

IN CONFIDENCE

Purpose

- 1. This brief seeks decisions to finalise policy proposals for move-on powers and a ban on begging in 'relevant areas'.

Background

- 2. On 9 October you received advice on strengthening responses to public disorder and the Ministerial Advisory Group for Victims of Retail Crime (MAG) September 2025 report on options to address anti-social behaviour. You decided:
 - 2.1. to establish **move-on powers** for Police to use to address certain instances of public disorder; and
 - 2.2. to introduce a ban on **begging** in relevant areas.
- 3. You indicated you would like to introduce a Bill in 2026 to address public disorder.
- 4. We are preparing a draft paper for you to take to Cabinet on 8 December to meet the Government's Quarter 4 target to take decisions on tools to address anti-social behaviour. The decisions you make on the proposals in this paper will allow us to finalise the Cabinet paper.
- 5. You discussed the Government's Quarter 4 Target at the Justice Sector Ministers meeting on 22 October.

Move-on powers

- 6. To finalise the draft paper for you to take to Cabinet, we seek decisions on move-on powers relating to the following issues:
 - 6.1. **additional elements to include** in a move-on order
 - 6.2. **service of an order**, including the method of service and the powers necessary to issue move-on orders
 - 6.3. **geographic parameters** of move-on orders

Clarification of behaviours covered by move-on orders

- 7. You have asked us to incorporate the following elements into move-on orders:
 - 7.1. move-on orders should apply to circumstances where offending is occurring or is imminent
 - 7.2. move-on orders should apply to behaviours occurring in public places and places that are "easily viewed from" public places, and
 - 7.3. move-on orders should apply to obstruction of a public way.

Commented [TB1]: This and para 19 a bit unclear/inconsistent - Are move on orders addressing behaviour below offending and/or does it include responding to offending?

Commented [TB2]: s9(2)(g)(i) but it is not clear what "easily viewed from" means or covers. If these are private, Police can use trespass powers if the occupier wanted the people removed (currently), and/or move on orders in the future (if this became the law). It would be useful to distinguish the move-on power here from existing trespass law and the proposals being worked on currently (which relate to the retail environment specifically).

Commented [TB3R2]: As a comparison, you could mention s13A of the Contraception, Sterilisation, and Abortion Act, which prohibits certain behaviour in safe areas. This is an example of legislation which sets up distance requirements for certain behaviour under the Contraception, Sterilisation, and Abortion (Safe Areas) Regulations 2023.

s9(2)(f)(iv)

IN CONFIDENCE

- 8. You have also asked us to link move-on orders to obstruction of a public way. We can include obstruction of a public way as part of the behaviours to be addressed by move-on orders.
- 9. Obstruction of a public way is a criminal offence under section 22 of the Summary Offences Act 1981. We seek direction from you on how you would like to address the inconsistency in the Summary Offences Act 1981 that will arise from creating a duplicative offence with different penalties. Key points of the obstruction of a public way offence in the Summary Offences Act 1981 are:
 - 9.1. The offence has a warning element built into it (similar to a move-on order) where, after having been warned by a constable to desist, a person continues to unreasonably impede normal passage along a public way.
 - 9.2. Someone who obstructs of a public way can be liable for a maximum fine of \$1,000. The proposed penalty for breaching a move-on order is up to three months imprisonment or a maximum \$2,000 fine.

10. If you want to apply move-on orders to behaviour that obstructs a public way, in addition to the criminal offence, then Police could decide in the circumstances whether to issue a move-on order for the obstruction or give a warning to cease the obstruction in line with the offence. Alternatively, you could repeal the offence for obstructing a public way and rely on move-on orders to address this behaviour.

11. We do not recommend amending the penalty for obstructing a public way to align with the penalty for breach of move-on orders, but you could do this if you wish. Altering the penalty for obstruction of public way offence will create an even wider inconsistency in the law, as this offence is part of a carefully calibrated framework of penalties and offences that are proportionate to the behaviours. The higher penalty of imprisonment is not proportionate to the behaviour of obstruction of a public way, particularly as there is no violence involved.

Service of a move-on order

- 12. We recommend that move-on orders be issued in writing by Police and served on-the-spot to the person subject to the order. The order could be served via e-mail where consent is given. Police advises this process is feasible.
- 13. Police agrees that verbal service alone would not be sufficient as there will need to be a record that an order was issued and how long it is in place (for operational and evidential purposes).
- 14. Given the maximum duration of move-on orders is 24 hours, an immediate appeal or review process for an order is not feasible. Where individuals believe a move-on order was issued unfairly, they could submit a complaint to the Independent Police Conduct Authority via existing processes.

Powers to obtain identifying particulars and to detain as necessary for service of the order

Commented [TB4]: s9(2)(g)(i)

Commented [TB5]: Or, remove the link of move-on orders to obstruction of a public way and rely on the existing offence.

Commented [TB6]: Not sure you need this - there may not be violence in either instance and at a certain point, if there was, it would be covered by other offences.

Commented [TB7]: We've discussed Police having a duty to explain the content of the notice; for young people, in complying with the OT Act they will need to do so in a way that a young person understands.

Commented [TB8]: s9(2)(f)(iv)

IN CONFIDENCE

15. As we are proposing for the move-on order be issued in writing, we recommend creating a new power for Police to collect the necessary identifying information for the purpose of issuing move-on orders. The necessary particulars include the person's name, date of birth, address, and electronic address (where applicable).
16. To ensure Police can collect the necessary information to issue a move-on order and de-escalate the situation, we recommend creating a new power for Police to temporarily detain the individual for the time necessary to issue the order.
17. These new powers engage the right to be free from arbitrary detention under section 22 and other detention-related rights under section 23 of the New Zealand Bill of Rights Act 1990 (NZBORA).
18. These powers align with a range of legislation that have similar provisions: Land Transport Act 1998, Sale and Supply of Alcohol Act 2012, Local Government Act 2002, Psychoactive Substances Act 2013, and Summary Offences Act 1981.

Geographic parameters of move-on orders

19. The purpose of move-on orders is to quickly de-escalate situations involving public disorder. Any interference with a person's right to freedom of movement will need to be demonstrably justified and tightly constrained, given the orders apply to behaviour that is below the level of criminality.
20. The geographic parameters of move-on orders could align with gang dispersal orders under the Gangs Act 2024 to require an individual to go a reasonable distance from the place (or part of the place) specified by the constable.
21. What constitutes a reasonable distance will depend on the location and circumstances. This will allow Police discretion to determine in the circumstances how far is reasonably necessary to resolve the situation.

Commented [TB9]: Great to have these as examples!

Commented [TB10R9]: Our op feedback is that in this type of scenario, particularly if crowds of people are involved, it would be desirable to move people as part of the detention. So we are glad to see the reference to power to detain in para 16 and the gangs act detention power is a useful example. Another one is Police Safety Orders, under s32 of the Family Violence Act, which includes an ability to move the person to a Police station.

Commented [TB11]: There will need to be operational guidance on how this could be managed for young people in a way that doesn't place them in greater danger of harm. Issuing notices to a group of young adults, who may commit an offence, may just move the problem to somewhere else.

Commented [TB12]: Compare para 7.1

Commented [TB13]: Or with liquor ban zones?

1.	Note that, in addition to your previous decisions, you have directed officials to apply move-on orders apply to imminent offending, and places that are "easily viewed from" public places.	
2.	Note that including obstruction of a public way in move-on orders creates a inconsistency in the law.	
3.	Agree that move-on orders include obstruction of a public way.	YES / NO
4.	If you agreed to Recommendation 3, agree that:	
4.1.	Police will decide whether to issue a move-on order or the criminal offence for obstructing a public way	YES / NO
	OR	

IN CONFIDENCE

4.2.	amend the penalty for obstruction of a public way in s22 of the Summary Offences Act 1981 to the proposed penalty for the breach of the move-on order of up to three months imprisonment or a maximum \$2,000 fine.	YES / NO
OR		
4.3.	repeal obstruction of a public way in s22 of the Summary Offences Act 1981.	YES / NO
5.	Agree that a move-on order be issued in writing by Police, or via email where consent is given.	YES / NO
6.	Agree to a new power for Police to temporarily detain a person for the time necessary to issue a move-on order.	YES / NO
7.	Agree to a new power for Police to obtain the necessary identifying particulars for the purpose of issuing a move-on order.	YES / NO
8.	Agree that a move-on order would require an individual to go a reasonable distance from the place (or part of the place) specified by the constable.	YES / NO

Ban on begging in “relevant areas”

22. Public disorder in retail and urban settings can have a negative impact on businesses, including from loss of customers and earnings, physical damage, and safety concerns from staff. The MAG argues that “begging in front of a store can be regarded as aggressive and intimidating, especially where a beggar is right next to the entrance”.
23. The MAG proposed to create a ban on begging within 15 metres of a “relevant area”, such as cash machines and store fronts. A person in breach of the rule would be required to cease begging if told to by a constable or risk a criminal offence if they do not comply.
24. You have indicated that you would like to create a criminal offence for begging in “relevant areas” and have asked officials to do further work to clarify “relevant area”.
25. The elements of a ban on begging that require decisions, include:
- 25.1. the definition of begging and excluded behaviours
 - 25.2. the area that could be subject to a begging ban
 - 25.3. the appropriate penalty for breaching a ban

Behaviours covered by the begging ban and excluded behaviours

IN CONFIDENCE

Banning all begging

- 26. You told us that you would like the ban to apply to all begging in relevant areas, which would include a person asking for money, goods, or services as charity.
- 27. There are significant implications of applying the ban to all begging, which includes a broad set of behaviours (compared to a more targeted set of behaviours such as nuisance, aggressive, or intimidating begging).
 - 27.1. There is little material difference to the public between sitting idly with a cup/sign out but not directly asking people for a contribution and the passive presence of a person (i.e. sitting on the footpath without a sign/cup or loitering). The impact that this type of passive behaviour has on other people, including the harm it causes, is negligible.
 - 27.2. It may be an unjustified intrusion into people's rights (when they are not directly engaging, pressuring, intimidating, or harassing people, or unreasonably obstructing a public way).
 - 27.3. In many scenarios it would be difficult for frontline officers to distinguish between indirect begging when sitting on a **footpath** holding their hand out and people idly sitting on the side of the **road**.
 - 27.4. It could be viewed as an attempt to criminalise poverty and will likely have a disproportionate impact on vulnerable communities, such as people experiencing homelessness and/or poverty.
- 28. Comparable jurisdictions (Australia, Canada, Denmark, France, Italy, United Kingdom at the national or municipal level) that have criminalised, or attempted to criminalise, begging have targeted aggressive or nuisance behaviours and/or begging of a captive audience (i.e. on public transport). Banning all begging would make New Zealand an outlier among likeminded countries.
- 29. The European Court of Human Rights has found that the right to beg can only be restricted in exceptional circumstances and that a general ban on begging falls outside any acceptable margin of appreciation.¹

Commented [TB14]: s9(2)(f)(iv)

Commented [TB15R14]: The shift from 'footpath' to 'road' sits a bit oddly, maybe stick to footpath for both?

Banning begging with targeted behaviours

- 30. Banning a more targeted set of behaviours would help mitigate the concerns outlined above. You could refine the offence to include the following elements:
 - 30.1. **Nuisance and aggressive begging** where a person asks for money, goods, or services in a persistent, disruptive, intimidating, or threatening manner.

¹ [European Court of Human Rights decides on criminalisation of begging in public for the second time - ENNHRI](#)

IN CONFIDENCE

31. There are existing criminal offences for aggressive or intimidating behaviour and obstructing a public way which, along with move-on orders, can address negative begging behaviour. However, the nuisance and aggressive begging definition above captures wider behaviours than existing offences that involve aggression and intimidation in the Summary Offences Act 1981, and would explicitly address the concerns raised by the MAG.

Behaviours excluded from the ban

32. For the purposes of this offence, begging should not include actions where there is a clear transaction (i.e. where a person is directly or indirectly asking for money, goods, or services in exchange for something of fair value in return). The exclusion would include, but is not limited to, busking, roadside stalls selling goods or services, passive presence (i.e. sitting in public but not begging). It would also exclude charitable or not-for profit fundraising.

Relevant areas and distance of a begging ban

33. You asked us to provide you further advice on the "relevant areas" where a begging ban could be applied.

34. A ban on all begging in all locations across New Zealand would impose too great a restriction on individual rights and freedoms. Therefore, should you wish to introduce a criminal offence for begging we recommend limiting its application to specified locations, which could include retail premises, public transport and money-associated locations.

Commented [TB16]: s9(2)(g)(i)

35. We have determined the below options by considering legislation in New Zealand that includes specific distance requirements (i.e. Electoral Act 1993, COVID-19 Public Health Response Act 2020) and comparable jurisdictions including Australia, Canada, European Union, and United Kingdom.

Retail premises

36. The intent of the MAG's proposal to ban begging is to enable shoppers to freely enter stores without any intimidation from beggars. The MAG advises that shoppers often have a reluctance to closely pass by beggars who are sitting in the doorways of stores and that it may be having an impact on the number of customers who enter and subsequently spend money in retail stores.

37. For consistency, we could define "retail premises" in the same way as it is defined for the new shoplifting infringement offence:

"retail premises means a building, place, or part of a building or place, where goods are offered for sale to members of the public or a section of the public, but does not include a private home where any of the owners or occupiers property is being sold."

Commented [TB17]: Another example would be the definition in the Trespass (Retail Crime) Amendment Bill (retailers, food service providers and occupiers of on-licence premises).

38. This option would address the MAG's concerns regarding beggars interfering with business by obstructing or impeding people entering or leaving a retail business, and their concern

IN CONFIDENCE

regarding people feeling vulnerable if they are unable to avoid a beggar to access a retail store.

Money-associated locations

39. The retail MAG proposed that relevant areas could include ATMs. We assess that there is merit in including money-associated locations within the definition of relevant areas. Members of the public may feel particularly vulnerable to beggars when they are in possession of cash. This feeling may be heightened at locations where cash is commonly handled, such as banks, ATMs, and money transfer or exchange services.

Public transport

40. This option goes further than the retail MAG's proposal and aligns with several begging bans in comparable jurisdictions. However, generally when someone feels intimidated by a person in the street, they may have the option to walk away or cross the road to avoid contact or interaction with the person. However, when members of the public are on public transport or are waiting for it to arrive, such as at a bus stop, they are considered a "captive audience" and may be unable to avoid unwanted contact. Banning begging in situations where individuals are a captive audience may increase the public's perception of safety in our urban hubs.

Minimum distance from entryways

41. In order to balance the rights and freedoms of beggars, while enabling individuals to avoid contact if they feel intimidated or threatened, there could be a minimum distance between the specified location and where a beggar may reside.
42. A distance of three metres is likely sufficient to enable a person to avoid contact with or go around a beggar. If the measurement is taken from the entrance to a retail store, bus stop or money-associated location, it also ensures that there is a six metres clear space to those entrances.
43. If it was felt that three metres was not a sufficient distance to enable free access to retail and other premises this could be expanded to five metres.
44. The MAG proposes a 15-metre minimum distance from relevant areas. We assess that anything beyond five metres would represent an unreasonable intrusion on individuals' rights and freedoms to exist in a public space. Creating a ban greater than five metres from the entrance would likely result in vast areas in central business districts where begging could not take place. We predict this would also result in the unintended consequence of isolating small pockets within those areas where beggars could congregate. This is likely to cause a greater level of intimidation and risk to public safety.

