

Summary Offences (Move-On Orders) Amendment Bill

June 2026

Tirohanga Whānui | Overview

While we welcome the opportunity to provide feedback on the Summary Offences (Move-On Orders) Amendment Bill, we strongly recommend that this Bill not progress.

At the time of the 2023 census, it was estimated that homelessness impacted 1 in 10 New Zealanders. Since this data was recorded, the rising cost of living, high levels of debt and high cost of housing have further increased the number of people experiencing severe housing deprivation with social service providers reporting a significant rise in people seeking housing support.

The Report of the United Nations Special Rapporteur highlighted the hardship of people experiencing homelessness, summarising that:

To be homeless is to experience acts of violence, a shortened life span and ill-health and to be criminalized for survival strategies for eating or sleeping in public space. Homeless people are rendered voiceless and invisible, banished to the peripheries of cities and towns, out of sight. Their humanity and dignity are rarely considered in legislation, public policies and strategies. (United Nations, 2015).

This Bill aims to introduce powers to police that would allow for increased criminalisation of people experiencing homelessness in Aotearoa and allow them to be moved away from whānau and support services which provide safety and protections, increasing their risk of experiencing further harm. Despite coming at a substantial financial cost, there is no evidence that such legislation will reduce the rate of homelessness, while there is significant risk that it will worsen hardship for young people and Māori.

Our main points are:

Item One

Move-on orders do not address the source of homelessness, rough sleeping, or begging, they only mask and criminalise it.

Item Two

Including young people from age 14 in this legislation will criminalise youth in need.

Item Three

The Bill disproportionately impacts Māori and risks worsening existing breaches to the Crown's obligation to Te Tiriti o Waitangi.

Item Four

Disorderly and offensive behaviour is already an offence under the Summary Offences Act, meaning that this only acts to criminalise those experiencing severe hardship and poverty.

Item Five

Costs of implementing this Bill are likely to outweigh any perceived benefit.

Taunakitanga | Recommendations

Item One: Move-on orders do not address the source of homelessness, rough sleeping, or begging, they only mask and criminalise it.

There is no evidence that criminalisation of homelessness reduces rates of homelessness (DuBois, 2025). In countries where punitive legislation is utilised to criminalise homelessness, this is often touted as being for public safety and wellbeing. In reality, these laws usually result in individuals who were experiencing homelessness being shifted to another location (United Nations, 2015). International research indicates that criminalising homelessness results in increased stress, making life more challenging and reducing safety for the person experiencing homelessness, with little reported benefit for society, with levels of homelessness persisting (Robinson, 2019).

While anti-homeless legislation exists across the globe, a significant body of evidence around the use of punitive approaches to homelessness comes from Australia, where laws have existed to criminalise homelessness since colonisation. These include offences similar to what is proposed in the Move-on Orders Amendment Bill, including offences for trespassing, unlawful camping, loitering and ‘public nuisance’ (Walsh et al., 2024). Research investigating the experiences of homeless people in Australia and the impact of move-on orders found that many were criminalised for trying to find somewhere safe to sleep, with trespass notices and penalties applied (Walsh et al. 2026):

“I’ve been down on numerous counts of trespassing’ looking ‘for somewhere to sleep”

“[I] spent six months in jail’ for ‘living in a squat”

“They’re here nearly every day... two or three times a day. They watch us.’ Police say, ‘either you move along or we’ll charge you with loitering”

“you can’t even sleep anywhere without the police just going “excuse me, move along”

Many participants experiencing homelessness reported that people were often moved on despite doing nothing wrong, simply for existing. Lawyers and judicial officers who were interviewed were critical of the use of move-on orders, highlighting that the penalties applied were not suitable and that fines imposed were ineffective, just adding to hardship already faced:

“it’s really that damned if you do, damned if you don’t. If you do nothing, they’re going to be back here again with an identical offence accumulating the criminal history, and nothing’s being done to try to help them move forward”

– Judicial Officer from Adelaide

Police who were interviewed stated they had no training in “dealing with [homelessness]” and while they reported they commonly received calls from members of the public to move on people experiencing homelessness, often all they could do was move people on, despite knowing they had nowhere to go:

“let’s make them a place that they can kind of hang out in. Where do you move them onto?”

– Police Officer, Melbourne

The introduction of move-on orders in Aotearoa is likely to result in the same or similar experiences to those reported in Australia, with the current proposal introducing criminalisation and penalties for living on the street. Displacing those experiencing homelessness from their support networks and social services will worsen experiences of social isolation and risks increasing poor health outcomes.

NZCCSS Member organisations have highlighted the rise in homelessness in Aotearoa that occurred following changes to the Emergency Housing Special Needs Grant. These changes have made it harder for those in need to access shelter and be off the streets. If the intention is to reduce homelessness, the focus should be investing in social service supports, social housing and the welfare system to provide a safety net for those experiencing difficult times.

Recommendation: We strongly recommend that the Bill be rejected and homelessness not be criminalised, with efforts instead redirected at addressing the cause of homelessness in Aotearoa.

Item Two: Including young people from age 14 in this legislation will criminalise youth in need.

