

Summary Offences (Move-on Orders) Amendment Bill

Government Bill

As reported from the Justice Committee

Commentary

Recommendation

The Justice Committee has examined the Summary Offences (Move-on Orders) Amendment Bill and recommends by majority that it be passed. We recommend all amendments unanimously, except for six, in clause 5, which are recommended by majority:

- section 8A(1)(e)
- section 8A(1B)
- section 8D(1)(b) and (c)
- section 8E(fa) and (ha)
- section 8F(1A).

Introduction

The bill as introduced would amend the Summary Offences Act 1981 to create a new police power to issue “move-on orders”. These orders would require people aged 14 years or older who engage in certain behaviour in a public place, including disorderly or disruptive behaviour, to leave the place and not return for a specified time of up to 24 hours. The bill is intended to respond to concerns about people congregating in city centres, especially around retail and hospitality premises, and engaging in disorderly or disruptive behaviour. Under the bill, a move-on order could be issued for:

- behaviour that is disorderly, disruptive, intimidating, or threatening
- unreasonably obstructing entry to a trade or business
- breaching the peace
- begging
- rough sleeping

- activities indicating an intent to inhabit a public place.

The bill would introduce additional police powers to temporarily detain a person for the time necessary to obtain biographical details, such as a person's name, and to issue and serve a move-on order.

The bill would also create two new offences. The first would be for failing or refusing to remain at the place where the person is detained, or failing or refusing to provide biographical details, or providing biographical details that a constable believes to be false. This offence would carry a maximum penalty of a \$500 fine. The second would be for knowingly or recklessly, and without reasonable excuse, failing or refusing to comply with a move-on order. The maximum penalty for this offence would be up to 3 months' imprisonment or a fine not exceeding \$2,000.

Summary of submissions

We received submissions on the bill from 7,618 submitters. Over 98 percent of submissions opposed the bill, while just under 1 percent supported it.

Submitters opposing the bill expressed moral opposition to the policy, and suggested the bill would have limited effectiveness and operational efficiency and a disproportionate offences and penalty regime, and would be inconsistent with human rights and legislative frameworks. Submitters supporting the bill told us that a perceived lack of safety in public places due to antisocial behaviour affected local businesses and disrupted people's day-to-day activities.

Legislative scrutiny

As part of our consideration of the bill, we have examined its consistency with principles of legislative quality. We wish to bring the House's attention to the following legislative design issues, which we discuss in more detail later in this commentary.

Clause 5 would insert into the Act new sections 8A to 8G, which relate to move-on orders. The Attorney-General identified two issues in this clause relating to the bill's consistency with the New Zealand Bill of Rights Act 1990. In addition, we identified an issue with proposed new section 8A(5)(b), which provides that a move-on order could not be issued to a person who is legally freedom camping. We discuss these issues among our proposed amendments.

Report of the Attorney-General under the New Zealand Bill of Rights Act

On 14 May 2026, the Attorney-General presented a report on the bill to the House under section 7 of the New Zealand Bill of Rights Act 1990 (NZBORA) and Standing Order 269(1).¹ These require the Attorney-General to bring to the House's attention

¹ Report of the Attorney-General under the New Zealand Bill of Rights Act 1990 on the Summary Offences (Move-on Orders) Amendment Bill.

any provision that appears to be inconsistent with any of the rights and freedoms contained in NZBORA. Section 5 of NZBORA provides that rights and freedoms contained in the Act may be subject to reasonable limits that are prescribed by law and demonstrably justified in a free and democratic society.

Right to freedom of expression

Section 14 of NZBORA affirms the right to freedom of expression. This includes the freedom to seek, receive, and impart information and opinions of any kind and in any form.

Proposed new Section 8A of the Summary Offences Act, to be inserted by clause 5 of the bill, specifies the grounds on which a constable would be able to issue a move-on order. This includes begging, both actively and passively.

In his report, the Attorney-General concludes that the bill's automatic inclusion of begging as a ground for issuing a move-on order appears to be inconsistent with the right to freedom of expression. This is because the threat of a move-on order may prevent someone from expressing their plight to others while seeking assistance in a public place.

The Attorney-General considers that the limit on freedom of expression is more than is reasonably necessary to achieve the bill's purpose. He states that the application of move-on orders to begging, as defined, is too wide, and that other measures could achieve the bill's purpose without infringing on the right to freedom of expression.

The Attorney-General suggested narrowing the application of move-on orders in relation to begging to specific behaviour that is aggressive or that interferes with the freedom of others. The bill could also specify the factors a constable must consider before issuing a move-on order to a person who is begging. He concludes that, because there are ways that the provision could be drafted to achieve its purposes without impairing the right to freedom of expression more than reasonably necessary, it cannot be justified under section 5 of NZBORA.