Commented [TB18]: s9(2)(g)(i)

Commented [TB19]: s9(2)(g)(i)

Penalty for begging in a relevant area

45. The penalty for begging in a relevant area should be proportionate to the behaviour that is included in the ban.

IN CONFIDENCE

46. We propose the following options depending on whether you choose to ban all begging or begging involving certain behaviours, like nuisance and aggression.

Penalty for a ban on all begging behaviours

47. If the ban on begging is to apply to all begging behaviour, we recommend that breaching the ban be an infringement offence that carries a \$50 fee. As discussed, a ban on all begging includes a wide range of behaviours, including, for example, sitting quietly with a cup out. An infringement offence is a more proportionate and appropriate penalty for these behaviours than a criminal offence.

48. Penalising all begging with an infringement offence also accounts for the likelihood that the population that may be liable for this offence will not be able to pay significant fines. Unpaid fines can perpetuate cycles of poverty and make people susceptible to further contact with the justice system.

49. Additionally, infringement offences do not result in criminal convictions, which can compound financial hardship by making it harder for people to re-enter their communities and make money legally.

50. Alternatively, you could create a criminal offence for all begging in relevant areas. We propose a non-imprisonable offence with a maximum fine of \$500. This penalty aligns with other lower level offences in the Summary Offences Act, such as offensive behaviour or language (section 4), or peeping or peering into dwellinghouse (section 30).

51. Penalising all begging behaviours with imprisonment would be a disproportionately severe response. Where the begging involved more severe behaviour, such as threats or intimidation, Police could pursue existing criminal offences in addition to the begging offence.

Penalty for a ban on certain begging behaviours

52. If the ban on begging is to apply to nuisance or aggressive begging only (i.e. not all begging), you could create a criminal offence for breach of the ban.

53. We propose a non-imprisonable offence with a maximum fine of \$1,000. This penalty accounts for the seriousness of the behaviour while factoring in that more severe acts of violence, threats, or aggression are already criminalised under the Summary Offences Act and Crimes Act.

54. The MAG proposes the penalty for begging in a relevant area aligns with the penalty for intimidation in section 21 of the Summary Offences Act, which carries a maximum fine of \$2,000 or up to three months' imprisonment. A person would be liable for the offence if, after being warned by a constable to cease begging in the relevant area, the person continues to beg within a relevant area.

55. We do not recommend progressing the MAG's proposed penalty because it is a disproportionate response to the offending behaviour, particularly where the begging

Commented [TB20]: I'm not sure where this term has come from, but it is fairly vague, is it worth simplifying the comparator to aggression/aggressive begging only?

Commented [TB21]: Suggest heading: A criminal offence with financial penalties (all begging behaviours)

Commented [TB22]: s9(2)(g)(i)

Potentially add another sentence following the first "If a person is begging they may not have access to a legitimate source of income from which to make a payment" (or something like that).

Commented [TB23]: Suggest heading: A criminal offence for breaching a ban (certain begging behaviours)

Commented [TB24R23]: s9(2)(g)(i)

IN CONFIDENCE

involves lower-level nuisance behaviour, like persistent begging, which does not warrant imprisonment.

Safeguards

56. We agree with the MAG that the offence should contain a warning mechanism for the individual to cease begging within the relevant area. If the person refuses to stop or moves to a different relevant area to beg, they would be liable for an offence. This process aligns with similar mechanisms in the Summary Offences Act, such as for the offence of obstruction of a public way, and with the proposed approach for move-on orders.

The impact on the justice sector could be notable

57. Impact on Police – we would welcome input / data from Police.

58. If you decide to introduce an infringement offence for breaching a ban on begging in relevant areas, there is a high risk that fines will go unpaid, as people who beg are unlikely to have the resources to pay these fines. This may impact Justice collection services and may result in additional court events. There is work underway in the Ministry to address non-payment of debt, which you are being briefed on separately.

59. If you decide to introduce a criminal offence for breaching a ban on begging in relevant areas, we estimate there will be pressure on the District Court and subsequently on Corrections.

60. Impact on the courts: ^{s9(2)(a)} to provide data on Friday.

61. Impact on Corrections: Penalising begging with imprisonment could put pressure on the prison population and create cost implications for Corrections. ^{s9(2)(a)} to provide this data on Friday.

Population implications – limitations and risks

62. There is limited data on the extent of, and impacts of, begging in New Zealand: Specifically,

62.1. we have not been able to estimate the cost of antisocial behaviour on the economy or specifically the cost of aggressive begging on businesses, and

62.2. we do not have data on the volume and demographics of people who beg in New Zealand, and therefore we have drawn on proxy data and assumptions.

63. Measuring the efficacy of bans on begging in public places to address public disorder is limited as the underlying causes of begging are multifaceted and complex. Research indicates that begging bans have the potential to indirectly criminalise poverty,

Commented [TB25]: We have undertaken a speedy review but haven't been able to delve into data etc due to the timeline for feedback. ^{s9(2)(g)(i)}

This compares to move-on orders which may have significant impacts, including: needing a mechanisms to issue; NIA impacts; need to develop a robust training package.

Commented [TB26]: A dependency for this will be establishment of the replacement/new Police infringement system.

IN CONFIDENCE

discrimination against people for their socio-economic status, and push people further into poverty and social exclusion without getting to the root cause of it.^{2 3}

64. Adequately addressing the underlying drivers of anti-social behaviour in urban centres, such as the cost-of-living crisis,⁴ poverty, homelessness, unemployment, addiction, and mental health issues through social investment would have a more direct and enduring impact.

65. Comments from Social Sector Agencies.

A ban on begging will engage fundamental human rights

66. Creating a ban on begging in relevant public areas will significantly engage fundamental human rights in the Bill of Rights Act (BORA) 1990, particularly the right to freedom of movement and freedom of expression. There is a significant risk that the broader the ban is the more likely it is to be considered inconsistent with BORA.

67. What are the international human rights implications?

The impact on Māori could be better understood through consultation

68. There is a risk that creating a ban on begging will have a disproportionate impact on Māori. It is estimated that of the 4,965 people living without shelter⁵, 26.3 percent (1,308) were Māori, according to 2023 census data.⁶

69. Māori are overrepresented throughout the justice system. The proposed ban on begging has the risk of entrenching inequities. If you decide to progress a ban on begging, then we recommend further consultation to better understand the potential impact on Māori and to minimise the risk that Māori would be disproportionately affected by these proposals.

Commented [JR27]: Are there other indicators that we could point to?
Commented [TB28R27]: Good question but I'm not sure. We don't want to equate this population with the criminal justice sector population. I think you are right though, in indicating (in the next para) that these measures will likely push/pull this population into the cjs one.

1.	Note you agreed to progress the MAG's proposal to create a criminal offence for begging in a "relevant area"	
2.	Note you agreed that we provided you further advice on what would constitute a "relevant area"	
<i>Behaviours covered and excluded by a begging ban</i>		
3.	Agree to create a ban on begging that includes the following behaviours:	

² [Begging as a human right? – challenging the penalisation of begging in the EU in light of the recent Lăcătuș v. Switzerland case | Housing Rights Watch](#)

³ [35.pdf](#)

⁴ [Cost-of-living crisis: Almost half of Kiwis going backwards financially - NZ Herald](#)

⁵ Living without shelter, involves situations such as living on the street and inhabiting improvised dwellings (for example, living in a garage, a shack or a car).

⁶ [Homelessness-insights-report-June-2025-PDF-1.0.pdf](#)

IN CONFIDENCE

3.1.	<u>all begging</u> where a person asking for money, goods, or services as charity.	YES / NO
	OR	
3.2.	<u>nuisance and aggressive begging</u> where a person asks for money, goods, or services in a persistent, disruptive, intimidating, or threatening manner.	YES / NO
4.	Agree to exclude behaviours where there is:	
4.1.	a clear transaction (such as a roadside stall selling goods and service)	YES / NO
4.2.	busking	YES / NO
4.3.	passive presence, AND	YES / NO
4.4.	charitable or not-for profit fundraising.	YES / NO
<i>Relevant areas and distance of a begging ban</i>		
5.	Agree to apply the begging ban to the following areas:	
5.1.	Retail premises	YES / NO
	AND	
5.2.	Public transport	YES / NO
	AND	
5.3.	Money-associated locations	YES / NO
6.	Agree to apply the begging ban to the following distance from the entryway of the relevant area:	
6.1.	three metres	YES / NO
	OR	
6.2.	five meters	YES / NO
	OR	
6.3.	15 meters	YES / NO
<i>Penalty for breaching a begging ban</i>		

IN CONFIDENCE

7.	If you agree to create a ban on <u>all begging</u> in a relevant area (Recommendation 3.1) agree that the penalty, following warning from a constable, would be:	
7.1.	an infringement offence with a \$50 fee	YES / NO
	OR	
7.2.	a criminal offence with a \$500 fine	YES / NO
8.	If you agree to create a ban on <u>nuisance and aggressive begging</u> in a relevant area (Recommendation 3.2), agree that the penalty, following warning from a constable, would be:	
8.1.	Non-imprisonable offence with a maximum fine of \$1000	YES / NO
	OR	
8.2.	a criminal offence with a maximum fine of \$2,000 or up to three months' imprisonment	YES / NO
9.	Note that creating a ban on begging in relevant public areas will significantly engage fundamental human rights in the Bill of Rights Act (BORA) 1990.	

Next steps

70. Subject to the confirmation of your decisions, we will finalise the draft Cabinet paper for your consideration.
71. The timeline below reflects achievable dates for progressing move-on orders as part of the Government's Quarter 4 target to seek Cabinet decisions on tools to address antisocial behaviour by the end of the year.

Milestones	Dates
Cabinet paper and RIS to Office	Thursday 6 November 2025
Agency and Ministerial consultation	Monday 10 – Friday 14 November 2025
Cabinet paper lodged	Thursday 27 November 2025
SOU	Wednesday 3 December 2025
Cabinet	Monday 8 December 2025

S9(2)(f)(iv)

IN CONFIDENCE

72. In order to meet the Q4 target, the following dates will need to be met.

What we will deliver	What we need from you
By 30 October, we will provide you with advice seeking outstanding policy decisions	Return policy decisions to us by Monday 3 November
By 6 November, we will provide you with a Cabinet paper and RIS for your review	By 10 November, your approval to begin Ministerial consultation
By 10 November, we will share the draft Cabinet paper and RIS for agency consultation (simultaneously with Ministerial consultation)	By 14 November: - conclude ministerial consultation - return any comments you have to us on the draft Cabinet paper
By 27 November, we will provide you with a final Cabinet paper for lodgement	By 27 November, lodge the Cabinet paper
We can provide you with talking points or other aides you require ahead of Cabinet Committee consideration.	Attend Social Outcomes Cabinet Committee on 3 December and Cabinet on 8 December.

Recommendations

73. It's recommended that you:

10. Forward a copy of this briefing to the Minister of Police and Minister of Corrections, Hon Mark Mitchell, and XXX	YES / NO
11. Approve...	YES / NO
12. Agree to	YES / NO

Released under the Official Information Act 1982

IN CONFIDENCE

Alida Mercuri
General Manager, Criminal Justice Unit

APPROVED SEEN NOT AGREED

Hon Paul Goldsmith
Minister of Justice

Date / /

Attachments: [Describe any attachments – use bullet points if more than one.]

IN CONFIDENCE

Released under the Official Information Act 1982

From: s9(2)(a) @police.govt.nz>
Sent: Tuesday, 28 October 2025 3:55 pm
To: S9(2)(a)
Cc: s9(2)(a) ; S9(2)(a)
Subject: RE: [EXTERNAL] Public disorder - Preparing Cabinet Paper and RIS
Attachments: Police comments 28.10.25_Public disorder RIS - draft cost and implementation section.docx

Hi S9(2)(a)

Thank you for sending this to us for review. Comments in the attached, noting they are very general given final policy decisions are yet to be made by your Minister (which will determine some of the finer details for staff to work through when considering potential impacts).

As always, happy to discuss.

I hope all is progressing well over there!

Ngā mihi

s9(2)(a)

s9(2)(a)
Senior Policy Advisor
 Policy Group
 Police National Headquarters
 E s9(2)(a) @police.govt.nz



WARNING

The information contained in this email message is intended for the addressee only and may contain privileged information. It may also be subject to the provisions of section 50 of the Policing Act 2008, which creates an offence to have unlawful possession of Police property. If you are not the intended recipient of this message or have received this message in error, you must not peruse, use, distribute or copy this message or any of its contents. Also note, the views expressed in this message may not necessarily reflect those of the New Zealand Police. If you have received this message in error, please email or telephone the sender immediately.

[SEEMAIL]

From: S9(2)(a) @justice.govt.nz>
Sent: Friday, 17 October 2025 4:33 pm
To: s9(2)(a) @corrections.govt.nz; s9(2)(a) @corrections.govt.nz;
 s9(2)(a) @corrections.govt.nz; s9(2)(a) @police.govt.nz>; s9(2)(a) @police.govt.nz>
Cc: S9(2)(a) @justice.govt.nz>; S9(2)(a) @justice.govt.nz>
Subject: [EXTERNAL] Public disorder - Preparing Cabinet Paper and RIS

CAUTION: This email originated from outside the New Zealand Police Network. DO NOT click links or open attachments unless you recognise the sender and are assured that the content is safe.

IN CONFIDENCE

Kia ora koutou

As you may be aware, Minister Goldsmith will soon take a paper to cabinet to seek decisions on tools to address anti-social behaviour, which is a Government Quarter 4 Target. The two proposals he intends to put forward include:

- Creating a move-on power for Police in the Summary Offences Act - with the penalty for a breach of the move on order being up to 3 months imprisonment and/or a \$2,000 fine
- Creating a new criminal offence for begging in a 'relevant area' - potentially with a similar penalty to the move-on order but we are yet to seek decisions from the minister on that detail.

We are providing the Minister a second briefing seeking outstanding policy decisions on 30 October, which we will share that with you next week seeking feedback.

We are also preparing the Cabinet Paper and RIS at pace to meet the Q4 target. We kindly ask that consider the attached draft RIS cost/benefit and implementation sections and provide feedback on this section by Monday 27 October so we can incorporate the information before the RIS panel.

Key date for you to be aware of

- **Next week [probably Wednesday] draft brief for your comment**
- 30 October – second briefing provided to the Minister seeking outstanding policy decisions
- 6 November – draft Cabinet Paper and RIA to the Ministers Office
- **10 – 14 November – Agency and Ministerial Consultation**
- 3 December – SOU
- 8 December – CAB

We are happy to meet you discuss this with you further and look forward to hearing you feedback.

