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Response available	Examples
Council bylaws	Auckland Council’s Public Safety and Nuisance Bylaw 2013, which prohibits a person from wilfully obstructing, distributing, interfering with, alarm, distressing, intimidating, or harming any person in their use or enjoyment of a public place. ¹³ Hamilton City Council ¹⁴ and Napier City Council ¹⁵ have similar bylaws.
Alternative resolutions	Format warnings, diversions, and alternative action (for children and young people).
Community responses/Referral arrangements	Referrals to social and health service providers.

Commented [TB12]: Keep this here if you want it as a more general community response (i.e. not specific to Police).

15. The Government has taken steps to address issues relating to public order and safety. Initiatives include:
 - a. Increasing frontline Police numbers by 500 officers by the end of 2025 to help reduce crime and improve public safety.¹⁶
 - b. The establishment of new Police Community Beat Teams in major cities across New Zealand.¹⁷
 - c. Ongoing support for crime-prevention programmes, including Neighbourhood Watch and Community Patrols.¹⁸
 - d. Enhancing funding for safety measures in central Auckland, such as increased CCTV, improved lighting, increased security patrols.¹⁹
 - e. Changing sentencing laws to restore real consequences for crime, such as capping sentence discounts and prevent repeat discounts for remorse and youth.²⁰

16. The Government has other initiatives underway that have not yet been implemented, to address issues relating to public disorder. The initiatives include:
 - a. Strengthening trespass laws for businesses to support retailers to protect their properties and make businesses safer.²¹

¹³ Auckland Council (2013) *Public Safety and Nuisance Bylaw*. Retrieved from: <https://new.aucklandcouncil.govt.nz/content/dam/ac/docs/bylaws/public-safety-nuisance-bylaw-2013.pdf>

¹⁴ Hamilton City Council (2020) *Safety in Public Places Bylaw*. Retrieved from: https://hamilton.govt.nz/assets/Uploads/Documents/Bylaws/Safety-in-Public-Places-Bylaw-2020_D-1630042_22-October-2020.pdf

¹⁵ Napier City Council (2021) *Public Places Bylaw*. Retrieved from: <https://www.napier.govt.nz/assets/Document-Library/Bylaws/Public-Places-Bylaw-Docs-2021.pdf>

¹⁶ <https://www.beehive.govt.nz/release/500-more-police-improve-public-safety>

¹⁷ [More cops on the beat | New Zealand Police](#)

¹⁸ [Police axed 'non-core' crime-prevention funding to stay in their financial lane - NZ Herald](#)

¹⁹ <https://www.beehive.govt.nz/release/proceeds-crime-fund-safety-measures-central-auckland>

²⁰ <https://www.beehive.govt.nz/release/government-restores-real-consequences-crime>

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- b. Introducing stronger measures to deter antisocial and intimidating drivers to reduce danger and disruption to communities.²²
- c. Introducing stronger measure to address retail crime, including self-defence provisions (citizens arrest powers), a new infringement for retail theft and harsher penalties for thefts valued over \$2,000.

What is the policy problem or opportunity?

- 17. The Minister of Justice has directed officials to explore if there are additional tools that could enable law enforcement to more effectively address the disorderly and disruptive behaviour occurring in public places, and reduce the concerns highlighted by the Government and interest groups.
- 18. Retail NZ research shows only 61% of all retail crime incidents are reported to Police. A common reason for not reporting incidents is due to a belief that Police will not respond or that no action will be taken.²³
- 19. The MAG argues that the current law is inadequate to deal with the increase in anti-social (or disorderly) behaviour in retail environments, or near retail environments, and that traditional criminal law interventions are disproportionate.²⁴
- 20. The Ministry notes that there are limited Police powers to respond to disorderly and disruptive behaviour that falls below the criminal threshold, but is generally considered disruptive or a nuisance. In particular, there are few powers available for Police to proactively de-escalate situations involving disorderly behaviour that affects the enjoyment of a public space beyond that which the public should be expected to tolerate.
- 21. The lack of an adequate response option leaves Police, the public, retailers, and their staff with limited ways to deal with people who perpetuate those behaviours and has wide-ranging, negative impacts across society:

Impacts on the general public

- a. Disorderly behaviour can impact public perceptions of safety and deter people from visiting public spaces. A recent, informal NZ Herald poll indicated that, of 6,100 responses, 97% of respondents agreed central Auckland city had become “uninviting” and “beset by anti-social behaviour”.²⁵ Similarly, the MAG found that disorderly behaviour lessens the attractiveness of precincts and can negatively impact community perceptions of safety and people’s quality of life.²⁶

Commented [SW13]: For policy problem and objectives - let check alignment with our articulation in the latest briefing

Commented [FK14]: It may be useful to include a table that has different 'types' of behaviour - the current responses, and highlights gaps

Commented [JR15R14]: As we don't have this readily available, let's do this while the paper is out for consultation.

²³ Retail NZ (2024) *Retail Crime Report 2024*. Retrieved from: <https://shopcare.org.nz/wp-content/uploads/2025/05/Retail-NZ-report-on-retail-crime-2024.pdf>

²⁴ Ministerial Advisory Group for Victims of Retail Crime (September 2025) *Addressing Anti-Social Behaviour in Retail: Briefing for the Minister of Justice - Ministerial Advisory Group for Victims of Retail Crime*.