Right to freedom of movement

Section 18(1) of NZBORA provides that "everyone lawfully in New Zealand has the right to freedom of movement". The Attorney-General identified that the proposed effect of a move-on order on the grounds of begging and rough sleeping appears to be inconsistent with the right to freedom of movement. This is because the effect of the order would prevent a person from staying in, or returning to, a specified area for any purpose for up to 24 hours. In his view, the effect is broader than it needs to be to fulfil the bill's purposes.

The Attorney-General considers that there are ways to achieve the bill's aims without limiting this right. He suggested that this inconsistency could be resolved by requiring only that a person not return to the place for the purpose of resuming the behaviour that gave rise to the order in the first place. He concluded that the bill would impair the right to freedom of movement more than reasonably necessary and cannot be justified under section 5 of NZBORA.

Proposed amendments

This commentary covers the main amendments we recommend to the bill as introduced. We do not discuss minor or technical amendments.

Definition of begging

Clause 4 of the bill would amend section 2 (interpretation) by inserting definitions for “begging”, “freedom camping”, and “move-on order”. The definition of “begging” would mean requesting or demanding money, food, or other goods through speech or other conduct. It would also state that charitable or not-for-profit fundraising lawfully carried out by or on behalf of an organisation would not be included in the definition of begging.

Some submitters told us that there is some ambiguity as to what behaviours constitute begging. They particularly highlighted busking, street performance, and lawful fundraising. We are aware that move-on orders are not intended to apply to busking or street performances, and agree with submitters that the bill is not sufficiently clear regarding these activities.

We consider that the bill as introduced could also unintentionally capture a person who is fundraising for a political party or candidate. We note that the bill is not intended to apply to authorised fundraising by or on behalf of an organisation, including authorised fundraising for a political campaign.

We therefore recommend amending the definition of “begging” to specify that, in addition to charitable or not-for-profit fundraising, authorised busking and street performing, and fundraising for political parties or candidates, would not be considered “begging” in relation to imposing a move-on order.

Grounds for issuing a move-on order

Proposed new section 8A(1) specifies the grounds on which a move-on order could be issued. The Attorney-General’s report concluded that issuing an order on the grounds of “begging” would unjustifiably limit freedom of expression. We discussed how “begging” could be narrowed to mitigate its inconsistency with NZBORA. We consider that there is a difference between “begging” and “unreasonable begging”. We think that merely begging should not be considered a ground for issuing a move-on order. We recommend replacing section 8A(1)(e) to narrow the ground to unreasonable begging.

The Attorney-General’s report suggested that a constable should consider all relevant circumstances before determining whether begging is unreasonable. This would have the effect of mitigating the NZBORA inconsistency. We agree with the Attorney-General’s suggestion and recommend inserting new section 8A(1B). In determining whether begging is unreasonable, a constable must consider the time and location of the begging, the duration of the begging, and the effect of the begging on the enjoyment of public spaces by other people. Our proposed changes would also entail consequential amendments in sections 8D and 8E.

Who a move-on order may be issued to

The Oranga Tamariki Act 1989 defines a young person as 14–17 years of age, while a child is aged under 14 years. Under section 48 of the Oranga Tamariki Act, the Police are responsible for responding to a situation where a child or young person is unaccompanied and their physical or mental health is being, or is likely to be, impaired. In these situations, a constable may return the child or young person to their parent or guardian or place them in the custody of Oranga Tamariki.

In the bill, proposed new section 8A(3) specifies that a constable may issue a move-on order to a person who is aged 14 years or older. New section 8G states that nothing in the bill would limit or affect the provisions of the Oranga Tamariki Act. This means that the Police's existing obligations under that Act when interacting with a person aged 14–17 continue to apply.

During our consideration, we discussed the interaction between the provisions of the bill and the application of the Oranga Tamariki Act. We were advised that if a constable responds to a young person who is engaging in conduct under new section 8A, the constable will primarily consider the young person's wellbeing, as specified by the Oranga Tamariki Act. Therefore, we consider that section 8A(3) as introduced is unnecessary. We recommend replacing this provision and specifying that a move-on order would only apply to a person who is aged 18 years or older. As a consequential amendment, we also recommend removing section 8G, which would no longer be needed.

Move-on orders for freedom campers

New section 8A(5)(b) states that a move-on order would not be issued to a person who is freedom camping in a public place in accordance with the Freedom Camping Act 2011. We are aware that this provision is intended to ensure that people who are legally freedom camping do not become subject to move-on orders for rough sleeping.

During our consideration of the bill, we identified a legislative design issue. Because of the bill's drafting as introduced, a person who is behaving in a disorderly, disruptive, or threatening manner or breaching the peace while legally freedom camping would be exempt from being issued with a move-on order. We consider that this should not be the case. We therefore recommend inserting section 8A(1A) to specify that freedom camping in accordance with the Freedom Camping Act would not be considered as a ground for issuing a move-on order on the basis of rough sleeping. This amendment would mean that a constable could issue a move-on order for any of the grounds listed in section 8A(1)(a) to (e), even if the person subject to the order is legally freedom camping.