Ngā mihi,
S9(2)(a)



S9(2)(a)

Principal Policy Advisor | Criminal Justice Unit | Policy Group
Ministry of Justice | Tāhū o te Ture
Justice Centre | 19 Aitken Street | Wellington 6011

S9(2)(a) [@justice.govt.nz](https://twitter.com/justice.govt.nz) | [justice.govt.nz](https://www.justice.govt.nz)

~~IN CONFIDENCE~~

IN CONFIDENCE

Public Disorder RIS – draft marginal costs and benefits table and implementation section

What are the marginal costs and benefits of the preferred option in the Cabinet paper?

Affected groups (identify)	Comment (nature of cost or benefit (eg, ongoing, one-off), evidence and assumption (eg, compliance rates), risks.	Impact (\$m present value where appropriate, for monetised impacts; high, medium or low for non-monetised impacts.	Evidence Certainty (High, medium, or low, and explain reasoning in comment column.
Additional costs of the preferred option compared to taking no action			
People exhibiting disorderly behaviour	Ongoing – Direct financial costs from fines for not complying with move on orders. Potential costs associated with prosecutions.	High – potential high financial impact for people with limited resources. Very high impact for any person who receives a prison sentence	
Retailers and businesses	No additional costs compared to the status quo.	N/A	N/A
Public	Ongoing – Diversion of Police resource to issue move on orders may mean that other incidents are not being addressed leading to costs for the victims.	Low – need more evidence to determine magnitude.	
NZ Police	One-off and Ongoing One-off: – Initial costs for Police will include creating a mechanism to issue move-on orders (we expect this will be from within the mobile application and issued in much the same way as infringements) there will likely be NIA impacts. to record the notice against	High – Police likely to issue many move-on notices; resource required for prosecutions is high.	

Commented [TB1]: I took out "issue" specifically because there may be (time) costs beyond the actual issuing of a notice e.g. training, reporting, acting as a witness in some cases etc.

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Font: Bold

IN CONFIDENCE

IN CONFIDENCE

	<p>individuals, and a robust training package will need to be developed. Once established,</p> <p>Ongoing: Police resource <u>will be</u> needed to issue move-on notices and prosecute offences relating to non-compliance and begging. Likely ongoing costs (time): training (including refresher training), reporting/NIA/case file management, acting as a witness in some cases etc.</p>		
Department of Corrections	<p>Ongoing – Introducing imprisonment penalties will have an impact on the prison population</p>	<p>Low – Do not expect many people convicted of offences to receive a prison sentence, unless serious disorder or previous offending</p>	
Courts	<p>Ongoing – New prosecutions for non-compliance with move-on orders and begging offence.</p>	<p>Medium/high – Additional judge-alone trials. If person pleads guilty without trial, will still require sentencing by a District Court judge</p>	
Total monetised costs	TBC	TBC	
Non-monetised costs	TBC	(High, medium or low)	
Additional benefits of the preferred option compared to taking no action			
People exhibiting disorderly behaviour	No additional benefits compared to the status quo.	N/A	
Retailers and businesses	<p>Ongoing – Potential for additional customers and additional revenue if location is safer or perceived to be safer.</p>	<p>Low/Medium – Benefits likely to be concentrated in areas where antisocial behaviour is common or perceived to be common.</p>	

Formatted: Font: Bold

Commented [TB2]: What about the benefit of being referred to social services for support e.g. Police likely to make an AWHI referral as well as issuing a move-on notice. Although Police already refer as appropriate in their interactions with the public, it may happen more often alongside the issuing of a move-on notice.

IN CONFIDENCE

IN CONFIDENCE

Public	Ongoing – Fewer victims of violent or antisocial behaviour because Police will be able to move people on if they are exhibiting antisocial behaviours.	Low/Medium – need more evidence.	
NZ Police	Ongoing – Additional powers and tools to <u>fulfil public safety and crime prevention functions by addressing</u> antisocial behaviour.	Low/Medium – Need more evidence to determine magnitude.	
Department of Corrections	No additional benefits compared to the status quo.	N/A	
Courts	No additional benefits compared to the status quo.	N/A	
Total monetised benefits	<i>TBC</i>	<i>TBC</i>	
Non-monetised benefits	<i>TBC</i>	<i>(High, medium or low)</i>	

Commented [TB3]: May need a parallel cost above, of people potentially being moved to new areas, that will then experience a concentration of these behaviours e.g. outside the boundaries that move-on orders apply. Concentration in new area may also then divert Police to those places.

DRAFT
Released under the Official Information Act 1982

IN CONFIDENCE

IN CONFIDENCE

What are the marginal costs and benefits of the Ministry's preferred option?

Affected groups (identify)	Comment <i>nature of cost or benefit (eg, ongoing, one-off), evidence and assumption (eg, compliance rates), risks.</i>	Impact <i>\$m present value where appropriate, for monetised impacts; high, medium or low for non-monetised impacts.</i>	Evidence Certainty <i>High, medium, or low, and explain reasoning in comment column.</i>
Additional costs of the preferred option compared to taking no action			
People exhibiting disorderly behaviour	Ongoing – direct financial costs from infringement fees. Potential safety issues if the person is unhoused and has to find a different location.	Medium – impact will be higher for those who do not have the resources to pay an infringement fee.	
Retailers and businesses	No additional costs compared to the status quo.	N/A	
Public	Ongoing – Diversion of Police resource to issue move on orders may mean that other incidents are not being addressed leading to costs for the victims.	Low – Need more evidence to determine magnitude.	
NZ Police	Ongoing – Police resource needed to issue move-on notices and issue infringement fees for non-compliance.	Medium/High – Police likely to issue many move-on notices, but lesser resource needed where prosecution is not required.	
Courts	Ongoing – If infringement fees are disputed or not paid, then potentially increases the volume of cases being dealt with by the courts.	Low – Need more evidence to determine magnitude.	
Total monetised costs	TBC	TBC	
Non-monetised costs	TBC	(High, medium or low)	
Additional benefits of the preferred option compared to taking no action			

Commented [TB4]: I haven't repeated the comments for this table already made above, same things apply.

Commented [TB5]: Just a reminder that a dependency for the preferred approach is the establishment of a replacement infringement system.

Commented [TB6]: You note above that there will be medium impacts for those unable to pay - a risk of this proposal (and for begging) is that there are significant cases that end up in court because relevant groups are unable to pay. I'd consider putting this at Low/Medium or even Medium.

IN CONFIDENCE

IN CONFIDENCE

People exhibiting disorderly behaviour	No additional benefits compared to the status quo.	N/A	
Retailers and businesses	Ongoing – potential increase in customers, sales and revenue if location is safer or perceived to be safer.	Medium – Need more evidence to determine magnitude.	
Public	Ongoing – Fewer victims of violent or antisocial behaviour because Police will be able to move people on if they are exhibiting antisocial behaviours.	Low/Medium – Need more evidence to determine magnitude.	
NZ Police	Ongoing – additional powers and tools to address antisocial behaviour.	Low/Medium – Need more evidence to determine magnitude.	
Courts	No additional benefits compared to the status quo.		
Total monetised benefits	<i>TBC</i>	<i>TBC</i>	
Non-monetised benefits	<i>TBC</i>	<i>(High, medium or low)</i>	

How will the proposal be implemented?

1. The proposals in the Cabinet paper will require amendments to the [Crimes Act 1961 or Summary Offences Act 1981] through an amendment Bill. The Minister of Justice intends to introduce an amendment Bill to the House in 2026.
2. Implementation activities will be required by the following agencies:
 - a. Ministry of Justice:
 - i. administering the legislation containing the new offences;
 - ii. providing communications to the judiciary and legal profession;
 - iii. providing communications and training to court staff;
 - iv. creating and updating relevant court processes; and
 - v. updating IT systems (such as offence codes).
 - b. New Zealand Police:
 - i. making necessary changes to operational policies, guidelines and documentation (such as for investigating and charging offences);
 - ii. providing communications and training to staff; and
 - iii. updating IT systems (such as offence codes).
 - c. Department of Corrections: Responsible for managing any persons sentenced to imprisonment. Implementation activities will include ensuring sufficient prison capacity for those sentenced to imprisonment following conviction.
3. [Placeholder for implementation re any support services (or the need for these services)]

Commented [FK7]: Query: Will other agencies, such as HUD, MSD, OT, etc. have implementation activities?

IN CONFIDENCE

From: S9(2)(a)
Sent: Thursday, 30 October 2025 4:01 pm
To: S9(2)(a)
Subject: FW: [EXTERNAL] Question on Move-on orders and Police current approach to managing public spaces

~~IN CONFIDENCE~~

~~IN CONFIDENCE~~

From: s9(2)(a) @police.govt.nz>
Sent: Thursday, 30 October 2025 3:58 pm
To: S9(2)(a) @justice.govt.nz>; s9(2)(a) @police.govt.nz>
Cc: s9(2)(a) @police.govt.nz>
Subject: FW: [EXTERNAL] Question on Move-on orders and Police current approach to managing public spaces

Hi and thanks for running this by us.

Quick comments:

- Could we change the highlighted 'significant changes' (below) to 'implications' - I don't know that there would be significant changes, to s9(2)(a) point Police have general functions related to public safety and crime prevention, enabled by the Policing Act – these give us mandate to act across a range of circumstances.
- s9(2)(g)(i)

Many occupiers, particularly retailers would likely permit Police entry (to address anti-social behaviour). Don't worry about making any change around this for the briefing, I know you are wanting to get it out today.

- Happy with point 9 – that we will provide further information – sits nicely with the fact this has been developed at pace thus far and provides a fall back to look more indepthly.
- s9(2)(g)(i)

Ngā mihi

s9(2)(a)

s9(2)(a)
Senior Policy Advisor
Policy Group



WARNING

The information contained in this email message is intended for the addressee only and may contain privileged information. It may also be subject to the provisions of section 50 of the Policing Act 2008, which creates an offence to have unlawful possession of Police property. If you are not the intended recipient of this message or have received this message in error, you must not peruse, use, distribute or copy this message or any of its contents. Also note, the views expressed in this message may not necessarily reflect those of the New Zealand Police. If you have received this message in error, please email or telephone the sender immediately.

From: S9(2)(a) @justice.govt.nz>
Sent: Thursday, 30 October 2025 3:43 pm
To: s9(2)(a) @police.govt.nz>
Cc: S9(2)(a) @justice.govt.nz>
Subject: RE: [EXTERNAL] Question on Move-on orders and Police current approach to managing public spaces

~~IN CONFIDENCE~~

Hi again s9(2)(a)

Given how much we reference Police I wanted to run this section past you. Please let me know if you have any comments etc.

Many thanks,
S9(2)(a)

Adjacent to public places

1. You asked us to consider whether move-on orders could also be issued to people in private places that are “adjacent to public places”, such as the doorways to businesses and buildings, privately owned carparks, or driveways.
2. The Summary Offences Act 1981 contains some offences for behaviours that occur “in or within view of a public place”, which we may be able to be replicated for move-on orders. However, there may be unintended consequences with this approach, which we have not yet explored due to the pace the work is progressing, particularly as move-on orders can be used to address behaviours that are below the level of criminality.
3. At a high-level, we see the following potential implications of applying move-on orders to private locations that are “adjacent to a public place”:
 - There may be significant changes to how Police operate in public spaces versus private property, including impacts on other legislation that enables Police powers, such as the Policing Act 2008 and Search and Surveillance Act 2012.
 - Empowering Police to reach into private spaces, beyond what can be reasonably justified, could impede on individual rights and attract litigation.

Document 56

4. The legal occupier of a privately owned property has the right to control who can come into and remain on the property. These restrictions on entry apply to Police. This includes property that is privately owned but where the public has expectation of access, such as supermarkets and shops.
5. Applying move-on powers in private places could cut across the settings in the Search and Surveillance Act. Under existing law, Police is permitted to enter private places without a warrant in limited circumstances, including to make an arrest, prevent a crime that is likely to cause injury or serious damage, for life threatening emergencies, and to seize evidence. We anticipate there would be significant implications in empowering Police to enter private places without a warrant (or the owner/occupier's permission) to respond to disorderly behaviour that is below the criminal threshold.
6. Capturing behaviour that occurs adjacent to or within view of public places is likely to empower Police to reach into private spaces and may restrict people's right to freedom of movement, beyond what can be reasonably justified by this policy. Such an intrusion into private property rights and individual freedoms will likely attract litigation.
7. Crown Law and Police note there are existing mechanisms for Police to manage behaviour occurring in private spaces, such as:
 - Police are empowered under section 9 of the Policing Act to maintain public safety, keep the peace, enforce the law, prevent crime, and provide community support and reassurance. If Police consider that behaviours in areas like doorways and carparks are likely to impact any of these functions, then Police is able to act.
 - There are offences across the criminal statute that can deal with concerning behaviours occurring within view of a public place – such as disorderly behaviour, offensive behaviour or language, indecent exposure, and drug use – where police are able detain and lay charges where appropriate.
 - Police are also able to trespass people from private locations, which can apply for significantly longer periods compared to move-on orders.
8. Given the potentially significant implications of empowering Police to move people on from private places, we do not recommend that move-on powers apply to private locations that are “adjacent to” or “within view of” public places.
9. However, if you would like move-on powers to apply in private places, we suggest including a recommendation in your Cabinet paper seeking in principle agreement to this proposal. We would provide further advice on the practicalities of this addition to move-on orders in the new year which would allow you to seek final decisions on the proposal at LEG, should you wish to progress with this option.

IN CONFIDENCE

From: s9(2)(a) <[s9\(2\)\(a\)@police.govt.nz](mailto:s9(2)(a)@police.govt.nz)>

Sent: Thursday, 30 October 2025 2:25 pm

To: s9(2)(a) <[s9\(2\)\(a\)@justice.govt.nz](mailto:s9(2)(a)@justice.govt.nz)>; s9(2)(a)

<[s9\(2\)\(a\)@police.govt.nz](mailto:s9(2)(a)@police.govt.nz)>; s9(2)(a)

<[s9\(2\)\(a\)@police.govt.nz](mailto:s9(2)(a)@police.govt.nz)>

Subject: RE: [EXTERNAL] Question on Move-on orders and Police current approach to managing public spaces

Brill – our pleasure! Good luck with the briefing.

Ngā mihi

s9(2)(a)

s9(2)(a)

Senior Policy Advisor
Policy Group
Police National Headquarters
E s9(2)(a) @police.govt.nz



WARNING

The information contained in this email message is intended for the addressee only and may contain privileged information. It may also be subject to the provisions of section 50 of the Policing Act 2008, which creates an offence to have unlawful possession of Police property. If you are not the intended recipient of this message or have received this message in error, you must not peruse, use, distribute or copy this message or any of its contents. Also note, the views expressed in this message may not necessarily reflect those of the New Zealand Police. If you have received this message in error, please email or telephone the sender immediately.

From: s9(2)(a) @justice.govt.nz>
Sent: Thursday, 30 October 2025 2:23 pm
To: s9(2)(a) @police.govt.nz>; s9(2)(a) @police.govt.nz>; s9(2)(a) @police.govt.nz>
Subject: RE: [EXTERNAL] Question on Move-on orders and Police current approach to managing public spaces

IN CONFIDENCE

Thank you so much s9(2)(a) . I really appreciate your quick response. I think this gives us some good things to point to, particularly s9 of the policing act.