²⁵ <https://thespinoff.co.nz/society/20-10-2025/inner-city-homelessness-has-become-an-economic-emergency>

²⁶ Ministerial Advisory Group for Victims of Retail Crime (August 2025) *Anti-social behaviour around retail settings: Options Paper*, p. 4.

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- b. While not focused primarily on public areas, the New Zealand Crime and Victims Survey indicates that a significantly larger proportion of adults felt unsafe in 2024, when compared to 2018.²⁷
- c. Media reporting indicates fewer people are frequenting central business districts.²⁸ Anecdotally, some reporting speculates declining numbers are due to concerns for safety.²⁹

Impacts on retailers and their staff

- a. Disorderly behaviour can impact retailers and their staff's trade and safety. Retailers across New Zealand have expressed concern about antisocial behaviour impacting staff wellbeing, customer confidence, and personal safety, as well as causing financial losses to businesses.³⁰ Evidence indicates the cost of retail crime is around \$2.6 billion a year.³¹ We do not have data that estimates the cost of anti-social behaviour on the economy, or specifically on retailers.
- b. Retail NZ's 2024 Retail Crime Report reported common retail crime experiences included threatening behaviour (58%), nuisance to members of the public (42%), and begging outside/nearby premises (30%).³² In Auckland, a recent survey indicated 91% of 102 operators around Queen Street thought that rough sleeping and begging was harming their trade.³³ Media reporting suggests retailers across the country also consider begging is costing them trade.³⁴
- c. Almost 20 percent of all retail crime events in New Zealand in 2024 involved verbal or physical abuse, intimidation, threats, violence, or the use of weapons.³⁵ Retail workers have reported experiencing higher levels of threats of violence (16.2%) than other New Zealand workers (14%).³⁶

Impacts on New Zealand's economic prosperity and tourism

²⁷ Ministry of Justice (February 2025) *New Zealand Crime and Victims Survey: Key results – Cycle 7*.

Retrieved from: [NZCVS 2024 Key Results \(Cycle 7\)](#).

²⁸ <https://www.nzherald.co.nz/nz/wellington-wine-bar-plonk-announces-closure-cites-low-cbd-foot-traffic/JMETLU3T5VBRDOCKPUUVS2XBE/>

²⁹ [https://www.waikatotimes.co.nz/nz-news/360615754/tough-times-hospo-even-tougher-cbd; Herald poll finds 97% believe Auckland CBD anti-social and uninviting, amid accounts of public sex and 'meth-fueled rage' - NZ Herald](https://www.waikatotimes.co.nz/nz-news/360615754/tough-times-hospo-even-tougher-cbd; Herald%20poll%20finds%2097%20believe%20Auckland%20CBD%20anti-social%20and%20uninviting.%20amid%20accounts%20of%20public%20sex%20and%20meth-fueled%20rage%20-%20NZ%20Herald)

³⁰ Ministerial Advisory Group for Victims of Retail Crime (August 2025) *Anti-social behaviour around retail settings: Options Paper*.

³¹ Retail NZ (2023) *Retail Crime Report 2023*. Retrieved from: <https://retail.kiwi/wp-content/uploads/2023/10/RetailNZ-RetailCrimeReport2023.pdf>

³² Retail NZ (2024) *Retail Crime Report 2024*. Retrieved from: <https://shopcare.org.nz/wp-content/uploads/2025/05/Retail-NZ-report-on-retail-crime-2024.pdf>

³³ <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/EHUSLVP7SNCO3LIEKDHPMOOOFU/>

³⁴ <https://www.thepress.co.nz/nz-news/350281810/beggars-and-businesses-both-survival-mode; https://www.rnz.co.nz/news/national/569582/antisocial-behaviour-reaching-desperate-levels-in-wellington-suburb>

³⁵ <https://www.auror.co/media-center/opinion-time-to-treat-retail-crime-like-real-crime>

³⁶ Worksafe (2024) *Psychosocial survey of the retail sector*. Retrieved from: [https://www.worksafe.govt.nz/research/psychosocial-survey-of-the-retail-sector/#:~:text=Nearly%204%20in%2010%20\(39.1%20work%20pace%20and%20emotional%20demands.](https://www.worksafe.govt.nz/research/psychosocial-survey-of-the-retail-sector/#:~:text=Nearly%204%20in%2010%20(39.1%20work%20pace%20and%20emotional%20demands.)

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- d. The direct impacts on New Zealand's economic prosperity as a result of public disorder is difficult to measure. It is likely that broader economic factors (the impacts of high inflation, rising unemployment and cost of living pressures) are more direct contributors to challenges in the retail and hospitality sectors.
- e. There is a slow but steady increase in the number of consumers who shop online frequently, up to 65% in 2024 compared to 62% in 2022 and 58% in 2020.³⁷ While in-store shopping remains the dominant method of consumer spending behaviour, there is an increase in spending online. New Zealanders spent \$1.5 billion online on physical goods in the first quarter (Jan-Mar) of 2025 (Q1 2025), 7% more than the year before.³⁸ Whereas the growth of in-store spending was not as high over the same period.
- f. The impact on tourism is also difficult to measure. International arrivals to New Zealand have been steadily increasing, although are yet to reach the numbers from 2019, before the COVID-19 pandemic began³⁹. We are not aware of any international perception that New Zealand is unsafe, or any evidence that suggests people are dissuaded from visiting New Zealand because of disorderly public behaviour.

