the extensive loss of fertile agricultural and horticultural land,

beyond due to thermal expansion and the melting of the planet's large ice sheets, as explained by Tim Naish and his colleagues in this special issue of *Policy Quarterly* (see also IPCC, 2021; Lenton et al., 2023). Among other things, sea level rise exacerbates the damage caused by extreme events and generates multiple hazards (e.g., higher storm surges, more severe coastal floods, rising groundwater, and saltwater intrusion into soils and aquifers). There is the potential for multi-metre sea level rise within a century depending on the path of global greenhouse gas emissions, with devastating consequences for many coastal cities, towns and communities. Yet even half a metre of sea level rise, which is likely well before 2100, will cause substantial costs in coastal nations like Aotearoa (e.g., through damage to public and private property, disruption to economic activity, and the need to relocate at-risk communities).

But long-term economic damage, whether from woefully weak global governance of Earth's atmosphere and oceans or dismal environmental

Aotearoa the costs of imprudent environmental management over many generations are already high – and given the coalition government’s policy settings, they are destined to grow substantially, potentially at an accelerating pace.

### *The failure to improve environmental outcomes*

To be sure, as Bishop has observed, the RMA and other environmental statutes have failed to deliver better outcomes for the natural environment or adequately address the growing pressures of development on critical natural resources. But why is this? The minister mentions several specific reasons – such as bad design, broad scope, high compliance costs, undue complexity, lengthy delays, and an excessive reliance on the courts – but not others. Among the reasons overlooked, but which have been emphasised over the years by many independent reviews of environmental governance and management, are the following:<sup>3</sup>

- a failure of governments for several decades following the enactment of the RMA to provide adequate national direction to assist decision making by local councils;
- related to this, a lack of clear environmental protections, in particular, insufficient or poorly specified environmental limits;
- insufficient spatial planning, again resulting from weak national direction;
- inadequate public investment in environmental monitoring, reporting and policy-relevant research, resulting in insufficient or poor-quality information, and a lack of capacity and capability in central and local government to fulfil their expected roles;
- a failure to address issues of resource allocation and cumulative effects;
- poor compliance monitoring and enforcement;
- inadequate system oversight and weak public accountability for outcomes;
- the power of vested interests, including in some cases regulatory capture by commercial interests.

If these are among the main reasons for the country’s poor environmental legacy, will the government’s reform agenda

address them? The answer, almost certainly, is ‘no’. Virtually nothing that the government has announced to date or foreshadowed over the next few years is likely to enhance outcomes in the main environmental domains. On the contrary, it is reasonable to anticipate that further ecological degradation, deterioration and losses will occur, some of which may be irreversible.

### *Deeper philosophical issues*

Aside from the reasons why Aotearoa’s track record for environmental management has been indifferent, if not

of current and future generations’. Utilitarianism, of course, is a broad ‘church’, so to speak, and has multiple types (e.g., act, rule, etc.). But every type of utilitarian ethics are open to most of the same objections and concerns (Carney, 2021; Gushee, 2014; Rawls, 1971). Whether utility is thought of as ‘welfare’, ‘wellbeing’, ‘pleasure’, ‘the satisfaction of a desire, interest or preference’ or something else, what does it really mean and why are such things deemed to have inherent value? Moreover, if concepts like welfare or wellbeing have many different components or dimensions, as is usually contended,

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poor, the minister’s remarks raise several deeper philosophical issues. One of these concerns the overarching moral framework that should guide all public and private behaviour. A related question is whether there are any moral bottom lines or non-negotiable limits. In other words, are there any certain ‘goods’ (e.g., rights, norms, outcomes, etc.) that are, for one reason or another, sacrosanct, non-derogable, inalienable or inviolable? Yet another issue concerns the ethical principles that should guide policymakers when faced with an inevitable clash of values, such as a conflict between protecting an endangered species and developing a resource in the interests of greater employment opportunities, better infrastructure or improved financial returns. Again, a few brief comments must suffice.

Underpinning the minister’s policy approach is his evident embrace of utilitarian ethics. This is reflected in his proposition that the core goal of public policy should be to ‘maximise the welfare

how should they be interpreted, measured and weighted?

Next, what about the welfare of non-human species, along with their diverse ecosystems? Do they have intrinsic value? If so, how does a utilitarian framework accommodate such claims, notwithstanding its anthropocentric roots? If not, are all non-human species only of instrumental value? In that event, their value depends solely on the extent to which they contribute somehow to human welfare. Further, as a consequentialist creed, utilitarianism faces numerous formidable assessment problems: e.g., determining which specific consequences matter and why; determining the discount rate to apply to consequences that occur over long periods of time; determining how to deal with the unequal, and arguably unfair, distribution of the consequences; and determining how to reach a justifiable consequentialist calculus in the context of limited information, deep uncertainty and multiple risks (Kay and King, 2020). Hence,

while a policy goal such as 'maximising the welfare of current and future generations' is easy to state and appears superficially attractive, in practice it can mean almost anything. As such, it is essentially useless as a guide for decision making.

That is not to say that moral frameworks of a non-utilitarian or non-consequentialist nature lack problems. All ethical theories – such as rights-based, needs-based and capability approaches – along with the world views on which they depend, whether Western, indigenous, religious or otherwise, are open to objections. But utilitarianism

that setting environmental limits, let alone enforcing them, are not high priorities. After all, ministers repealed the Natural and Built Environment Act 2023 within weeks of taking office. Yet Part 4 of the Act, for the first time in the country's history of environmental management, required the government to set limits in six areas: air, indigenous biodiversity, coastal water, estuaries, fresh water and soil. It also specified the processes for doing so. Equally important, the Fast-Track Approvals Bill makes no mention of environmental limits, whether in relation to the RMA or to any of the other statutes it overrides.

its controls' (ibid.). It is hard not to conclude that 'less' in this context means less environmental protection, less conservation and less restoration – and ultimately less ecological resilience, less adaptability and less sustainability, and thus less long-term prosperity.