Power to detain while serving a move-on order

New section 8C would give a constable the power to temporarily detain a person to obtain biographical details, such as the person's name, while issuing and serving a move-on order. Under new section 8C(3)(b), a person would commit an offence if a

constable reasonably believes that they have provided false biographical details. We consider that a person should only be liable for a criminal offence where the information provided is actually false or misleading, rather than based on a constable's reasonable belief that it is false. We recommend replacing proposed section 8C(3) accordingly.

Breach of a move-on order

Under the bill as introduced, the effect of a move-on order issued on the grounds of begging or rough sleeping would be to prevent a person from returning to the area for any purpose. The Attorney-General's report concluded that the effect of a move-on order on these grounds would unjustifiably limit the right to freedom of movement. During our consideration, we discussed lawful reasons why a person might need to return to the area they had been moved on from. For example, a person might need to visit a medical facility or visit a shop to buy food.

New section 8F would create a new offence of knowingly or recklessly, and without reasonable excuse, failing or refusing to comply with a move-on order without undue delay. We consider that this provision should be amended to mitigate the unjustified limitation on freedom of movement. We recommend inserting section 8F(1A) so a person issued with a move-on order for unreasonable begging or rough sleeping would not be committing an offence if they returned to the same area while the move-on order is in force, for any purpose other than conduct described in section 8A(1). We consider that this balances the right to freedom of movement and preventing the reoccurrence of antisocial behaviour. In line with our proposed change, we also recommend a consequential amendment to section 8E.

Penalty for breaching a move-on order

Proposed new section 8F(2) specifies the penalty for breaching a move-on order: a term of imprisonment not exceeding 3 months or a fine not exceeding \$2,000. Many submitters expressed concern about the proportionality of the penalty. They questioned how a person who is in extreme poverty, experiencing homelessness, and is begging, could pay a court-issued fine of up to \$2,000. Submitters told us that a prison term is also a disproportionate response for refusing to leave a public place and does not reflect the level of harm that the offending causes.

We consider that any new penalty for a criminal offence should be an appropriate response to the conduct, proportionate to the level of harm caused, and be consistent with a particular statutory regime. Under the Act, the penalty for possession of knives (section 13A) and indecent exposure (section 27) is a term of up to 3 months' imprisonment or a fine not exceeding \$2,000. We consider that the offences of possession of knives and indecent exposure are more serious than breaching a move-on order.

We agree with submitters that the penalty for breaching a move-on order is disproportionate to the level of harm caused. Therefore, we recommend replacing section 8F(2) to specify that the penalty for breaching a move-on order would be a term of

3 months' imprisonment or a fine not exceeding \$1,000. This would be comparable to the penalty for the offence of obstructing a public way.

Statutory reporting and review requirements

Some submitters suggested that the bill include a statutory reporting requirement for the Police to record the grounds for each order issued under section 8A. We note that the Police have a statutory requirement to report on a range of other areas in their annual report. Current reporting requirements cover the use of surveillance device warrants, warrantless search powers, gang conflict warrants, declaratory orders, bodily samples, and victims' rights.

We agree with submitters that a reporting requirement would provide useful information about how move-on orders are applied, their effect on the people who receive them, and whether their use meets the original policy objective. We also consider that a reporting requirement would increase transparency of the move-on orders regime.

We recommend amending the bill by inserting section 8H to require the Commissioner of Police to include in annual reports information relating to move-on orders, such as the number of occasions on which a move-on order was issued.

Submitters also suggested a statutory review after the bill's implementation to assess its effectiveness. We note that government agencies regularly monitor and review legislation and propose legislative reform to the relevant Minister if necessary. This is part of an agency's regulatory stewardship role, as required by the Public Service Act 2020. We agree with submitters that a statutory review would measure whether the bill's provisions are working as intended. We recommend inserting section 8I to provide that the Minister would be required, as soon as practicable after the third anniversary of the bill's commencement, to review the operation of its provisions.

Green Party of Aotearoa New Zealand differing view

The Greens oppose this bill which, in the clearest and simplest terms, criminalises homelessness. A criminal justice response to those experiencing severe hardship and homelessness is inhumane and completely ineffective.

Homelessness in New Zealand is the worst in recorded history, according to Community Housing Aotearoa, the peak body for community housing providers. Factors contributing to rising homelessness include political decisions this term to decrease access to emergency accommodation and to pause and cancel the construction of desperately needed public housing.

Recent research commissioned by the Wellington City Council showed that people who are rough sleeping are more likely to choose well-lit public places to sleep as they feel relatively safer or will choose to sleep in daylight. Homeless whānau are visible because they seek to deter harm and remain close to support services.

Introducing move-on powers will only shift people into less accessible and visible areas such as parks, reserves, industrial areas, and other isolated spaces where the

likelihood of violence, exploitation, and assault increases. This bill actively trades the discomfort of passers-by for the safety of vulnerable communities.