What objectives are sought in relation to the policy problem?

22. 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.
23. These objectives are interconnected and mutually reinforcing. If the law is able to adequately and fairly deal with disorderly behaviour, then it should reduce the public's sense of vulnerability and enhance the use and enjoyment of the public spaces. This in turn should better support thriving urban economies.

Commented [JR16]: These are what we included in the Briefing

What consultation has been undertaken?

24. Due to time constraints, the Ministry has not undertaken any consultation beyond discussions with key central government agencies.
25. However, the MAG consulted with a range of retail stakeholders when developing its policy proposals. They summarised the responses in the final report, but we have not seen detailed feedback from retail stakeholders.
26. Crown Law Office, NZ Police, the Department of Corrections, the Department of Internal Affairs, Ministry of Housing and Urban Development, Ministry of Social Development, and Oranga Tamariki – Ministry for Children were consulted on the proposals in this paper and provided feedback which has informed analysis in this RIS. With more time, the Ministry would have engaged directly with a broader range of stakeholders from the retail sector, those experiencing disorderly behaviour, those perpetuating disorderly behaviour, and

³⁷ [NZ CONSUMER SURVEY 2024 – SUMMARY REPORT](#)

³⁸ [Is strong growth signalling better times? | NZ Post Business IQ](#)

³⁹ [International travel: August 2025 | Stats NZ](#)

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organisations working to support people in public spaces, such as the Salvation Army, City Missions, Māori Wardens, mental health outreach services, and other essential service organisations.

27. The following agencies received a copy of this RIS as part of departmental consultation on the policy Cabinet paper: Crown Law Office, the Department of Corrections, Ministry of Social Development, Ministry of Housing and Urban Development, NZ Police, the Department of Internal Affairs, the Office of the Privacy Commissioner, Treasury, Ministry for Regulation, and Oranga Tamariki.

Section 2: Assessing options to address the policy problem

What criteria will be used to compare options to the status quo?

28. The following criteria have been used to assess options:

Criterion	Description
Proportionality	<ul style="list-style-type: none"> Is the option an appropriate way to deal with the problem? Are the penalties associated with the option proportionate to the conduct?
Effectiveness	<ul style="list-style-type: none"> How well does the option respond to the policy problem? How well does the option protect the enjoyment of spaces, and the public's sense of vulnerability or safety in public places?
Consistency	<ul style="list-style-type: none"> Is the option consistent with domestic laws, including the rights and freedoms protected by the New Zealand Bill of Rights Act 1990, and international obligations? Is the option consistent with criminal justice principles? Including the presumption of innocence, and an effective and efficient justice system.
Certainty of the law	<ul style="list-style-type: none"> To what extent is the law clear for the public and those creating public disorder? To what extent is the law enforceable by Police? How certain are the consequences of the public disorder behaviours?
Feasibility	<ul style="list-style-type: none"> Is the option able to be implemented within current baseline funding? Will the option increase pressure on the courts, prosecutors, legal aid system, or Corrections?

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	<ul style="list-style-type: none"> Are there any operational challenges to implementing the option?
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What scope will options be considered within?

29. The Ministry has had limited timeframes to develop policy options. The scope of options considered has largely been limited to the options recommended by the MAG. Wider options, including those related to mental health and social services, have not been considered in this analysis. ~~However, if timing allowed, the Ministry considers those options should have been explored and may have better dealt with the underlying drivers for disorderly behaviour.~~

30. Comparable jurisdictions have been considered in developing options, namely Australia and the United Kingdom.

31-30. We also considered prohibitions on certain forms of begging in Canada, Denmark, France, and Italy.

32-31. The MAG recommended five options in its report, *Addressing Anti-Social Behaviour in Retail*, which we considered but ruled out due to a variety of reasons. This is discussed at Appendix A.

What options are being considered?

33-32. In addition to the status quo, we have identified three options for consideration:

- a. Option Two: Move-on orders (narrow)
- b. Option Three: Move-on orders (broad)
- c. Option Four: Move-on orders capturing begging behaviours.

Option One – Status Quo

34-33. Option One is the status quo, which provides existing responses to disorderly behaviour including general Police powers, criminal and infringement offences, Council bylaws, alternative resolutions, and referral arrangements. There are limited opportunities for Police to intervene where disorderly behaviour falls below the criminal threshold.

Option Two – Move-on orders (narrow)

35-34. Option Two would create move-on orders in the Summary Offences Act 1981, which can be issued to people behaving in a disorderly manner. Move-on orders would be available to Police to quickly de-escalate public disorder situations where the behaviour is below the threshold of criminal offending.

36-35. Police could issue a move-on order where an officer has reasonable grounds to believe that, in a public place:

- a. the person is or has been behaving in a disorderly, intimidating, offensive, threatening, or disturbing manner;
- b. the person is or has been interfering with trade or business by unnecessarily obstructing, hindering, or impeding someone entering or leaving a place; or

Commented [SW17]: Should we deal with this point earlier - before we narrow down to the justice response. And when referring to it, note that other agencies are progressing initiatives that will contribute.

Commented [KB18R17]: We would not have considered these options. They are in the areas of other agencies' responsibility.