#### *Political economy considerations*

Leaving aside the specific goals of, and justifications for, the coalition's environmental policies, how might the political economy of the government's agenda best be explained? Put differently, whose interests are being served? Three matters deserve comment.

First, the multiple policy reversals and proposed new directions will largely benefit those whose activities cause disproportionate environmental harm. This may be in the form of higher greenhouse gas emissions, greater damage to natural habitats, extra stress on fisheries, or the additional contamination of freshwater resources from livestock waste and the run-off of fertiliser and other chemicals into streams, rivers and lakes. Lighter regulation, other things being equal, will lower compliance costs and enhance (short-term) economic returns.

Second, the main economic benefits are likely to be concentrated in the hands of a small minority of citizens, while the costs will be widely dispersed and spread relatively thinly across the whole population – and the wider natural world. Politically, where the benefits are concentrated and the costs are dispersed, the incentive structure in a democracy favours the beneficiaries. In relative terms they have more to gain and thus stronger incentives to influence governmental decision making. Selective campaign donations and regulatory capture, after all, can generate large returns. Aside from this, nature does not have a vote. Hence, the relevant asymmetries are formidable.

Third, there is an important inter-temporal dimension: the main beneficiaries of lighter regulation are alive now. By contrast, those bearing the costs of additional environmental degradation will be spread across multiple generations, including those yet unborn. Again, in a democracy, when inter-temporal trade-offs arise, the political calculus typically favours

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is particularly ill-suited to the field of environmental ethics. It provides few meaningful insights to deal with challenging conflicts of values, such as determining whether a specific development proposal is morally justified, notwithstanding its negative ecological impacts.

This, in turn, raises the vexed, but fundamental, issue of environmental limits, a concept which Bishop affirmed, albeit fleetingly, in his March 2024 speech and addressed somewhat more fully in September. Without environmental bottom lines or biophysical constraints, there are no hard and fast restrictions on human activities: everything is, in effect, permitted; nothing is sacrosanct. But as is evident from long experience in Aotearoa and elsewhere, setting rigorous, quantified and effective environmental limits is a deeply contested matter. This includes the issues of deciding whether and when environmental limits are needed, determining what such limits should be, and then agreeing on a time frame and process for implementation.

Based on the government's policy decisions and proposals thus far, it is evident

Moreover, if the government holds that environmental considerations should not be prioritised over development and land use, as the minister has contended, then it is probable that the provisions for limits (however quantified and specified) in future resource management or related environmental legislation will be less demanding than those in Part 4 of the Natural and Built Environment Act. If so, then any new environmental limits that might be imposed seem destined to be weak, distant and inconsequential. Indeed, to quote Simon Court:

No environmental limit should make it impossible to build housing, produce food or energy, or provide transport ... If development cannot occur within environmental limits in one area, then development *must* [my emphasis] occur in another. (Bishop and Court, 2024)

Bear in mind, too, that a crucial goal of the coalition's system of environmental regulation is that it 'will work better because it has less to do'; that is because it 'will be narrower in scope and the effects



short-term interests. Countering these politically salient asymmetries is hard, as explained by Marie Doole and her colleagues in this special issue of *Policy Quarterly*, and will require a specific focus over the coming years.

#### A different ethical framework and an alternative future

Given the severity of the ecological crises afflicting the world, along with the numerous significant environmental challenges currently confronting Aotearoa, a different policy approach is urgently needed, one based on a different ethical framework, together with different mindsets and ways of thinking. Such an approach would give priority to vital environmental goals, principles and rights. It would take biophysical constraints seriously at all relevant spatial scales. And it would incentivise nature-based solutions where appropriate. Arguably, too, the kind of approach required would take seriously the nation's founding constitutional charter – *te Tiriti o Waitangi* – and give proper weight to Māori ethical insights and perspectives, including such values as *kaitiakitanga* (guardianship), *manaakitanga* (hospitality, generosity and social responsibility), *whanaungatanga* (relationships) and *kotahitanga* (solidarity and collaboration). Bear in mind, too, that a different policy approach is necessary not only for sound ecological reasons; it is also essential for long-term prosperity.

What would embracing such an approach mean in practice? First, it would entail reversing most, but not all, of the environmental policies currently being pursued by the coalition government. Second, it would entail affirming and seeking to uphold a specific set of ethical values and considerations. Above all, it would recognise:

- the intrinsic value of all life forms independent of their instrumental value to human beings, including the value of every species, genetic variability and unique habitat, and hence the moral imperative to care for, protect and restore natural systems even when there appears to be little or no direct human benefit;
- the interconnectedness and interdependence of all living organisms

and the biophysical systems of which they are part;

- the value of biodiversity in enabling ecosystems to be resilient and adaptable in the face of perturbations and stresses;
- the importance of environmental sustainability in the sense of ensuring that ecosystems remain healthy, diverse and productive, and thus able to supply a wide range of ecosystem services on an enduring basis;
- the critical need to apply the precautionary principle, especially in the context of deep uncertainty and ecologically significant tipping points;

social and cultural development, including extensive investment in public infrastructure, housing and commercial activities. Indeed, as argued previously, healthy and productive ecosystems, and the multiple services they provide, are essential for long-term prosperity. But this means that future development must be consistent with clearly specified and properly enforced environmental limits, with such limits being applied in multiple domains and at multiple scales. The relevant limits should, among other things, be designed to:

- honour New Zealand's international treaty obligations;

A policy framework based on such values and considerations is not incompatible with ongoing economic, social and cultural development, including extensive investment in public infrastructure, housing and commercial activities.

- the importance of protecting environmental justice and rights, including the right of all people to participate in environmental decision making and enjoy equitable access to a healthy environment;
  - the importance of ensuring that the substantial costs of the required transitions to environmental and economic sustainability are allocated in accordance with well-established principles of justice, not least the costs associated with rapid decarbonisation and climate change adaptation, including the planned relocation of at-risk communities (see Expert Working Group on Managed Retreat, 2023);
  - the importance of pursuing intergenerational justice, including ensuring that all future generations have a habitable planet and the resources to meet their needs.
- prevent the loss of indigenous biodiversity, and especially the irreversible loss of distinct species;
  - enhance the resilience of indigenous biodiversity to adverse impacts, such as the effects of climate change;
  - prevent the irreversible loss of unique and highly distinctive ecosystems, including 'keystone species', and the ecosystem services they provide;
  - maintain the self-sustaining capacity of ecosystems, thus preventing abrupt 'regime shifts' resulting from the crossing of environmental thresholds (where such thresholds apply);
  - maintain biophysical capacity locally, regionally and nationally;
  - prevent significant harm to human health (i.e., harm that is serious, extensive, permanent, etc.).