We oppose the inclusion of young people aged from 14 years in this legislation and are concerned by the potential for this Bill to increase hardship and youth justice system contact among young people. Young people under 25 make up almost half of those experiencing severe housing deprivation. They require increased support to secure safe and stable housing (Salvation Army, 2025). This is particularly relevant for young people who face greater difficulty accessing housing, such as those leaving the care and protection system (MHUD, 2025). Māori rangatahi in particular experience housing need, worse outcomes from the Oranga Tamariki system, and are charged in court and receive prison sentences at much higher rates than non-Māori young people (Bierre et al., 2026; Pehi et al., 2024; Salvation Army, 2026).

This Bill has the potential to result in greater isolation of youth through displacement from public spaces and create additional and ongoing barriers to housing access. Evidence also shows that youth justice system contact has long-term impacts on future access to housing and employment (Bierre et al., 2026). This Bill risks creating lifelong cycles of homelessness for our young people. We call for greater investment in youth housing and wraparound supports, rather than the criminalisation of youth homelessness, to respond to growing need among this population.

Children and young people in New Zealand already have a difficult start in life. One in seven children are living in material hardship and recent trends indicate increasing levels of food insecurity (New Zealand Food Network, 2026). Currently proposed legislative changes, such as the tightening of eligibility for Jobseeker support among 18 & 19 year olds, have the potential to further exacerbate income adequacy among young people, and contribute to the behaviour such as begging and homelessness that this Bill seeks to criminalise.

Recommendation: That the Government increase investment in youth housing, wraparound supports and income adequacy in response to increased need among young people.

Item Three: The Bill disproportionately impacts Māori and risks worsening existing breaches to the Crown's obligation to Te Tiriti o Waitangi

Move on orders will likely disproportionately impact Māori, with fines and penalties increasing the level of hardship faced. Māori experience homelessness at a disproportionately high rate and make up 26.3% of people living without shelter (Te Tūāpapa Kura Kāinga | Ministry of Housing and Urban Development, n.d.). This high rate of homelessness among Māori spans from the generational hardship seen as an outcome of colonisation (New Zealand Productivity Commission, 2022). Lack of access to affordable quality housing in Aotearoa has been linked to worsening health inequities faced by Māori (NZCPHM, 2023). The Waitangi Tribunal Kāinga Kore report identified that housing is a responsibility of the crown under articles 2 and 3 of Te Tiriti o Waitangi with policies that contribute to the rate of homelessness in Māori a direct breach of Te Tiriti (Waitangi Tribunal, 2024).

Effective programmes already exist, for example papakāinga housing has been shown to not only provide affordable housing but also improve health and wellbeing and well as community connection (Te Puni Kōkiri, n.d.).

Recommendation Three: A greater focus on reducing inequities in housing access among Māori to uphold the Crown’s responsibilities under Te Tiriti o Waitangi through further investment and support for proven effective Māori-led housing programmes.

Item Four: Disorderly and offensive behaviour is already an offence under the Summary Offences Act, meaning that this only acts to criminalise those experiencing severe hardship and poverty

Disorderly behaviour is already an offence under section 3 of the New Zealand Summary Offences Act 1981, with behaviour that is deemed to be riotous, offensive, threatening, insulting or disordering in a public place in breach of this legislation. Persons committing such an offence are liable for up to 3 months imprisonment or up to a \$2,000 fine (New Zealand Government, 2025).

Additionally, police data reports that disorderly behaviour is at a 10-year low (Cheng, 2025), suggesting that the current legislation is working sufficiently to reduce incidences of public disorder, without the proposed changes.

Recommendation Four: We strongly recommend that the Bill be rejected.

Item Five: Costs of implementing this Bill are likely to outweigh any perceived benefit

The Regulatory Impact Statement (RIS) assesses the additional cost of implementing move-on orders, noting that the proposed cost of criminal offence for non-compliance will result in additional cost to the Ministry of Justice as a result of court issued fines and a greater number of criminal cases (Ministry of Justice, 2025). Estimates suggest an additional six people are likely to receive prison sentences each year, impacting significantly on that person life course and creating a significant cost at \$120,000 per person per year. The RIS raises that New Zealand prisons have low capacity with any increases beyond this likely to require significant infrastructure investment in corrections.

The preferred option of the Minister of Justice, identified in the RIS, is to maintain the status quo, with no change to police enforcement powers and no additional cost (Ministry of Justice, 2025).

Recommendation Five: We strongly recommend that the Bill be rejected and homelessness not be criminalised, with efforts instead redirected at addressing the cause of homelessness in Aotearoa.

