

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

2 July 2026

Submission of Te Kāhui Tika Tangata
Human Rights Commission



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Te Kāhui Tika Tangata New Zealand Human Rights Commission (the Commission) is established and operates under the Crown Entities Act 2004 and the Human Rights Act 1993. The Commission is accredited as an 'A status' national human rights institution under the Paris Principles. Information about the Commission's activities can be found on our website www.tikatangata.org.nz



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Introduction

1. Te Kāhui Tika Tangata, Human Rights Commission (the **Commission**) welcomes the opportunity to submit on the Summary Offences (Move-on Orders) Amendment Bill (the **Bill**). The Commission opposes the Bill.
2. Everyone in Aotearoa New Zealand should be able to move through public places, use public transport, work, trade, gather, rest and connect with others safely and with dignity. The Commission recognises that workers, businesses, residents and communities may have real concerns about behaviour in public places that is or that they perceive as harmful, threatening or distressing. Those concerns deserve an effective response.
3. However, public safety is not strengthened by moving people experiencing hardship who are not engaging in anti-social behaviour out of sight. The Bill creates wide powers to exclude people from public places. That may shift where hardship is seen, but it will not reduce harm, prevent homelessness, improve access to health care, or create safer communities over time.

Executive Summary

4. The Commission recognises the importance of safe, welcoming public spaces for workers, businesses, residents and communities. However, the Bill risks treating visible poverty, homelessness, begging, rough sleeping, unmet health needs and distress as public order problems; while increasing police contact, displacement and criminalisation for people already experiencing significant hardship and doing little to address conduct that is genuinely harmful or threatening and for which legal tools already exist.
5. That approach is inconsistent with international human rights standards. In 2024, the UN Special Rapporteurs on adequate housing and on extreme poverty concluded that criminalising homelessness and poverty is not a suitable solution, may violate a wide range of rights, and should be replaced by measures addressing root causes, including repeal of laws penalising life-sustaining activities in public spaces such as sleeping, living and begging where people have no other means of survival.¹ Human Rights Council resolutions have similarly called on States to decriminalise homelessness and life-sustaining activities by people in poverty, and international courts have found that move-on orders can violate fundamental human rights.²
6. The Commission's key concerns are that the Bill would:

¹ Human Rights Council [Breaking the Cycle: Ending the Criminalization of Homelessness and Poverty](#) A/HRC/56/61/Add.3 (26 June 2024). Human Rights Council [Adequate Housing as a Component of the Right to an Adequate Standard of Living, and the Right to Non-Discrimination in This Context](#) A/HRC/RES/43/14 (6 July 2020).

² Human Rights Council [Adequate Housing as a Component of the Right to an Adequate Standard of Living, and the Right to Non-Discrimination in This Context](#) A/HRC/RES/43/14 (6 July 2020); Human Rights Council [Adequate Housing as a Component of the Right to an Adequate Standard of Living, and the Right to Non-Discrimination in This Context](#) A/HRC/RES/55/11 (5 April 2024); *Lăcătuș v Switzerland* (2021) where the European Court of Human Rights held that fining and imprisoning a highly vulnerable woman for begging in public breached Article 8. The Court said that, given her poverty, begging was a means of survival, and that she had a right, inherent in human dignity, to convey her plight and try to meet her basic needs. See also *FEANTSA and FIDH v France* (decision published 5 March 2026) where the European Committee of Social Rights condemned municipal anti-begging decrees that penalised conduct associated with poverty and homelessness, including prolonged presence in public spaces and other survival activities. The Committee found that these measures often targeted the mere presence of homeless people, that their systematic removal from city centres deprived them of one of the last avenues to meet basic needs, and that the measures disrupted access to food, shelter, healthcare and social support while reinforcing stigma and discrimination.

- enable move-on orders to be issued to children aged 14 and over, including where a person is begging, rough sleeping, or appears to intend to inhabit a public place;
 - conflate genuinely harmful, threatening or disorderly conduct with survival activities connected to poverty and homelessness;
 - duplicate existing legal tools that already allow police and other authorities to respond to threatening, disorderly or criminal conduct;
 - expand coercive intervention into circumstances that should be addressed through housing, health, disability, addiction, youth, whānau and social support services; and
 - create a pathway from poverty-related conduct to detention, prosecution, fines or imprisonment.
7. The Bill engages a wide range of human rights, including:
- the right to a decent home;
 - the right to the highest attainable standard of physical and mental health;
 - freedom of movement, expression, assembly and association;
 - the right to liberty and security of the person;
 - children’s rights;
 - women’s rights; and
 - the rights of Māori under Te Tiriti o Waitangi (**Te Tiriti**).
8. The Commission is also concerned about the ongoing impacts of the Bill including that it may:
- displace people from visible and relatively safer locations;
 - disrupt access to services, support networks and informal community care;
 - increase contact with police and the justice system;
 - push people further from housing, health, addiction, disability, youth and social support;
 - make poverty and homelessness less visible without making communities safer; and
 - compound existing hardship, stigma and discrimination.
9. These impacts are likely to fall disproportionately on people already experiencing disadvantage, including Māori, disabled people, Pacific peoples, Rainbow communities, women and children, particularly where poverty, homelessness, family violence, addiction, mental distress or unmet disability support needs intersect.
10. The Bill raises particular concerns for:
- **tamariki and rangatahi** - because move-on orders would apply from age 14, despite children in street situations needing protection, care, housing and support rather than displacement or criminalisation; and
 - **Māori** - because the Bill targets conduct closely connected to homelessness and severe housing deprivation, areas where Māori are disproportionately affected and where the Crown has existing Te Tiriti obligations of partnership, active protection, equity and tino rangatiratanga.
11. The Commission also considers the Bill ineffective and counterproductive. Evidence and official advice indicate that move-on orders do not address the causes of homelessness or public disorder, and may simply move people from one place to another without improving

safety. The Bill contains no adequate mechanism for referral to housing, health, addiction, disability, youth or social services.

Recommendations

12. For these reasons, the Commission recommends that the Bill should not proceed. More effective and rights-consistent solutions would focus on preventing and ending homelessness through stable accessible housing, Housing First approaches, kaupapa Māori housing, public and community housing, accessible health and addiction services, outreach, whānau-centred support, and stronger social protections. Addressing the underlying root causes of poverty would directly and significantly improve the safety and wellbeing of communities in an enduring way.
13. If the Bill does proceed, the Commission recommends, in line with option two proposed in the Regulatory Impact Statement (**RIS**)³ that:
 - begging, rough sleeping and any “intent to occupy” grounds be removed;
 - move-on orders do not apply to anyone under 18;
 - there is a requirement for the issuing of orders to only be done when strictly necessary and proportionate to the circumstances; and
 - there is a requirement for connection to referral pathways for housing, health and social support responses when an order is issued.

Key Human Rights Engaged by the Bill

14. The Commission outlines below the principal human rights engaged by the Bill and the nature of its impacts on those rights. Many of these rights arise under the International Covenant on Civil and Political Rights (**ICCPR**), New Zealand’s implementation of which is scheduled for review by the UN Human Rights Committee in 2027. Should the Bill be enacted, it is likely to be of significant interest to the Committee.
15. The Commission draws this to the Committee’s attention because New Zealand’s strong record in upholding civil and political rights underpins its international reputation, including its diplomatic relationships, trade interests, and overall effectiveness on the global stage.

The Right to Adequate Housing (a decent home)

16. The Bill directly engages the right to a decent home. It would allow police to issue move-on orders to people aged 14 and over for rough sleeping, setting up personal possessions, using makeshift shelter, or otherwise appearing to intend to inhabit a public place. In practice, this means the Bill targets people for conduct that is often a direct consequence of not having a safe, secure and stable home.
17. The right to adequate housing is part of the right to an adequate standard of living protected in international human rights law.⁴ It is understood as the right to live somewhere in security, peace and dignity, not merely a right to shelter.⁵ At a minimum, this means having housing that provides security from eviction, is affordable, safe and suitable for living, physically

³ [Ministry of Justice Regulatory Impact Statement: Strengthening responses to public disorder](#) (27 November 2025) at p 15-16.

⁴ See Universal Declaration of Human Rights GA Res 217A (III), A/RES/3/217A (10 December 1948); International Covenant on Economic, Social and Cultural Rights 993 UNTS 3 (opened for signature 16 December 1966, entered into force 3 January 1976).