A policy framework based on such values and considerations is not incompatible with ongoing economic,

Formulating and applying such limits would, of course, be hard – analytically, technically and politically. It would require a much greater public investment in environmental information,

monitoring, reporting, analysis and enforcement (Brown, 2017) and much-improved public accountability for performance. And it would need robust environmental legislation of the kind proposed by Sir Geoffrey Palmer and Richard Clarke (2022), based on the full range of principles embodied in international environmental law since the 1970s and incorporating much-improved provision for independent policy advice and enhanced environmental governance.

increasingly damaging impacts of climate change, has thus far been insufficient to generate the desired transformation, whether in Aotearoa or elsewhere. And this is despite dedicated and persistent advocacy for policy reform and lifestyle changes by multiple civil society groups and the patient endeavours and compelling findings of myriads of scientists, globally and locally.

Perhaps, sadly, much greater ecological damage will be required and widely

failures will haunt multiple generations. Future inhabitants will no doubt puzzle over and grieve the reckless and protracted sins of their forebears.

To compound matters, narrow short-term commercial interests, scientific illiteracy and wilful blindness continue to exercise a disproportionate influence on policymakers across the globe. Regrettably, therefore, the coalition's environmental policy choices since late 2023 are but a microcosm of a wider international malaise. To be sure, not all countries are putting their environmental protections into rapid reverse like Aotearoa, or endeavouring to evade non-negotiable biophysical realities. But few countries are responding to the current ecological crises with the seriousness and urgency required. A collective failure of extraordinary significance is unfolding.

Fortunately for the rest of the world, what policymakers in Aotearoa decide, for good or ill, will have minimal global consequences. But the ecological implications locally will matter, as will their harmful economic impacts, both short-term and long-term. Under the coalition's approach, Aotearoa will likely witness higher gross and per capita greenhouse gas emissions than otherwise, greater urban sprawl, an increased loss of native habitats, poorer freshwater quality, more sediment and chemical pollution, weaker protection of coastal and marine environments, more ecosystems with limited biodiversity (e.g., more exotic forests), an over-reliance on carbon offsetting, and much else. Importantly, too, losing species and unique ecosystems, whether this occurs in Aotearoa, Angola, Algeria or Alaska, constitutes a moral tragedy, especially so when such losses are avoidable.

Prior to the change of government in late 2023, after decades of weak, ineffective policy measures, Aotearoa was beginning to implement a series of laws, regulations and fiscal initiatives to mitigate its environmental woes. Much of this agenda has now been delayed, abandoned or weakened. How long the new agenda will last is uncertain. But even if the current government were to be short-lived, the ecological consequences will likely be much more enduring. Equally, the events of the past year will make it harder to

## To return to 'goodbye Freddy': unquestionably, the Fredgies of the natural world need more human friends, ideally ones with passion, practical wisdom and political influence.

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Additionally, as Dieter Helm (2023) and Murray Petrie (2021, 2022) have underscored, the proper integration of economic and environmental policy is essential. This must include the extensive 'greening' of fiscal policy (see OECD, 2024) and a strong focus on maintaining and, where possible, restoring aggregate stocks of renewable natural capital. Thus far, the coalition's fiscal strategy, as reflected in Budget 2024 (Treasury, 2024), shows little evidence of such an approach, whether with respect to climate change (see Hamill, Hughes and Bealing, 2024) or to other important environmental issues.

The challenge, of course, is not merely to design and implement a much more integrated policy framework; such a framework also needs to be effective and enduring. For this goal to be realised, according to Simon Upton, the Parliamentary Commissioner for the Environment, and his colleagues (see their contribution to this special issue of *Policy Quarterly*), nothing less than a 'fundamental shift in mindset, values and behaviours' will be required. But how might such a 'fundamental shift' be secured? What might trigger a profound and lasting 'ecological revolution'? Clearly, the severity of the current ecological crises, including the

experienced before any 'fundamental shift' becomes a reality. But by then, of course, much of value in the natural world will have been irretrievably lost or be in the process of irreversible decline. That is a grim conclusion. But given the ongoing decisions of the current coalition government, and some of its counterparts elsewhere in the world, it is probably a realistic assessment. Furthermore, we should be wary of assuming that greater ecological damage will trigger a series of positive societal responses resulting in self-reinforcing feedbacks (Lenton et al., 2022). It is equally, if not more, likely that negative societal forces and tipping points will come into play, with the risk – globally and locally – of more extensive and disruptive migration, more climate-related economic shocks, worsening food insecurity, increased civil unrest, reduced liberties and greater despotism.

### Conclusion

Humanity has entered an era of 'long problems', 'long emergencies' and 'slow-moving catastrophes' (Boston, 2024; Hale, 2024). There is no ready escape. Ecologically, we face unavoidable path dependence across multiple domains. Tragically, the legacies of past policy

develop a new societal and political consensus based on a compelling set of ecological values, principles and priorities, and related institutions for sound environmental governance.

To return to ‘goodbye Freddy’: unquestionably, the Fredies of the natural world need more human friends, ideally ones with passion, practical wisdom and political influence. But whence will such friends come? Meanwhile, their adversaries are at large and unabashed. Yet the problem is not simply a disordered or external ‘them’. On the contrary, we all contribute, albeit to varying degrees, to ecological harm. We thus all share the shame and guilt of the associated loss and damage to ‘our common

home’, as Pope Francis laments in *Laudato Si’*.<sup>4</sup> And while robust laws and sound policies are essential, so too – as many theologians contend (Bauckham, 2010; Bouma-Prediger, 2019; Sacks, 2020; Southgate, 2008) – are transformed hearts and minds.