Signed by:



Ingoa whakapā | Contact Name

Alicia Sudden ceo@nzccss.org.nz

Dr Katie Schraders

Melanie Wilson

Rachel Mackay

Ngā Tohutoro | References

- Bierre, S., O'Sullivan, K., Paul, J., Carr, P. A., & Pierse, N. (June 15, 2026). Move-on orders will criminalise children experiencing homelessness. *Public Health Expert Briefing*. <https://www.phcc.org.nz/briefing/move-orders-will-criminalise-children-experiencing-homelessness>
- Cheng, D. (2025). 'Move-on' orders for homeless come as public disorder hits 10-year low. The New Zealand Herald. <https://www.nzherald.co.nz/nz/politics/move-on-orders-for-homeless-come-as-public-disorder-hits-10-year-low/premium/AHH2IJGWVRBNT4P3JWN4TFLTM/>
- Chun, S., Ombler, J., & Pehi, T. (2022). Outcomes for Māori clients in the Housing First programme in Aotearoa New Zealand. *Int J Popul Data Sci*. Aug 25;7(3):1834. doi: [10.23889/ijpds.v7i3.1834](https://doi.org/10.23889/ijpds.v7i3.1834). PMID: PMC9644742.
- DuBois, N. (2025, April 8). Punitive Policies Will Never Solve Homelessness: The Evidence is Clear. <https://endhomelessness.org/blog/punitive-policies-will-never-solve-homelessness-the-evidence-is-clear/>
- Kelly, C. (2024). Extra 10,000 Australians becoming homeless each month, up 22% in three years, report says. The Guardian. <https://www.theguardian.com/society/2024/dec/09/extra-10000-australians-becoming-homeless-each-month-up-22-in-three-years-report-says>
- Lau, C., Smith, L., Rogers, M. Marama, M., & Asiasiga, L. (2023). Housing First Evaluation and Rapid Rehousing Review - Phase Two: Whānau Experiences and Outcomes. https://www.hud.govt.nz/assets/Uploads/Documents/Housing-First-Rapid-Rehousing-Phase-2-evaluation-report_March23.pdf?m=a772876e9a80fc0fbd71a5706445de379b3ace74
- Ministry of Justice. (2025). Regulatory Impact Statement: Strengthening responses to public disorder. <https://www.regulation.govt.nz/assets/RIS-Documents/Regulatory-Impact-Statement-Strengthening-responses-to-public-disorder.pdf>
- New Zealand College of Public Health Medicine (NZCPHM). (2023). Housing: New Zealand College of Public Health Medicine Policy Statement. <https://nzcphm.org.nz/filescust/CMS/Policy/2023%20NZCPHM%20Housing%20Policy%20Statement.pdf>
- New Zealand Food Network. (2025). *Hunger Monitor 2025*. <https://www.nzfoodnetwork.org.nz/wp-content/uploads/2026/03/NZFN-Hunger-Monitor-2025-Digital.pdf>
- New Zealand Government. (2025). *Summary Offences Act 1981*. <https://www.legislation.govt.nz/act/public/1981/113/en/latest/>
- New Zealand Productivity Commission. (2022). *Colonisation, racism and wellbeing* (Final report). https://thehub.sia.govt.nz/assets/Uploads/NZPC_Colonisation_Racism_Wellbeing_Final.pdf
- Pehi, T., Fraser, B., Ombler, J., Buchanan, M., O'Sullivan, K., Jiang, T., Atatoa-Carr, P. & Pierse, N. (2024). What About the Kids? Identifying Children in the HousingSupport System in Aotearoa, New Zealand. *Children & Society*, 39, 532-543. <https://doi.org/10.1111/chso.12930>
- Robison, T. (2019). No Right to Rest: Police enforcement Patterns and Quality of Life Consequences on the Criminalisation of Homelessness. *Urban Affairs Review*, 55(1), 41-73

- Salvation Army. (2026). *State of the Nation 2026*. https://www.salvationarmy.org.nz/sppu/wp-content/uploads/sites/31/2026/02/TSA_SOTN26_FullReport_ONLINE2.pdf
- Salvation Army (2025, December 16). *Homelessness Rising Across New Zealand: Sector Urges Long-Term Solutions*. <https://www.salvationarmy.org.nz/news/homelessness-rising-across-new-zealand-sector-urges-long-term-solutions/>
- Te Puni Kōkiri (n.d.). Research Summary: Empowering Whānau through papakāinga: insights, impact and pathways. <https://www.tpk.govt.nz/documents/download/documents-4962-A/Papak%C4%81inga%20research%20report%20summary.pdf>
- Te Tūāpapa Kura Kāinga | Ministry of Housing and Urban Development. (n.d.). *Indicators of homelessness*. <https://www.hud.govt.nz/stats-and-insights/homelessness-outlook/homelessness-indicators>
- United Nations. (2015). Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context. A/HRC/31/54
- United Nations. (1989). *Convention on the Rights of the Child*. <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>
- Waitangi Tribunal. (2024). *Kāinga Kore: The stage one report of the Housing Policy and Services Kaupapa Inquiry on Māori homelessness (Wai 2750)*. https://forms.justice.govt.nz/search/Documents/WT/wt_DOC_211421672/Kainga%20Kore%20W.pdf
- Walsh, T., Anthony, T., Beilby, J., McNamara, L. & Quilter, J. (2024). 'Back Off! Stop Making US Illegal!': The Criminalisation of Homelessness in Australia. *Sage Journals*, 34 (1). <https://doi.org/10.1177/09646639241244953>
- Walsh, T., Anthony, T., Beilby, J., McNamara, L. & Quilter, J. (2026). Australian Voices on Homelessness and its Criminalisation: Summary of Findings. University of Queensland.