There is no policy justification for this bill

Evidence shows that experiences and cycles of homelessness can be broken or reduced through access to transitional and public housing, the Housing First programme, basic healthcare, and trauma-informed mental health and addiction services. There is no evidence that a criminal response to homelessness leads to positive outcomes for people experiencing it.

The Government argues that the bill responds to concerns about people congregating in city centres and engaging in disorderly or disruptive behaviour. Police data shows there has been a decrease in prosecutions and Police proceedings for public order, health, and safety offences over the past five years, proving that commentary categorising our city centres as overridden with crime has been vastly mischaracterised. The reduction of public disorder over time shows that move-on orders are not necessary to continue this trend.

The facts may not always match public sentiment; however, public sentiment seems to be against this bill as well, with more than 98 percent of submissions opposing the bill.

International evidence

Proposals of a similar nature have been tried internationally and failed. In a 2010 review of move-on powers operating in Australia by the Crime and Misconduct Commission Queensland, it was found they were applied in a discriminatory manner with a disproportionate application against persons who are homeless, indigenous, young, or mentally ill.

In a Queensland Supreme Court decision, it was found that a council breached human rights when it evicted people experiencing homelessness from public land without offering alternative accommodation or giving them enough time to find shelter.

Further abroad, an American report, *Pervasive Penalty: How the Criminalization of Poverty Perpetuates Homelessness*, has found that these powers “fail to reduce urban disorder, but create instead a spatial churn in which homeless people circulate between neighbourhoods and police jurisdictions rather than leaving public space”.

This year, the British Government repealed the Vagrancy Act 1824, which was criticised for punishing people for being homeless, pushing vulnerable people away from support, increasing the risks of fines and criminal records, and making it harder for people to rebuild their lives.

International jurisdictions are shifting towards a humane approach which addresses the causes, and not the symptoms, of homelessness, whilst this bill pushes New Zealand in the opposite direction, opting to criminalise homelessness.

Human rights

Any bill that is accompanied by an Attorney-General section 7 report that raises flags about inconsistencies with the New Zealand Bill of Rights Act 1990 (NZBORA) should warrant significant scrutiny and attempts to amend inconsistencies. The rights in question include freedom of expression, freedom of movement, and protection from arbitrary detention under the NZBORA.

A report from the Attorney-General has confirmed that aspects of the bill are in breach of the NZBORA and cannot be justified in a free and democratic society. The Attorney-General strongly states:

“I consider the effect of the bill, in this respect, is over-broad—that is, it impairs rights more than reasonably necessary—by creating an unacceptable risk of a move-on order that is an unjustified limit on the right to freedom of movement.”

Typically, a report of this kind would be enough to remove the bill from the order paper, but this current government has shown they do not value nor desire the advice of official’s or experts.

Substantive commentary has recognised the proposed new powers extend beyond what is reasonably necessary to achieve the objective of maintaining public order. We agree with the Attorney-General that this increase of police powers is not demonstrably justified in a free and democratic society as the Police have existing powers to address the objectives set out for in this bill. The proposed limitations are non-proportionate as they allow intervention in circumstances where there may be no offending, no harm, and no serious disruption to public order.

The only new addition to the law is to encapsulate begging and rough sleeping within the grasp of the criminal justice system. This allows the Police to enact these powers in response to the mere presence of homelessness rather than in response to an actual crime being committed.

All other grounds for issuing a move-on order are already addressed by other forms of legislation. Under the Summary Offences Act, at least 13 sections refer to powers that the Police can use to address public disruption—including a fine of up to \$2,000 or a prison term of up to three months applying to disorderly behaviour charged under section 3, intimidation charged under section 21, or obstructing a public way charged under section 22. The Trespass Act 1980, under sections 3–5, 9, and 11, also set out powers for the Police to move people on when public disturbance or danger occurs, including the ability to give fines and terms of imprisonment. The Misuse of Drugs Act 1975, the Crimes Act 1961, and local bylaws also include provisions which grant the Police and councils powers which achieve the objectives set out in this bill.

The cost of this bill

As set out in the Ministry of Justice’s Regulatory Impact Statement (RIS), officials concluded that the costs of the move-on orders would likely outweigh the benefits, and recommended maintaining the status quo rather than implementing the changes proposed by this bill.

Oranga Tamariki has publicly opposed the application of the proposed power to children, Treasury has raised fiscal concerns, Corrections is worried about the impact on prisons, and the Police believe there is no need for new powers, with existing offences and tools in place to deal with genuine threats to public order.

According to Corrections' 2024–2025 annual report, it costs \$552 to incarcerate somebody in prison per day. That means it is around \$50,000 to imprison a person for the maximum term of imprisonment who is in breach of a move-on order. We agree with the many frontline organisations who made submissions saying that it is far cheaper, and more effective, to provide housing and wraparound care to people than it is to lock them up.

As already noted, this bill will open a highway for vulnerable individuals to enter the criminal justice system.

The government estimates this would cost the courts between \$243,000 and \$958,000 per year by mid-2028 after two years of implementation. The cost to prisons and Police is currently undetermined but will have a significant operational impact.

