

SocialLink – Tūhono Pāpori¹ is the umbrella peak body for the social and community sector and represents over 1500 organisations and individuals working in the Western Bay of Plenty

SocialLink supports social service providers, community and Māori organisations to strengthen their capability as they deliver services to their communities, as well as advocates for the sector's interests, social justice and equity of opportunity for all people living in the WBOP.

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

June 2026

General position

We note the Summary Offences 'Move-on Orders' Amendment Bill is put forward by the Government with an aim to 'restore law and order to keep New Zealanders safe by ensuring the New Zealand Police has the necessary powers to maintain public order'.

In this submission we are focusing on the Bill's provisions including rough sleeping and begging as reasons for a police officer to issue a move-on order.

Recommendation 1:

SOCIALLINK STRONGLY RECOMMENDS THE BILL IN ITS ENTIRETY SHOULD NOT PROCEED. We believe the Bill will make life worse for people who find themselves rough sleeping and/or begging and will do nothing to help resolve their situations.

The provisions of the Bill are unjustified and a more understanding, fair and compassionate approach is needed.

The Bill's introduction has been described as 'a sad day for this nation'.² We agree. It is telling that these provisions are not supported by organisations with firsthand experience and knowledge of the drivers and consequences of homelessness - social service organisations, Kaupapa Māori health and social services, human rights organisations, and faith-based organisations amongst others. Alongside the voices of people who have previously or are currently rough sleeping or begging, all these groups have pointed out the philosophical and practical problems of such a legislative move.

The Bill's provisions to include begging and rough sleeping are also not supported by the Ministry of Justice, Ministry of Housing and Urban Development (MHUD) and NZ Police.

¹ Legal name is Social Sector Innovation Western Bay of Plenty Charitable Trust: Charities registration number CC50192.

² Wellington City Missioner Rev Murray Edridge

<https://anglicanmovement.nz/blog/move-on-orders-bill-enters-parliament>

We urge the members of the Justice Select Committee to heed all of this experience, insight, understanding and knowledge and reject the Bill in its entirety.

In the event the Select Committee decides to proceed with the Bill we make the following recommendations and points.

Recommendation 2:

Section 8A - Power to issue the move-on order, be amended so that subclause (e) begging and (f) rough sleeping or setting up personal possessions, makeshift shelters, or other structures indicating an intent to inhabit the public place, are NOT INCLUDED AS GROUNDS.

The Bill enables a police constable to 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, several activities.

Rationale for this recommendation:

1. Begging and rough sleeping are not offences or crimes or cause harm to others in and of themselves and therefore should not be included in the Summary Offences Act. Instead they are a legitimate response by people dealing with circumstances that have led to the lack of access to a home or liveable income. Including rough sleeping and begging as summary offences is an overreach of law and criminalises and unjustifiably punishes people who already have limited options and are in survival mode.
2. Social housing providers around the country have noted significant increases in homelessness and rough sleeping.³ People without a house or home are disproportionately Māori and Pacifica. This Bill will exacerbate this inequity allowed to occur in spite of the Crown/Government's Te Tiriti o Waitangi obligations.
3. Options to find even a temporary emergency home have become more limited in the last two years partly because of government policy to tighten criteria for emergency housing. Social housing providers around the country have noted increases in homelessness and rough sleeping. Amidst such policy settings, cost of living issues and personal circumstances, to then require people to 'move on' simply because they are begging or rough sleeping is untenable. If someone who is begging or rough sleeping behaves in a threatening, aggressive or disorderly way, action can already be taken by police.
4. The move-on orders will do nothing to help resolve the core issue at the heart of homelessness – lack of affordable housing and funding of social services to support people to have the chance of a dignified life. Instead, the Bill reduces human efforts to survive a precarious situation to a problem that needs to be 'cleaned up and moved out of sight' so others more fortunate can go about their business or leisure

³ Community Housing Aotearoa. Insight Report: Edition 4; Homelessness and Housing. April 2026
Salvation Army and others. National Homelessness Data Project Report. December 2025

without having to view it. Inclusion of rough sleeping and begging in the Bill is a short-term, degrading uncompassionate approach.

Recommendation 3:

Teenagers should not be issued with ‘move-on’ orders

Section 8A Power to issue move-on order Section (3) A constable may issue a move-on order to a person who is aged 14 years or older.

WE RECOMMEND THAT YOUNG PEOPLE AGED 14 TO 18 SHOULD NOT BE INCLUDED IN THE BILL AND NOT ISSUED WITH MOVE-ON ORDERS IN RELATION TO ROUGH SLEEPING AND BEGGING.

Rationale:

As a society we should not accept it is normal to have teenagers/rangatahi sleeping rough or begging. Including teenagers in the Bill is a tacit acceptance that this situation is now normal and expected. We consider this is wrong, indefensible and contrary to supporting our children and young people to flourish.

There are often many complex reasons why young people aged 14 to 18 may be rough sleeping, including experience of trauma, family violence, estrangement or personal mental health and other issues. Living on the streets they will also be chronically stressed, highly anxious and in survival mode. The minimum age of 14 is far too young a person for these orders to be applied to. This smacks of a blaming and punitive approach to the difficulties young people find themselves in.