⁵ International Covenant on Economic, Social and Cultural Rights 993 UNTS 3 (opened for signature 16 December 1966, entered into force 3 January 1976), art 11(1); Committee on Economic, Social and Cultural Rights *General Comment No 4: The Right to Adequate Housing (Art 11(1) of the Covenant)* (13 December 1991) at [7].

accessible and culturally appropriate for those who live there and located with reasonable access to services.⁶ For these reasons, the Commission refers to the right to a ‘decent home’: a warm, dry, safe, secure, affordable, accessible, healthy, home.⁷

18. States must respect, protect and fulfil this right, including by refraining from unjustified interference, preventing third parties from undermining housing rights, and taking deliberate and targeted steps towards its full realisation.⁸ This requires governments to create an enabling environment where everyone can access a decent home. Laws, institutions, policies, resources and housing strategies must all support access to adequate housing for all, especially those in vulnerable situations.⁹
19. During her 2020 visit, the former UN Special Rapporteur on the Right to Adequate Housing described New Zealand’s housing situation as a “human rights crisis.”¹⁰ She also highlighted widespread homelessness, unaffordable and inaccessible housing, insecure tenancy, and a chronic shortage of social and community housing as conditions inconsistent with the enjoyment of the right to housing.¹¹
20. The Commission has undertaken extensive work on the right to a decent home in Aotearoa New Zealand through its multi-year housing inquiry.¹² This submission should be read in conjunction with the *Commission’s Framework Guidelines on the Right to a Decent Home in Aotearoa*¹³ - which outlines the right and signals the different ways this human right can contribute to a fair and dynamic housing system in Aotearoa New Zealand - and our report on homelessness and emergency housing.¹⁴ While there has been progress in some areas since the Commission’s Inquiry, access to a decent home continues to worsen for many people.
21. Despite New Zealand’s commitments under key international human rights instruments, including the International Covenant on Economic, Social and Cultural Rights (**ICESCR**), the Convention on the Rights of Persons with Disabilities (**CRPD**), the Convention on the Rights of the Child (**CRC**), and the UN Declaration on the Rights of Indigenous Peoples (**UNDRIP**), the right to adequate housing remains largely unrecognised in domestic law. There is no legislative framework to give effect to this right and the corresponding obligations to uphold it.¹⁵
22. Preventing and eliminating homelessness is a ‘minimum core obligation’ of States to ensure the satisfaction of, at the very least, minimum essential levels of each of the rights under the ICESCR. The Committee on Economic, Social and Cultural Rights, who oversee implementation

⁶ Office of the United Nations High Commissioner for Human Rights [OHCHR and the right to adequate housing](#); Committee on Economic, Social and Cultural Rights, above n 1, at [8].

⁷ See Te Kāhui Tika Tangata Human Rights Commission [Aratohu tika tangata ki te whai whare rawaka i Aotearoa: Framework Guidelines on the Right to a Decent Home in Aotearoa](#) (August 2021).

⁸ Office of the United Nations High Commissioner for Human Rights *The Right to Adequate Housing* (Fact Sheet No 21/Rev 1, 2010) at 33–35.

⁹ Special Rapporteur on the right to adequate housing *Guidelines for the implementation of the right to adequate housing* A/HRC/43/43 (26 December 2019), guidelines 1-3; Office of the United Nations High Commissioner for Human Rights [The human right to adequate housing](#).

¹⁰ UN Human Rights Office of the High Commissioner [End of Mission Statement by the Special Rapporteur on the Right to Adequate Housing, Visit to New Zealand](#) (February 2020).

¹¹ Ibid.

¹² See Te Kāhui Tika Tangata Human Rights Commission [Inquiry into the Right to a Decent Home](#).

¹³ Framework Guidelines on the Right to a Decent Home in Aotearoa, above n 7.

¹⁴ Te Kāhui Tika Tangata Human Rights Commission [Homelessness and Human Rights: A Review of the Emergency Housing System in Aotearoa New Zealand](#) (Housing Inquiry Report, December 2022)

¹⁵ The Commission’s 2023 housing report, based on an inquiry conducted between 2021 and 2023, recommended legislative recognition of the right to a decent home, shaped by and giving effect to Te Tiriti o Waitangi. See Te Kāhui Tika Tangata [Implementing the Right to a Decent Home in Aotearoa: Fairness and Dignity for All](#) (Wellington: New Zealand Human Rights Commission, 2023), at 37-38.

of the Convention, has clarified that a “State party in which any significant number of individuals is deprived of essential foodstuffs, of essential primary healthcare, of basic shelter and housing, or of the most basic forms of education, is prima facie, failing to discharge its obligations under the Covenant.”¹⁶ A measure that displaces or penalises people because they lack shelter is difficult to reconcile with that obligation.

23. The obligation to prevent and eliminate homelessness is also connected to the right to life enshrined in Article 6 of the International Covenant on Civil and Political Rights, also protected in New Zealand’s Bill of Rights Act (**BORA**).¹⁷ Housing is also an enabling right. Without a decent home, people face greater barriers to water, sanitation, food, education, health care, work, family life, safety and participation in community life.
24. The scale of housing need in Aotearoa New Zealand is significant. The latest 2023 Census data indicated that 2.3% of New Zealanders are experiencing homelessness or ‘severe housing deprivation’.¹⁸ That’s nearly one in every 38 people. Recent research has found that homelessness in Aotearoa has reached its highest level.¹⁹ We have one of the highest rates of homelessness among OECD countries. Recent reporting also shows that 10.2 percent of the population is experiencing income poverty, and 473,000 people are experiencing material hardship.²⁰
25. Homelessness arises from many overlapping causes. According to Ministry of Housing and Urban Development Homelessness research, housing providers have noted the increasing complexity of these factors, including addiction, mental health issues, domestic violence, trauma and financial stress.²¹ These are not problems that can be solved by moving people away from certain public places.
26. Given this context, the RIS understates the Bill’s impact on Aotearoa New Zealand’s international human rights obligations. The RIS refers to the potential impact on the ICCPR, but does not adequately assess consistency with other relevant obligations, particularly under the ICESCR and CRC.²²
27. In this context, the Bill risks penalising people for the public visibility of unmet housing need, while doing nothing to secure access to the decent, safe and stable homes required by New Zealand’s human rights obligations. For these reasons, the Commission considers that the Bill is inconsistent with a rights-based response to homelessness and the right to a decent home.

The Right to the Highest Attainable Standards of Physical and Mental Health

28. Though not explicitly recognised in domestic law, the right to health is protected in international law primarily under Article 12 of the ICESCR. It is also reflected in other core treaties ratified by Aotearoa New Zealand, including Article 5(e)(iv) of the International Convention on the Elimination of All Forms of Racial Discrimination (**CERD**), Articles 11(1)(f)

¹⁶ See Committee on Economic, Social and Cultural Rights [General Comment No 3: The Nature of States Parties' Obligations \(art 2\(1\) of the Covenant\)](#), UN ESCOR, 5th sess, UN Doc E/1991/23 (14 December 1990) at [10] and [12].

¹⁷ See Leilani Farha [Adequate Housing as a Component of the Right to an Adequate Standard of Living \(Report of the Special Rapporteur on Adequate Housing\)](#) A/71/310 (8 August 2016).

¹⁸ Stats NZ 2023 Census severe housing deprivation (homelessness) estimates (4 December 2024).

¹⁹ Henry Oliver [Our Hidden Child Homelessness Problem](#) The Spinoff (8 June 2026).

²⁰ Susan Edmunds [Who's Poor in New Zealand Now?](#) RNZ (online ed, New Zealand, 1 July 2026).

²¹ Te Tūāpapa Kura Kāinga – Ministry of Housing and Urban Development [Latest Homelessness Insights Report Released](#) (September 2025).

²² Regulatory Impact Statement Strengthening Responses to Public Disorder, above n 3, at p 9.

and 12 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Article 24 of Convention on the CRC and Article 25 of the CRPD.

