



Archdiocese of Wellington

PO Box 1937, Wellington 6140, New Zealand

Submission of The Ecology Justice and Peace Commission Social Equity Committee of the Catholic Archdiocese of Wellington on the

Summary Offences (Move-on Orders) Amendment Bill

“Our faith in Christ, who became poor, and was always close to the poor and the outcast, is the basis of our concern for the integral development of society’s most neglected members” Pope Francis.

Introduction

The Wellington Catholic Archdiocese Commission for Ecology, Justice and Peace is established to contribute to and participate in work for justice and peace inspired and informed by Catholic Social Teaching.

The Commission’s key responsibilities are:

- Supporting the communities of the Archdiocese and wider community to hear and actively respond to the cry of the earth and the cry of the poor;
- Scrutinising all issues and institutions in society and in the Archdiocese in the light of Catholic social teaching

These Catholic social teaching principles are broadly shared by many others, regardless of religious background.

The EJP Commission opposes the Amendment Bill which addresses a symptom of poverty and homelessness and potentially criminalises behaviour “of society’s most neglected members” without addressing their needs.

We ask the Select Committee to recommend that the Bill be dropped from the legislative schedule in its entirety for the following reasons:

1. The Bill ignores the inherent God given dignity of vulnerable people and overrides their basic right to exist in a certain vicinity of an area open to all but not to them because they are poor and are seeking or in need of help.
2. Poverty is criminalised indirectly by the issue of a Move on Order - to where? Out of sight does not remove the problem of homelessness.
3. Compassion for their situation is absent- there is no support provided in the legislation to deal with addiction, health issues including mental health.

4. The Bill provides a disproportionate punishment for survival behaviour that is below the criminal threshold or for low level criminal behaviour that is related to public disorder - up to \$500 for failing or refusing to remain at the place where the person is detained and a maximum penalty of three months imprisonment or a fine not exceeding \$2000. A vulnerable person has no means of paying any monetary penalty and imprisonment is completely disproportionate to the alleged offence. This would be a bad law!
5. The Regulatory Impact Statement (RIS) attached to the Bill examines in detail the options for strengthening responses to public disorder having consulted relevant departments. It concludes that, having considered the benefits, costs and risks of various options that adherence to the status quo is the most appropriate response to disorderly behaviour in public places. In other words, the RIS asserts that the Police currently have all the necessary powers at their disposal to deal with disorderly behaviour. The Bill is not necessary to address disorderly behaviour and begging in public places. Moreover, it is noted in paragraph 57 that "*Studies have found that there is no empirical evidence that move-on orders in Australia and the United Kingdom have resulted in reductions in crime rates*".
6. Disturbingly the RIS notes that the impact of the Bill would disproportionately affect Maori who make up 46 percent of people proceeded against by Police for public disorder, health and safety related offences in the 2024.25 year, and make up 26.3 percent of people living without shelter (according to 2023 census date.(Paragraph 81(b))
7. Pacific Peoples are also at risk they are overrepresented in rates of housing deprivation and make up 8 percent of people proceeded against by police for public disorder, health and safety related offences in the 2024/25 year. (Paragraph 81 (c))
8. People as young as 14 could also be at risk by moving them into the justice system instead of their offending behaviour being addressed through Police alternative action. Also, people experiencing mental health distress episodes may be perceived as disorderly disruptive or intimidating.
9. Disabled people may also be disproportionately impacted as they are more likely to experience severe housing deprivation and inadequate incomes .

In brief, the Summary Offences (Move-on Orders) Amendment Bill is not fit for purpose, is discriminatory, and the benefits it seeks to achieve are illusory. The harm it may do vulnerable young people, Maori, Pacifica people, mentally ill people and the disabled is out of all proportion the problems it seeks to address which can be more fairly and compassionately be addressed under the existing law. Ultimately the underlying issues of poverty and homelessness need to be addressed to resolve the behavioural issues concerning retailers in the centre of our cities.