



New Zealand Psychological Society Submission to the Environment Select Committee - on the Fast Track Approvals Bill

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Please note: The Society requests to represent this submission in person at hearings

Introduction

The Psychological Society

We make this submission on the Fast Track Approvals Bill (the Bill) as psychologists whose professional lives are centred on the well-being of people. We represent the New Zealand Psychological Society (NZPsS), the professional and scientific association for the country's psychologists. We are fortunate to have many members who have worked at the interface of people and their environment and many more, who, understanding the nature of the changes we are to navigate, are keen to be involved in the work of a just transition¹. In the last six years, the Society has taken steps to ensure that understanding and working with the causes and effects of climate change is a core element and responsibility of our work.

¹See our Position Statement on Environmental Wellbeing and Responsibility to Society.
<https://www.psychology.org.nz/about/what-we-do/advocacy/position-statements>

As the country faces the ongoing challenges of a turbulent climate, we as a professional body, have been very conscious of our responsibilities to the health and wellbeing of current and future generations. That has motivated us to join with other organisations in New Zealand, the Pacific, and worldwide to address the challenge of fulfilling psychology's role in enabling people to actively participate in decisions that affect their quality of life and the wellbeing of their communities. Competition for resources and wealth contributes little to the 'common good' as it benefits only a privileged few in our society. We believe the proposed legislation will have a direct and negative impact on the wellbeing of our people, our communities and our environment. Our engagement in this issue is not from a political perspective but out of concern for the way the legislation has been introduced, what it represents and how it will be implemented.

The Society's Strategic Plan² guides our response to the Bill, as does the Code of Ethics for psychologists practising in Aotearoa New Zealand³. The Strategic Plan includes the following goals: "advocacy for social and environmental wellbeing and justice" and "(Taking) a Tiriti-informed approach to respond to the need for urgent action on Climate and Social Issues and their impacts" while Principle 4 of the Code of Ethics, *Social Justice and Responsibility to Society* includes "addressing and challenging unjust societal norms and behaviours that disempower people at all levels of interaction"

The Bill

If enacted, this legislation will directly impinge on psychologists and those with whom they work across a broad range of practice settings: social psychology, Kaupapa Māori psychology, environmental psychology, climate psychology and health psychology. We represent these psychologists in addressing the following serious concerns about the Bill:

The very nature of the proposed law is itself an affront to the rights of people in that it sets out to circumvent appropriate constitutional and legal planning processes established in law and practice, and it creates a set of contradictory and non-transparent processes purely to favour "development-minded" Ministers (excluding those who represent other considerations in planning decisions - i.e. Environment, Conservation, Māori). The projects approved under the Bill (as presumed in the title) will compromise the rights of people and those representing the natural environment due to the secrecy of the decision-making process and the effects (largely unknown by the non-expert decision-makers) on the well-being of people, their communities, and the environment.

² Strategic Plan of the New Zealand Psychological Society [NZPsS Strategic Plan 2022-2027](#)

³ Code of Ethics for Psychologists Working in Aotearoa/New Zealand

From our assessment of the Bill, it is apparent that there is no need for such a law. The previous (existing) fast-track provisions offer a more than adequate process with relatively good safeguards and have proven capable of faster decisions than the Bill proposes, while still allowing for relevant public input into decision-making. It would appear that this proposed legislation has been devised particularly to circumvent environmental safeguards and public consultation, with numerous laws overridden, allowing projects to avoid appropriate scrutiny, rather than to provide a faster process.

In summary, we believe that this Fast Track Approvals Bill should be rejected.

Executive Power:

The proposed legislation represents a major departure from the understood role of government, and would empower ministers to assume the role of legislators and planning decision makers, in place of the courts, with the authority to approve proposed development and infrastructure projects already rejected by the courts despite those decisions having been made on very sound grounds. Ministers are not the right people to make the decisions:

- There is no need for the ministers to be the final decision makers. In fact that is highly undemocratic in that the process denies public and affected party input.
- The role of government is to set the legal parameters for others to make those decisions based on evidence presented for and against a proposed project.
- The trust placed in ministers to make these decisions is misplaced and threatens the trust of the public in its government, particularly when the ministers have conflicts of interest with their own portfolios and the sources of donations their party includes likely applicants.
- Judges making decisions on matters on which they have a personal interest or stand again are required to recuse themselves. It is likely that none of the responsible ministers can claim to have no conflict of interest with proposed projects and all those making applications.
- It is doubted that the public can have confidence in the ministers having the requisite expertise across environmental, economic and legal aspects of planning to make the appropriate decisions.

We find the delegation of final approval of potentially complex development and infrastructure projects to three ministers unacceptable.

The Panel of Experts:

A panel of politically appointed “experts” will substitute for proper scientific, cultural and legal scrutiny of the proposals, assessing the applications and making recommendations to the ministers, who can accept, amend or reject those suggestions and conditions, but the panel has

limited power to oppose the proposals. Conditions or “decline” recommendations can be ignored by the ministers. All rights to engagement by those affected and those with a special interest in any particular project are removed. We find this unacceptable.

The Projects:

While we are yet to learn what the current proposals are to be considered for fast-tracking, we can assume from the signalled priorities that mining, dams and roading projects are likely to be in the initial list. Those to be added are likely to be ones that proponents would prefer not to be subjected to detailed expert scrutiny and objections from affected communities. The projects have not been included in the bill, despite a promise to do so within the government’s 100 day plan. Schedule 2 that purports to list these has been deliberately left empty until after Parliament’s Environment Select Committee has reported back. This is not the action of a responsible government, expecting people to make submissions on a bill without understanding why it is being advanced. This fast-tracking of the Fast Track Bill in itself seems an insult to the consultation process.