Evidence shows that the Housing First approach is more cost-effective and provides wraparound care for those in need as opposed to the expensive option of imprisonment. It is proven that money invested into wraparound care will lead to a social return two to four times greater through improved social cohesion, reduced crime rates, reduced clean-up costs, and improved individual mental health.

Move-on orders against children aged 14–17 years old

One of the most concerning aspects of this bill as it was introduced is that it would have applied to children as young as 14 years old. This is in complete contradiction to the Oranga Tamariki Act 1989 which sets out a range of preventative protections for tamariki, and includes tools and legislative guidance available to the Police should they encounter a child rough sleeping.

We are pleased to support the amendments to the bill as introduced raising the age of move-on orders to 18 years and older and thank the New Zealand Police for their role in providing fearless, free, and frank advice on this matter. Officials advised that these powers were not necessary against a child, and that their obligations under the Oranga Tamariki Act will always take precedence.

The Green Party made recommendations directly to the Assistant Police Commissioner to include survivors of abuse in state care and people with experience working in the Court of New Beginnings (a specialist court designed for low-level offending by homeless people) to the group of experts advising on the operationalisation of the move-on orders.

Lack of clarity in the bill

The move-on powers under this bill will allow Police to order a person to move a specified distance away from a public place and remain at or beyond that specified distance from that place. There are no limits on the maximum distance an individual

may be asked to move to, providing the Police with extraordinary discretion and likely confusion in its application.

There is no requirement in the bill that the distance imposed be reasonable or proportionate, enabling individual police officers to make these decisions on a case-by-case basis. As stated by the Police Association in its submission, “this is effectively an onus on the officer without clear statutory guidance as to how compliance is to be achieved in practical terms”.

There were attempts throughout the select committee process to provide greater clarity to police officers exercising these powers, however significant uncertainty remains.

Giving the Police too much discretion is where bias manifests, as detailed in the Understanding Police Delivery reports published in 2024 with full cooperation of the Police. That is why it is critical that legislators are totally clear with their intentions and direction in the legislation itself as a safeguard for those exercising powers, and for those on the receiving end of those powers.

Conclusion

The evidence overwhelmingly shows us that the solution to homelessness is to support people into suitable permanent housing. We need to trust the evidence and invest in Housing First models, sustained housing tenure, and wraparound support for vulnerable communities.

New Zealanders are smart enough to see through the façade of this bill and its commentary. Most New Zealanders empathise and understand that the people who will be affected by this bill are vulnerable. We recognise this as a malicious attempt to hide our country’s biggest failure from sight. This bill is not about public disorder, but rather the visibility of poverty.

New Zealand Labour Party differing view

The Labour Party opposes the Summary Offences (Move-on Orders) Amendment Bill. While the select committee has made significant improvements to the bill—which we fought hard for and unanimously support—the bill still unfairly targets our homeless, rough-sleeping, and poorest communities.

This bill is not clearly directed towards targeting anti-social behaviour as it purports, but is targeted at some of our most at risk populations when they are at their most vulnerable.

The vast majority of submissions to select committee were focused on our rough sleeping and homeless community and, despite articulate and well-reasoned pleas in opposition to this, move on orders remain for homeless and rough sleepers. This is hugely disappointing and shows that Government parties have not fully heard the concerns of the community.

Our opposition to move-on orders is largely in three key areas: the application of move-on orders to children, to the homeless, and to people who are begging. We outline our concern in relations to these three areas below.

The issues with this bill:

1. The age applicability

This bill drafted by the Government and presented to Parliament by Minister of Justice, Paul Goldsmith, would apply to children aged 14 to 17. This is an unconscionable proposal that would direct police constables to, rather than offering help to a 14-year-old they find living alone on the street, serve them with a move-on order, possibly followed by a fine and imprisonment. This is an absolutely outrageous proposal which would be a reprehensible dereliction of duty to our children by the state. It is also a proposal that is totally unworkable within the context of existing legislative system when it comes to children.

The select committee received a significant number of submissions on this issue and how it was clear that the Government had made an error in including children in move-on orders because this is inconsistent with the provisions of the Oranga Tamariki Act 1989, and the processes included within it. This is because under section 48 of the Oranga Tamariki Act, the Police are responsible for responding to a situation where a child or young person is unaccompanied and are at risk, by returning them to their home or placing them in the custody of Oranga Tamariki. The move-on orders as proposed were in direct contradiction with this.

We are pleased that Government members on the select committee have agreed that this situation is clearly unworkable, and we would note are also unconscionable.

2. The inclusion of begging

The Labour Party also objects to the inclusion of begging. Begging is often undertaken when people are desperate and have no other choice but to ask for help from others in their community. These provisions are also contrary to the Bill of Rights Act 1990, as outlined below.

We support the amendments made by the select committee that seek to address the concerns made by the Attorney-General and the insertion of “unreasonable” and associated provisions in relation to begging for constables to consider. However, we remain of the view that issuing those simply trying to survive in a time of crisis with a move-on order for begging, when they should be offered assistance, is something we fundamentally disagree with.