Again, thank you!

s9(2)(a)

IN CONFIDENCE

From: s9(2)(a) @police.govt.nz>
Sent: Thursday, 30 October 2025 1:08 pm
To: s9(2)(a) @police.govt.nz>; s9(2)(a) @justice.govt.nz>; s9(2)(a) @police.govt.nz>
Subject: RE: [EXTERNAL] Question on Move-on orders and Police current approach to managing public spaces

I agree with you s9(2)(a) in that if it was private property then police would have to rely on, with the owners authority, to use powers in the trespass act.

Another consideration would be we could 'enter' under search and surveillance act if we (police) consider there was an immediate threat to offending or safety

Section 14 – Warrantless Entry in Urgent Circumstances

Police may enter any place without a warrant if they believe it is necessary to:

- Prevent an offence.
- Respond to a risk to life or safety. This can apply to semi-public or private spaces if the urgency threshold is met.

Section 15 – Entry Without Warrant to Avoid Loss of Evidential Material

Police may enter a place without a warrant to prevent the loss or destruction of evidence relating to a serious offence (14 years+)

Also, under policing act section 9 police are empowered to

- Maintain public safety
- Keep the peace
- Enforce the law
- Prevent crime
- Provide community support and reassurance

If police consider that behaviour in areas like doorways/carparks are likely to be impact on any of the above then police will act.

If there is a police operation in force then under section 30, policing act (command and control) – ‘Commissioner may take charge of any policing operation, which includes directing officers to manage public order in areas adjacent to public spaces’

s9(2)(a)

From: s9(2)(a) <[@police.govt.nz](mailto:s9(2)(a)@police.govt.nz)>
Sent: Thursday, 30 October 2025 11:30 AM
To: S9(2)(a) <[@justice.govt.nz](mailto:S9(2)(a)@justice.govt.nz)>; s9(2)(a) <[@police.govt.nz](mailto:s9(2)(a)@police.govt.nz)>; s9(2)(a) <[@police.govt.nz](mailto:s9(2)(a)@police.govt.nz)>
Subject: RE: [EXTERNAL] Question on Move-on orders and Police current approach to managing public spaces
Importance: High

Hi again

Perhaps the key/loop in here is that the behaviour is causing distress etc for those who are in a public space (e.g. the public footpath), even if it is being issued from within a doorway etc?

I'm comparing this to other behaviour offences (noting the move-on order may sit below offence threshold) where behaviours are of such a kind, that they *disturb or disrupt public order*. So the test is the disruption (to the public) rather than the location of the person causing that disruption?

Ngā mihi

s9(2)(a)

s9(2)(a)

Senior Policy Advisor
Policy Group
Police National Headquarters
E s9(2)(a) <[@police.govt.nz](mailto:s9(2)(a)@police.govt.nz)>



WARNING

The information contained in this email message is intended for the addressee only and may contain privileged information. It may also be subject to the provisions of section 50 of the Policing Act 2008, which creates an offence to have unlawful possession of Police property. If you are not the intended recipient of this message or have received this message in error, you must not peruse, use, distribute or copy this message or any of its contents. Also note, the views expressed in this message may not necessarily reflect those of the New Zealand Police. If you have received this message in error, please email or telephone the sender immediately.

From: s9(2)(a)
Sent: Thursday, 30 October 2025 11:09 am

To: 'S9(2)(a) @justice.govt.nz'; s9(2)(a) @police.govt.nz'; s9(2)(a) @police.govt.nz>

Subject: RE: [EXTERNAL] Question on Move-on orders and Police current approach to managing public spaces

And another example that I'm sure you are already aware of (Summary Offences Act), it requires 3 or more people though:

Disorderly behaviour on private premises

(1)
Where 3 or more persons, each of whom has been convicted of a relevant offence within the previous 2 years, conduct themselves on any private premises in such a manner as to cause persons in the neighbourhood of those premises to fear on reasonable grounds that those 3 or more persons will commit or cause any other person to commit any relevant offence in that neighbourhood or elsewhere, each of those 3 or more persons is liable to imprisonment for a term not exceeding 3 months or a fine not exceeding \$2,000.

(2)
In this section **relevant offence** means—

(a)
any offence of, or of which an ingredient is,—

- (i) assault; or
- (ii) threatening or offensive or disorderly behaviour; or
- (iii) possession of offensive weapons:

(b)
an offence against [section 86](#) (unlawful assembly) or [section 87](#) (riot) of the Crimes Act 1961.

Ngā mihi

s9(2)(a)

s9(2)(a)

Senior Policy Advisor
Policy Group
Police National Headquarters
E s9(2)(a) @police.govt.nz



WARNING

The information contained in this email message is intended for the addressee only and may contain privileged information. It may also be subject to the provisions of section 50 of the Policing Act 2008, which creates an offence to have unlawful possession of Police property. If you are not the intended recipient of this message or have received this message in error, you must not peruse, use, distribute or copy this message or any of its contents. Also note, the views expressed in this message may not necessarily reflect those of the New Zealand Police. If you have received this message in error, please email or telephone the sender immediately.

From: s9(2)(a)

Sent: Thursday, 30 October 2025 11:01 am

To: 'S9(2)(a) @justice.govt.nz'; s9(2)(a) @police.govt.nz'; s9(2)(a) @police.govt.nz>

Subject: RE: [EXTERNAL] Question on Move-on orders and Police current approach to managing public spaces
Importance: High

Hello – linking in with s9(2)(a) for expertise on this.

Guys, the query is in relation to move-on orders and how police manage public spaces (i.e. what powers we already have or what do we do in practise). Particularly re: private places that are “adjacent to public places” (such as the doorways to businesses and buildings or privately owned carparks or driveways). Justice consider that the law is clear on public vs private spaces, but would like to understand how police currently manage public disorder in these types of spaces currently.

s9(2)(g)(i)

Ngā mihi

s9(2)(a)

s9(2)(a)

Senior Policy Advisor
Policy Group
Police National Headquarters
E s9(2)(a) @police.govt.nz



WARNING

The information contained in this email message is intended for the addressee only and may contain privileged information. It may also be subject to the provisions of section 50 of the Policing Act 2008, which creates an offence to have unlawful possession of Police property. If you are not the intended recipient of this message or have received this message in error, you must not peruse, use, distribute or copy this message or any of its contents. Also note, the views expressed in this message may not necessarily reflect those of the New Zealand Police. If you have received this message in error, please email or telephone the sender immediately.

From: s9(2)(a) @justice.govt.nz

Sent: Thursday, 30 October 2025 10:41 am

To: s9(2)(a) @police.govt.nz

Subject: [EXTERNAL] Question on Move-on orders and Police current approach to managing public spaces

CAUTION: This email originated from outside the New Zealand Police Network. DO NOT click links or open attachments unless you recognise the sender and are assured that the content is safe.

IN CONFIDENCE

Hi s9(2)(a)

I was wondering if you would have 10 mins this morning, where I could chat to you about how police manage public spaces (i.e. what powers they already have or what do they do in practise).

It relates to this idea that the Minister has where he would like move-on orders to be able to be issued to people in private places that are “adjacent to public places”, such as the doorways to businesses and buildings or privately owned carparks or driveways. We believe that the law is clear on public vs private

Document 56

spaces, but would like to understand how police currently manage public disorder in these types of spaces currently?

My number is S9(2)(a)

We are trying to finalise the advice ASAP, so apologies for the urgency.

Ngā mihi,
S9(2)(a)



S9(2)(a)

Principal Policy Advisor | Criminal Justice Unit | Policy Group

Ministry of Justice | Tāhū o te Ture

Justice Centre | 19 Aitken Street | Wellington 6011

S9(2)(a) [@justice.govt.nz](mailto:justice.govt.nz) | justice.govt.nz

IN CONFIDENCE

Released under the Official Information Act 1982

From: S9(2)(a)
Sent: Friday, 31 October 2025 12:39 pm
To: S9(2)(a)
Cc: S9(2)(a) ; S9(2)(a) ; S9(2)(a) ; S9(2)(a) ; S9(2)(a)
S9(2)(a) ; S9(2)(a)
Subject: RE: Request for supporting information: Privacy and FRT (Due COP 5 November)

Kia ora S9(2)(a)

Here are back pocket bullets for Andrew on anti-social behaviour. I note, they are not talking points and include some material that is useful for Andrew to know, but not appropriate for him to share with the MAG.

Strengthening tools to address anti-social behaviour

- As part of its Quarter 4 Targets, the Government has committed to take Cabinet decisions on options to provide more tools to address anti-social behaviour.
- In September, the MAG provided the Minister with a report with proposals to address anti-social behaviour in retail settings.
- We have provided advice to the Minister on disorderly behaviour – including on the MAG's proposals
 - *The Minister has decided to progress move-on orders and an offence for begging in designated areas.*
- We are currently preparing a RIS and Cabinet paper for the Minister to take to Cabinet in December.
- The Minister has not yet shared with the MAG his preferred options, but he indicated in a recent meeting with the MAG that move-on orders may be part of the package.

Ngā mihi

S9(2)(a)



S9(2)(a)
Policy Manager | Criminal Justice Unit | Policy Group
Ministry of Justice | Tāhū o te Ture
S9(2)(a)
Justice Centre | 19 Aitken Street | Wellington 6011

From: S9(2)(a) @justice.govt.nz>
Sent: Thursday, 30 October 2025 10:07 am
To: S9(2)(a) @justice.govt.nz>; S9(2)(a) @justice.govt.nz>; S9(2)(a) @justice.govt.nz>
Cc: S9(2)(a) @justice.govt.nz>; S9(2)(a) @justice.govt.nz>; S9(2)(a) @justice.govt.nz>; S9(2)(a) @justice.govt.nz>
Subject: FW: Request for supporting information: Privacy and FRT (Due COP 5 November)

Kia ora koutou

Further to yesterday’s discussion Anne agrees that *short* bullet points on the MAG workstreams for which the Ministry has work underway would be a sensible addition to Andrew’s supporting information.

Could you please send these through to me by **10.00am on Wednesday 5 November** and I will collate and pass on to Anne by COP.

Happy to discuss if you have any questions. Many thanks for your assistance.

Ngā mihi
S9(2)(a)



S9(2)(a)
Principal Advisor | Office of the Deputy Secretary, Policy
Ministry of Justice | Tahu o te Ture
Mobile: S9(2)(a)
www.justice.govt.nz
Please note I finish at 3.00pm every day

From: S9(2)(a)
Sent: Tuesday, 28 October 2025 4:58 pm
To: S9(2)(a) <@justice.govt.nz>
Cc: S9(2)(a) <@justice.govt.nz>; Greaney, Caroline <Caroline.Greaney@justice.govt.nz>; S9(2)(a) <@justice.govt.nz>; S9(2)(a) <@justice.govt.nz>; S9(2)(a) <@justice.govt.nz>
Subject: Request for supporting information: Privacy and FRT (Due COP 5 November)

Kia ora S9(2)(a)

As discussed, Ministers Goldsmith and McKee are scheduled to attend the Retail Crime MAG board meeting from 3.00pm – 4.00pm on Thursday 6 November. Andrew K is now also planning to attend.

S9(2)(a) has proposed that during their attendance:

- MAG members and Ministers have a general conversation, **or**
- Ministers can sit in on the MAG's deliberations of one of the various policy topics. S9(2)(a) suggested that the item on Privacy and FRT would be of greatest interest and has provided the Office with a copy of the options paper that I forwarded to you earlier (see attached).

S9(2)(a) is waiting to hear back from Ministers as to their preference. I will let you know as soon as we have more information on the agenda.

Could your team please provide S9(2)(a) by **COP Wednesday 5 November** some supporting information for Andrew on Privacy and FRT, noting that the options paper has been provided for our information only. S9(2)(a) was very clear that the MAG is not consulting Justice at this point – the paper is for MAG deliberation.

[@Greaney, Caroline](mailto:Caroline.Greaney@justice.govt.nz) – cc'ing for your visibility.

Please don't hesitate to let me know if you require any further information.

Ngā mihi nui
S9(2)(a)



S9(2)(a)
Principal Advisor | Office of the Deputy Secretary, Policy
Ministry of Justice | Tahu o te Ture
Mobile: S9(2)(a)
www.justice.govt.nz
Please note I finish at 3.00pm every day

From: S9(2)(a)
Sent: Friday, 31 October 2025 10:40 am
To: S9(2)(a) - Parliament, S9(2)(a) .parliament.govt.nz; Justice PS
Cc: Correspondence.Policy; OCE@justice.govt.nz; Purple, Folder; Greaney, Caroline; Mercuri, Alida; S9(2)(a) S9(2)(a) ; S9(2)(a) ; S9(2)(a) ; S9(2)(a)

Subject: Briefing: Strengthening responses to public disorder – outstanding policy decisions
Attachments: 20251031 Final BR Responses to public disorder outstanding policy decisions.pdf; 20251031 Final BR Responses to public disorder outstanding policy decisions.docx

IN CONFIDENCE

Kia ora S9(2)(a)

Please find the attached briefing on strengthening responses to public disorder which seeks outstanding policy decisions on move-on orders and an offence for begging. We are requesting decisions by **Monday 3 November** in order to meet the Government's Quarter 4 target to take Cabinet decisions on responses to anti-social behaviour.

I also wanted to draw your attention to this table in the Briefing.

What we will deliver	What we need from you
By 31 October, we will provide you with advice seeking outstanding policy decisions	Return policy decisions to us by Monday 3 November
By 6 November, we will provide you with a Cabinet paper and RIS for your review	By 10 November, your approval to begin Ministerial consultation
By 10 November, we will share the draft Cabinet paper and RIS for agency consultation (simultaneously with Ministerial consultation)	By 14 November, the Office will: - conclude ministerial consultation - return any comments you have to us on the draft Cabinet paper
By 27 November, we will provide you with a final Cabinet paper for lodgement	By 27 November, lodge the Cabinet paper
We can provide you with talking points or other aides you require ahead of Cabinet Committee consideration.	Attend Social Outcomes Cabinet Committee on 3 December and Cabinet on 8 December.

For Official Correspondence Records	
Document type:	Briefing
Drafter:	S9(2)(a)
Title:	Strengthening responses to public disorder – outstanding policy decisions
Unit:	CJ
Team:	Law Enforcement Policy
Minister:	To: Goldsmith
Date sent:	31 October 2025
WPQ Release	No
Title for publication	No

Please let me know if you have any questions.

Ngā mihi,
S9(2)(a)



S9(2)(a)

Principal Policy Advisor | Criminal Justice Unit | Policy Group
Ministry of Justice | Tāhū o te Ture
Justice Centre | 19 Aitken Street | Wellington 6011

S9(2)(a) [@justice.govt.nz](mailto:justice@govt.nz) | justice.govt.nz

IN CONFIDENCE

Released under the Official Information Act 1982

From: S9(2)(a)
Sent: Sunday, 2 November 2025 3:11 pm
To: S9(2)(a) ; S9(2)(a)
Subject: RE: Early look - Public Disorder Cabinet Paper and RIS

~~IN CONFIDENCE~~

Hi team

I've done feedback in the Cab paper and RIS.