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- c. a breach of the peace has occurred or is occurring.

37-36. Move-on orders are intended to capture behaviour that is below the criminal threshold, to de-escalate offending before it can occur. Existing offences for the behaviours above (e.g. disorderly behaviour, offensive behaviour or language, intimidation)⁴⁰ generally will not be used because the person's conduct will either be below the level of criminality, or Police will use discretion to either issue a move-on order or lay charges for low-level offending.

38-37. Key elements of move-on orders would include:

- a. Orders may be issued by Police on the spot, requiring the individual subject to the order to "move-on" a specified distance away from a specific area (but no further than is reasonably necessary to resolve the situation) for the minimum amount of time necessary to resolve the disorderly behaviour (and no longer than 24 hours).
- b. Orders may be issued to adults aged 18 years or older.
- c. Police must inform the person subject to the order of the order's conditions and the penalty for non-compliance without reasonable excuse.
- d. The penalty for non-compliance with an order is an infringement offence with a fee of \$500.

39-38. Orders would not apply to lawful protests or pickets.

40-39. Move-on orders would be issued in writing by Police and served on-the-spot to the person subject to the order. Orders could be served via e-mail where the person subject to the order consents to electronic service.

41-40. This option would empower Police to temporarily detain a person for the time reasonably necessary to issue the order and to obtain the person's identifying particulars.

42-41. Police generally do not have arrest powers for infringement offences. To ensure that officers are able to enforce breaches of move-on orders, this option would also empower Police to use reasonable force, as necessary, to move a person on from an area where the person fails or refuses to leave.

43-42. Given that move-on orders are only in place for a maximum of 24 hours, an immediate appeal or review process would not be feasible. Where a person considers a move-on order was issued unfairly, they could submit a complaint via existing Police processes.

Option Three – Move-on orders (broad)

44-43. Option Three would create move-on orders that can be issued to people behaving in a disorderly manner, as well as providing criminal sanctions for non-compliance with an order.

45-44. Move-on orders under Option Three differ to those under Option Two in the following ways:

- a. the threshold for issuing an order is lower;

⁴⁰ See sections 3, 4, and 21 of the Summary Offences Act 1981.

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- b. the distance a person could be moved on need only be reasonable (and not the minimum distance reasonably necessary to resolve the situation);
- c. orders could apply to people aged 14 or older; and
- d. noncompliance with an order would be a criminal offence.

46-45. Under Option Two, Police may issue a move-on order where an officer has reasonable grounds to suspect that, in a public place:

- a. the person is or has been behaving in a disorderly, intimidating, offensive, threatening, or disturbing manner;
- b. the person is or has been interfering with trade or business by unnecessarily obstructing, hindering, or impeding someone entering or leaving a place;
- c. a breach of the peace has occurred or is occurring;
- d. the person is or has been causing anxiety to a person, reasonably arising in all the circumstances; or
- e. the person is unreasonably obstructing a public way.

Commented [KB19]: Not sure what this means

47-46. Key elements of move-on orders under Option Three include:

- a. Orders may be issued by Police on the spot which require the individual subject to the order to "move-on" a reasonable distance from a place (or part of a place) as specified by Police (and no longer than 24 hours).
- b. Orders may be issued to young people aged 14 years and older.
- c. Police must inform the person subject to the order of the order's conditions and the penalty for non-compliance.
- d. non-compliance is a criminal offence with penalties of a maximum fine of \$2,000 or up to three months' imprisonment.

48-47. As with Option Two, move-on orders would not apply to lawful protests or pickets, and orders would be issued in writing (or via e-mail where appropriate) by Police and served on-the-spot to the person subject to the order.

49-48. Police would also be empowered to temporarily detain a person for the time reasonably necessary to issue the order and to obtain the person's identifying particulars.

50-49. Like Option Two, there would be no appeal or review process specific to move-on orders. Where a person considers a move-on order was issued unfairly, they could submit a complaint via existing Police processes.

Option Four – Broad move-on orders capturing begging behaviours (Minister's preferred option)

51-50. Option Four creates move-on orders that, in addition to the behaviours in Option Three, would apply to all begging behaviour in a public place. Law enforcement would be enabled to issue move-on orders for begging, which would include a person asking for money, goods, or services as charity. It would include begging behaviour where a person

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is passively sitting in a public place with a cup or sign out, but not directly engaging with people to ask for help.

52-51. Begging would not include actions where there is a clear transaction (e.g. where a person is directly or indirectly asking for money, goods, or services in exchange for something of value in return). For example, busking and roadside stalls selling goods or services would not constitute begging.

52. Other behaviours not captured by this option include passive presence (e.g. merely sitting on the footpath or at a bus stop where no begging behaviour is involved), protests and pickets, and charitable or not-for-profit fundraising.

Commented [MA20]: But to be clear, it *would* include passively sitting there with a cup or sign?

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How do the options compare to the status quo/counterfactual?