1. At the same time, the proposed Treaty Principles Bill certainly does not keep faith with the provisions of te Tiriti o Waitangi, especially Article 2.
2. See, for instance, <https://environment.govt.nz/facts-and-science/environmental-reporting/>.
3. See, for instance, numerous publications of the Parliamentary Commissioner for the Environment and the Environmental Defence Society, and Randerson et al., 2020; and in particular Upton, 2020.
4. [https://www.vatican.va/content/francesco/en/encyclicals/documents/papa-francesco\\_20150524\\_enciclica-laudato-si.html](https://www.vatican.va/content/francesco/en/encyclicals/documents/papa-francesco_20150524_enciclica-laudato-si.html).
5. This includes policies that affect, or could affect, indoor environmental quality.
6. See, for instance, [https://environment.govt.nz/assets/publications/Work-Programme-for-Reforming-the-Resource-Management-](https://environment.govt.nz/assets/publications/Work-Programme-for-Reforming-the-Resource-Management-System.pdf)

System.pdf; <https://environment.govt.nz/news/rm-reform-update-september-2024/>.

7. <https://budget.govt.nz/budget/pdfs/summary-initiatives/b24-summary-initiatives.pdf>.

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# Appendix Major changes to environmental policies since late 2023<sup>5</sup>

Policy area	Main changes	Main concerns
1 Resource management	<ul style="list-style-type: none"> <li>Reforms are being undertaken in phases to implement around 20 commitments in the two coalition agreements, with multiple legislative and regulatory changes over several years.<sup>6</sup> The various phases are designed to unlock development capacity for housing and business growth, enable the delivery of high-quality infrastructure, and facilitate the growth and development of the primary sector, while safeguarding the environment and human health.</li> <li>Phase 1: the Natural and Built Environment Act 2023 and the Spatial Planning Act 2023 were repealed in late 2023; the former Resource Management Act (RMA) 1991 was reinstated.</li> <li>Phase 2: involves implementing a one-stop consenting and permitting regime for regionally and nationally significant projects (see Fast-Track Approvals Bill below).</li> <li>Phase 2B: involves targeted changes to the RMA to change freshwater obligations (including to exclude Te Mana o te Wai from consenting processes), extend marine farm consents, delay the implementation of significant natural areas (SNAs), and establish a consenting pathway for new coal mines near inland wetlands or SNAs, along with measures to make medium-density residential standards optional and facilitate renewable energy projects (see below).</li> <li>Phase 3: involves legislation, probably in 2025, to replace the RMA. There will be two Acts, one to enable development, the other to manage environmental effects. The new approach will be premised on the 'enjoyment of property rights as its guiding principle' and will avoid placing environmental protection over the ability to use land and resources productively. While eschewing integrated management under a single Act, the new legislative framework will have many policy tools in common with the regime that was repealed at the end of 2023 (e.g., spatial planning, single regional plans, a greater use of national direction, less reliance on consents, better compliance monitoring, quantified environmental limits, etc.) and will be rules-based and effects-based. Against this, it will be narrower in its scope and the effects that it controls.</li> <li>Among other things the National Policy Statement on Highly Productive Land (NPS-HPL) is likely to be amended to exclude LUC-3 category land, thus enabling such land to be used for development.</li> </ul>	<p>Developing and implementing a major, multi-year programme of legislative and regulatory reform will be costly for the various levels of government, as evident during 2017–23. The process is likely to increase long-term policy uncertainty, especially if there is no multi-party consensus on the new framework. Notwithstanding an apparent governmental commitment to safeguarding the environment and public health, the proposed changes will likely weaken environmental protections, put more indigenous species at risk, and worsen overall environmental and health outcomes.</p> <p>Downgrading environmental goals, values and rights also risks undermining the nation's long-term prosperity, given the high dependence on natural capital and healthy ecosystems for much of its export revenue.</p>

Policy area	Main changes	Main concerns
2 Fast-track legislation for development projects	<ul style="list-style-type: none"> <li>The Fast-Track Approvals Bill was introduced in March 2024, and amended in August, to streamline and speed up the process for approving significant infrastructure, housing and development projects. The bill’s purpose statement focuses entirely on development goals, with no mention of environmental protection. The bill enables development projects to be undertaken in the absence of normal environmental safeguards and through processes that minimise the opportunity for public participation. Previously rejected projects can be considered.</li> <li>In early October 2024 the government announced that 149 projects would be listed in the Fast-Track Approvals Bill. The projects cover a wide range of public infrastructure, energy and housing developments, together with, among other things, coal mines, open-pit gold mines, and a seabed mining project. Some of the projects, if approved, will occur on SNAs; some appear to run counter to the government’s climate change goals; and some have already been rejected on environmental grounds.</li> </ul>	<p>Development goals are being prioritised over environmental goals. There are significant limitations on public participation; obligations under the Treaty of Waitangi have been downgraded.</p>
3 Integrated national direction package	<ul style="list-style-type: none"> <li>An integrated package of regulatory reforms is proposed for 2025 involving amendments to many existing regulations (i.e., national policy statements and national environmental standards), along with several new national policy statements (e.g., for infrastructure, natural hazards and papakāinga) and new national environment standards (e.g., for heritage and infrastructure).</li> </ul>	<p>The proposed national direction package is wide ranging, but despite being referred to as ‘integrated’ it appears likely to be more fragmented than the National Planning Framework in Part 4 of the repealed Natural and Built Environment Act 2023. It will likely also have weaker environmental goals and protections.</p>
4 Freshwater policy and water services	<ul style="list-style-type: none"> <li>The Water Services Acts Repeal Act 2024 repealed the Water Services Entities Act 2022, the Water Services Legislation Act 2023, and the Water Services Economic Efficiency and Consumer Protection Act 2023.</li> <li>The Local Government (Water Services Preliminary Arrangements) Act 2024 established the coalition government’s Local Water Done Well framework and the preliminary arrangements for the new water services system; local councils are required to develop a Water Services Delivery Plan for their communities within a year.</li> <li>The Resource Management (Freshwater and Other Matters) Amendment Bill – among other things, this amends the RMA to reduce the regulatory burden, including amendments to: <ul style="list-style-type: none"> <li>the National Policy Statement for Freshwater Management 2020;</li> </ul> </li> </ul>	<p>Labour’s three waters legislation mandated a form of co-governance and was regarded by the new coalition as undemocratic and inefficient. It is unclear what impact the Local Water Done Well framework will have on water quality and other environmental standards.</p> <p>The multiple legislative and regulatory changes regarding fresh water will slow current efforts to improve freshwater quality.</p>