29. The right is not the right to be healthy; rather, it requires the State to take reasonable and appropriate legislative, administrative, budgetary and other measures to ensure that everyone can access available, accessible, acceptable and good-quality health facilities, goods and services, together with the underlying conditions necessary for health such as access to clean water and healthy food, without discrimination and in a manner consistent with human dignity.²³
30. There is robust international evidence that homelessness and housing insecurity are both a cause and consequence of mental ill-health, with the majority of people experiencing homelessness living with mental health conditions at far higher rates than the general population.²⁴
31. Critically, behaviours often characterised as ‘antisocial’ in public space contexts may, in significant part, be manifestations of underlying and untreated mental health conditions, substance dependence, or neurological impairment, rather than constituting purely voluntary misconduct.²⁵ Accordingly, the use of move-on orders engages the right to the highest attainable standard of health, as it regulates conduct that is closely connected to unmet health needs and may further exacerbate those conditions.
32. Homelessness and housing insecurity are closely associated with poorer health outcomes, addiction and impaired access to health care.²⁶ The World Health Organisation recognises housing as a core social determinant of health, and notes that limited access to quality housing is associated with a higher risk of illness and death.²⁷
33. From a human rights perspective, addiction is not simply a matter of personal blame or criminality; it is a health, dignity and equality issue that engages the rights to health, non-discrimination, autonomy and social inclusion.²⁸
34. The Commission notes with concern that the Bill contains nothing in its purpose or any clauses about referral of individuals to social or healthcare services.

Rights to Freedom of Movement, Assembly, Association and Expression

35. Move-on orders engage several fundamental civil and political rights, including freedom of movement, expression, peaceful assembly and association. These rights are protected in BORA and the ICCPR. They protect more than formal political activity. They also protect people’s ability to be present in public places, communicate with others, seek help, gather informally, maintain social relationships and participate in community life.

²³ See Committee on Economic, Social and Cultural Rights *General Comment No 14: The Right to the Highest Attainable Standard of Health (art 12)* E/C.12/2000/4 (11 August 2000).

²⁴ See Rebecca Barry and others ["Prevalence of Mental Health Disorders Among Individuals Experiencing Homelessness: A Systematic Review and Meta-Analysis"](#) (2024) 81(7) JAMA Psychiatry 691; Deborah K Padgett ["Homelessness, Housing Instability and Mental Health: Making the Connections"](#) (2020) 44(5) BJPsych Bulletin 197.

²⁵ K Y Xu, S E Gabrielian and T R Brown ["Mental Health Diagnoses in People Experiencing Homelessness"](#) (2024) 81(10) JAMA Psychiatry 1047.

²⁶ Office of the United Nations High Commissioner for Human Rights [OHCHR and the right to adequate housing](#); Office of the United Nations High Commissioner for Human Rights [Homelessness and human rights](#).

²⁷ World Health Organization [Social Determinants of Health](#).

²⁸ Office of the United Nations High Commissioner for Human Rights [Drug policy and drug use](#); United Nations Office on Drugs and Crime [Addressing and Countering the World Drug Problem](#); Office of the United Nations High Commissioner for Human Rights [Mental Health and Human Rights](#).

36. The right to freedom of expression protects the right to seek, receive, and impart information and ideas of all kinds, through any media and regardless of frontiers, as recognised in Article 19 of the ICCPR (and s 14 BORA). It is a fundamental but not absolute right: any restriction must be provided by law and be necessary and proportionate to protect the rights or reputations of others, national security, public order, public health, or morals.²⁹ Begging may be a request for immediate material support, but it can also communicate a person's circumstances, needs and experiences of poverty or homelessness. Comparative jurisdictions have confirmed that begging is a communication and falls within freedom of expression protections³⁰
37. Freedom of movement as protected under the ICCPR, protects the ability to move through, remain in and access public places.³¹ Move-on orders restrict that right by requiring a person to leave a specified place and preventing them from returning for a period of time. For people experiencing homelessness or severe housing deprivation, access to public space may be essential to survival, safety, visibility, social connection and access to services. Even temporary exclusions can have serious cumulative effects, particularly if orders are issued repeatedly or across multiple locations.
38. The rights to peaceful assembly and association are also engaged.³² International human rights law recognises that assembly is not limited to formal protests; assemblies include informal, spontaneous, and non-organised gatherings and association encompasses everyday social interaction, particularly for vulnerable populations.³³ Move-on orders can forcibly disperse groups of people in public space and prevent individuals from meeting others for mutual support and disrupt informal communities formed among homeless individuals.
39. The Commission acknowledges that the Bill contains exceptions for protest, freedom camping, and charitable or not-for-profit fundraising. However, those exceptions do not resolve the rights concerns. They may instead create arbitrary distinctions between people whose use of public space is protected because it is framed as protest, fundraising or recreation, and people whose presence or conduct (such as begging) in public space reflects poverty, homelessness or unmet support needs.
40. Because these rights are fundamental, any limitation must be lawful, necessary and proportionate. The Commission does not consider that threshold is met where the Bill allows coercive orders to be issued for low-level or non-criminal conduct, including conduct that may arise from deprivation rather than any genuine threat to public safety. This is particularly so when existing legal tools already allow authorities to respond to threatening, violent, obstructive or disorderly behaviour. The Bill goes further by enabling exclusion from public space in circumstances where support, housing and health responses are more appropriate.
41. The Commission therefore shares the Attorney-General's concern that the Bill appears inconsistent with freedom of expression in relation to begging, and with freedom of movement.³⁴ In the Commission's view, the Bill also risks unjustifiably limiting peaceful

²⁹ [International Covenant on Civil and Political Rights 999 UNTS 171](#) (opened for signature 16 December 1966, entered into force 23 March 1976), art 19; Human Rights [Committee General Comment No 34: Article 19 – Freedoms of Opinion and Expression](#) CCPR/C/GC/34 (12 September 2011)

³⁰ See for example *R v Banks* (2007) 275 DLR (4TH) 640 at [112] and *Federated Anti-Poverty Groups of British Columbia v Vancouver* 2002 BCSC 105, [2002] BCI No 493 at [150].

³¹ ICCPR, art 12.

³² ICCPR, arts 21 and 22.

³³ Human Rights [Committee General Comment No 37: Article 21 \(Right of Peaceful Assembly\)](#) CCPR/C/GC/37 (17 September 2020).

³⁴ [Report of the Attorney-General under the New Zealand Bill of Rights Act 1990 on the Summary Offences \(Move-On Orders\) Amendment Bill](#) (14 May 2026).

assembly and association by dispersing informal gatherings and disrupting relationships of mutual support. These limitations are especially concerning because they fall most heavily on people whose ability to exercise rights in private spaces is already constrained by homelessness, poverty and exclusion.

The Right to Liberty and Security of Person

42. The right to liberty and security of the person is a foundational human right encompassing protection from physical harm and violence; and freedom from arbitrary or unjustified interference with liberty, including detention and coercion related to the legitimate exercise of other rights such as freedom of expression, assembly and association. It is most clearly articulated in article 9(1) of the ICCPR, which provides that: “Everyone has the right to liberty and security of person”.³⁵
43. As a State Party to the ICCPR New Zealand must ensure this right is protected without discrimination.³⁶ Related protections appear across other treaties to which Aotearoa New Zealand is a party including articles 19 and 37 of the CRC which set out children’s right to protection and security; and article 14 of the CRPD which sets out the right to equal enjoyment of liberty and security for persons with disabilities.
44. Whilst it is not an absolute right, these instruments collectively confirm that the right imposes both negative obligations (e.g. powers to arrest and detain should be limited to avoid misuse and arbitrary detention) and positive obligations (e.g. the State must take reasonable steps to protect individuals from foreseeable harm by third parties).³⁷
45. The Bill is framed as responding to disorder in public spaces and enhancing public safety. The Commission accepts that ensuring public safety is a legitimate objective, and that the State has a positive duty to protect individuals from harm, including from intimidation, harassment, and violence. To the extent that the Bill enables earlier intervention to prevent escalation of harmful conduct, it may reduce exposure to some threatening or intimidating behaviour and in doing so support the safety and wellbeing of workers and the public; and contribute to a broader sense of public order and security. These objectives are consistent with the State’s obligations under international human rights law to protect personal security.
46. Notwithstanding this legitimate objective, the Bill also introduces powers that limit the right to security of the person. The Bill permits police intervention on the basis of “reasonable grounds to suspect” low-level or non-criminal conduct. This relatively low threshold increases the risk that state powers will be exercised in situations that do not justify coercive intervention.
47. The Bill contains a power to detain individuals to obtain identifying information and issue move-on orders.³⁸ Detention in the absence of clear criminal offending risks being arbitrary or disproportionate, particularly when less intrusive measures are available.