The Cab paper is in pretty good shape and we'll know what to do following ministerial direction Mon afternoon. The RIS has most of the content and a pretty good structure. As you mentioned the context, prob def, and objectives need a little work – mostly to align them with where we go to as we finalised the briefing. I've put a few comments in the doc, and also had a little go at smoothing out the narrative here:

Possible tightening of the narrative (including demotion of MAG and focus on justice responsibilities)

Context behind problem

Mins, business orgs, community providers, and public, including MAG concerned about public spaces, esp CBDs

- that they are less safe and business are less successful – evidence
- concerned about the circumstance and behaviour of people
 - Circumstances – unwell, rough sleeping, etc – evidence
 - Behaviour – disruptive, disorderly, obstructive, begging, etc – evidence

Range of causes and responses across portfolios, including health, social, and justice

This initiative is focused on behaviour and Justice response

Justice policy problem

Lack of public order, perception of lack of public order

Disruptive, disorderly, near criminal, and crim behaviour happening/increasing

Law enforcement struggling to respond – don't have capacity or the right tools

- Police addressing capacity and deployment
- Justice addressing tools

Objectives

Ensuring enforcement has the right tools, thereby:

- Ensuring safety
- Supporting urban economies

Let's discuss first thing

Thanks

S9(2)(a)



S9(2)(a)

Policy Manager | Criminal Justice Unit | Policy Group
Ministry of Justice | Tāhū o te Ture

S9(2)(a)

Justice Centre | 19 Aitken Street | Wellington 6011

IN CONFIDENCE

From: S9(2)(a) @justice.govt.nz>
Sent: Friday, 31 October 2025 4:47 pm
To: Greaney, Caroline <Caroline.Greaney@justice.govt.nz>
Cc: Mercuri, Alida <Alida.Mercuri@justice.govt.nz>; S9(2)(a) @justice.govt.nz>; S9(2)(a) @justice.govt.nz>; S9(2)(a) @justice.govt.nz>; S9(2)(a) @justice.govt.nz>
Subject: Early look - Public Disorder Cabinet Paper and RIS

IN CONFIDENCE

Kia ora ano Caroline,

Please find attached the early drafts of the Cabinet Paper and RIS for the public disorder proposals.

We note that the RIS needs a lot of work, and we are currently implementing the very constructive feedback from the QA panel on Thursday. s9(2)(g)(i) At this stage, s9(2)(a) and Alida will be reviewing the material in the coming days.

[Cabinet Paper - Strengthening responses to public disorder.docx](#)

[251014 DRAFT Public disorder RIS.docx](#)

out of scope

Ngā mihi,
S9(2)(a)



S9(2)(a)
Principal Policy Advisor | Criminal Justice Unit | Policy Group
Ministry of Justice | Tāhū o te Ture
Justice Centre | 19 Aitken Street | Wellington 6011
S9(2)(a) @justice.govt.nz | justice.govt.nz

IN CONFIDENCE

From: Greaney, Caroline
Sent: Monday, 3 November 2025 7:41 am
To: S9(2)(a)
Cc: Mercuri, Alida; S9(2)(a) ; S9(2)(a) ; S9(2)(a) ; S9(2)(a) ; S9(2)(a)
Subject: RE: Early look - Public Disorder Cabinet Paper and RIS

IN CONFIDENCE

Many thanks team – I appreciate the early look.

The cab paper is in good shape for an early draft! Let's see what Minister comes back with today 😊
I've made some edits on the hard copy which I will leave with S9(2)(a) for you.

I note your comments re: feedback from the RIS panel, and I suspect mine is similar.

- S9(2)(g)(i) and it may be better/more accurate to explain that this is how the Ministers understand the problem based on advice they've received from the MAG and stakeholders they have met with.
- The RIS draws the link with other initiatives in this space and whether they are working – quite a few of those initiatives have been announced, but not yet implemented so it's a bit premature to suggest whether they are effective or not.
- I think it's a bit unlikely there will be fewer court cases as a result of police having these powers.....
- Kathy is acting for me from 5 November- 12 November, so you will need to run the revised RIS past her before it goes out for consultation

out of scope

Many thanks
Caroline

IN CONFIDENCE

From: S9(2)(a) @justice.govt.nz
Sent: Friday, 31 October 2025 4:47 pm
To: Greaney, Caroline <Caroline.Greaney@justice.govt.nz>
Cc: Mercuri, Alida <Alida.Mercuri@justice.govt.nz>; S9(2)(a) @justice.govt.nz; S9(2)(a) @justice.govt.nz; S9(2)(a) @justice.govt.nz; S9(2)(a) @justice.govt.nz
Subject: Early look - Public Disorder Cabinet Paper and RIS


IN CONFIDENCE

Document 61

Kia ora ano Caroline,

Please find attached the early drafts of the Cabinet Paper and RIS for the public disorder proposals.

We note that the RIS needs a lot of work, and we are currently implementing the very constructive feedback from the QA panel on Thursday. s9(2)(g)(i) At this stage, s9(2)(a) and Alida will be reviewing the material in the coming days.

 [Cabinet Paper - Strengthening responses to public disorder.docx](#)

 [251014 DRAFT Public disorder RIS.docx](#)

out of scope

Ngā mihi,
S9(2)(a)



S9(2)(a)

Principal Policy Advisor | Criminal Justice Unit | Policy Group

Ministry of Justice | Tāhū o te Ture

Justice Centre | 19 Aitken Street | Wellington 6011

S9(2)(a) [@justice.govt.nz](#) | [justice.govt.nz](#)

IN CONFIDENCE

From: s9(2)(a) @parliament.govt.nz>
Sent: Tuesday, 4 November 2025 12:39 pm
To: S9(2)(a) ; Mercuri, Alida; S9(2)(a) ; S9(2)(a) ; S9(2)(a)
Cc: S9(2)(a) .parliament.govt.nz; S9(2)(a) - Parliament; Greaney, Caroline; OCE@justice.govt.nz
Subject: Briefing: Strengthening responses to public disorder – outstanding policy decisions
Attachments: 03 11 2025 BR Strengthening Responses to public disorder - outstanding policy decisions.pdf

Kia ora koutou,

Please see attached a scanned copy of the Public Disorder briefing where the Minister has indicated his decisions for your records.

As discussed in Monday’s Officials hui, the Minister would like begging to be included as a behaviour for which a move-on order can be issued. He does not want to create a separate offence for begging. As he does not want begging to be a separate offence, he has not indicated decisions for recommendations 5 – 9 in the begging section of the briefing. He has indicated decisions for recommendations 3 and 4 but noted that these decisions are for behaviours covered and excluded by a *move on order*, not a begging offence.

Ngā mihi,
S9(2)(a)



S9(2)(a)
Private Secretary – Justice | Office of Hon Paul Goldsmith
Minister for Arts, Culture and Heritage
Minister of Justice
Minister for Media and Communications
Minister for Treaty of Waitangi Negotiations
Mobile: S9(2)(a) | Email S9(2)(a) @parliament.govt.nz
Private Bag 18041, Parliament Buildings, Wellington 6160, New Zealand

Authorised by Hon Paul Goldsmith, Parliament Buildings, Wellington

From: S9(2)(a)
Sent: Wednesday, 5 November 2025 3:49 pm
To: S9(2)(a)
Cc: S9(2)(a) ; offenceandpenaltyvet; S9(2)(a) ; S9(2)(a) ; S9(2)(a)
Mercuri, Alida; S9(2)(a)
Subject: RE: Move on orders - OPV comment

Kia ora S9(2)(a)

I have tried to keep the updated comment short, but it is tricky!

I have put some options below. Would be good to talk through it.

Cheers,
S9(2)(a)

Proposed comment

The Ministry of Justice has a cabinet mandated function to review proposals which create or amend offences and penalties, to ensure that they are consistent, appropriate and proportionate.

In this context, we have undertaken an initial review of the move on orders regime. We are concerned that the proposed move on order and associated criminal offence, are disproportionate to the harm caused and will create inconsistencies in the law.

The offence for breaching the move on order is proposed as a strict liability offence. As a general principle, no strict liability offence should carry a term of imprisonment. This is because requiring the prosecution to prove a *mens rea* element is an important safeguard when there is a chance of such a severe punishment.

The proposed penalty for breaching a move on order is three months' imprisonment or a \$2000 fine. Other offences with penalties including three months' imprisonment include: wilful damage, indecent exposure, possession of knives, driving with excess breath alcohol, careless driving resulting in death, supplying or dealing in a Class C controlled drug, and resisting police. Setting the penalty at this level signals to the public that this offence is considered commensurate with these offences.

Due to time constraints, we have been unable to consider the full implications of the move-on order proposals, which has resulted in limited mitigation of unintended consequences and inequities, and no consideration of alternative options to achieve the policy objective.

Other points that could be included

As proposed, the criminal offence and penalty will apply to a person who re-enters the designated area within the excluded time, even if they are no longer displaying anti-social or a designated behaviour.

Strict liability offences should include specified defences.

Setting the penalty at 3 months imprisonment or a \$2000 fine implies that the government believes that returning to an area designated in a move-on order for anti-social behaviour is more serious than the following offences which have significantly lower penalties: offensive behaviour or language (s 4 summary offences), fighting in public place (s7 summary offences), setting off or throwing fireworks in a way that is likely to cause injury (s35 summary offences), excreting in public place (s32 summary offences act), lighting fires in a manner likely to cause damage (s36 summary offences), driving with excess breath alcohol (250-400 milligrams per litre – s56 Land Transport).

Details of the offences

Wilful Damage (s11 Summary Offences), Indecent exposure (s27 Summary Offences), Possession of knives (s13A Summary Offences), Driving with excess breath or blood alcohol (s 56 Land Transport), Careless Driving resulting in injury or death (s38 Land Transport), supplying or dealing in a class C controlled drug (s7 misuse of drugs), resisting police (s23 Summary Offences), Theft not exceeding \$500 (s223 Crimes Act)

Original

The legislative guidelines dictate that criminal offences should only be included in legislation if they are necessary to achieve a significant policy objective such as the avoidance of substantial harm to society. Criminal offences and penalties must be consistent, appropriate and proportionate to the ‘blameworthiness’ or culpability of, and harm caused by, the behaviour. The Offence and Penalty vetting team (OPV) are extremely concerned that the proposed move on orders regime, and its associated criminal offence, are disproportionate to the harm caused and will create inconsistencies in the law. We are particularly concerned that, due to time constraints, we have been unable to consider the full implications of these proposals, which has resulted in limited mitigation of unintended consequences and inequities, and no consideration of alternative options to achieve the policy objective. OPV’s most pressing concern is that a penalty of imprisonment is an inappropriate and disproportionate response to behaviour that falls below the threshold of criminality, especially given that the unwanted behaviour does not need to be present for the criminal offence to apply.

From: S9(2)(a)
Sent: Wednesday, 5 November 2025 10:50 am
To: S9(2)(a) @justice.govt.nz>
Cc: S9(2)(a) @justice.govt.nz>; S9(2)(a) @justice.govt.nz>; S9(2)(a) @justice.govt.nz>; S9(2)(a) @justice.govt.nz>; S9(2)(a) @justice.govt.nz>
Subject: Move on orders - OPV comment

Kia ora S9(2)(a)

Thank you for providing OPV with an opportunity to review the latest decisions regarding the move-on orders regime.

OPV remains extremely concerned about the proposed criminal offence and its associated penalties. We would appreciate for the following comment to be included in the cabinet paper from the OPV team, preferably with an in-principle recommendation from Cabinet that will allow officials to work with OPV to ensure that the offence and penalty aspect of the move on orders is workable, proportionate, and appropriate.

s9(2)(g)(i)

Our comment:

The legislative guidelines dictate that criminal offences should only be included in legislation if they are necessary to achieve a significant policy objective such as the avoidance of substantial harm to society. Criminal offences and penalties must be consistent, appropriate and proportionate to the ‘blameworthiness’ or culpability of, and harm caused by, the behaviour. The Offence and Penalty vetting team (OPV) are extremely concerned that the proposed move on orders regime, and its associated criminal offence, are disproportionate to the harm caused and will create inconsistencies in the law. We are particularly concerned that, due to time constraints, we have been unable to consider the full implications of these proposals, which has resulted in limited mitigation of unintended consequences and inequities, and no consideration of alternative options to achieve the policy objective. OPV’s most pressing concern is that a penalty of imprisonment is an inappropriate and disproportionate response to behaviour that falls below the threshold of

Document 64

criminality, especially given that the unwanted behaviour does not need to be present for the criminal offence to apply.

Please let me know if you have any questions.

Happy to chat and talk through our concerns in more detail.

Kind regards,
S9(2)(a)



S9(2)(a)
04 494 3537
Senior Policy Advisor – Criminal Law Policy
Ministry of Justice, Tāhū o te Ture
Justice Centre, 19 Aitken Street
DX Box SX10088, Wellington 6011
S9(2)(a) [@justice.govt.nz](https://www.justice.govt.nz)

Released under the Official Information Act 1982

From: S9(2)(a)
Sent: Wednesday, 5 November 2025 2:24 pm
To: S9(2)(a)
Cc: S9(2)(a) ; S9(2)(a) ; S9(2)(a)
Subject: RE: Cabinet Paper - Public Disorder

IN CONFIDENCE

Hi S9(2)(a)

I've reviewed p36, no changes. We will still be looking a little closer at the modelling with the understanding that the prosecutions will be low.

Thanks again for running this past us.

Kind regards

S9(2)(a)

IN CONFIDENCE

From: S9(2)(a) @justice.govt.nz>
Sent: Wednesday, 5 November 2025 11:56 am
To: S9(2)(a) @justice.govt.nz>
Cc: S9(2)(a) @justice.govt.nz>; S9(2)(a) @justice.govt.nz>; S9(2)(a) @justice.govt.nz>
Subject: RE: Cabinet Paper - Public Disorder

Thanks S9(2)(a) will take a look.
S9(2)(a) / S9(2)(a) see below. Let me know if you have any comments. OSD have provided initial feedback on the proposals, generally low operational impact i.e CMS ref data changes and light comms but there is a broader question about the modelling and how any \$ impacts will be covered, which I am still a little unclear on.
Thanks, S9(2)(a)

From: S9(2)(a) @justice.govt.nz>
Sent: Wednesday, 5 November 2025 11:49 am
To: S9(2)(a) @justice.govt.nz>
Cc: S9(2)(a) @justice.govt.nz>
Subject: Cabinet Paper - Public Disorder

IN CONFIDENCE

Hi S9(2)(a)

We are preparing the Cabinet paper and the RIS for the Minister which goes to his office tomorrow so we can start Ministerial consultation.

 [20251104 Draft CAB - Strengthening responses to public disorder.docx](#)

Can you please confirm how you would like the impact on the courts reflected. We need to keep this at a high-level so we have avoided including data, as we would need to make sure that any data that is included is given context, so all Cabinet Ministers understand it. – Paragraph 34 covers it.

s9(2)(g)(i)

Can you also please let me know if there is anyone else, I need to put this language through i.e. COOO?