3. The inclusion of rough sleeping

The National-led Government has a terrible record on homelessness, with community providers reporting the highest rates of homelessness they have seen. Households in emergency housing fell from 2,880 in January 2024 to 498 in December 2024, and have sat around that figure since then. Emergency housing grant applications fell from 7,068 in March 2024 to 1,833 in December 2024; by June 2025 more than one in three applications were declined, against one in 25 in March 2024, cutting assist-

ance from \$24.4m to \$3.2m a month. A July 2025 ministry briefing recorded provider warnings that the absence of emergency housing had noticeably worsened homelessness. In Auckland, providers were engaged with 940 people sleeping in cars, streets, and parks on 30 September 2025, up from 809 in May 2025 and 426 in September 2024, a 121 percent rise in a year. In Wellington, Downtown Community Ministry recorded 163 people sleeping rough January–March 2026, up from 145 in the same period a year earlier.

Despite these concerning statistics, funding to help address homelessness has fallen in the last three years.

The Minister of Justice has consistently said that move-on orders are not the only measure in place to address homelessness. Despite these claims, there remains no place for people to move on to in most centres. There are only 65 immediate access transitional housing beds nationwide. All 65 are in Auckland.

Despite the Government’s insistence to move on homeless, there remains no guarantee shelter can be provided for every person in every circumstance, in every location. This makes the inclusion of homeless people and rough sleepers a very concerning choice that we simply cannot agree with.

The New Zealand Bill of Rights Act 1990 (NZBORA)

As stated in the majority report, on 14 May 2026, the Attorney-General presented a report on the bill to the House under section 7 of the New Zealand Bill of Rights Act 1990 (NZBORA) and Standing Order 269(1). The Attorney-General found that aspects of this bill are inconsistent with the NZBORA. This was in two keen areas: in relation to the provisions in relation to freedom of expression in section 14 of NZBORA and in relation to freedom of movement in section 18(1). It is both significant and rare to have such a clear finding of a breach of the NZBORA and it is incumbent on Parliament to properly address this.

The select committee process

We acknowledge New Zealanders who came to the select committee and rejected move on orders, clearly stating that this is not who we are. We are not a country that sees a person in need and asks them to “move on”. New Zealanders, as evidenced in the select committee process, are more compassionate than this bill portrays.

As stated, in the main committee report, the committee received 7,618 submissions. Over 98 percent of submissions opposed the bill, while under 1 percent supported it. Additionally, the Police Association, Retail New Zealand, the Auckland and Wellington City Missions, several faith groups, and a former judge expressed serious reservations about this bill.

Select committee amendments

All changes to this bill by the select committee are improvements and submitters should receive a huge amount of credit for their fierce and compassionate advocacy that led to these changes.

The change to unreasonable begging is an important change and the removal of the application to children should be celebrated by the communities across New Zealand that advocated strongly for change to this bill.

Also, the insertion of 8F(1A) is an important change to allow freedom of movement and access to essential services for those subject to move-on orders. The change to 8C(3)(b), to ensure the information is actually false for a person to be charged, is also an important logical change.

The reduction of the fine by \$1000 is also an improvement.

The last change we want to highlight is the strengthened reporting and review requirements. These should be taken seriously by future Ministers and future Parliaments.

Conclusion

While we acknowledge the significant changes at select committee, in our view, these do not go far enough. Our position is that rough sleeping and begging should be removed from the bill in their entirety, and we will be proposing amendments at committee of the Whole to this effect that we hope that parties across the House will support.

Appendix

Committee process

The Summary Offences (Move-on Orders) Amendment Bill was referred to this committee on 21 May 2026. On 26 May 2026, the House instructed us to report the bill back no later than 3 September 2026.

We called for submissions on the bill with a closing date of 2 July 2026. We received and considered submissions from 7,618 interested groups and individuals. We heard oral evidence from 178 submitters.

Advice on the bill was provided by the Ministry of Justice. The Office of the Clerk provided advice on the bill's legislative quality. The Parliamentary Counsel Office assisted with legal drafting.

We considered the bill alongside the Report of the Attorney-General under the New Zealand Bill of Rights Act 1990 on the Summary Offences (Move-on Orders) Amendment Bill.

Committee membership

Tom Rutherford (Chairperson from 2 July 2026)

Hon Andrew Bayly (Chairperson and member until 1 July 2026)

Jamie Arbuckle

Carl Bates

Camilla Belich

Tākuta Ferris

Paulo Garcia (from 1 July 2026)

Rima Nakhle

Dan Rosewarne

Todd Stephenson

Hon Dr Duncan Webb

Dr Lawrence Xu-Nan

Tamatha Paul participated in our consideration of the bill.

Related resources

The documents we received as advice and evidence are available on the Parliament website.