³⁵ See Te Kāhui Tika Tangata Human Rights Commission [Life, Liberty and Security of Person](#).

³⁶ ICCPR above n 27 art. 2(1). While “security of the person” appears in the heading to sections 8 - 11 of NZBORA, it is not expressed as a freestanding right. This represents a narrower formulation than the ICCPR.

³⁷ See Human Rights Council [General Comment No. 35: Article 9 \(Liberty and Security of Person\)](#) CCPR/C/GC/35 (16 December 2014).

³⁸ See Summary Offences (Move-On Orders) Amendment Bill, cl 8.

48. The Bill also creates a pathway whereby low-level or non-criminal behaviour may escalate from police intervention to detention and possible prosecution and imprisonment. This progression risks undermining personal security by increasing individuals' exposure to the criminal justice system; and imposing disproportionate consequences for minor conduct.
49. For some individuals, including those experiencing homelessness, move-on powers may also have the effect of displacing them from relatively safe, visible environments to more isolated locations. In so doing, this may reduce access to support services, lighting, and community oversight - increasing instability and exposure to harm.
50. In these ways, the exercise of the powers in the Bill may diminish rather than enhance personal security. As set out below, these concerns are heightened by the likely disproportionate impact of the Bill on marginalised populations – including Māori, disabled people, and rainbow people.
51. Against this, the Commission notes that adequate powers for managing disorderly or harmful behaviour in public spaces already exist under the Summary Offences Act and other legislation. Where adequate powers already exist, the introduction of additional coercive measures raises concerns about necessity and proportionality, which are central to the justification of any limitation on rights.
52. Additionally, the evidence demonstrates that safety concerns both for people who may be subject to orders and the communities affected by their public behaviour, are more effectively addressed through alternative measures, such as: stable housing; access to specialist support services; and long-term, preventative interventions, rather than short-term enforcement mechanisms.
53. The Commission therefore considers that the Bill has a dual impact on the right to safety and security of the person – but one which overall is negative and not justified. Ensuring the safety of our streets for all people who live, work and socialise there is important – but it will not be achieved by temporary move-on orders which simply move the problem around. Our businesses and communities deserve impactful solutions with lasting outcomes.

Children's Rights

54. A move-on order will be able to be issued to anyone aged 14 years or older.³⁹ Many homeless adults also have children. This means the Bill would apply to and also indirectly impact children.⁴⁰ The Commission is concerned that the Bill does not recognise the distinct rights, needs and vulnerabilities of children, who (often alongside their whānau) may be experiencing homelessness, housing insecurity, family violence, poverty, mental distress, addiction-related harm, or disconnection from education and support services.⁴¹

³⁹ Ibid cl 8A.

⁴⁰ Both domestic law and international human rights standards define children as people under the age of 18. See Convention on the Rights of the Child 1577 UNTS 3 (opened for signature 20 November 1989, entered into force 2 September 1990), art 1; Children's Act 2014, s 15 (interpretation); Care of Children Act 2004, ss 8 and 28; Oranga Tamariki Act 1989, s 2.

⁴¹ See UN Human Rights Council [*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 (18 January 2016) at [43].

55. The Bill is being introduced into an environment of significant child homelessness and persistent and rising numbers of children in material hardship.⁴² Nearly half of all people experiencing homelessness are under age 25.⁴³
56. Child homelessness in Aotearoa New Zealand is substantial, often hidden, and closely connected to other forms of harm. Recent reporting on newly released research commissioned by the Coalition to End Women's Homelessness, recorded that more than 33,000 children and young people in Aotearoa New Zealand were growing up in severe housing deprivation. The same reporting recorded that 22,788 children were living in uninhabitable housing, 7,767 were living in someone else's home, 1,974 were in temporary accommodation, and 663 had no shelter. It also reported that children experiencing severe housing deprivation were 2.9 times more likely to experience abuse, 1.4 times more likely to be absent from school, 2.3 times more likely to have been suspended in the previous five years, and 3.2 times more likely to have been placed with Oranga Tamariki.⁴⁴
57. These figures show that child homelessness is not a marginal issue, and that the children most likely to be affected by the Bill (including by way of their parents being impacted) may already be experiencing multiple and overlapping forms of disadvantage.⁴⁵
58. The application of move-on orders to 14 to 17-year-olds is particularly concerning. Children in street situations are entitled to special protection, and should not be subject to criminalisation or displacement. The UN Human Rights Committee has underlined in General Comment No. 36 that the duty to protect the right to life requires States to take special measures of protection for people in vulnerable situations whose lives are at particular risk, including "children, especially children in street situations".⁴⁶ The Committee on the Rights of the Child has also given detailed guidance in General Comment No. 21 on the rights of children in street situations, including warning against the criminalisation of children experiencing homelessness and against aggressive policies that seek to "tackle homelessness" without respecting children's rights.⁴⁷
59. For children experiencing homelessness, being present in public space is usually a consequence of circumstances beyond their control, including poverty, unsafe housing, family breakdown, violence, unmet disability or mental health needs, disconnection from education, or failures in care and support systems. A move-on order risks responding to those circumstances through exclusion and enforcement, rather than through care, protection, housing and support – particularly in the context of insufficient services and support options. It may move children away from safer, more visible areas and further from outreach workers and other forms of assistance.⁴⁸
60. The concern is heightened for tamariki and rangatahi Māori. Māori children and young people are more likely to experience housing deprivation and the cumulative effects of poverty,

⁴² Hon Nicola Willis, Minister of Finance [Child Poverty Report](#) (28 May 2026); Kick Back [The Growing Cost of Denying Young People Access to Shelter: a reflection on the Coalition Government's recent changes to the Emergency Housing System](#) (December 2024).

⁴³ Emma Ricketts [Move-on Orders Would Push Homeless Youth into Crime, Researchers Say](#) Stuff (online ed, New Zealand, 14 June 2026).

⁴⁴ Amelia Wade [The 33,000: New research maps the hidden scale of child homelessness in Aotearoa](#) The Post (8 June 2026).

⁴⁵ Henry Oliver [Our hidden child homelessness problem](#) The Spinoff (8 June 2026).

⁴⁶ Human Rights Committee [General Comment No. 36](#) (2019) at 23.

⁴⁷ UN Committee on the Rights of the Child [General Comment No 21 \(2017\) on Children in Street Situations](#) UN Doc CRC/C/GC/21 (21 June 2017).

⁴⁸ Sarah Bierre, Kimberley O'Sullivan, Jacqueline Paul, Polly Atatoa Carr and Nevil Pierse [Move-on Orders Will Criminalise Children Experiencing Homelessness Public Health Expert Briefing](#) (15 June 2026).

insecure housing, state care involvement, justice-system contact and discrimination. Applying police move-on powers to children aged 14 and over risks compounding those existing inequities, particularly when police are asked to assess whether a child appears to have an “intent to occupy” a public place. That type of discretionary assessment may capture children whose belongings, appearance, location or behaviour reflect homelessness, survival or lack of safe alternatives, rather than any threat to public safety.

61. Evidence shows that safe and stable housing is a protective factor for children and young people. A human rights-based response should focus on preventing harm before it occurs, supporting children to remain connected to whānau, education, health care and community, and providing safe, stable and age-appropriate housing. Evidence from early intervention programmes demonstrates that investment in early childhood support produces significant long-term social and justice-sector savings.⁴⁹ More importantly, early support is consistent with children’s rights to development, protection, education, health, family life and an adequate standard of living.⁵⁰
62. The Commission therefore considers that the Bill should not apply to children. At a minimum, the age threshold should be raised so that move-on orders cannot be issued to anyone under 18. Any response to children in public spaces must prioritise their best interests, dignity, safety, participation and right to development, and must involve referral to appropriate child-centred housing, health, education, whānau and social support services, rather than criminalisation or displacement.