	Option 1 – [Status Quo]	Option 2 – Move-on orders (narrow)	Option 3 – Move-on orders (broad)	Option 4 – move on orders capturing begging behaviours
Proportionality	0	0 Broadly proportional, given the orders apply for a limited time period and non-compliance does not carry a criminal sanction. Practically, move-on orders are likely to be used in response to behaviours that are not severe. Criminal offences are already available for more serious behaviour, for example violence towards retail workers or members of the public. \$500 infringement fee for non-compliance is broadly proportional.	- Involves potential criminal prosecution for non-compliance with a move-on order. This is not proportionate given that move-on orders are likely to be applied to conduct that is below a criminal threshold. Maximum fine on conviction of \$2000 or up to three months imprisonment is unlikely to be proportionate to the conduct (breaching a move on order).	- - - Involves potential criminal prosecution for non-compliance with a move-on order. This is not proportionate given that move-on orders are likely to be applied to conduct that is below a criminal threshold. Maximum fine on conviction of \$2000 or up to three months imprisonment is unlikely to be proportionate to the conduct (breaching a move on order). <u>Applying such significant fines to people who were begging (suggesting little to no income) is neither appropriate nor proportionate.</u> Effectively criminalises all forms of begging in all public places, even where no aggression or intimidation is involved.
Effectiveness	0	+ Addresses a current gap in the tools available to Police to respond to disorderly behaviour below the level of criminality.	+ Addresses a current gap in the tools available to Police to respond to disorderly behaviour.	0 Addresses a current gap in the tools available to Police to respond to disorderly behaviour.

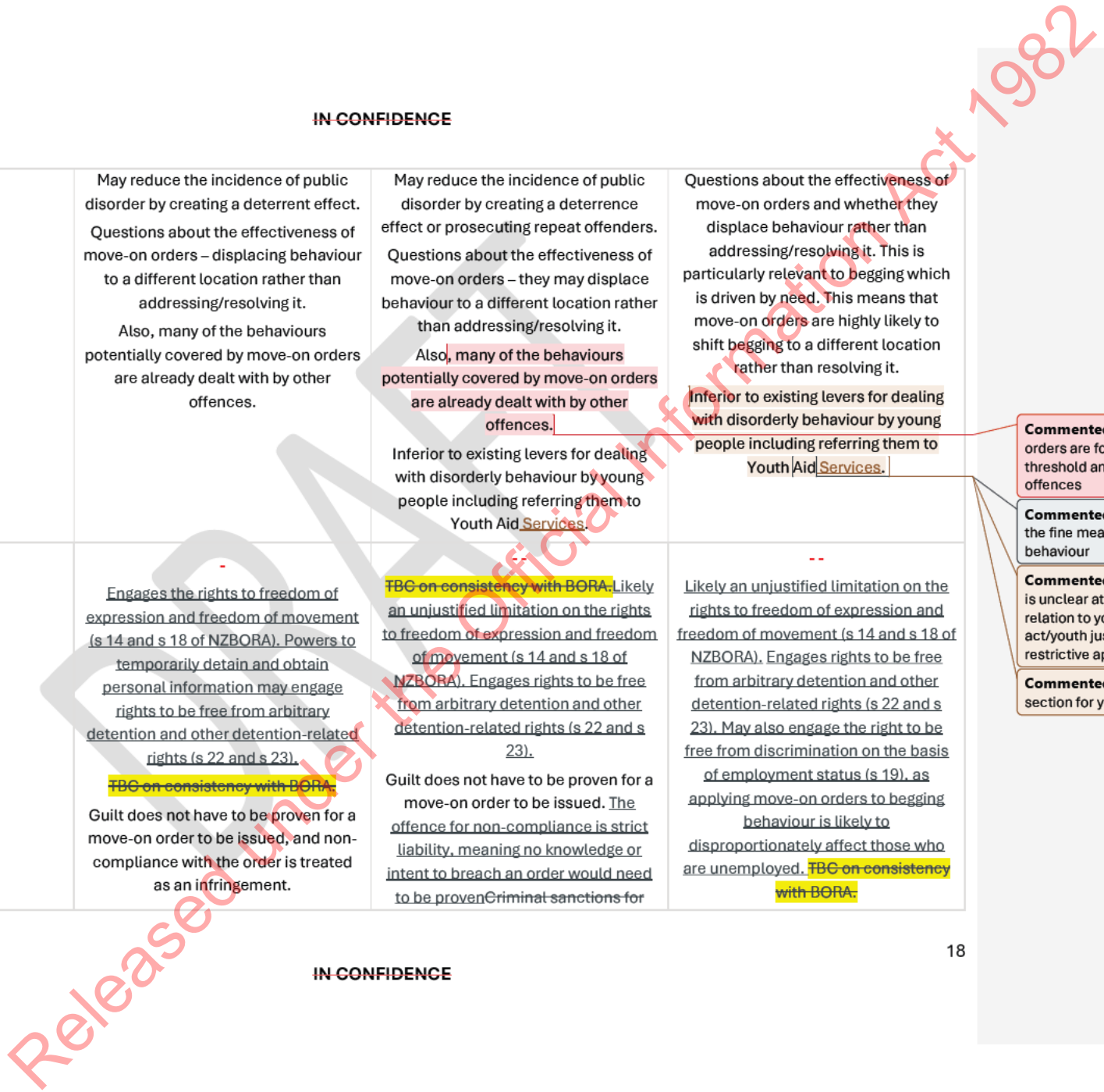
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		<p>May reduce the incidence of public disorder by creating a deterrent effect.</p> <p>Questions about the effectiveness of move-on orders – displacing behaviour to a different location rather than addressing/resolving it.</p> <p>Also, many of the behaviours potentially covered by move-on orders are already dealt with by other offences.</p>	<p>May reduce the incidence of public disorder by creating a deterrence effect or prosecuting repeat offenders.</p> <p>Questions about the effectiveness of move-on orders – they may displace behaviour to a different location rather than addressing/resolving it.</p> <p>Also, many of the behaviours potentially covered by move-on orders are already dealt with by other offences.</p> <p>Inferior to existing levers for dealing with disorderly behaviour by young people including referring them to Youth Aid Services.</p>	<p>Questions about the effectiveness of move-on orders and whether they displace behaviour rather than addressing/resolving it. This is particularly relevant to begging which is driven by need. This means that move-on orders are highly likely to shift begging to a different location rather than resolving it.</p> <p>Inferior to existing levers for dealing with disorderly behaviour by young people including referring them to Youth Aid Services.</p>
<p>Consistency</p>		<p><u>Engages the rights to freedom of expression and freedom of movement (s 14 and s 18 of NZBORA). Powers to temporarily detain and obtain personal information may engage rights to be free from arbitrary detention and other detention-related rights (s 22 and s 23).</u></p> <p><u>FBC on consistency with BORA:</u></p> <p>Guilt does not have to be proven for a move-on order to be issued, and non-compliance with the order is treated as an infringement.</p>	<p><u>FBC on consistency with BORA: Likely an unjustified limitation on the rights to freedom of expression and freedom of movement (s 14 and s 18 of NZBORA). Engages rights to be free from arbitrary detention and other detention-related rights (s 22 and s 23).</u></p> <p>Guilt does not have to be proven for a move-on order to be issued. <u>The offence for non-compliance is strict liability, meaning no knowledge or intent to breach an order would need to be proven.</u> Criminal sanctions for</p>	<p><u>Likely an unjustified limitation on the rights to freedom of expression and freedom of movement (s 14 and s 18 of NZBORA). Engages rights to be free from arbitrary detention and other detention-related rights (s 22 and s 23). May also engage the right to be free from discrimination on the basis of employment status (s 19), as applying move-on orders to begging behaviour is likely to disproportionately affect those who are unemployed.</u> <u>FBC on consistency with BORA:</u></p>