Key to symbols used in reprinted bill

As reported from a select committee

text inserted by a majority

text inserted unanimously

~~text deleted by a majority~~

~~text deleted unanimously~~

Hon Paul Goldsmith

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Government Bill

Contents

		Page
1	Title	1
2	Commencement	1
3	Principal Act	2
4	Section 2 amended (Interpretation)	2
5	New sections 8A to 8G <u>8I</u> and cross-heading inserted	2
<i>Move-on orders</i>		
8A	Power to issue move-on order	2
8B	Service of move-on order	4
8C	Power to detain for purpose of issuing and serving move-on order	4
8D	Duty of constable to explain move-on order	5
8E	Content of move-on order	5
8F	Breach of move-on order	6
8G	Oranga Tamariki Act not affected	6
<u>8H</u>	<u>Annual reporting by Commissioner</u>	<u>6</u>
<u>8I</u>	<u>Review of operation of move-on orders</u>	<u>6</u>

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Summary Offences (Move-on Orders) Amendment Act **2026**.

2 Commencement

This Act comes into force ~~4~~ 1 month after Royal assent.

5

3 Principal Act

This Act amends the Summary Offences Act 1981.

4 Section 2 amended (Interpretation)

In section 2(1), insert in their appropriate alphabetical order:

- begging**— 5
- (a) means requesting or demanding a donation of money, food, or other goods through—
 - (i) speech; or
 - (ii) other conduct, ~~for example, holding a sign~~ (for example, holding a sign); but 10
 - (b) ~~does not include charitable or not-for-profit fundraising lawfully carried out by or on behalf of an organisation—~~
 - (i) charitable or not-for-profit fundraising lawfully carried out by or on behalf of an organisation; or
 - (ii) requesting— 15
 - (A) a candidate donation or party donation (as those terms are defined in section 207(2) of the Electoral Act 1993); or
 - (B) an electoral donation (as that term is defined in section 103A of the Local Electoral Act 2001); or
 - (iii) lawful busking or engaging in lawful street performances 20
- freedom camping** has the meaning given in section 5 of the Freedom Camping Act 2011
- move-on order** means an order issued under **section 8A**

5 New sections 8A to 8G 8I and cross-heading inserted

After section 8, insert: 25

Move-on orders

8A Power to issue move-on order

Grounds for issue

- (1) A constable may issue a move-on order to a person if the constable has reasonable grounds to suspect that the person is engaging in, or has recently engaged in, any of the following conduct in a public place: 30
 - (a) behaving in a manner that is disorderly, intimidating, or threatening;
 - (b) behaving in a manner that is disruptive;
 - (c) unreasonably obstructing, hindering, or preventing someone from entering or leaving a place where a lawful trade, business, or occupation is being conducted: 35

- (d) breaching the peace:
- (e) unreasonable begging:
- (f) rough sleeping or setting up personal possessions, makeshift shelters, or other structures indicating an intent to inhabit the public place.
- (1A) However, **subsection (1)(f)** does not include freedom camping that is permitted in accordance with Part 2 of the Freedom Camping Act 2011. 5
- (1B) In determining whether begging is unreasonable, a constable must have regard to all relevant circumstances, including—
- (a) the time at which the begging is occurring or occurred:
- (b) the duration of the begging: 10
- (c) where the begging is occurring or occurred:
- (d) the effect of the person's begging on the enjoyment of public spaces by other persons in the vicinity of the begging.
- Requirement to leave specified area*
- (2) A move-on order issued under **subsection (1)** may require the person to whom it is issued to— 15
- (a) leave the public place specified in the order or move a ~~specified reasonable~~ distance away from that place; and
- (b) for a specified period of not longer than 24 hours following the issue of the order,— 20
- (i) remain away from the public place; or
- (ii) remain at ~~or beyond~~ a ~~specified reasonable~~ distance away from that place.
- Who move-on order may be issued to*
- (3) A constable may issue a move-on order to a person who is aged ~~14~~ 18 years or older. 25
- Process for issue of move-on order*
- (4) A move-on order must be issued in writing.
- Limits on issue*
- (5) A move-on order may not be issued to a person who is in a public place for ~~the primary purpose of demonstrating support for, or opposition to, or otherwise publicising, a point of view, cause, or campaign.—~~ 30
- (a) ~~the primary purpose of demonstrating support for, or opposition to, or otherwise publicising, a point of view, cause, or campaign; or~~
- (b) ~~the purpose of freedom camping that is permitted in accordance with Part 2 of the Freedom Camping Act 2011.~~ 35

8B Service of move-on order

- (1) After issuing a move-on order under **section 8A**, a constable must immediately serve it on the person to whom it is issued.
- (2) A constable may serve the move-on order—
 - (a) by handing it to the person; or 5
 - (b) if the person refuses to accept it, by leaving it near the person and drawing the person's attention to it; or
 - (c) with the person's express consent, by sending it to an electronic address supplied by the person.
- (3) However, a move-on order may only be served electronically under **subsection (2)(c)** if an explanation of the order has been given under **section 8D** before sending the order. 10