Women’s rights

63. Often connected to the issues in child homelessness, women are more likely to be affected by homelessness due to factors such as gendered patterns of violence,⁵¹ caregiving responsibilities and economic inequities.⁵² Not having access to a safe and secure place to live is also a well-known barrier to women and children leaving violent homes.⁵³ The Bill risks compounding those harms - by forcing them to remain in or go back to violent situations, forcing them to more unsafe street locations, or raising the barriers they face in securing accommodation.
64. These risks are particularly acute for Māori women, with 2024 research finding they make up 4 out of 5 homeless women.⁵⁴ That reflects the intersecting effects of colonisation, poverty, gendered violence, insecure housing, discrimination and barriers to culturally safe support.
65. Women’s rights are protected under CEDAW, including rights to equality, non-discrimination, health, social security, adequate living conditions and protection from gender-based violence. The CEDAW Committee recently expressed concern about higher poverty rates among Māori and Pasifika women, women with disabilities, ethnic minority and non-national women, and older women, including the gender pension gap. It recommended increased investment in policies that improve access to housing and social and economic support for these groups.⁵⁵

⁴⁹ See for example HighScope Educational Research Foundation [Perry Preschool Study](#) (15 July 2024).

⁵⁰ *Convention on the Rights of the Child*, opened for signature 20 November 1989, 1577 UNTS 3 (entered into force 2 September 1990) at arts 6, 19, 20, 23, 24, 27, 28, 29 in particular.

⁵¹ See for example UN Habitat [Women and Housing Towards inclusive Cities](#) at ch 4 and OHCHR [Women and the Right to Adequate Housing](#) (2012) at p 74.

⁵² Amelia Wade [From Hospital to homelessness: Women’s housing crisis laid bare](#) The Post (7 January 2026).

⁵³ UN-Habitat Women and Housing [Towards Inclusive Cities](#) (2014) at ch 4.

⁵⁴ [The grim picture of homelessness for NZ women](#) RNZ (7 December 2024).

⁵⁵ Committee on the Elimination of Discrimination against Women [Concluding observations on the ninth periodic report of New Zealand](#) CEDAW/C/NZL/CO/9 (14 November 2018) at [36]-[37].

66. The UN Special Rapporteur on the right to adequate housing has also emphasised that the “right to adequate housing is a central component of women’s right to equality under international human rights law”, highlighting that CEDAW requires States Parties to ensure that women enjoy access to adequate housing.⁵⁶ The Special Rapporteur has also made a number of recommendations on women’s right to adequate housing.⁵⁷
67. The Bill does not advance these rights, obligations or recommendations. It contains no gender-responsive safeguards, no requirement to consider family violence or caregiving responsibilities, and no pathway to safe housing or specialist support before a move-on order is issued. In practice, it may have a negative impact on women’s rights - by placing women in the position of being moved from public space and into less safe situations.
68. For these reasons, the Commission considers that the Bill is inconsistent with a gender-responsive and rights-based approach to homelessness and public safety. Measures that displace women affected by poverty, homelessness or violence are unlikely to improve safety. A rights-consistent response would prioritise safe housing, specialist family and sexual violence services, culturally safe support, adequate income, and prevention of the conditions that make women and children unsafe in the first place.

Te Tiriti o Waitangi

69. The Commission considers that the Bill raises significant concerns under Te Tiriti— which is the foundational constitutional and human rights instrument of Aotearoa New Zealand. Te Tiriti affirms the pre-existing tino rangatiratanga (sovereign authority) of hapū over their lands, territories and kāinga (homes or places of belonging), while permitting the Crown to govern its own people in New Zealand. Despite this agreement, the Crown undermined hapū land rights through a torrent of actions, including punitive land seizures, coerced sales, and fragmentation of collectively held land.⁵⁸ These actions were enabled by the non-consensual imposition of the British colonial land tenure system in Aotearoa New Zealand, which sought to override Indigenous landholding arrangements with individualised title and market-based ownership.⁵⁹ This system disrupted hapū relationships to land and laid the foundations for ongoing exclusion from secure, affordable, and appropriate housing.⁶⁰
70. In *Kāinga Kore*, the Waitangi Tribunal found that Māori homelessness reflects the continuing effects of colonisation, large-scale land loss, and successive Crown policy failures in housing.⁶¹ The Tribunal described homelessness as the ‘sharp end of a system’ that has marginalised Māori for decades, finding that failures to respond adequately to Māori homelessness breached Te Tiriti.
71. As the Tribunal outlined, article 2 of Te Tiriti affirms tino rangatiratanga, including in relation to kāinga and the ability of whānau, hapū and iwi to live safely and securely in connection with their whenua, tikanga and communities. Article 3 requires equity and equal enjoyment of

⁵⁶ CEDAW at art 16. See also Office of the United Nations High Commissioner for Human Rights [Women and the Right to Adequate Housing](#).

⁵⁷ See for example: [I am a woman. How can my right to housing be effective?](#) and [How to Make Women’s Right to Housing Effective?](#)

⁵⁸ See Waitangi Tribunal, [He Whakaputanga me te Tiriti: the Declaration and the Treaty](#), Wai 1040 (2014).

⁵⁹ Ibid, 525. The Tribunal observed that “the establishment of a British system of land tenure in New Zealand was to be dated” from the Crown’s own assertion of sovereignty, and that “English law, in essence, meant that Britain acquired sovereignty when it said it had,” regardless of Māori agreement.

⁶⁰ See Te Kāhui Tika Tangata Human Rights Commission [Submission of the New Zealand Human Rights Commission to the United Nations Special Rapporteur on the Right to Adequate Housing](#) (May 2025)

⁶¹ Waitangi Tribunal. [Kāinga Kore: The Stage One Report of the Housing Policy and Services Kaupapa Inquiry on Māori Homelessness \(WAI 2750\)](#). Wellington: Waitangi Tribunal, 2024, 121.

citizenship rights. The principle of active protection requires the Crown to take positive steps to address inequitable outcomes and prevent further disadvantage.

72. Reinforcing the obligations under Te Tiriti, UNDRIP is part of the international human rights framework which UN human rights bodies use as a standard of reference when monitoring States' compliance with human rights obligations. In particular, article 23 states that Indigenous peoples have the right to participate in and lead decisions affecting their housing, health and wellbeing. Reflecting this, during her 2020 visit, the former UN Special Rapporteur on the Right to Adequate Housing noted that breaches of Te Tiriti, particularly promises that hapū would retain their lands, continue to significantly impact Māori.⁶²
73. The Bill must therefore be assessed in light of the Waitangi Tribunal's findings, and New Zealand's obligations to tangata whenua under Te Tiriti, and UNDRIP.
74. The Bill targets conduct closely associated with homelessness, including rough sleeping, begging and the use of public space in ways that may indicate an intent to remain there. Because Māori experience disproportionate rates of homelessness and severe housing deprivation, the Bill is likely to have disproportionate and inequitable impacts on tangata whenua. In 2023, more than 34,500 Māori were estimated to be severely housing deprived, an increase of 23 percent since 2018.⁶³ This means around one in every twenty-five Māori in New Zealand lacked access to safe, secure and adequate housing. Among those affected, just over one in ten were living in temporary accommodation, and nearly 1,300 had no shelter at all.⁶⁴
75. Drawing on the *Kāinga Kore* findings, the Commission considers that the Bill is difficult to reconcile with Te Tiriti obligations and UNDRIP because it:
- a) Targets behaviours arising directly from Māori homelessness, which the Crown has failed to adequately address;
 - b) Creates a pathway from homelessness to police intervention, non-compliance and criminal liability. For Māori, who are already disproportionately affected by homelessness and over-represented in the criminal justice system, this pathway risks further criminalising the consequences of Crown failure and exacerbating disproportionate and inequitable impacts on Māori, contrary to active protection and equity principles;
 - c) Is operating in the absence of adequate housing alternatives, which constrain the exercise of tino rangatiratanga over kāinga; and
 - d) Does not reflect a Māori-led or Tiriti-partnered approach to homelessness, public safety or community wellbeing. Instead, it focuses on visible symptoms of housing deprivation in public places, rather than partnering to address the structural causes of homelessness and poverty, and the Crown obligations identified by the Tribunal including tino rangatiratanga through hapu-led solutions.
76. As such, the Bill is likely to compound, rather than remedy, the Crown's identified Tiriti breaches in relation to housing and homelessness. It reflects a continuation of the policy patterns criticised in *Kāinga Kore*.
77. There are examples of successful hapu led housing solutions leading the way for both Māori and non-Māori.⁶⁵ It is good to see Te Tūāpapa Kura Kainga Ministry of Housing and Urban

⁶² Ibid.