Policy area	Main changes	Main concerns
	<ul style="list-style-type: none"> <li>- the National Policy Statement for Indigenous Biodiversity 2023;</li> <li>- the Resource Management (National Environmental Standards for Freshwater) Regulations 2020; and</li> <li>- the Resource Management (Stock Exclusion) Regulations 2020.</li> </ul> <p>In particular, the bill excludes the hierarchy of obligations within the National Policy Statement for Freshwater Management 2020 (NPS-FM 2020), based on Te Mana o te Wai, from resource consent application and decision-making processes.</p> <ul style="list-style-type: none"> <li>• The government is committed to replacing the NPS-FM 2020 with a simpler, less complex and less demanding policy framework – in phase 2 of the RMA reform agenda.</li> <li>• The time frame for councils to finalise their freshwater plans was extended from 2024 to the end of 2027.</li> </ul>	<p>The proposed new NPS-FM will likely take years to develop and implement; assuming it is less restrictive than the current NPS, freshwater quality will be lower than otherwise in many regions for a lengthy period.</p>
<p>5 Climate change mitigation</p>	<ul style="list-style-type: none"> <li>• The government remains committed to the country’s greenhouse gas emissions-reduction targets and first Nationally Determined Contribution (NDC) but is relying primarily on the emissions trading scheme (ETS) to reduce greenhouse gas emissions. Hence, many complementary policies have been repealed or weakened. A heavy reliance remains on forestry to sequester carbon, with a primary focus on net rather than gross emissions. Additionally, the government is proposing to create a regulatory framework for carbon capture, utilisation and storage that provides a level playing field for this technology.</li> <li>• The introduction of emissions pricing in the agricultural sector has been delayed from 2025 until 2030, and most of the funding for the relevant policy work has been cut. If the current emissions budgets and targets are to be met, non-agricultural emissions will need to be reduced even more (i.e., energy and transport).</li> <li>• The He Waka Eke Noa process, initiated by the previous government, has been disbanded.</li> <li>• Reviews of ETS settings are ongoing; in August 2024 the government announced that the number of emissions units available between 2025 and 2029 would be reduced from 45 million to 21 million.</li> <li>• Implementation of the first Emissions Reduction Plan (ERP), which took effect in 2022, is ongoing; a second ERP, to take effect from 2026, is under development, and is to be published before the end of 2024. As proposed, it involves confirming a direction that will miss New Zealand’s emission reduction targets for 2035 and 2050 (e.g., 17 million tonnes over budget during 2031–35).</li> </ul>	<p>Most announced and proposed measures (excepting the reduction of ETS unit availability) will slow the pace of emissions reductions and make it harder to meet the country’s emissions reductions targets and emissions budgets. This will also increase the costs of meeting the country’s first NDC between 2021-30, assuming the country fulfils its international obligations.</p> <p>Most policies are not consistent with the advice and recommendations of He Pou a Rangi – the Climate Change Commission in November 2023</p> <p>Some of the announced and proposed legislative changes will reduce the incentives for companies to take proper account of climate change risks in their decision-making</p> <p>Overall, the coalition’s approach to mitigation involves a greater reliance on technologies that are not yet fully developed or tested</p>

Policy area	Main changes	Main concerns
	<ul style="list-style-type: none"> <li>• The government has closed the \$4.5 billion Climate Emergency Response Fund (CERF), established in 2021 (drawing partly on proceeds from the ETS); \$2.4 billion has been diverted to tax cuts. Programmes cut or reduced include:               <ul style="list-style-type: none"> <li>– the Carbon Neutral Government programme (the government is considering removing the goal of a 20% reduction in public sector emissions by 2025);</li> <li>– Establishing Native Forests at Scale programme;</li> <li>– Hāpori Māori programme to improve evidence available to Māori communities about climate change, adaptation and resilience.</li> </ul> </li> <li>• A new Climate Strategy was announced in July 2024, containing five pillars but few details. The pillars are:               <ul style="list-style-type: none"> <li>– infrastructure is resilient and communities are well prepared;</li> <li>– credible markets support the climate transition;</li> <li>– clean energy is abundant and affordable;</li> <li>– world-leading climate innovation boosts the economy; and</li> <li>– nature-based solutions address climate change.</li> </ul> </li> <li>• A separate review, independent of the Climate Change Commission, is being undertaken of methane science and targets for consistency with no additional warming from agricultural methane emissions.</li> <li>• The Just Transitions Programme in the Ministry of Business, Innovation and Employment has been discontinued.</li> <li>• The Regulatory Systems (Climate Change Response) Amendment Bill makes various changes to forestry-related provisions in the Climate Change Response Act 2002.</li> <li>• The government has announced that it will repeal s131(5) of the Companies Act 1993. Under this section of the Act, company directors are permitted to consider broader factors, including environmental, social and governance matters, when assessing what constitutes the best interests of the company; they are not bound only to pursue profit maximisation.</li> <li>• The government is considering removing the personal liability of company directors under the mandatory climate-related disclosures regime.</li> </ul>	
<p><b>6 Climate change adaptation</b></p>	<ul style="list-style-type: none"> <li>• The parliamentary inquiry into adaptation issues was transferred from the Environment Committee to the Finance and Expenditure Committee. The committee released its report on 1 October 2024.</li> <li>• Legislation on climate change adaptation is to be introduced in the first part of 2025, with possible additional legislative steps later in the decade.</li> </ul>	<p>Progress on adaptation has been, and remains, slow. While agreeing to support some new and improved defensive structures, the government remains unwilling to provide significant additional funding</p>