Ngā mihi,
S9(2)(a)



S9(2)(a)

Principal Policy Advisor | Criminal Justice Unit | Policy Group
Ministry of Justice | Tāhū o te Ture
Justice Centre | 19 Aitken Street | Wellington 6011

S9(2)(a) [@justice.govt.nz](mailto:justice.govt.nz) | justice.govt.nz

~~IN CONFIDENCE~~

Released under the Official Information Act 1982

From: Brightwell, Kathy
Sent: Wednesday, 5 November 2025 8:11 pm
To: S9(2)(a)
Cc: S9(2)(a); S9(2)(a); S9(2)(a)
Subject: RE: Links for 1pm review - public disorder Cab paper and RIS

Thanks very much team. I have made some edits and comments in the links. Somewhere we need to give examples of specific behaviours that would be captured for move on orders and examples of behaviours that wouldn't. The Minister needs to be able to give these when he is asked for specifics, as the then Minister was for hate speech

Ngā mihi
Kathy

From: S9(2)(a) @justice.govt.nz>
Sent: Wednesday, 5 November 2025 1:03 pm
To: S9(2)(a) @justice.govt.nz>
Cc: S9(2)(a) @justice.govt.nz>; S9(2)(a) @justice.govt.nz>; S9(2)(a) @justice.govt.nz>
Subject: Links for 1pm review - public disorder Cab paper and RIS

Kia ora Kathy,

Please find the links below for your 1pm review of the draft Cabinet paper and RIS on strengthening responses to public disorder.

[20251104 Draft CAB - Strengthening responses to public disorder.docx](#)

[251014 DRAFT Public disorder RIS.docx](#)

Thank you,
S9(2)(a)



S9(2)(a)
Policy Advisor | Criminal Justice Unit
Ministry of Justice | Tāhū o te Ture
Justice Centre | 19 Aitken Street | Wellington 6011

From: S9(2)(a)
Sent: Thursday, 6 November 2025 10:01 am
To: S9(2)(a) ; S9(2)(a) - Parliament
Cc: S9(2)(a) .parliament.govt.nz; Justice PS; S9(2)(a) ; Mercuri, Alida; S9(2)(a)
Subject: RE: Move on orders: comparison with Members Bill
Attachments: Comparison of move-on orders proposals and members bill.docx

Hi S9(2)(a)

Attached is a high-level comparison of the two proposals. Let me know if I can clarify any of this.

Ngā mihi
S9(2)(a)

From: s9(2)(a) @justice.govt.nz
Sent: Wednesday, 5 November 2025 3:59 pm
To: s9(2)(a) @parliament.govt.nz
Cc: s9(2)(a) @parliament.govt.nz; s9(2)(a) @parliament.govt.nz; s9(2)(a) @justice.govt.nz; Mercuri, Alida <Alida.Mercuri@justice.govt.nz>; s9(2)(a) @justice.govt.nz
Subject: RE: Move on orders: comparison with Members Bill

Hi S9(2)(a)
Yes will do – S9(2)(a) will take the lead
Thanks
S9(2)(a)



S9(2)(a)
Policy Manager | Criminal Justice Unit | Policy Group
Ministry of Justice | Tāhū o te Ture
S9(2)(a)
Justice Centre | 19 Aitken Street | Wellington 6011

From: S9(2)(a) @parliament.govt.nz
Sent: Wednesday, 5 November 2025 3:36 pm
To: S9(2)(a) @justice.govt.nz
Cc: S9(2)(a) parliament.govt.nz S9(2)(a) @parliament.govt.nz; s9(2)(a) @parliament.govt.nz; S9(2)(a) @justice.govt.nz; Mercuri, Alida <alida.mercuri@justice.govt.nz>
Subject: Move on orders: comparison with Members Bill

Hi S9(2)(a)

Can you please do a very quick compare/contrast noting the differences between the attached Bill and what has been proposed by the Minister?

If you can get something to us **by 10am tomorrow** that would be much appreciated please!

Thank you!



S9(2)(a)

Private Secretary – Justice | Office of Hon Paul Goldsmith

Minister for Arts, Culture and Heritage
Minister of Justice
Minister for Media and Communications
Minister for Treaty of Waitangi Negotiations

Mobile: **S9(2)(a)** | Email **S9(2)(a)** [@parliament.govt.nz](mailto:S9(2)(a)@parliament.govt.nz)
Private Bag 18041, Parliament Buildings, Wellington 6160, New Zealand

Authorised by Hon Paul Goldsmith, Parliament Buildings

Released under the Official Information Act 1982

Comparison of Policing (Direction to Move On) Amendment Bill and current ministerial move-on order proposal

- The Policing (Direction to Move On) Amendment Bill is a Members Bill in the name of Ryan Hamilton, MP for Hamilton East. It was lodged on 3 June 2025.
- The Bill is intended to address anti-social behaviour in community spaces. It would give Police a power to direct a person or group to leave a specified area for a set period of time. The power is intended to be used to proactively prevent behaviour that is likely to escalate and cause harm.
- It is broadly similar to Minister Goldsmith’s proposed move-on order, but has a narrower scope and does not allow for a penalty of imprisonment for breaching an Order.
- The key similarities and differences are summarised below.

	Policing (Direction to Move On) Amendment Bill	Current ministerial move-on order proposal
Act the power would sit in	Policing Act 2008 (administered by Police) Substantive clause to be inserted under “other police powers” subheading (which includes temporary closing of roads, and care and protection of intoxicated people)	Summary Offences Act 1981 (administered by Justice) Likely to be a stand-alone offence and penalty
May be issued by	Can be issued when a constable has “reasonable cause to suspect” a person is:	Can be issued when a constable has “a reasonable suspicion” that:
Scope of the Order	<ul style="list-style-type: none"> • behaving in a manner that is disorderly, offensive, threatening, or violent • breaching, or may breach, the peace • interfering with trade or business at the place by unreasonably obstructing, hindering, or impeding someone entering, at, or leaving the place 	<ul style="list-style-type: none"> • a person is or has been behaving in a disorderly, intimidating, offensive, threatening, or disturbing manner • a breach of the peace is occurring or has occurred • a person is or has been interfering with trade or business by unnecessarily obstructing, hindering, or impeding someone entering or leaving a place
Scope – Member’s Bill only	<ul style="list-style-type: none"> • behaving in a manner that is likely to cause injury to a person or damage to 	

	<p>property or is otherwise a risk to public safety</p> <ul style="list-style-type: none"> • endangering, or may endanger, the safety of any other person • disrupting the peaceful and orderly conduct of any event, entertainment, or gathering at the place 	
Scope – ministerial proposal only		<ul style="list-style-type: none"> • a person is or has been causing anxiety to a person, reasonably arising in all the circumstances • the person is unreasonably obstructing a public way • the person is begging
Issuing an Order	<p>May be given orally or by notice in writing served personally on the person</p> <p>A constable must explain the effect and duration of the direction and the consequences that may follow if the person does not comply</p>	<p>Can be issued on site and in writing, or via electronic mail</p> <p>A constable must inform a person subject to a move-on order of the order's conditions and the penalty for noncompliance</p>
Duration of the Order	<p>May direct the person not to return to, or not to be in, the public place or part of a public place for a specified period of not more than 24 hours</p>	<p>May require a person to immediately leave a specified area for a specified amount of time (and no longer than 24 hours)</p>
Penalty for non-compliance	<p>A person who fails to comply, without reasonable excuse, is liable on conviction to a fine not exceeding \$2,000</p>	<p>A person who fails to comply, without reasonable excuse, is subject to an offence with a maximum penalty of \$2,000 or up to three months imprisonment</p>
Specific exclusions listed	<p>A direction may given only while the person is in the public place</p>	<p>Move-on orders will not apply to protest or picket activities, charitable or not-for-profit fundraising, and mere passive presence</p>
Additional Police powers to implement the Order		<p>Would introduce new powers for Police to:</p> <ul style="list-style-type: none"> • obtain identifying particulars • temporarily detain a person for the time necessary to issue a move-on order

- The Ministerial Advisory Group for Victims of Retail Crime has also recommended introducing a move-on order. The MAG's proposal:
 - would be issued by Police for similar objectives as the Members Bill (i.e. proactive de-escalation),
 - would be issued in a similar manner, also for a period of up to 24 hours,
 - covers similar behaviours (disorderly behaviour, interfering with trade, causing anxiety and disrupting events), but does not cover begging (which is considered in a separate MAG recommendation), and
 - a breach would be punishable by a maximum \$2,000 fine and up to 3 months imprisonment.

Released under the Official Information Act 1982

From: s9(2)(a) @police.govt.nz>
Sent: Thursday, 6 November 2025 3:08 pm
To: S9(2)(a) ; S9(2)(a)
Subject: RE: [EXTERNAL] Public disorder material - for review

Nothing else from me – well done both!

Ngā mihi

s9(2)(a)

s9(2)(a)
Senior Policy Advisor
Policy Group
Police National Headquarters
E s9(2)(a) @police.govt.nz



WARNING

The information contained in this email message is intended for the addressee only and may contain privileged information. It may also be subject to the provisions of section 50 of the Policing Act 2008, which creates an offence to have unlawful possession of Police property. If you are not the intended recipient of this message or have received this message in error, you must not peruse, use, distribute or copy this message or any of its contents. Also note, the views expressed in this message may not necessarily reflect those of the New Zealand Police. If you have received this message in error, please email or telephone the sender immediately.

[SEEMAIL]

From: S9(2)(a) @justice.govt.nz>
Sent: Thursday, 6 November 2025 3:01 pm
To: s9(2)(a) @police.govt.nz>
Subject: RE: [EXTERNAL] Public disorder material - for review

~~IN CONFIDENCE / CABINET~~

Done - its twice in the brief and I've fixed both of them.

~~IN CONFIDENCE / CABINET~~

From: s9(2)(a) @police.govt.nz>
Sent: Thursday, 6 November 2025 3:00 pm
To: S9(2)(a) @justice.govt.nz>
Subject: RE: [EXTERNAL] Public disorder material - for review

s9(2)(g)(i)

s9(2)(g)(i)

Ngā mihi

s9(2)(a)

s9(2)(a)

Senior Policy Advisor
Policy Group
Police National Headquarters
E s9(2)(a) @police.govt.nz



WARNING

The information contained in this email message is intended for the addressee only and may contain privileged information. It may also be subject to the provisions of section 50 of the Policing Act 2008, which creates an offence to have unlawful possession of Police property. If you are not the intended recipient of this message or have received this message in error, you must not peruse, use, distribute or copy this message or any of its contents. Also note, the views expressed in this message may not necessarily reflect those of the New Zealand Police. If you have received this message in error, please email or telephone the sender immediately.

From: S9(2)(a) @justice.govt.nz>
Sent: Thursday, 6 November 2025 2:59 pm
To: s9(2)(a) @police.govt.nz>; S9(2)(a) @justice.govt.nz>
Subject: RE: [EXTERNAL] Public disorder material - for review

~~IN CONFIDENCE / CABINET~~

Noted, we've made that change.

FYI – I'm sending it to our dep sec at 4pm.

~~IN CONFIDENCE / CABINET~~

From: s9(2)(a) @police.govt.nz>
Sent: Thursday, 6 November 2025 2:56 pm
To: S9(2)(a) @justice.govt.nz>; S9(2)(a) @justice.govt.nz>
Subject: RE: [EXTERNAL] Public disorder material - for review
Importance: High

Hi, I'm going through via 'ctrl f Police' at mo – will send these through as I find them so apologies if you get a run of emails (though don't expect there to be much)

- Page 3 (under implementation) – please take out “NZ Police has advised that the proposed move-on orders can be implemented without major additional costs”. Begging offence would not have had significant costs but move on orders could.

Please replace with: Implementation will include developing a mechanism to issue orders, NIA implications, and development and delivery of a robust training package.

Ngā mihi

s9(2)(a)

s9(2)(a)

Senior Policy Advisor
Policy Group
Police National Headquarters
E s9(2)(a) @police.govt.nz



WARNING

The information contained in this email message is intended for the addressee only and may contain privileged information. It may also be subject to the provisions of section 50 of the Policing Act 2008, which creates an offence to have unlawful possession of Police property. If you are not the intended recipient of this message or have received this message in error, you must not peruse, use, distribute or copy this message or any of its contents. Also note, the views expressed in this message may not necessarily reflect those of the New Zealand Police. If you have received this message in error, please email or telephone the sender immediately.

From: S9(2)(a) @justice.govt.nz>
Sent: Thursday, 6 November 2025 2:30 pm
To: s9(2)(a) @police.govt.nz>; S9(2)(a) @justice.govt.nz>
Cc: s9(2)(a) @police.govt.nz>; S9(2)(a) @justice.govt.nz>
Subject: RE: [EXTERNAL] Public disorder material - for review

IN CONFIDENCE / CABINET

Thanks, s9(2)(a) Really appreciate your input as we tidy these up, you make great points about the data (which we have been struggling with from the start), thanks.

I'll let you know if we have any more questions.

Thank you so much!

S9(2)(a)

IN CONFIDENCE / CABINET

From: s9(2)(a) @police.govt.nz>
Sent: Thursday, 6 November 2025 2:11 pm
To: S9(2)(a) @justice.govt.nz>; S9(2)(a) @justice.govt.nz>
Cc: s9(2)(a) @police.govt.nz>; S9(2)(a) @justice.govt.nz>
Subject: FW: [EXTERNAL] Public disorder material - for review

Hello - this is where I've got to with the table and paras 53-66.

Haven't had a chance to look at the rest of the document but will let you know if I spot any showstoppers, otherwise will leave you to it.

Happy to discuss!

Ngā mihi

Document 68
s9(2)(a)

s9(2)(a)

Senior Policy Advisor
Policy Group
Police National Headquarters
E s9(2)(a) [@police.govt.nz](mailto:s9(2)(a)@police.govt.nz)



WARNING

The information contained in this email message is intended for the addressee only and may contain privileged information. It may also be subject to the provisions of section 50 of the Policing Act 2008, which creates an offence to have unlawful possession of Police property. If you are not the intended recipient of this message or have received this message in error, you must not peruse, use, distribute or copy this message or any of its contents. Also note, the views expressed in this message may not necessarily reflect those of the New Zealand Police. If you have received this message in error, please email or telephone the sender immediately.

From: s9(2)(a)

Sent: Thursday, 6 November 2025 12:37 pm

To: S9(2)(a) [@justice.govt.nz](mailto:S9(2)(a)@justice.govt.nz); S9(2)(a) [@justice.govt.nz](mailto:S9(2)(a)@justice.govt.nz)

Subject: FW: [EXTERNAL] Public disorder material - for review

Rather than unsavoury, could we have a spectrum of behaviours in public settings (sitting below offence threshold definitions) e.g. from disorderly, to anti-social, to nuisance and/or solicitation for money or goods from the public (whether passive or active).

s9(2)(g)(i)

I'm told our email is up and running again so hopefully you get this (previous response below in case that didn't track through).