8C Power to detain for purpose of issuing and serving move-on order

- (1) A constable who is proposing to issue a move-on order to a person may detain the person for the period that is reasonably necessary to do 1 or more of the following: 15
 - (a) take the person's biographical details:
 - (b) issue the order:
 - (c) serve the order.
- (2) A person commits an offence if the person (after being cautioned) ~~fails or refuses~~, without reasonable excuse, fails or refuses to remain at the place where the person is detained. 20
- (3) ~~A person commits an offence if the person (after being cautioned)—~~
 - (a) ~~fails or refuses, without reasonable excuse, to give their biographical details on demand; or~~ 25
 - (b) ~~gives any biographical details that the constable reasonably believes to be false.~~
- (3) A person commits an offence if the person (after being cautioned),—
 - (a) without reasonable excuse, fails or refuses to give their biographical details on demand; or 30
 - (b) gives any biographical details that are false or misleading.
- (4) A person who commits an offence ~~under~~ against this section is liable to a fine not exceeding \$500.
- (5) In this section,—

biographical details, in relation to a person, means the person's— 35

 - (a) name; and
 - (b) date of birth; and

(c)	physical address (if any); and	
(d)	phone number (if any); and	
(e)	electronic address (if any)	
	electronic address includes an email address.	
8D	Duty of constable to explain move-on order	5
(1)	A constable who issues a move-on order must, to the extent that it is reasonably practicable to do so in the circumstances, explain to the person to whom the order is issued—	
(a)	the effect and duration of the order; and	
(b)	the consequences that may follow if the person breaches the order; <u>and</u>	10
(c)	<u>if the order was issued for unreasonable begging, why the constable determined that the begging was unreasonable.</u>	
(2)	The constable may give the explanation when—	
(a)	issuing the move-on order under section 8A ; or	
(b)	serving the move-on order under section 8B unless service is carried out under section 8B(2)(c) (in which case section 8B(3) applies); or	15
(c)	detaining the person under section 8C for the purpose of issuing or serving the order (or both).	
8E	Content of move-on order	
	A move-on order must contain the following information:	20
(a)	the name and date of birth of the person to whom the order is issued:	
(b)	the date and time at which the order is issued:	
(c)	a statement that the order takes effect immediately:	
(d)	the date and time at which the order expires:	
(e)	the address or a description of the public place that the person must move away from:	25
(f)	if applicable, the distance the person is required to move from the location referred to in paragraph (e) :	
(fa)	<u>if the order was issued for unreasonable begging, the reasons for determining that the begging was unreasonable:</u>	30
(g)	a statement that the person must comply with the order immediately or within a reasonable time <u>without undue delay</u> :	
(h)	a statement that it is an offence to breach the order knowingly or recklessly, and without reasonable excuse:	
(ha)	<u>if applicable, a statement that explains the effect of section 8F(1A):</u>	35
(i)	the penalty for a breach of the order.	

8F Breach of move-on order

- (1) A person commits an offence if the person—
- (a) has been served with a move-on order in accordance with **section 8B**; and
 - (b) knowingly or recklessly, and without reasonable excuse, fails or refuses to comply with it ~~immediately or within a reasonable time~~ without undue delay. 5

(1A) However, a person who is served with a move-on order for conduct described in **section 8A(1)(e) or (f)** does not commit an offence against this section if the person returns to the public place, while the order is in force, for any purpose other than to engage in conduct described in **section 8A(1)**. 10

- (2) A person who commits an offence against this section is liable to imprisonment for a term not exceeding 3 months or a fine not exceeding ~~\$2,000~~ \$1,000.

8G Oranga Tamariki Act not affected

Nothing in ~~sections 8A to 8F~~ limits or affects the provisions of the Oranga Tamariki Act 1989 or any secondary legislation made under it. 15

8H Annual reporting by Commissioner

- (1) The Commissioner must include in every annual report prepared for the purposes of section 43 of the Public Finance Act 1989, for the period covered by the report,— 20
- (a) the number of occasions on which a move-on order was issued under **section 8A**; and
 - (b) a breakdown by age or age group of the persons to whom move-on orders were issued; and
 - (c) the number of criminal proceedings commenced for an offence against **section 8F**. 25

- (2) In this section, **Commissioner** means the Commissioner of Police.

8I Review of operation of move-on orders

- (1) The Minister must, as soon as practicable after the third anniversary of the commencement of **sections 8A to 8H**, review the operation of those sections. 30
- (2) The review must consider—
- (a) the operation and effect of move-on orders; and
 - (b) whether any amendments to **sections 8A to 8H** or any other related amendments to this Act are necessary or desirable.
- (3) The Minister must complete the review within 12 months after commencing it by preparing a report on the findings and conclusions of the review. 35

(4) As soon as practicable after the Minister has prepared the report, the Minister must present a copy of it to the House of Representatives.

Legislative history

14 May 2026
21 May 2026

Introduction (Bill 310–1)
First reading and referral to Justice Committee