- Commented [KB21]:** It is said earlier that the move on orders are for behaviours that are below the criminal threshold and therefore would not be covered by other offences
- Commented [LG22]:** Would add in bullet re ability to pay the fine meaning it is not an effective response to begging behaviour
- Commented [TB23]:** I'm not sure about including this - it is unclear at this stage how move-on orders would work in relation to young people. Front line are also bound by OT act/youth justice principles, including to take the least restrictive approach etc.
- Commented [TB24R23]:** I like what you have in the next section for youth - maybe just have that.



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		<p>Creates a power to temporarily detain people for the purposes of issuing the move-on order. Infringement offences are generally not accompanied by powers to arrest or detain.</p>	<p>non-compliance will require guilt to be proven.</p> <p>Has the potential to impose a burden on the justice system through more criminal cases for people violating move-on orders.</p> <p>Has implications for young people as move-on orders can be applied to people 14 years and older.</p> <p>Inconsistent with general approach to youth justice which is to avoid criminalising young people.</p> <p>Would also enable Police to temporarily detain people aged 14-18. Given that move-on orders are not designed to respond to serious criminal conduct, this is inconsistent with the general approach to youth justice.</p>	<p>Applying move-on orders to begging, regardless of whether it is threatening or aggressive, represents a considerable intrusion into people's rights to use public spaces.</p> <p>Guilt does not have to be proven for a move-on order to be issued. Criminal sanctions for non-compliance will require guilt to be proven is strict liability, meaning no knowledge or intent to breach an order would need to be proven.</p> <p>Has the potential to impose a burden on the justice system through more criminal cases for people violating move-on orders.</p> <p>Has implications for young people as move-on orders can be applied to people 14 years and older.</p> <p>Inconsistent with general approach to youth justice which is to avoid criminalising young people.</p> <p>Would also enable Police to temporarily detain people aged 14-18. Given that move-on orders are not designed to respond to serious criminal conduct, this is inconsistent with the general approach to youth justice.</p>
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Commented [TB25]: I'd take this out - Police can do this now for e.g. traffic infringements.

Commented [TB26]: As above.

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<p>Certainty of the law</p>	<p>0</p>	<p>0</p> <p>Requires Police to exercise some judgement in terms of whether a move-on order is justified, but limited because the orders would only apply to behaviour that is occurring/has already occurred. There will likely be some variation in how the law is applied.</p> <p>The law should be enforceable by Police provided resources are available. Includes the ability for Police to temporarily detain a person while issuing the order, and to use reasonable force to respond to non-compliance</p> <p>There is some evidence about the consequences of these behaviours for retail workers and members of the public. It is difficult to estimate the extent to which the option is likely to affect the perception of increased public disorder.</p>	<p>Allows for more variation than option two and requires more judgment because move-on orders can be issued for behaviour that has not yet occurred (Officer must have reasonable grounds to suspect that someone will engage in prohibited conduct).</p> <p>More difficult to enforce that option two because it requires more judgment. Includes the ability for Police to temporarily detain a person while issuing the order, and to use reasonable force to respond to non-compliance.</p> <p>There is some evidence about the consequences of these behaviours for retail workers and members of the public. It is difficult to estimate the extent to which the option is likely to affect the perception of increased public disorder.</p>	<p>Allows for more variation than option two and requires more judgment because move-on orders can be issued for behaviour that has not yet occurred (Officer must have reasonable grounds to suspect that someone will engage in prohibited conduct).</p> <p>A clear definition of what constitutes 'begging behaviour' will be necessary to enable Police to enforce move-on orders for begging. This will also be necessary so the public and those engaged in begging know what to expect.</p> <p>Includes the ability for Police to temporarily detain a person while issuing the order, and to use reasonable force to respond to non-compliance.</p> <p>There is some evidence about the consequences of these behaviours for retail workers and members of the public. It is difficult to estimate the extent to which the option is likely to affect the perception of increased public disorder.</p>
<p>Feasibility</p>				