Ngā mihi

s9(2)(a)

s9(2)(a)

Senior Policy Advisor
Policy Group
Police National Headquarters
E s9(2)(a) [@police.govt.nz](mailto:s9(2)(a)@police.govt.nz)



WARNING

The information contained in this email message is intended for the addressee only and may contain privileged information. It may also be subject to the provisions of section 50 of the Policing Act 2008, which creates an offence to have unlawful possession of Police property. If you are not the intended recipient of this message or have received this message in error, you must not peruse, use, distribute or copy this message or any of its contents. Also note, the views expressed in this message may not necessarily reflect those of the New Zealand Police. If you have received this message in error, please email or telephone the sender immediately.

From: s9(2)(a)
Sent: Thursday, 6 November 2025 11:20 am
To: S9(2)(a) @justice.govt.nz>; S9(2)(a) @justice.govt.nz>
Cc: S9(2)(a) @justice.govt.nz>; S9(2)(a) @police.govt.nz>
Subject: RE: [EXTERNAL] Public disorder material - for review

Hello – just to get something to you ahead of my 11.30. I've added some comments/tracked changes at the start of the doc and to table at para 14. I can keep working on this throughout the day. ^{s9(2)(a)} I'll call you after my 11.30 😊

Some initial thoughts:

- Use 'disorderly' as the key term (compare 'unsavoury') with the focus on public safety.
- It could be problematic signalling begging out as one particular behaviour that gives cause for Police to move people on. It then also provides a defence e.g. a person states I was given this for begging but was not doing that etc. I think you are on much stronger ground to provide several examples of what could constitute disorderly behaviour/behaviour that threatens public safety (below offence thresholds) and include begging as part of that.
- For the table at para 14, suggest, (for Police responses) have one section on the range of Police responses, including being clear on where offence thresholds have been met or not (because when thresholds have been met it is BAU). I've added sections in there re: alternative resolutions (adult); youth responses; community policing. For the overall table you could set it out as: Police, council, and other responses.

Ngā mihi

s9(2)(a)

s9(2)(a)

Senior Policy Advisor
Policy Group
Police National Headquarters
E s9(2)(a) @police.govt.nz



WARNING

The information contained in this email message is intended for the addressee only and may contain privileged information. It may also be subject to the provisions of section 50 of the Policing Act 2008, which creates an offence to have unlawful possession of Police property. If you are not the intended recipient of this message or have received this message in error, you must not peruse, use, distribute or copy this message or any of its contents. Also note, the views expressed in this message may not necessarily reflect those of the New Zealand Police. If you have received this message in error, please email or telephone the sender immediately.

From: S9(2)(a) @justice.govt.nz>
Sent: Thursday, 6 November 2025 9:28 am
To: s9(2)(a) @police.govt.nz>; S9(2)(a) @justice.govt.nz>
Cc: s9(2)(a) @police.govt.nz>; S9(2)(a) @justice.govt.nz>
Subject: RE: [EXTERNAL] Public disorder material - for review

IN CONFIDENCE / CABINET

Hi s9(2)(a)

Thanks for the help. We can touch base after your meeting if that is best for you. To help direct you in the interim, we see that the following sections would really benefit from your input (but any and all input would be appreciated).

- Para 14 and the table – existing approaches to respond to disorderly behaviour and maintain public order
- Para 53 – 66 - What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?

Feel free to give me a call anytime on s9(2)(a)

Many thanks

s9(2)(a)

IN CONFIDENCE / CABINET

From: s9(2)(a) [@police.govt.nz](mailto:s9(2)(a)@police.govt.nz)
Sent: Thursday, 6 November 2025 9:18 am
To: s9(2)(a) [@justice.govt.nz](mailto:s9(2)(a)@justice.govt.nz)
Cc: s9(2)(a) [@justice.govt.nz](mailto:s9(2)(a)@justice.govt.nz); s9(2)(a) [@police.govt.nz](mailto:s9(2)(a)@police.govt.nz); s9(2)(a) [@justice.govt.nz](mailto:s9(2)(a)@justice.govt.nz)
Subject: RE: [EXTERNAL] Public disorder material - for review

Thanks s9(2)(a) happy to help. Caveats noted!

s9(2)(a) I'm in meetings from 11.00-12.00 but free around that. Perhaps catch up this afternoon?

Ngā mihi

s9(2)(a)

s9(2)(a)
Senior Policy Advisor
 Policy Group
 Police National Headquarters
 E s9(2)(a) [@police.govt.nz](mailto:s9(2)(a)@police.govt.nz)



WARNING

The information contained in this email message is intended for the addressee only and may contain privileged information. It may also be subject to the provisions of section 50 of the Policing Act 2008, which creates an offence to have unlawful possession of Police property. If you are not the intended recipient of this message or have received this message in error, you must not peruse, use, distribute or copy this message or any of its contents. Also note, the views expressed in this message may not necessarily reflect those of the New Zealand Police. If you have received this message in error, please email or telephone the sender immediately.

From: s9(2)(a) [@justice.govt.nz](mailto:s9(2)(a)@justice.govt.nz)
Sent: Thursday, 6 November 2025 9:11 am
To: s9(2)(a) [@police.govt.nz](mailto:s9(2)(a)@police.govt.nz)

Cc: S9(2)(a) @justice.govt.nz>; s9(2)(a)

@police.govt.nz>; S9(2)(a)

Subject: [EXTERNAL] Public disorder material - for review

CAUTION: This email originated from outside the New Zealand Police Network. DO NOT click links or open attachments unless you recognise the sender and are assured that the content is safe.

~~IN CONFIDENCE / CABINET~~

Kia ora s9(2)(a)

Thanks very much for helping us out with the public disorder RIS at short notice.

As I mentioned to s9(2)(a) it has become increasingly focused on policing and we'd hugely appreciate your input on how we characterise the problem minister's are concerned about, police's role in managing public places, and what powers they have and/or need.

s9(2)(a) are working on the document now and would welcome you written feedback and/or discussions. Once you've had an initial look, it might be helpful to call s9(2)(a) and discuss.

As you know, we'll be using an external sharepoint site for agency consultation from tomorrow, but for now I'm sharing this according to our standard Cabinet material handling instructions.

I request your assistance with the attached draft RIS.

Important: This paper is classified as ~~IN CONFIDENCE~~ so it is critical that the distribution of the paper is limited based on "need to know". It is provided on the understanding that:

- it will be stored in a secure centralised location on your network with access limited to only those with a demonstrable need to know
- all access to the information should be auditable
- printed copies should not be made, and
- further sharing should be by agreement with the Ministry of Justice.

Please confirm your understanding of these requirements and whether you are able to meet them.

Thanks again for your help

S9(2)(a)



S9(2)(a)

Policy Manager | Criminal Justice Unit | Policy Group
Ministry of Justice | Tāhū o te Ture

S9(2)(a)

Justice Centre | 19 Aitken Street | Wellington 6011

~~IN CONFIDENCE / CABINET~~

IN CONFIDENCE



Regulatory Impact Statement: Strengthening responses to public disorder

Decision sought	Cabinet decisions
Agency responsible	Ministry of Justice
Proposing Ministers	Hon Paul Goldsmith, Minister of Justice
Date finalised	TBC

Commented [MA1]: Note - make sure RIS fully captures the substance of our "OPV comment" when the latter is finalised

To support law enforcement to manage public order, the Minister proposes to introduce powers for Police to require people to temporarily "move on" from specified public areas to address disorderly and disruptive behaviours.

Summary: Problem definition and options

What is the policy problem?

The Minister of Justice and the Government are concerned about disorderly and unsavoury behaviour in public places and how it is making people feel unsafe or unwilling to visit public places. A range of surveys and media articles have indicated that many New Zealanders perceive that disorderly behaviour and incidents of public disorder have been increasing. Business and interest groups have reported that the prevalence of these behaviours in city centres and business districts is impacting businesses and communities in these areas.

Commented [TB2]: Too emotive and means different things for different people. I'd stick to the term disorderly throughout and the focus on peoples safety.

Police has limited powers to address low-level conduct disorderly behaviour that may not rise to a criminal threshold. Police is not currently able to issue move-on orders, which can be a useful tool for managing low-level disorderly behaviour that is making people feel unsafe.

What is the policy objective?

The following objectives are sought:

- a. ensure the law is able to adequately and fairly deal with disorderly behaviour;
- b. reduce the sense of vulnerability of the public, in public areas; and
- c. support thriving urban economies.

Commented [TB3]: Could also frame this as improving public safety.

It will be difficult to precisely determine the impact of the change because there is no clear definition of disorderly behaviour, so proxies will be used. Proxy indicators used to monitor whether the objectives are being achieved include the New Zealand Crime and Victims Survey and the number of times the new tools are being used.

What policy options have been considered, including any alternatives to regulation?

We considered retaining the status quo, which accounts for the ongoing implementation of social and health sector initiatives to address disorderly behaviour.

IN CONFIDENCE

IN CONFIDENCE

We considered three additional options:

- Option Two - A narrower form of move-on orders. Non-compliance would result in an infringement offence with a fee of \$500.
- Option Three – A broader form of move-on orders, with a new criminal offence for non-compliance carrying a maximum penalty of \$2000 or up to three months imprisonment.
- Option Four – Same move-on orders as Option Three, but also applying to begging behaviours.

No non-regulatory options were considered.

What consultation has been undertaken?

The timeframes in which the policy proposals have been prepared did not allow for consultation beyond government agencies affected.

Crown Law Office, Department of Corrections, Ministry of Social Development, Ministry of Housing and Urban Development, New Zealand Police, Department of Internal Affairs, and Oranga Tamariki.

Is the preferred option in the Cabinet paper the same as preferred option in the RIS?

No. The Minister of Justice prefers Option Four – move on orders capturing begging behaviour. The Ministry of Justice prefers Option One – status quo.

Commented [TB4]: Isn't begging just one form of disorderly behaviour - it doesn't meet the threshold of an offence but in and of itself could be considered disorderly/nuisance behaviour? I think it could be problematic signalling this out as one particular behaviour that gives cause for Police to move people on. It then also provides a defence e.g. a person states I was given this for begging but was not doing that etc. I think you are on much stronger ground to provide several examples of what could constitute disorderly behaviour/behaviour that threatens public safety and include begging as part of that.

**Summary: Minister's preferred option in the Cabinet paper
[duplicate if agency's preferred option is different]**

Costs (Core information)

Outline the key monetised and non-monetised costs, where those costs fall (e.g. what people or organisations, or environments), and the nature of those impacts (e.g. direct or indirect)

Additional costs will fall on the public sector, particularly NZ Police, the Courts and the Department of Corrections. These are direct costs, both implementation and ongoing. NZ Police will need to focus resources on issuing and enforcing move-on orders. Because the preferred option includes a criminal offence for non-compliance, there will be additional costs for the courts in terms of more criminal cases. Modelling estimates a small impact on the Corrections system because a very small number of people would be sentenced to prison for non-compliance with move-on orders.

People issued with move-on orders will face direct costs if they do not comply. The direct costs may include a criminal conviction, and potentially a fine of up to \$2000 or a prison sentence. Indirect costs may reduce some people's ability to raise money by no longer being able to beg or ask for assistance.

Benefits (Core information)

Outline the key monetised and non-monetised benefits, where those benefits fall (e.g. what people or organisations, or environments), and the nature of those impacts (e.g. direct or indirect)

There may be some indirect benefits to retailers if move-on orders result in more people being willing to come into public spaces. This may result in more customers and increased revenue. It will be difficult to determine whether this is the result of move-on orders compared to broader economic factors or other actions taken to address disorderly behaviour. Given the multiple factors impacting on businesses, it is not possible to monetise the benefits.

IN CONFIDENCE

There are also benefits to the broader public, of being able to gather in public space without feeling fearful or intimidated. It is not possible to monetise these benefits.

There may be benefits for Police in terms of having additional powers to address disorderly behaviour. It is not possible to monetise these benefits.

Balance of benefits and costs (Core information)

Does the RIS indicate that the benefits of the Minister’s preferred option are likely to outweigh the costs?

Costs are likely to outweigh the benefits. The potential benefits are unclear, and partially relate to public perception of disorderly behaviour rather than actual incidents. The costs will fall on public services (Police, Courts and Corrections) and those who are issued with move-on orders, particularly if they face criminal prosecutions or are unable to beg in certain public areas.

The ratio of costs to benefits may shift over time if the implementation of move-on orders leads to a reduction in disorderly behaviour.

Implementation

How will the proposal be implemented, who will implement it, and what are the risks?

NZ Police will be responsible for issuing and enforcing move-on orders. NZ Police has advised that the proposed move-on orders can be implemented without major additional costs.

Implementation risks include if a larger percentage of move-on orders result in criminal prosecutions. This will impose additional costs on the courts and potentially on the Corrections system if prison sentences are imposed.

Implementation dates are yet to be finalised, but the necessary legislative amendments are expected to be progressed in 2026.

Limitations and Constraints on Analysis

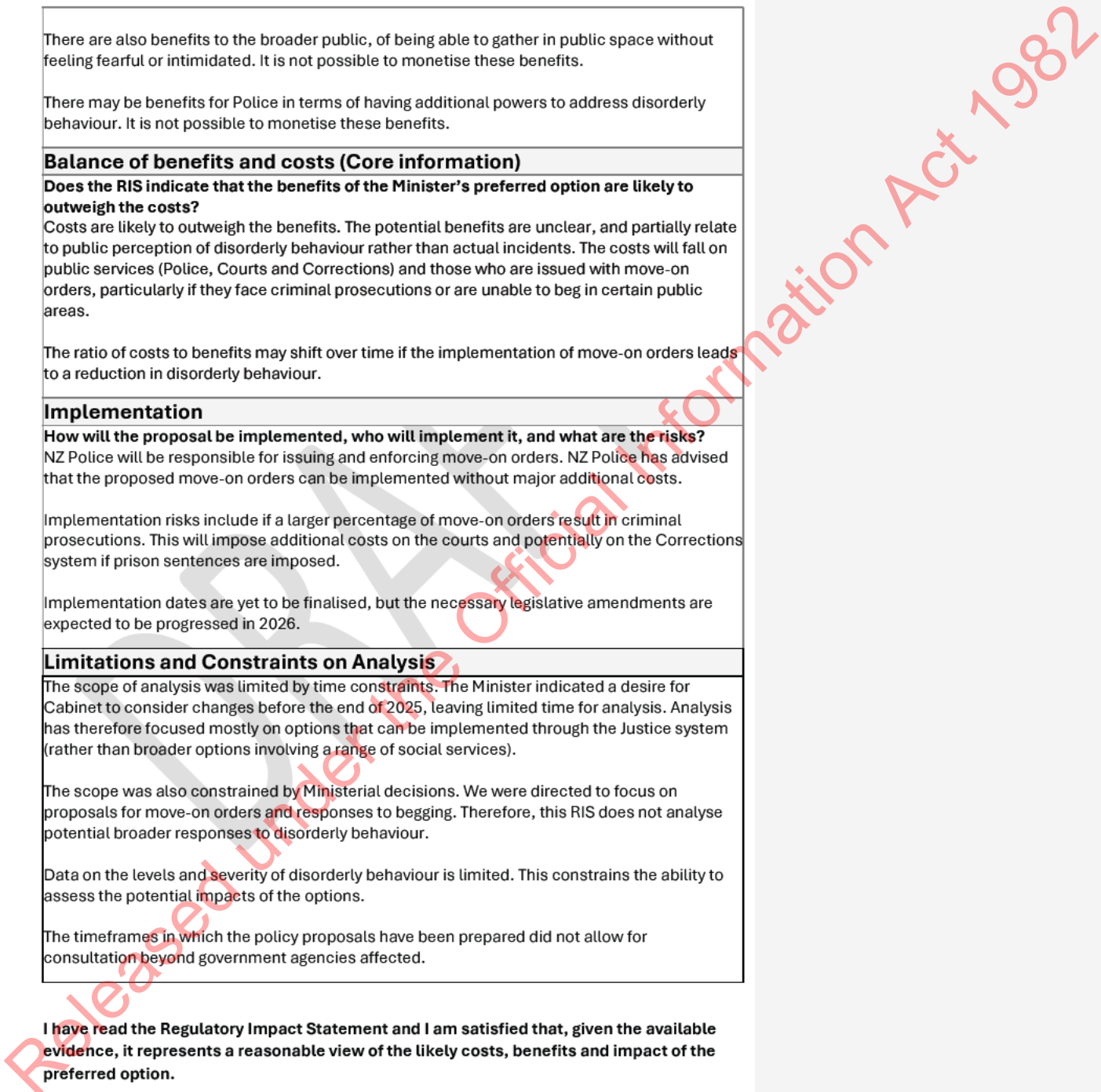
The scope of analysis was limited by time constraints. The Minister indicated a desire for Cabinet to consider changes before the end of 2025, leaving limited time for analysis. Analysis has therefore focused mostly on options that can be implemented through the Justice system (rather than broader options involving a range of social services).