Further, we understand that some of the projects to be included will have been repeatedly rejected by legal processes because of unresolved human and environmental impacts (e.g. Taranaki seabed mining), and others have been proceeding to consents hearings where local people and NGOs planned to present cases against them and voice their objections (e.g. Oceana Gold’s mining in Coromandel Forest Park, between Whangamata and Waihi). The range of proposals listed for fast-track approval is expected to be extensive with their implementation affecting rural and urban communities, tangata whenua, our conservation estate, seabed and ocean sanctuaries and other natural habitats. What they all have in common is that every one of them would, under current law, be subject to clearly defined legal and public consultation processes to evaluate their impacts on the wellbeing of people, their communities and their environment, and the mitigation of those effects.

The laws that would be overridden by the Bill are all essential pieces of a legislative framework that, with precedents and interpretations, represent a comprehensive and powerful legal framework relating to environmental, social, cultural and economic decision-making and the management of conflicts between these features. They include decades of accumulated experience in the exercise of precautionary and protective measures to prevent, minimise and mitigate damage. We are astonished by the intentions of those sponsoring the Bill that drive their desire to dispense with whatever protections might apply to projects that have political favour. The law will also override the authority of councils and established statutory authorities and restrict their ability to make reasoned decisions on the approved projects, while binding them to enforce the approvals and fund any consequential effects or processes as if they had issued the consents themselves.

Public Health

In a briefing paper on the implications of the Bill for public health, Prickett et al (2024) have observed that human health is intrinsically linked to environmental health and the effects of the Bill in circumventing public consultation processes and current environmental protections include increased greenhouse gas emissions and deterioration of human and natural environments.

The potential impacts of the FTA on Psychological Wellbeing

The wide-ranging powers given to the three ministers allow for decisions to be made that will have significant effects on people's lives, while providing no recourse to legal objections or challenges. This is contrary to the principles of justice that provide for people's engagement in matters that affect them and scrutiny of plans by experts, stakeholders and the public. This is a recipe for damaging psychological effects to occur in affected communities both immediate and in the longer term. We know, for instance, that industrial resource developments that have physical impacts on Indigenous lands and territories, change access to land-based activities, or result in community displacement may serve as a unique pathway for mental health risks and outcomes in Indigenous communities (Burns, N., Linton, J., Pollock, N.J. et al. 2022). In a systematic review of research across a number of countries (including Aotearoa New Zealand), researchers have reported that "overall, studies showed that Indigenous Peoples experienced negative mental health impacts after land dispossession due to the development of industrial resource extraction projects on Indigenous lands, regardless of how geographically close they were to the industrial site." (Morton Ninomiya, 2023).

Denial of public access to and input on decisions that affect them or their interests (for example a holiday or fishing or recreational areas) creates disaffection and alienation from the process that can lead to a sense of powerlessness and helplessness in the face of governmental imposing its power imposed upon them. All of the coalition partners have complained about being criticised for such decision-making in much more benign and low-impact situations for the public good. To now take that a number of steps further is disingenuous and cynical. Helplessness is a well researched topic in psychology, being seen as a major factor in people's loss of a sense of control, increased uncertainty and lower self efficacy. These are powerful features that impact on mental health and the deliberate imposition of these is reckless. Preventing meaningful engagement in planning decisions has the effect of suppressing well-being and producing depression, anxiety and anger and those affected, their families, their communities, and their affected businesses.

Once approved, such projects and the ongoing effects do not simply go away so the effect of such decision-making is prolonged, possibly permanent. Destruction of people's social and natural environments is a major cause of distress with negative effects on mental health and

well-being. The avoidance of important social, environmental and cultural considerations and the absence of appropriate and necessary conditions on the projects will likely result in public reaction and unrest. The government needs to take heed of the unpredictability of people's individual and collective reactions when their communities are affected by unfair decisions. The warning is well-founded and research (e.g. Poulos & Haddad, 2016) would indicate that the targets of disruptive activity (and potentially violence by or directed at protesters) could be the projects, the workers, beneficiary shareholders, supporting businesses, and the decision-makers themselves. This is not a pathway responsible social commentators would recommend to the government. Electorate MPs, particularly in those areas directly affected by projects, might well expect action within their electorates where people's homes and favourite recreation areas are affected.

Recommendations

The Fast Track Approvals bill should be emphatically rejected by the Select Committee and the government should abandon the notion of something which will undoubtedly cause individual and community distress, social unrest, disruption and, potentially, conflict. No government should deliberately set out to create divisiveness and create conflict. There are already indications that use of the proposed law could produce projects that fail to comply with New Zealand's international agreements (other submitters will provide detailed expert comment on that), meaning that the approvals given are easily nullified. Giving false hope to the applicants also seems unfair and it is certainly unfair to the people who will be affected by proposals if they are subjected to more uncertainty and distress when half-implemented projects have to be abandoned.

The government has the ability to use the existing Fast Track laws where appropriate for that purpose, and require that projects submitted to that and other decision-making processes are subjected to adequate expert involvement in design and assessment of the projects. We would recommend that the government focus on existing processes that provide fair access to the public, are open and transparent, involve appropriate expertise and genuinely aimed at ensuring wellbeing for people, community and the natural environment.

References

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New Zealand Psychological Society Strategic Plan- [NZPsS Strategic Plan 2022-2027](#)

Prickett, M., Reuvecamp, I., Hales, S., and Baker, M. (2024). [Fast-track Bill puts NZ on wrong track, threatening public health](#). 'The Briefing', Public Health Communication Centre. April, 2024. <https://www.phcc.org.nz/briefing/fast-track-bill-puts-nz-wrong-track-threatening-public-health>