Commented [TB29]: I'm not sure this is right - if someone is sitting on the footpath with a sign or asking passers by for money, then it is happening. In the absence of either of these then I don't think Police could speculate that someone was about to beg.

Commented [TB28]: Agree in this case but don't think it is the same for begging e.g. Police here can issue a move on order to prevent offending that is imminent, such as likely assault (by the individual or where they could be a victim).

Commented [TB27]: Wouldn't it be the same as Police discretion etc in determining if offending has occurred? Similarly evidence/reasonable cause would be required to justify issuing an order (and a training package for staff about this). I think you are making a fair point but perhaps frame it as providing criminal justice powers (such as detention) in a non-criminal setting.

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		<p>Requires Police resource to be dedicated to responding to disorderly/antisocial behaviour. May require diversion of resources from other tasks and make it more difficult to achieve other objectives.</p> <p>Ability to issue infringements is also contingent on Police completing implementation of its new infringement system.</p> <p>Unlikely to impose any significant burden on the justice system because it relies on infringement fees. May be some impact if infringement fees are challenged in court.</p> <p>No impacts on Corrections system because no new imprisonable offences being created.</p>	<p><u>We do not have a clear picture on how frequently the move-on orders will be used by Police, therefore we are working with a wide estimate.</u></p> <p><u>Modelling estimates that assuming 6,000 to 10,000 people per annum receive move on orders and 20% breach the order, it may result in up to 138 to 545 additional court cases per annum.</u></p> <p><u>The impacts on Corrections from the new offence should be small. If the high estimate was realised, the prison population is projected to increase by 2 per annum with a \$0.35M increase in annual costs to Corrections.</u></p> <p><u>A person who receives a \$2,000 fine, who has no or very low income, will unlikely be able to pay a fine, even over a long period.</u></p> <p><u>Modelling estimates that introducing move-on orders may result in between 9 and 545 additional court cases per annum depending on how many people receive the orders and how many breach them.⁴¹</u></p> <p><u>The impacts on Corrections from the new offence should be</u></p>	<p><u>We do not have a clear picture on how frequently the move-on orders will be used by Police, therefore we are working with a wide estimate.</u></p> <p><u>Modelling estimates that Assuming 9,000 to 15,000 people per annum receive move on orders and 20% breach the order, it may result in up to 207 to 818 additional court cases per annum.</u></p> <p><u>The impacts on Corrections from the new offence should be small. If the high estimate was realised, the prison population is projected to increase by 6 per annum with a \$1.05M increase in annual costs to Corrections.</u></p> <p><u>A person who receives a \$2,000 fine, who has no or very low income, will unlikely be able to pay a fine, even over a long period.</u></p> <p><u>Modelling estimates that introducing move-on orders may result in between 9 and 545 additional court cases per annum depending on how many people receive the orders and how many breach them.</u></p> <p><u>The impacts on Corrections from the new offence should be</u></p>
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Commented [TB30]: Thank you for including this!

Commented [TB31]: What about when infringement fees are not paid - many in this population may not have sufficient income to make payment.

Commented [KB32]: Such a big range does not inspire confidence in the modelling. Is there anyway to refine it and narrow the range?

⁴¹More detailed modelling results are set out in Appendix One.

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			small. Assuming 10,000 people per annum receive move on orders and 20% breach the order the prison population is projected to increase by 2 per annum with a \$0.35M increase in annual costs to Corrections.	small. Assuming 10,000 people per annum receive move on orders and 20% breach the order the prison population is projected to increase by 2 per annum with a \$0.35M increase in annual costs to Corrections.
Overall assessment	0	-	-	--

Commented [KB33]: Can we also say something about the feasibility of someone begging (suggesting no or very low income) being able to pay a \$2k fine?

Commented [CR34]: Noting I added this point into the proportionality cell above

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What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?

53. The Ministry's preferred option is Option One (status quo): the existing powers (at paragraph 13), in combination with the recent initiatives underway (described in paragraphs 14 and 15) are more appropriate, proportionate, and effective responses to public disorder. We acknowledge the reports of increased public disorder around retail and city centres but assess that Option One has the highest net benefits of the options considered.

Options Two, Three and Four

54. We do not consider move-on orders to be necessary to respond to public disorder. While evidence is limited, there does not appear to be a sharp increase in public disorder that requires additional tools. In fact, the volumes of police proceedings for public disorder offences have fallen over the last year. Although this may partly be due to changes in Police operations.