⁶³ Stats NZ. 2023 [Census Severe Housing Deprivation \(Homelessness\) Estimates](#) (4 December 2024).

⁶⁴ Ibid.

⁶⁵ See for example Polere Paewai [Rotorua hapū trust expand affordable rental initiative](#) RNZ (18 August 2025). See also Danielle Lee Smith, John G Oetzel, Mary L Simpson, Yvonne Wilson, Sophie Nock and Rangimahora

Development recognising this.⁶⁶ However this recognition needs to be translated into widespread, accessible and well-resourced initiatives.

78. A Te Tiriti-consistent response would prioritise the prevention and elimination of homelessness through adequate housing, increasing funding for kaupapa Māori housing solutions, whānau-centred support, meaningful Māori partnership in policy design and delivery, and measures that address the structural drivers of housing deprivation. Enforcement-led responses that penalise the public visibility of homelessness are unlikely to meet the Crown's obligations under Te Tiriti of partnership, active protection, equity and respect for tino rangatiratanga.

Legal mechanics

Existing legal tools already address harmful conduct

79. The Bill creates new powers in an area where the law already provides police and local authorities with a range of tools to respond to genuinely harmful or disorderly conduct. The Summary Offences Act 1981, Trespass Act 1980, Crimes Act 1961, Search and Surveillance Act 2012, local bylaws, and existing police powers already address conduct such as disorderly behaviour, offensive behaviour, obstruction, intimidation, threatening conduct, trespass and criminal offending in public places.⁶⁷ Police may already direct people engaged in threatening or disorderly conduct to disperse, and may require people to stop obstructing public rights of way. Failure to comply with existing lawful directions can itself carry consequences. Where concerns involve children or young people, existing pathways are also available, including referral to Police Youth Aid or, where appropriate, a report of concern to Oranga Tamariki.
80. The Commission is therefore concerned that the Bill duplicates existing offences and powers, rather than filling a clear legal gap. Where conduct is genuinely threatening, harmful or criminal, it can already be addressed. Where conduct falls below that threshold, the creation of a new coercive move-on regime risks expanding criminal justice intervention into behaviour that should be addressed through housing, health, social support and community-based responses. The Bill does not provide an explicit mechanism for this.

Disproportionate and downstream consequences

81. The Ministry of Justice's Offence and Penalty Vetting process found that the proposed offence for breaching a move-on order is disproportionate to the harm caused and would create inconsistencies in the law.⁶⁸ Sentences of imprisonment should be reserved for serious offending given the significant infringement on human rights that imprisonment has.
82. The conduct targeted by the Bill includes begging, rough sleeping, or conduct said to indicate an intention to occupy a public place. This conduct, and any non-compliance with orders issued as a result, will often arise from poverty, homelessness, mental distress, addiction, disability, or lack of safe alternatives. This increases the risk that poverty-related conduct is escalated into the justice system – which is ill-equipped to address the causes of that conduct. It can also complicate addressing the conduct by imposing additional barriers in a cascading effect – such as fines which increase debt; inability to fund transport to court dates resulting in arrest and further charges for failure to appear; missed appointments with MSD, health,

Reddy "Connecting Health and Place Through Age-Friendly Built Environments to Reduce Experiences of Loneliness (Mokemoke) for Māori" (2026) 98 Health & Place.

⁶⁶ Te Tūāpapa Kura Kāinga – Ministry of Housing and Urban Development "Housing by Māori, for Māori and with Māori" <<https://www.hud.govt.nz/our-focus/housing-for-by-and-with-maori>>.

⁶⁷ Regulatory Impact Statement Strengthening Responses to Public Disorder, above n 3, at p 9.

⁶⁸ Ibid, at 13.

and other service providers which can result in penalties by MSD or further delay in accessing support.

Risk of arbitrariness and inconsistent enforcement

83. The Bill gives police significant discretion to issue move-on orders on the basis of broad and potentially subjective concepts, including “disorderly” or “disruptive” behaviour, “begging”, “rough sleeping”, and conduct said to indicate an “intent to occupy” a public place.
84. In policing, discretion is a double-edged sword. It can allow police to make appropriate decisions about whether or not the conduct they are dealing with merits a punitive response. However, it may also mean orders are issued to people simply because they are visibly poor, homeless, distressed, disabled, or present in public space in ways that others consider uncomfortable or undesirable.
85. Whilst discretion will allow police to make judgement calls, it also introduces a real risk of inconsistent or discriminatory application – if decisions are made based on appearance, location, perceived social status, complaints from particular members of the public, or stereotypes about homelessness and public disorder. As set out above those risks are heightened for groups already subject to over-policing or disproportionate state intervention, including Māori, disabled people, young people, Pacific peoples and Rainbow communities.
86. It also raises a broader question about whose experience of public space is being prioritised. A move-on order may be triggered by complaints from one person, or a small number of people, who feel uncomfortable about the presence of someone begging or rough sleeping. Yet other members of the same community may know, support or regularly assist that person, including by providing food, donations, conversation or informal pastoral care. The Bill does not explain how those competing views are to be weighed, or why the discomfort of some members of the public should justify coercive state intervention where there is no objective evidence of harm or offending.
87. Public space is shared space. The fact that some people are uncomfortable with poverty or visible homelessness should not, without more, determine who is allowed to remain in public places. Laws governing public space should be based on objective evidence of risk, harm or unlawful conduct - not stigma, stereotypes, public unease, or pressure to make poverty less visible. As above, there are already tools for police to deploy in such circumstances.
88. The Bill does not contain sufficient safeguards to ensure that move-on powers are used only where strictly necessary and proportionate, or that affected people are referred to appropriate housing, health, disability, addiction, youth or social support services. Without such safeguards, the Bill risks empowering exclusion from public space on the basis of visibility, poverty or perceived undesirability, rather than addressing genuine threats to public safety.⁶⁹

Unclear distinctions and unworkable anomalies

89. The Bill also creates difficult legal distinctions and likely unintended consequences.
90. For example, the Bill exempts people whose primary purpose is demonstrating support for, opposition to, or publicising a point of view, cause or campaign. This may mean that a person protesting homelessness or poverty while sleeping rough or seeking donations is protected

⁶⁹ Dr Timothy F Welch [Move-on orders punish poverty while we defund all the ways out of it](#) Newsroom (25 June 2026).

from a move-on order, while another person in the same circumstances but without an expressly political message is not.⁷⁰ The Wellington City Council has highlighted a situation where charities collecting money to feed children would be allowed “but a parent under immediate pressure or falling between supports would be unable to ask for money in a public place”.⁷¹

91. The Bill distinguishes between begging and other forms of fundraising or exchange. This could mean, for example, that a person simply asking passers-by for money to buy food may be moved on; but the same person offering a nominal service or product (a smile, a song, directions) may not meet the definition. Such distinctions are unlikely to be clear or workable in practice and may produce arbitrary outcomes.
92. The Bill may also impose penalties that are ineffective and counterproductive. People experiencing homelessness or extreme poverty are unlikely to be able to pay fines – which will simply increase their debt or decrease their already limited income for supporting themselves. Enforcement will involve costs, without improving public safety or addressing the underlying causes of homelessness, poverty, addiction or mental distress.

Impact of the Bill

A poor solution to a complex social problem

93. The Bill is an ineffective and counterproductive response to the problems it seeks to address. The Commission is not alone in this view: many social service providers, religious leaders, businesses, Retail NZ, the Police Association, and the Ministries of Justice and Housing have either opposed or raised significant concerns about using move-on powers to respond to homelessness, poverty and low-level public disorder.⁷²
94. The RIS reaches a similar conclusion. It states that “formal law enforcement responses are neither appropriate nor effective responses for public disorder that falls below the criminal threshold,” and that move-on orders are not necessary because other responses may be more appropriate.⁷³ It also notes that studies in Australia and the United Kingdom have found no empirical evidence that move-on orders reduce crime rates.⁷⁴
95. The RIS further records that broader consultation would have helped officials understand the nature and scale of the problem, the full range of options, and the likely impacts of those options.⁷⁵ That consultation could have included options involving housing, social and health services. The RIS concluded that the costs to people subject to move-on orders would outweigh any benefits to businesses and communities affected by public disorder.⁷⁶

⁷⁰ Kris Gledhill Will [‘Move-On’ Orders for Rough Sleepers Make Cities Safer – or Revive Victorian-Era Cruelty?](#) The Conversation (11 June 2026)

⁷¹ Tom Hunt [Busking, Busking ... Begging: Thin Grey Line in Proposed Move-On Orders](#) The Post (23 June 2026)

⁷² Lilian Hanly [Move-on orders didn’t get backing of Housing or Justice ministries](#) RNZ (3 March 2026); [‘Bullying’, ‘draconian’ homeless move-on orders questioned](#) RNZ (23 February 2026); [‘No doubt’ new move-on orders for homeless will drain police resources](#) RNZ (23 February 2026); Sam Smith [Auckland business associations say move-on orders for homeless ‘not the Kiwi way’, asks PM to ditch them](#) Stuff (11 March 2026); Wellington City Mission [Wellington community leaders issue open letter to Government, saying no to “Move-On” orders](#); ActionStation [Open Letter: Bin the Ban – We Want Stable Homes and Support for Unhoused Whānau](#) (24 November 2025).