The scope was also constrained by Ministerial decisions. We were directed to focus on proposals for move-on orders and responses to begging. Therefore, this RIS does not analyse potential broader responses to disorderly behaviour.

Data on the levels and severity of disorderly behaviour is limited. This constrains the ability to assess the potential impacts of the options.

The timeframes in which the policy proposals have been prepared did not allow for consultation beyond government agencies affected.

I have read the Regulatory Impact Statement and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the preferred option.



IN CONFIDENCE

Responsible Manager(s) signature: _____
[Insert Manager's name]
[Insert Manager's title]
[Insert date]

Quality Assurance Statement	<i>[Note this isn't included in the four-page limit]</i>
Reviewing Agency:	QA rating: [Meets, partially meets, does not meet]
Panel Comment:	

Section 1: Diagnosing the policy problem

What is the context behind the policy problem and how is the status quo expected to develop?

The Government and a range of interest groups are concerned about public spaces, especially in central business districts

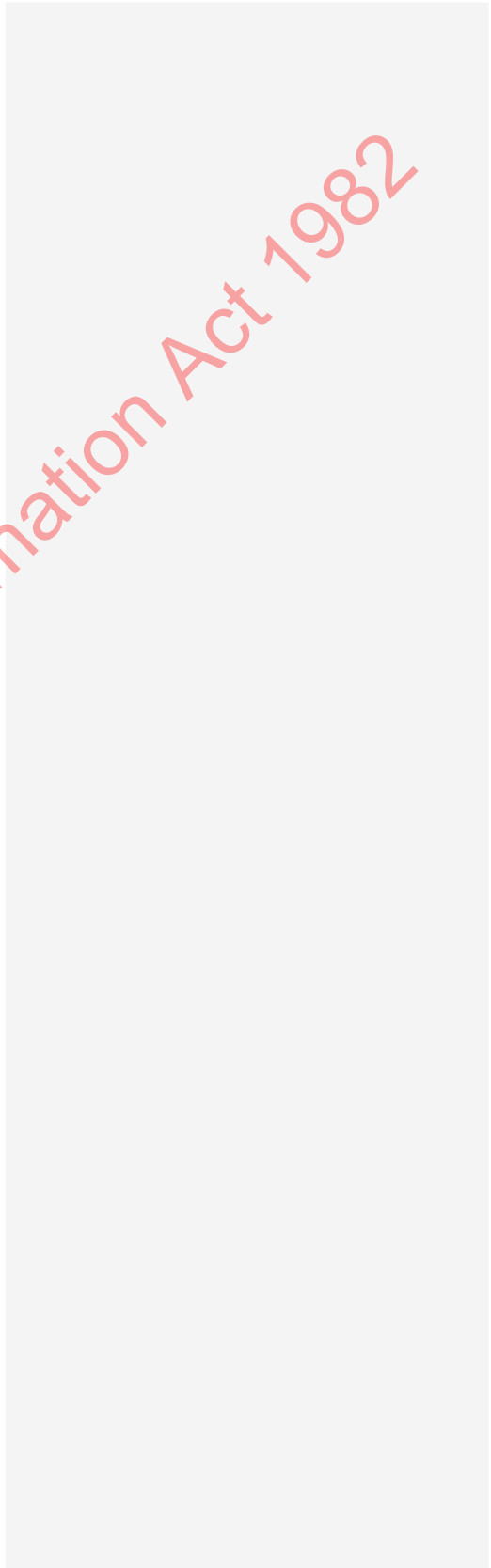
1. The Minister of Justice and the Government are concerned about the safety and enjoyment of public places and how this is being addressed. Community and business leaders throughout the country have also expressed concern.
2. A range of Ministers have expressed concern with people who are reportedly congregating in city centres and displaying behaviour that is unsavoury and in some cases criminal. People working in and visiting these areas are feeling vulnerable or unsafe and the behaviour is negatively impacting businesses.
3. A range of surveys and media articles have indicated that many New Zealanders perceive that public disorder has been increasing, particularly in urban centres. This perception is believed to result in people wanting to spend less time in these areas, and it is believed that all of these things are negatively impacting central business districts (CBD).¹

¹ [Herald poll finds 97% believe Auckland CBD anti-social and uninviting, amid accounts of public sex and 'meth-fueled rage' - NZ Herald](#)

[Antisocial behaviour reaching 'desperate' levels in Wellington suburb | RNZ News](#)

[Rotorua homeless camp outside Salvation Army causing local business to lose money - NZ Herald](#)

IN CONFIDENCE



Released under the Official Information Act 1982

IN CONFIDENCE

4. In July 2024, the Government announced the establishment of a Ministerial Advisory Group for Victims of Retail Crime (MAG) as part of its plan to restore law and order. The MAG was tasked with engaging directly with victims, workers, business owners, retail experts and advocacy groups to provide the Government with specific proposals to address urgent challenges in retail crime.
5. The MAG identified antisocial behaviour or public disorder as one of its priority areas on the basis that it appears to be increasing in and around retail settings, with negative impacts on retailers, retail workers and customers, and existing laws fail to regulate the broad spectrum of those behaviours.²
6. Submitters on the MAG's issues paper expressed concern that disorderly behaviour in retail settings is increasing.³ There have also been anecdotal reports of perceptions of increased public disorder in city centres, with some proprietors saying issues of homelessness, drug and alcohol abuse, and mental health related incidents have increased in recent years.⁴ Some residents and businesses have described homelessness, drug-taking, and antisocial behaviour as reaching "desperate levels".⁵

Factors contributing to the perceived increase in public disorder

7. The increase in homelessness and visible rough sleeping⁶ could be contributing to perceptions of increased public disorder.
8. A variety of economic factors have combined to put ongoing financial pressure on people and businesses, including inflationary pressures driving up the cost of living,⁷ the number of people who are severely housing deprived,⁸ and businesses facing a sustained period of weak consumer spending.
9. Police data does not appear to support the perceived increase in disorderly behaviour, with available data indicating a decrease in demand and prosecutions for public order, health and safety offences over the past 5 years.⁹

² Ministerial Advisory Group for Victims of Retail Crime (June 2025) *Anti-social behaviour in retail in New Zealand: An issues paper*.

³ Ministerial Advisory Group for Victims of Retail Crime (August 2025) *Anti-social behaviour around retail settings: Options Paper*.

⁴ For example, see the following media articles: [Herald poll finds 97% believe Auckland CBD anti-social and uninviting, amid accounts of public sex and 'meth-fueled rage' - NZ Herald](#); [Antisocial behaviour reaching 'desperate' levels in Wellington suburb | RNZ News](#); [Rotorua Beat Team: Police praised for CBD crackdown on shoplifters, disorder and sex acts - NZ Herald](#).

⁵ <https://www.rnz.co.nz/news/national/569582/antisocial-behaviour-reaching-desperate-levels-in-wellington-suburb>.

⁶ [More rough sleepers on Auckland streets: 'NZ doesn't have to be this way' | RNZ News](#); [Auckland homelessness spike prompts 'please help' letter | RNZ News](#)

⁷ [Consumers price index \(CPI\) | Stats NZ](#)

⁸ Stats New Zealand (December 2024) *Census severe housing deprivation (homelessness) estimates*. Retrieved from: <https://www.stats.govt.nz/information-releases/2023-census-severe-housing-deprivation-homelessness-estimates/>

⁹ Police proceedings for public order, health and safety offences from September 2024 – August 2025 were 5,424, compared to 11,289 proceedings in from September 2019 – August 2020. Retrieved from: <https://www.police.govt.nz/about-us/publications-statistics/data-and-statistics/policedatanz/proceedings-offender-demographics>

IN CONFIDENCE

- 10. There is a relatively low rate of formal proceedings for low-level offending due to a range of factors, including Police prioritisation of incidents where there is a greater risk to public safety.

Public disorder captures a wide range of behaviours

- 11. A wide spectrum of behaviours could be considered 'public disorder'. Disorderly behaviour can include intimidating, offensive, threatening, obstructing or disturbing behaviour in a public place which is, in the time, place and circumstances, at a level beyond that which reasonable people can be expected to tolerate. It includes behaviours below the threshold of criminal offending (such as disrupting businesses, nuisance behaviour, begging and public intoxication).
- 12. Media reporting on disorderly behaviour includes references to public defecation, sexual activity in public view, shouting and using threatening language, drug use, rough sleeping and begging.¹⁰
- 13. Social service agencies are careful not to conflate homelessness, mental health issues, and public disorder. Survival behaviours such as sleeping rough do not necessarily contribute to public disorder. However, some routine human activities that arise from these groups (such as sleeping obstructing a public way or; excreting in public places¹¹; going to the bathroom and bathing in public places) are criminalised in the Summary Offence Act 1981 and disproportionately penalise these vulnerable groups due to their situation/circumstances.¹²

New Zealand has some legal and operational responses available to deal with disorderly behaviour

- 14. New Zealand has some existing approaches to respond to disorderly behaviour and maintain public order. These include:

Response available	Examples
General Police powers	<p><u>Police are empowered under the Policing Act 2008 to:</u></p> <ul style="list-style-type: none"> • <u>Maintain public safety</u> • <u>Keep the peace</u> • <u>Enforce the law</u> • <u>Prevent crime</u> • <u>Provide community support and reassurance.</u>

Commented [KB5]: This says rough sleeping is an offence. Is that correct? Any sleeping in a public place is an offence? The footnote would be better to cite the legislative provision rather than an article

Commented [MA6R5]: Agree with Kathy - what are we referring to here?

Commented [CR7]: ^{s9(2)(a)} - can you confirm these are correct and elaborate on them or add anything that is missing?

Commented [TB8R7]: Hi, I think this table would be better to explicitly state if you are including or excluding behaviour that meets offence thresholds. Presumably we want to focus on enabling actions for when offence thresholds have not yet been met (because when thresholds have been met it is BAU).

¹⁰<https://www.rnz.co.nz/news/national/569582/antisocial-behaviour-reaching-desperate-levels-in-wellington-suburb>; <https://www.nzherald.co.nz/rotorua-daily-post/news/rotorua-beat-team-police-praised-for-cbd-crackdown-on-shoplifters-disorder-and-sex-acts/ZTOGBF3DM5DW7GZC5ZGKAAC2MI/>; <https://www.rnz.co.nz/news/national/569916/residents-keep-faith-in-troubled-newtown-despite-rise-in-antisocial-behaviour>; <https://www.nzherald.co.nz/nz/herald-poll-finds-97-believe-auckland-cbd-anti-social-and-uninviting-amid-accounts-of-public-sex-and-meth-fueled-rage/CH4RPTPTGRBELN65QREB3EEVDE/>; <https://www.nzherald.co.nz/nz/heart-of-the-city-survey-auckland-business-owners-slate-cbd-as-lawless-unclean-hit-out-at-drug-use-begging/EHUSLVP7SNQC3LIEKDHPMOOQFU/>

¹¹ Sections 22 and 32, Summary Offences Act 1981.

¹² Hipple N, Allison K, Campbell K, Farrell M (2024) *Police Responses to People Experiencing Homelessness*. Police Quarterly 2025, Vol. 28(3) 313-339.

Formatted: English (United States)

IN CONFIDENCE

Response available	Examples
	<p>The Policing Act also provides Police with specific powers to carry out the above functions, for example the ability to obtain identifying particulars of a person in custody or for the purpose of issuing a summons.</p> <p>The Search and Surveillance Act 2012 and Policing Act 2008 set out some of Police's general powers. For example, powers to arrest and detain, search powers (e.g., of people and vehicles), powers of entry, powers to obtain identifying particulars, etc.</p>
Criminal and infringement offences	<p>When offence thresholds have been met, Police are enabled to act by various pieces of legislation. For example, the Trespass Act; Search and Surveillance Act; Summary Offences Act and the Crimes Act.</p> <p>The Summary Offences Act 1981 sets out a number of offences, including disorderly behaviour (s 3), offensive behaviour or language (s 4), graffiti vandalism, tagging, defacing, etc. (s 11A), obstructing public way (s 22), and drinking in public place (s 38).</p> <p>When offences are being committed and evidential sufficiency and public interest tests have been met, Police will hold individuals to account for criminal behaviours: existing processes will apply, such as initiating proceedings.</p> <p>and youth justice responses for children and young people.</p> <p>Other offences in the Crimes Act 1961 may also be relevant, including common assault (s 196), threats of harm to people or property (s 307A), or theft (s 219).</p> <p>Misuse of Drugs Act 1975 may also be relevant for for the possession and use of controlled drugs (s 7) or dealing with controlled drugs (s 6).</p>
Police alternative resolutions	<p>Police have a range of responses to offending that sit below prosecution including warnings, adult diversion, and programmes such as Te Pae Oranga (TPO).</p>
Youth justice responses	<p>Children (10 to 13 years) and young people (14 – 17 years) are afforded special protections under the Oranga Tamariki Act 1989 (as well as international conventions such as the United Nations Convention on the Rights of the Child). Youth justice principles apply when Police respond to offending by children and young people.</p>
Community policing responses	<p>Police work daily with at risk cohorts and routinely connect vulnerable people to a range of services designed to meet their needs. The AWHI referral mechanism enables Police to refer individuals to a range of programmes and social services, including for example legal services, addiction services, accommodation, mental health, and employment services.</p>

Commented [TB9]: Noting this relates to arrest and summons information - we'll need to factor this into design work for move-on orders.

Commented [TB10]: s9(2)(g)(i)

Commented [TB11R10]: Just noting that Police alternative resolutions and youth justice responses also apply to when offending has occurred.