Policy area	Main changes	Main concerns
	<ul style="list-style-type: none"> <li>Budget 2024 allocated funding to support the rebuild and recovery of communities affected by Cyclone Gabrielle and the 2023 Auckland Anniversary weekend floods, and to improve emergency preparedness; funding of \$20 million has been allocated to enhance Westport’s flood protection. Against this, the multi-year National Resilience Plan, which was allocated \$6 billion in May 2023 by the Labour government, has been closed with around \$3 billion unspent, thus reducing funding for adaptation initiatives by around \$400 million per annum.</li> <li>The government is continuing the Labour government’s policy to enable land information memoranda (LIMs) to be updated to include climate-related information in the natural hazard section.</li> <li>National Direction for Natural Hazards is to be progressed, for implementation by mid-2025.</li> </ul>	<p>for planned relocation. Nor is it addressing the growing challenges of insurance affordability and retreat.</p> <p>In the absence of stronger planning controls, there is the potential for significant additional housing construction in flood-prone areas and those exposed to coastal erosion and inundation.</p>
<p>7 Offshore oil and gas exploration</p>	<ul style="list-style-type: none"> <li>The 2018 ban on new offshore oil and gas exploration is being reversed, with the goal of stimulating the fossil energy sector, enhancing investor confidence, and securing the country’s energy supply; regulatory processes for oil and gas projects will be eased.</li> <li>The Crown Minerals Act will be amended, allowing for new petroleum permits in areas like Taranaki.</li> </ul>	<p>The new policy is contrary to international efforts to reduce reliance on fossil fuels and decarbonise global and local energy systems.</p>
<p>8 Housing, urban development, and infrastructure</p>	<ul style="list-style-type: none"> <li>Kāinga Ora’s (KO) role in building houses and developing communities in a way which has emphasised intensification of housing and providing tenants with public and active travel options to reduce emissions has been heavily cut. Community housing providers, whose government funding has been increased, are generally less mitigation-oriented.</li> <li>The ‘Going for Housing Growth’ plan aims to free up land for development and remove ‘unnecessary’ planning barriers, improve infrastructure funding and financing, and provide incentives for communities and councils to support housing growth. Specific measures include: <ul style="list-style-type: none"> <li>requirements for Tier 1 and 2 councils to establish housing growth targets;</li> <li>fewer restrictions on cities expanding at the urban fringe;</li> <li>stronger provisions for intensification in the National Policy Statement for Urban Development (e.g., stronger density requirements around transport corridors);</li> <li>abolition of minimum floor areas and balcony requirements;</li> <li>making medium-density residential standards optional for councils.</li> </ul> </li> </ul>	<p>KO’s operating principles include protecting and enhancing the environment, and actively mitigating the impacts of climate change. KO’s mitigation action plan is likely to be largely nullified.</p> <p>The Housing Growth plan, by requiring councils to ‘live zone 30 years of development capacity’ risks placing a high infrastructure burden on councils.</p> <p>Provisions for stronger density requirements make sense, but the rules requiring cities to be allowed to expand outwards at the urban fringe are unclear, as is the aspiration for an effective ‘right to build’ on city fringes, on the condition that the infrastructure costs of new development are covered. Such</p>

Policy area	Main changes	Main concerns
	<ul style="list-style-type: none"> <li>A new National Infrastructure Agency is being established to help facilitate private sector investment in infrastructure, partner with agencies and local government on projects involving private finance, and administer government infrastructure funds; the Infrastructure Commission will continue to provide independent advice on infrastructure matters.</li> <li>There are proposals to reduce insulation standards for new buildings, thereby rolling back energy efficiency improvements to the Building Code that started in mid-2023</li> </ul>	<p>provisions may be difficult to enforce and may foster urban sprawl with higher transport emissions</p>
<p><b>9 Transport</b></p>	<ul style="list-style-type: none"> <li>The broad policy direction is to: a) remove or reduce regulatory requirements for carbon dioxide emissions reductions; b) prioritise public investment in roads over public transport, rail and active transport modes; and c) invest heavily in a new generation of roads of national significance.</li> <li>The Clean Car Discount was discontinued from 31 December 2023, with road user charges applied to light battery electric vehicles and hybrid EVs from 1 April 2024.</li> <li>The Land Transport (Clean Vehicle Standard) Amendment Act 2024 weakened the required carbon dioxide standards for vehicle importers to meet.</li> <li>The Government Policy Statement on Land Transport 2024–34 (June 2024) contains four priorities: economic growth and productivity; increased maintenance and resilience; safety; and value for money. Decarbonisation is no longer a priority, and climate change is not addressed other than to claim that the ETS is the relevant policy measure.</li> <li>The National Land Transport Programme (September 2024) involves a major increase in public expenditure on new roads and road maintenance, a halving of funding for walking and cycling, from \$910 million (2021–24) to \$460 million (2024–27), and a 25% reduction in expenditure on rail. Investment in public transport infrastructure and services is being increased from around \$5 billion to \$6.4 billion, but will constitute a slightly smaller proportion of total public expenditure on land transport.</li> <li>The government's Supercharging EV Infrastructure Work Programme aims to create a nationwide network of 10,000 public EV chargers by 2030, albeit subject to robust cost-benefit analysis (note: Norway had 22,000 public EV chargers in 2023; there were around 1,200 in New Zealand in early 2024); in April 2024 the government announced creating 25 new high-speed EV charging hubs on major routes between large urban centres.</li> </ul>	<p>Overall, the policy changes are expected to slow the process of decarbonization in the transport sector, worsen human health, and reduce public safety. With the abolition of the Discount, sales of new fully electric vehicles fell from over 30% of the market in late 2023 to well under 10% in 2024. The removal of the Discount will likely generate 1.4 million tonnes more carbon-dioxide' emissions over 2026-2030. The weakening of the standards is likely to add up to two million tonnes of carbon dioxide emissions between now and 2050. With the cancellation of the order for Cook Strait ferries there is a risk of a replacement ferry breaking the continuous rail link between the North and South Islands, leading to greater use of trucking, with higher emissions</p>