⁷³ Regulatory Impact Statement Strengthening Responses to Public Disorder, above n 1, at 24.

⁷⁴ Ibid, at 25.

⁷⁵ Ibid, at 2-4.

⁷⁶ Ibid at 5.

Cuts in services and changes to emergency housing criteria

96. The Bill must also be assessed against a broader policy context in which access to housing and support has become increasingly constrained. Tightened emergency housing criteria have been associated with a sharp rise in declined applications.⁷⁷ Mental health and addiction services continue to face significant unmet need.⁷⁸ Together, these pressures increase the risk that people will be displaced by enforcement action without any realistic alternative pathway to housing, treatment or support.⁷⁹
97. Recent emergency housing reforms introduced a new Emergency Housing Grants Programme and associated regulatory changes, alongside an objective of reducing the number of households in emergency housing by 75 percent by 2030.⁸⁰ A central feature of the reforms was to “tighten the gateway” through a more rules-based eligibility system, reduced discretion, and a requirement that assistance be limited to those assessed as being in “genuine need” and having met specified responsibilities.⁸¹ Decision-makers may decline support where applicants are considered to have “unreasonably contributed” to their housing need or have not provided required information. In some cases, applicants may face 13-week periods of non-entitlement to housing assistance.⁸² In addition, the duration of initial grants has been shortened to facilitate repeated reassessment, and obligations on applicants have been tightened - creating further barriers access to support.⁸³
98. Evidence indicates that these changes have materially affected access to emergency housing. Declined applications increased from around 1,000 in March 2024 to approximately 9,000 in March 2025, while the overall number of applications fell.⁸⁴ Independent reports and sector evidence suggest that stricter criteria have created practical barriers to access, with some applicants found ineligible because their need is considered foreseeable, attributable to their own actions, or capable of being met in other ways. Advocacy organisations and service providers have described access to emergency housing as “near impossible” for some people, with indications of increased rough sleeping and unmet housing need.⁸⁵ While official data shows a reduction in the number of households in emergency housing, this appears to reflect

⁷⁷ Lillian Hanly [Minister stands by decision to tighten emergency housing criteria despite criticism](#) RNZ (26 March 2026).

⁷⁸ Royal Australian and New Zealand College of Psychiatrists [No funding for New Zealanders with severe mental illness and addiction issues in the budget](#) (media release, 31 May 2024)

⁷⁹ Denied: [The Growing Cost of Denying Young People Access to Shelter — A Reflection on the Coalition Government's Recent Changes to the Emergency Housing System](#) (December 2024)

⁸⁰ Ministry of Social Development Emergency Housing Grants Programme (26 July 2024) [Emergency Housing Grants Programme - Ministry of Social Development](#); Ministry of Social Development Social Security (Emergency Housing) Amendment Regulations 2024 (Cabinet paper, 2024) [paper-social-security-emergency-housing-amendment-regulations-2024.pdf](#)

Controller and Auditor-General Supporting people in immediate housing need (2026) [Supporting people in immediate housing need](#) at [4.3]–[4.5].

⁸¹ Ibid.

⁸² Lillian Hanly [Minister stands by decision to tighten emergency housing criteria despite criticism](#) RNZ (26 March 2026); Lillian Hanly [Almost a trap' – Advocates say near impossible to get into emergency housing as homelessness increases](#) RNZ (7 March 2025)

⁸³ Ibid.

⁸⁴ Lillian Hanly [Minister stands by decision to tighten emergency housing criteria despite criticism](#) RNZ (26 March 2026).

⁸⁵ Lillian Hanly [Almost a trap' – Advocates say near impossible to get into emergency housing as homelessness increases](#) RNZ (7 March 2025).

both exits and reduced entry, rather than a corresponding reduction in underlying housing need.⁸⁶

99. At the same time, housing and community support settings have become less able to provide practical alternatives. The Government's \$1.8 billion debt reduction plan means there will no longer be public housing growth,⁸⁷ and \$1 billion has been cut from emergency housing over five years. Māori housing initiatives have lost an additional \$32.5 million,⁸⁸ and changes to KiwiSaver are expected to reduce housing-related savings support by saving the government \$2.5 billion.⁸⁹ Budgets 2024 and 2025 allocated funding for community housing, including \$128 million in 2025 for 550 new homes in Auckland,⁹⁰ but with over 19,000 on the public housing waitlist in March 2025, demand remains unmet.⁹¹
100. Mental health and addiction support has also been affected by reprioritisation, constrained NGO funding and uncertainty in frontline and community provision.⁹² Sector bodies have warned that Budget 2024 left people with severe mental illness and addiction needs underserved. The Royal Australian and New Zealand College of Psychiatrists stated it provided "no funding" for severe mental illness and addiction issues, citing unmet need of approximately 329,000 adults and 55,000 children.⁹³
101. This background, and the high levels of homelessness, increases the number of people who may be subject to move-on orders; whilst making it less likely that they will have viable alternatives or support to turn to.

Disproportionate intersectional impacts

102. The Bill is likely to have discriminatory intersectional impacts, because the proposed grounds for issuing a move-on order - including begging, rough sleeping and conduct said to indicate an "intent to occupy" a public place - are closely associated with issues which disproportionately affect certain groups.⁹⁴
103. These issues include poverty, homelessness, unmet disability support needs, mental distress, addiction, family violence and housing insecurity. They are caused by barriers to adequate housing, health care, income support, safety and public participation – barriers such as

⁸⁶ Department of the Prime Minister and Cabinet Fewer people in emergency housing: Target 8 Factsheet (March 2025).

⁸⁷ New builds will be offset by large-scale demolitions and sales. See [Housing Minister Chris Bishop Reveals Kāinga Ora's Turnaround Plan to Reduce Deficit](#) The New Zealand Herald (3 February 2025).

⁸⁸ Liam Rātana, [Budget 2025: New Funding Headlines Mask Deeper Cuts to Māori Programmes](#) The Spinoff (23 May 2025).

⁸⁹ Jamie Ensor [Budget 2025: Pay Equity, KiwiSaver and Housing – Where the Govt Cut \\$21b](#) The New Zealand Herald (22 May 2025).

⁹⁰ Hon Chris Bishop and Hon Tama Potaka [Delivering the Right Houses in the Right Place, for the Right People](#) Beehive.govt.nz (22 May 2025).

⁹¹ Above n 25.

⁹² Ministry of Health *Budget 2024* (2024) (recording Vote Health savings and returned contingency funding); Anusha Bradley "Frontline mental health cash used for controversial fund" *RNZ* (13 February 2025) (reporting that funding earmarked for frontline mental health services was reprioritised to a \$10 million mental health innovation fund); Royal Australian and New Zealand College of Psychiatrists "No funding for New Zealanders with severe mental illness and addiction issues in the budget" (media release, 31 May 2024); Russell Palmer "Longer contracts for some mental health providers after Health NZ delays" *RNZ* (13 June 2025) (reporting uncertainty and delays affecting community mental health provider contracts).

