

To: The Justice Committee

Submission on: Summary Offences (Move-on Orders) Amendment Bill

From: Balance Aotearoa

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1. About Balance Aotearoa

Balance Aotearoa is a peer-led, independent charity providing advocacy, education, and peer support for people experiencing mental health distress and addiction challenges across Aotearoa New Zealand. Founded in 1992, our core mission is to amplify the voices of those with lived experience of distress. We operate under an open-door, relationship-focused policy - requiring no clinical diagnosis or referral - to walk alongside tāngata whai ora. We actively monitor and engage with legislation to support and protect the rights, dignity, and interests of people navigating vulnerability and distress.

2. Our Position

Balance Aotearoa **strongly opposes** the Summary Offences (Move-on Orders) Amendment Bill.

Our organisation stands for the discovery of what matters to people through respectful, safe, and empowering relationships. This proposed bill does the exact opposite: it seeks to manage deeply complex human suffering, poverty, and mental distress through the punitive instruments of the criminal justice system.

3. Key Reasons for Our Opposition

A Misguided Response to a Health and Housing Issue

The issues this bill attempts to police - such as rough sleeping, begging, and public distress - are not criminal problems. They are fundamentally health and housing issues. The Government must recognise that a punitive, enforcement-led approach will never resolve systemic crises.

Instead of deploying police powers, the Government must invest in long-term, compassionate solutions:

- **Secure and Dignified Housing:** Providing stable, safe, and permanent housing options so people are not forced onto the streets.
- **Wraparound Health Support:** Delivering integrated care that addresses the holistic wellbeing of tāngata whai ora.

- **Dedicated Mental Health and Addiction Services:** Increasing resourcing for accessible, non-judgmental community mental health supports and addiction services that walk alongside people through their recovery.

The Destructive "Knock-on" Financial and Mental Health Cycle

Penalising people with a fine when they have absolutely no means to pay it is a fundamentally flawed policy. It creates a destructive trap that actively degrades mental wellbeing:

- **Compounding Financial Stress:** Issuing a fine of up to \$2,000 to an individual who is rough sleeping or begging merely serves to rapidly increase their unpayable debt.
- **Severe Mental Health Erosion:** Financial debt is an established catalyst for severe psychological distress, anxiety, and feelings of hopelessness.
- **The "Knock-on" Trap:** Unpayable court-ordered debt deepens systemic exclusion. It worsens existing mental distress, strips away a person's motivation to engage with society, and pushes individuals further away from recovery.

International Precedent: Disproportionate Harm to Vulnerable Groups

We urge the Committee to look closely at similar policies implemented internationally (particularly the UK and Australia).

International data consistently shows that these types of police powers are disproportionately weaponised against:

- **Indigenous Communities:** Generating deeply discriminatory outcomes and worsening systemic racial biases.
- **People Experiencing Homelessness:** Who are targeted purely for occupying public spaces due to a lack of private housing.
- **People Living with Mental Health Conditions:** Whose distress or atypical behaviours are misconstrued as "disorderly" or "intimidating," leading to unjust enforcement.

Introducing this law into Aotearoa New Zealand will inevitably replicate these harmful, discriminatory outcomes for Māori, Pacific people, disabled people, our homeless communities, and tāngata whai ora.

Severing and Disrupting Essential Support Networks

Recovery and wellbeing are built on trusted, stable connections. Our peer workers meet tāngata whai ora in both community and acute settings to build safety and trust. Forcing individuals to move out of public areas for up to 24 hours actively displaces them. This

isolation severs their daily contact with essential health, outreach, housing, and peer-support services. Pushing people into more isolated, dark, or unfamiliar environments increases their vulnerability to harm and will exacerbate their distress.

Creating Harmful Pathways into the Justice System for Youth

The bill allows move-on orders to be issued to people as young as 14 years old. For teenagers, being on the street is almost always a symptom of an unsafe home environment, state care exits, or severe family breakdown. Entrenching youth in a cycle of police orders, fines, and potential criminal records directly harms their long-term mental health and wellbeing, establishing a dangerous pipeline into the justice system rather than routing them toward compassionate care.

Violation of Basic Human Rights and Civil Liberties

As a peer-led entity, we believe every individual has an inherent right to dignity, respect, and freedom of movement. Public spaces belong to all members of our community, including those who are struggling. Restricting access to these spaces based on a person's socioeconomic or mental health status violates fundamental rights under the New Zealand Bill of Rights Act. True community safety is achieved through inclusive, supportive structures, not by sweeping vulnerable citizens out of sight.

4. Conclusion and Recommendations

The Summary Offences (Move-on Orders) Amendment Bill relies on a Victorian-era approach to social management that relies on enforcement rather than care. It will cause direct psychological, financial, and social harm to the very people who require our collective support.

Balance Aotearoa recommends that the Select Committee reject this Bill in its entirety.

Instead, resources should be directed toward strengthening the provision of peer support services, integrated housing solutions, and community-led health, mental health, and addiction services.

Ngā manaakitanga,

Alexia Black

National Chairperson

Balance Aotearoa