Policy area	Main changes	Main concerns
	<ul style="list-style-type: none"> <li>Other policy changes include the reversal of speed limit reductions in many areas, the repeal of the Auckland regional fuel tax on 30 June 2024, the cancellation of the Auckland Light Rail project, the cancellation of several new Cook Strait ferries and the related upgrade of port infrastructure in Wellington and Picton, and support for congestion charging.</li> </ul>	
<b>10 Energy</b>	<ul style="list-style-type: none"> <li>A key government objective is to double renewable electricity supply by 2050. At the same time, the government has scrapped the proposed pumped hydro scheme at Lake Onslow on the grounds of excessive cost.</li> <li>Under its Electrify NZ Plan, the government is supporting measures (e.g., via the Fast-Track Approvals Bill) to enable major renewable energy and transmission projects to be consented sooner and more efficiently; planned legislation will reduce consent and re-consenting processing time for most renewable energy consents, and extend the default lapse periods for renewable energy, transmission and local electricity lines consents from 5 years to 10 years.</li> <li>The National Policy Statement for Renewable Electricity Generation and the National Policy Statement for Electricity Transmission will be amended to strengthen national direction for renewable electricity and transmission; other regulatory changes will set new standards for different types of energy generation and infrastructure.</li> <li>Several of the programmes run by the Energy Efficiency and Conservation Authority have been cut, including the Government Investment in Decarbonising Industry Fund (GIDI) and the State Sector Decarbonisation Fund.</li> <li>Legislation is being drafted to enable a new regulatory regime for offshore renewable energy from mid-2025, with the aim of opening a first feasibility permit round in late 2025.</li> <li>To enhance energy security and affordability, various measures were announced in August 2024 to remove regulatory barriers to the construction of critically needed facilities to import liquefied natural gas (LNG), ease restrictions on electricity lines companies owning generation, ensure access for gentailers to hydro contingency, and improve electricity market regulation.</li> <li>Budget 2024 reduced funding for, among other things, the Community Renewable Energy Fund and the Support for Energy Education in Communities Programme.</li> </ul>	<p>While there is every reason to expand renewables generation, this should be accompanied by reforms to the electricity market so that electricity is not overpriced at the retail level.</p> <p>The development of an LNG facility would be costly and wasteful: other means of meeting short-term electricity shortfalls, including rapid expansion of renewables and battery storage, are more economic and less environmentally damaging. Note that the government rejected proposals by Rewiring Aotearoa for rapid household electrification based primarily on rooftop solar and home battery backup, along with the electrification of heating, including heat pump water heaters.</p>

Policy area	Main changes	Main concerns
<p>11 Agriculture, forestry and land use</p>	<ul style="list-style-type: none"> <li>• The main policy aims include 'getting Wellington out of farming and freeing up farmers to do what they do best', along with 'driving down costs' for farmers and foresters by simplifying regulations.</li> <li>• The coalition agreement between National and ACT included commitments to:               <ul style="list-style-type: none"> <li>– reverse the ban on live animal exports;</li> <li>– discontinue the implementation of new SNAs;</li> <li>– make farm environment plans more cost-effective for farmers;</li> <li>– enable farmers and landowners to offset sequestration against their on-farm emissions;</li> <li>– liberalise genetic engineering laws</li> </ul> </li> <li>• The Resource Management (Freshwater and Other Matters) Amendment Bill, among other things: a) removes the exclusion of non-intensively grazed beef cattle and deer from waterbodies, and b) repeals the regulations in the National Environmental Standards for Freshwater regarding intensive winter grazing.</li> <li>• The Climate Change Response (Emissions Trading Scheme Agricultural Obligations) Amendment Bill removes agricultural activities from the ETS.</li> <li>• Other policy changes and reviews include:               <ul style="list-style-type: none"> <li>– pausing the roll-out of freshwater farm plans until system improvements are finalised;</li> <li>– discontinuing the proposed expansion of on-farm support services by the Ministry for Primary Industries;</li> <li>– changes to the National Policy Statement – Commercial Forestry regarding slash management standards, especially on low-risk land, with reduced discretion for councils to introduce more stringent or more lenient rules within their districts/regions;</li> <li>– tougher penalties for non-compliance with forest harvesting conditions;</li> <li>– more pragmatic rules for on-farm water storage</li> <li>– reforming rules on biotech</li> <li>– undertaking an independent review of the forestry ETS registry cost recovery scheme</li> <li>– undertaking a regulatory sector review of the approval process for new agricultural and horticultural products</li> </ul> </li> </ul>	<p>Most of the announced and proposed policy changes affecting land use will reduce the stringency of the regulations which farmers are required to meet, resulting in worse environmental outcomes than would otherwise have been the case. This includes a greater risk of biodiversity losses</p>