⁹³ Royal Australian and New Zealand College of Psychiatrists "No funding for New Zealanders with severe mental illness and addiction issues in the budget" (media release, 31 May 2024)

⁹⁴ As recognised in the RIS, p 28 – 29.

discrimination which the Special Rapporteur on the right to adequate housing has identified as both a cause and consequence of homelessness.⁹⁵

104. The Bill may have the compounding effect of making already marginalised people less visible to outreach workers and community support services, disrupting informal safety networks and pushing people into more isolated or unsafe locations. In doing so, it compounds existing inequities and discrimination. Groups in Aotearoa which are disproportionately affected by these barriers and issues include: disabled people, Pasifika, Māori, rainbow people.
105. Disabled people face persistent barriers to adequate housing.⁹⁶ Only 2 percent of housing stock is physically accessible.⁹⁷ This, alongside issues of affordability and insecure tenure, puts them at risk of homelessness.
106. Pacific communities have long faced underinvestment in areas where they are most present, such as South Auckland, Porirua and parts of Christchurch, resulting in overcrowded, poor-quality housing that often fails to support cultural practices such as extended family living.⁹⁸ By the 2023 Census, 28,779 Pacific peoples were estimated to be severely housing deprived, nearly three times the general population rate.⁹⁹ These outcomes reflect barriers to adequate housing, including unaffordable rents, insecure tenancies and limited access to home ownership for Pacific peoples.¹⁰⁰
107. Māori are also likely to be disproportionately affected by the Bill because Māori experience higher rates of homelessness and severe housing deprivation, and are more likely to experience the cumulative effects of poverty, insecure housing, discrimination, state care, criminal justice contact and unmet health needs. The “intent to occupy” ground is particularly concerning because it gives significant discretion to police to infer a person’s future conduct from their appearance, belongings, location or presence in public space. That discretion risks discriminatory application against Māori and other groups who are already over-policed or whose use of public space is more likely to be treated as suspicious or undesirable.¹⁰¹
108. The Bill is also likely to have a disproportionate and intersectional impact on LGBTIQ+ people, including Takatāpui, trans, non-binary and other Rainbow communities.¹⁰² Trans and non-binary people face some of the highest rates of housing insecurity in Aotearoa New Zealand. The 2022 Counting Ourselves survey found that 19 percent of respondents had experienced homelessness, with higher rates among Māori and disabled trans people. Minority stress from discrimination, family rejection, poverty, high levels of experiencing violence and psychological distress, exclusion from emergency housing, and lack of safe and gender-affirming social services all contribute to these disparities.¹⁰³ Research on Takatāpui/LGBTIQ+

⁹⁵ UN Human Rights Council [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 (18 January 2016) at [39].

⁹⁶ Statistics NZ [Disabled People Need More Care and Support](#). See also NZ Disability Support Network [Accessible Housing for Disabled People Living in Aotearoa New Zealand: Executive Summary – “A Place to Call Home”](#) (9 November 2022).

⁹⁷ University of Auckland [Housing options failing the disabled community](#) Last modified October 22, 2024.

⁹⁸ Ministry for Pacific Peoples [Briefing to the Incoming Minister for Pacific Peoples](#) (November 2023).

⁹⁹ Statistics NZ [More People Estimated to Be Severely Housing Deprived in 2023](#).

¹⁰⁰ Human Rights Commission [Talanoa: Human Rights Issues for Pacific Peoples in Aotearoa New Zealand](#) (December 2020).

¹⁰¹ [Understanding Policing Delivery](#)

¹⁰² Auckland Council. [Ira Mana, Ira Tangata: Auckland’s Homeless Count report](#) ; Making Space [An Introduction to Rainbow Homelessness: A knowledge brief for Making Space](#).

¹⁰³ [Discrimination in housing market leading to takatāpui and LGBTIQ homelessness – study](#) RNZ (21 December 2021); Public Health Communication Centre [Tackling housing instability for LGBTIQ+ people in Aotearoa](#) (26 November 2024).

experiences of homelessness in Aotearoa New Zealand further demonstrates that homelessness is shaped by systemic and interpersonal exclusion.¹⁰⁴ The report *There's no room for falling apart: Takatāpui/LGBTIQ+ people's experiences of homelessness in Aotearoa New Zealand* records that people were often failed by housing and support systems and had to rely on themselves and their communities during periods of homelessness.¹⁰⁵ If services are already failing to meet the needs of Takatāpui/LGBTIQ+ people, a move-on order risks compounding that failure by treating visible homelessness as a public order issue rather than a housing and human rights issue.

109. Experience with move-on powers in Queensland illustrates the risk of broad discretionary powers falling most heavily on groups who already experience disadvantage. A review by the Crime and Misconduct Commission found that certain groups were more likely to be affected by such powers - including homeless people, young people, Indigenous people.¹⁰⁶ It also raised concern that broad move-on powers could negatively affect Indigenous people where their peaceful use of public space was perceived by others as causing anxiety, and identified disproportionate use of move-on powers against Indigenous people. Although it concerns Queensland, it illustrates a broader human rights concern: where powers are triggered by visible presence, perceived disorder or public discomfort, they risk reinforcing stigma and discriminatory enforcement rather than addressing harm and the underlying causes of it.

Solutions that work

110. A human rights-based approach requires the State to identify and address the structural drivers and social determinants of issues like homelessness and disorderly conduct. This requires accessible, culturally safe, disability-responsive, gender-affirming, trauma-informed and community-led housing and support services.¹⁰⁷ There is no provision in the Bill to facilitate access to these.
111. The focus of reform should be on evidence-based solutions that address the root causes of homelessness.¹⁰⁸ Effective approaches already exist, including properly resourcing Housing First, investing in kaupapa Māori housing, and significantly expanding public housing supply. These must be accompanied by sustained investment in outreach and integrated social services to ensure people can access the support they need to secure and sustain housing.
112. The Commission recommends that instead of proceeding with the Bill, the following approaches should be pursued:
 - a) **Adopt a holistic, human rights-based approach to homelessness**, including:
 - Aligning with recommendations from the Special Rapporteur and the Commission's [Housing Inquiry](#);
 - Ensuring access to emergency housing and night shelters to anyone who is homeless; and
 - Replacing enforcement-led responses with Housing First and strengthened social protection measures.

¹⁰⁴ Fraser, B., Chisholm, E., & Pierse, N. (2021). [“You’re so powerless”: Takatāpui/LGBTIQ+ people's experiences before becoming homeless in Aotearoa New Zealand](#) PLoS ONE, 16(12), e0259799.

¹⁰⁵ Ibid.

¹⁰⁶ Crime and Misconduct Commission (Qld) [Police Move-On Powers: A CMC Review of Their Use](#) (December 2010).

¹⁰⁷ See for example the Community led housing for Pasefika communities being built by the [Central Pacific Collective](#).

¹⁰⁸ See for example: Centre for Homelessness Impact [What we know about what works](#).

- b) **Prioritise investment over punishment**, by addressing the underlying drivers of homelessness and concerning public conduct - such as trauma, mental distress, health issues, and social disconnection which disrupt employment, sever ties with whānau, and intensify the stressors that can perpetuate harm, including by:
- **Investing in outreach and integrated social services** to provide coordinated, person-centred support.
 - **Adequately resourcing immediate housing provision**, ensuring timely access to safe, stable accommodation.
 - **Upholding Te Tiriti o Waitangi** by investing in kaupapa Māori housing solutions that support whānau Māori, who are disproportionately affected by homelessness.
 - **Expanding public housing at scale** to guarantee access to decent, secure, and permanently affordable homes for all.¹⁰⁹
 - **End benefit sanctions** for people experiencing, or at risk of, homelessness.
 - **Reverse recent emergency housing reforms** that have restricted access to support.
 - **Invest in specialist courts**, such as Auckland's Court of New Beginnings and Wellington's Court of Special Circumstances, which address underlying drivers and reduce reoffending.
- c) **Embed the right to adequate housing in domestic law**, including:
- accessibility, affordability, cultural appropriateness, acceptability, and security of tenure;
 - Recognition of Indigenous rights to land, Te Tiriti obligations, and self-determination; and
 - A "Duty to Assist" model (drawing on Wales), requiring government agencies and social services to work with people who are homeless or at risk of homelessness and make reasonable efforts to help them obtain or retain housing.¹¹⁰

¹⁰⁹ <https://www.publichousingfutures.com/>.

¹¹⁰ See the Housing (Wales) Act 2014 and the Welsh government's [white paper](#) on ending homelessness. See also [Duty to Assist Involves More than Just the Homelessness Sector](#).