Fourteen year-old young people are more likely to be threatened or be victims of abuse and violence or theft on the streets. Merely moving them on to another area is not a compassionate or thoughtful approach. The sooner they are supported to come under the wing of a social service provider looking out for them, the better.

We believe this is the approach the Government should be taking, not ‘move-on orders.’

Section 8A in the Bill is also contrary to provisions under the United Nations Declaration of Rights of the Child.

New Zealand has been a signatory and state party to the UN Convention on the Rights of the Child (UNCROC) since 1993.⁴ A child is defined as any human being under the age of 18 in UNCROC.

We note that under **Article 20 (1)** that *‘a child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.*

This implies that the State has a special responsibility to provide for young people who are deprived of their family environment and may become homeless.

⁴ Ministry of Social Development United Nations Convention on the Rights of the Child <https://www.msd.govt.nz/about-msd-and-our-work/publications-resources/monitoring/uncroc/>

Furthermore, **Article 27 (3)** says “States Parties [which New Zealand is], in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing **and housing.**”

The Bill and its ‘move-on orders’ therefore do not align with the spirit of the UNCROC and expectations of New Zealand as a signatory.

Recommendation 4: The Bill, if made into law will have unintended consequences - such consequences should be more seriously considered by the Justice Select Committee.

Research into the application and use of move-on orders and similar mechanisms has identified several consequences we believe should be considered by the Justice Select Committee. Proponents of the Bill argue that police have discretion in using the ‘move-on orders’, know about social services to assist rough sleepers and will use this knowledge and discretionary judgement to encourage homeless people to engage with such services.

Nevertheless, international studies into the use of such legislation (or ordinances/by laws) have made several observations⁵.

1. “Move-on orders” and their associated policing have been characterised as “Quality of life ordinances” in other jurisdictions and justified under the banner of reclaiming public space, purifying streets and pavements of visible poverty for businesses, tourists and wealthier residents.
2. Multiple ordinances in US cities include banning camping, sitting and lying in public, loitering, begging or living in vehicles. On their own each may seem limited in strictures on targeted behaviours, but are subject to ‘incremental creep’ and collectively “effectively criminalise homelessness and in doing so create an impossible situation for policing.”⁶
3. Policing approaches vary from city to city. Some police departments use discretionary officer directed ‘therapeutic policing’ to deal with people who are homeless and living on the margins of society. This combines the stick of legal punishment with the carrot of rehabilitative services. Others use ‘aggressive patrol’ using citations and arrests on low-level criminality and guided by quotas or directives.
4. Complaint-oriented policing⁷ or third party policing however, is the primary trigger for police response to homelessness in US cities according to Herring who found complaints are mostly from residents and business owners/associations to the police. It created a set of dilemmas, dynamics and outcomes with police

⁵ Chien, J Henwood, BJ Kuhn, R (2026) Criminalising homelessness: Longitudinal associations of police encounters and homeless sweeps with psychosocial health among the unhoused community in Los Angeles. *Social Science and Medicine*, 393. Open Access.

⁶ Herring, C. (2019) Complaint-Oriented Policing: Regulating Homelessness in Public Space, *American Sociological Review*, p-g 1-32.pg 3.

⁷ Herring, C. (2019) Complaint-Oriented Policing: Regulating Homelessness in Public Space, *American Sociological Review*, p-g 1-32.pg 5

acknowledging *'they were not solving anybody's problem. This is a big game of whack a mole.'* This led to a process of *'burden shuffling'* as police attempted to resolve complaints, forcing homeless people into new spaces or reclassifying the 'homeless problem' as an issue for another agency or institution, including sanitation, parks and reserves, public health and social services.

5. In one city the number of sheltered homeless people increased by less than 1 percent between 2013 and 2017 but police dispatches for homeless complaints increased 72%.
6. Consequences reported by unhoused individuals who are 'moved on' included being injured, personal belongings destroyed or confiscated (including medication and personal documents), distress, detrimental impact on physical and mental health, and loss of emotional support and mutual aid from their social networks. Trauma stress reactions, disorientation, loneliness, less access to health and social services and increased exposure to unsafe environments are also experienced.
7. Individuals who experience recurrent 'move-on' orders were found to have cumulatively worse physical and psychosocial health over time, further marginalising them when they are already in a precarious state. Anticipating being moved on also contributed to chronic stress.

Police have raised concerns about the Bill. We know that policing is subject to resourcing restraints, police officers are already oversubscribed in their work. Evidence also indicates discrimination and bias, both intentional and unintentional, forms part of policing activity, where police officers over zealously apply "move-on" orders to particular groups of people. We know Māori and Pacifica people are more likely to encounter policing bias and be arrested or charged with offences⁸.

In Conclusion

SOCIALINK RECOMMENDS THE BILL NOT PROCEED.

The focus on rough sleeping and begging should be on improving and funding accommodation/ housing options and wrap around support for people as is happening under the Housing First approach. This and other services will require increased and stable funding. The homeless also need to be supported by government policy that provides for increased social housing, and makes it easier for people to access emergency and transitional housing options, rather than 'moved on' out of sight.

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⁸ NZ Police (2024), <https://www.police.govt.nz/news/release/world-leading-research-systemic-bias-points-way-policing-community-media-advisory>