Policy area	Main changes	Main concerns
<p>12 Marine, aquaculture and fishing</p>	<ul style="list-style-type: none"> <li>• Notable policy changes include: <ul style="list-style-type: none"> <li>– disbanding the Oceans Secretariat (established in 2021, with three departments involved);</li> <li>– withdrawal of the Kermadec Ocean Sanctuary Bill, which would have created a 620,000km<sup>2</sup> reserve.</li> <li>– A legislative change under the Resource Management (Extended Duration of Coastal Permits for Marine Farms) Amendment Bill extends for 20 years the duration of all coastal permits currently issued by the RMA authorising aquaculture activities. This affects hundreds of marine farms with consents that were due to expire over the next few years, and thus needed renewal.</li> <li>– The Hauraki Gulf/Tikapa Moana Marine Protection Bill provides for new reserves and seafloor protection areas and acknowledged customary rights within seafloor protection areas and high protection areas.</li> </ul> </li> </ul>	<p>Most of the announced and proposed policy changes will reduce environmental protection; the Hauraki Gulf/Tikapa Moana Marine Protection Bill is an exception.</p>
<p>13 Waste minimization and the circular economy</p>	<ul style="list-style-type: none"> <li>• The Plastics Innovation Fund has been disestablished and the third tranche of plastics phase-outs delayed.</li> <li>• Budget 2024 signalled that the waste disposal levy will increase by \$5 per tonne a year for three years, amounting to a \$15 per tonne increase by 2027, but with reduced resourcing for waste minimisation policy and non-levy funded operational work programmes and the termination of the Circular Economy and Bioeconomy Strategy.</li> <li>• The Waste Minimisation (Waste Disposal Levy) Amendment Act broadens the range of activities for which the central government can use its share of levy funding to include: <ul style="list-style-type: none"> <li>– activities that reduce environmental harm or increase environmental benefits (e.g., restoring freshwater catchments);</li> <li>– remediating contaminated sites;</li> <li>– waste-related emergency spending;</li> <li>– funding to enable the Ministry for the Environment to undertake its functions and duties, and exercise its powers, in relation to waste management and minimisation and hazardous substances.</li> </ul> </li> </ul> <p>No changes have been made to how local authorities can use their share of levy funding.</p>	<p>Overall, the policy changes reverse policies implemented on the advice from various expert bodies. The amendment to the Waste Minimisation Act removes the strict hypothecation of the national waste disposal levy, which previously could only be spent on waste-related projects. Henceforth, levy funds can be spent not only on core waste policy development work but also on environmental projects unrelated to waste: the cleaning up of contaminated sites that can include former landfills, but also sites that are contaminated for any other reason, e.g., industrial or extractive activities. The changes will reduce funding for critical upgrades and innovation to waste and resource recovery infrastructure.</p>
<p>14 Conservation and biodiversity</p>	<ul style="list-style-type: none"> <li>• Jobs for Nature funding concluded in June 2024 unless an extension was provided to utilise existing funds over a longer time period.</li> </ul>	<p>New Zealand faces a biodiversity crisis, with the ongoing degradation and loss of vital</p>

Policy area	Main changes	Main concerns
	<ul style="list-style-type: none"> <li>• Total appropriations for the Department of Conservation are expected to fall from \$917 million in 2023–24 to \$705 million in 2027–28, with around \$120 million of this reduction due to the discontinuation of Jobs for Nature.</li> <li>• Key funding reductions in Budget 2024 included cuts to the Kermadec Ocean Sanctuary programme, the contaminated sites programme, regulatory services and strategic partnerships.</li> <li>• Note that a large proportion of the Department of Conservation's funding is for managing the country's natural heritage and biodiversity, including maintaining, restoring and protecting ecosystems, habitats and species across public conservation lands and waters (over 30% of the nation's area). As it happens, the reduction in the budget for addressing contaminated sites on public land was followed by (but not the cause of) the Ohinemuri River turning orange in August 2024 due to earlier mining operations in the catchment.</li> <li>• The first-principles review of the Wildlife Act 1953 has been scaled back and biodiversity issues deprioritised.</li> </ul>	<p>habitats and many native species threatened by mammalian introduced predators. A high proportion of reptile, amphibian, bird, bat and freshwater fish species are either facing extinction or at risk of being threatened with extinction.</p> <p>Prior to the expenditure cuts in 2024, the Department of Conservation was struggling to fulfil its legislative mandate to protect the country's biodiversity. The reduced expenditure will likely increase the risk of further species extinctions.</p>
<p><b>15 Environmental research, evidence, and information</b></p>	<ul style="list-style-type: none"> <li>• Major reductions in operational and capital funding (e.g. exceeding \$250 million annually) for research and development over the medium-term, much of it related to environmental research. Examples include: <ul style="list-style-type: none"> <li>- Discontinuation of the National Science Challenges with no replacement funding</li> <li>- 3D Coastal Mapping scaled back from 85% to 40% of the country's coastline</li> <li>- Funding for Accelerating Development of Agriculture Greenhouse Gas Emissions Mitigation programme reduced by 10%</li> <li>- Reduced funding for the Native Afforestation Programme of research</li> <li>- Separate funding terminated for developing Mātauranga Māori-based approaches to Accelerating Development of Agriculture Greenhouse Gas Emissions Mitigation Programme</li> </ul> </li> </ul>	<p>The largescale, medium-term reduction in public expenditure on research and development will result in a significant loss of research capacity and capability, probably with enduring impacts on the quality and availability of important environmental data and analysis</p>
<p><b>16 Other issues</b></p>	<ul style="list-style-type: none"> <li>• The Smokefree Environments and Regulated Products Amendment Bill, among other things: <ul style="list-style-type: none"> <li>- removes requirements for retailers of smoked tobacco products to apply to, and be approved by, the Director-General of Health before selling smoked tobacco products</li> <li>- removes the limit on the number of retailers that can sell</li> </ul> </li> </ul>	<p>The repeal of the previous landmark smokefree legislation will almost certainly result in a higher rate of consumption of tobacco products than otherwise and thus impair human health</p>

Policy area	Main changes	Main concerns
	<p>smoked tobacco products in New Zealand</p> <ul style="list-style-type: none"> <li>- removes the requirement for smoked tobacco products to meet a low nicotine content limit of 0.8 mg/g</li> <li>- retains a minimum sales age of 18 years for smoked tobacco products rather than providing for a smokefree generation under which sales to anyone born on or after 1 January 2009 would have been prohibited</li> <li>- removes provisions relating to te Tiriti o Waitangi associated with the matters above.</li> </ul>	and increase health care costs
17 Public expenditure on conservation, environmental protection, and related matters	<ul style="list-style-type: none"> <li>• Substantial expenditure reductions were announced in Budget 2024 affecting the Department of Conservation, the Ministry for the Environment, the Ministry for Primary Industries, Te Puni Kōriiri, the Environmental Protection Authority, the Energy Efficiency and Conservation Authority, the Climate Change Commission, and the Climate Change Chief Executives Board.<sup>7</sup></li> </ul>	The key central government departments and agencies responsible for environmental matters will have reduced capacity and capability over the coming years

Sources: This table draws on a wide range of government and on-government sources.



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