55. Existing criminal offences are more suitable for addressing violent and aggressive behaviour towards workers or members of the public. In addition to Police's current powers to maintain public order, the other initiatives described in this RIS should also assist with managing disorderly behaviour, including:

- a. Increasing frontline Police numbers by 500 officers s9(2)(g)(i) to help reduce crime and improve public safety.⁴²
- b. The establishment of new Police Community Beat Teams in major cities across New Zealand.⁴³
- c. Ongoing support for crime-prevention programmes, including Neighbourhood Watch and Community Patrols.⁴⁴
- d. Enhancing funding for safety measures in central Auckland, such as increased CCTV, improved lighting, increased security patrols.⁴⁵
- e. Changing sentencing laws to restore real consequences for crime, such as capping sentence discounts and prevent repeat discounts for remorse and youth.⁴⁶

56. Although these approaches were out of scope for the options we considered, the greater use of community (non-law enforcement) responses, such as Māori and Pasifika wardens and community patrols New Zealand (CPNZ) volunteer patrols, could support addressing disorderly behaviour in city centres, particularly where the behaviour that is below the criminal threshold.⁴⁷

57. There is risk that move-on orders will simply shift concerning behaviours to another area and displace the people to whom they are applied. Move-on orders have also been shown to be applied in a discriminatory manner. For example, Rreports in Australia

Commented [KB35]: s9(2)(g)(i)

Commented [TB36]: I'm not sure this is a useful - the proposal is primarily to address/manage behaviours below the threshold of offending. Police don't currently have move-on powers, as such there is no Police data on this. Other measures, such as media reporting, suggest that there is a sharp increase in public disorder. There are also records for sharp increases in other factors, such as homelessness, which though not the same thing may contribute to public disorder behaviours in some cases.

Commented [TB37]: This sits a bit oddly with the above e.g. appears to be saying that proceedings for public disorder are going down but existing criminal offences sufficient to address the issue.

Commented [KB38]: Can you give examples, I have forgotten them by the time I get to this page

Commented [TB39]: s9(2)(g)(i)

Commented [JR40]: Delete - the above paragraph covers it.

⁴² <https://www.beehive.govt.nz/release/500-more-police-improve-public-safety>

⁴³ [More cops on the beat | New Zealand Police](#)

⁴⁴ [Police axed 'non-core' crime-prevention funding to stay in their financial lane - NZ Herald](#)

⁴⁵ <https://www.beehive.govt.nz/release/proceeds-crime-fund-safety-measures-central-auckland>

⁴⁶ <https://www.beehive.govt.nz/release/government-restores-real-consequences-crime>

⁴⁷ [Community Patrols New Zealand opens base in central Auckland | RNZ News, 2025.](#)

show disproportionate application of move-on powers in Australia against persons who are homeless, Indigenous, young, or mentally ill.⁴⁸

58. The Ministry does not recommend Options Two or Three. Move-on orders may conflate notions of pre-emption and punishment by requiring a person to leave a public area where no offence has been committed. There is also limited evidence of the efficacy of move-on orders in Australia and the United Kingdom as studies have found there is no empirical evidence to show that move-on powers result in reductions in crime rates.⁴⁹

59. Options Two, Three and Four engages the rights to freedom of expression and freedom of movement (s 14 and s 18 NZBORA). For example, the move-on order will temporarily limit a person's ability to utilise specified public spaces.

60. Options Two, Three, and Four will ~~may~~ put pressure on ~~Police, Corrections and the Justice system (including Police, Corrections, and Justice), although the impacts are expected to be minor.~~ Option Two has a slightly smaller impact than Options Three and Four – Police may be diverted from other matters to issue move-on orders and there may be an increase in court cases if infringement fees are not paid. In addition to Police resources, Options Three and Four will likely lead to a small increase in the volume of criminal cases being dealt with by the courts and a very small increase in the prison population.

Options Three and Four

61. The penalty for non-compliance with a move-on order in Options Three and Four is a strict liability offence. We do not recommend that strict liability offences carry a term of imprisonment, as requiring prosecution to prove a *mens rea* element is an important safeguard when there is a chance of such a severe punishment.

62. Options Three and Four would apply move-on orders to young people aged 14 and older. ~~It is unclear how move on orders will apply to young people and Applying move-on orders to young people they will need to be carefully designed to guard against unintended consequences. Young people have special protections under the Oranga Tamariki Act and it will important to ensure that young (and other vulnerable people) are not placed in greater harm by moving from a specified area. may result in them being required to leave their residential area with limited ability to return home.~~ Under Option One, there are existing justice and social sector responses to respond to youth who engage in disorderly behaviour that are more appropriate and tailored to the specific needs of young people. ~~For example, under section 48 of the Oranga Tamariki Act is a care and protection response enabling Police, with consent of the young person, to deliver the young person to there are situations where Police can deliver an unaccompanied young person into the custody of a parent or guardian, in in a situation in which the child's or young person's physical or mental health is being, or is likely to be, impaired.~~ Where there is ongoing public disorder by a young person, a referral can be made to a Police Youth Aid or a report of concern to Oranga Tamariki.

63. We assess that law enforcement responses are neither appropriate nor effective responses for public disorder and begging behaviour that fall below the criminal threshold. Potential criminal prosecution for non-compliance (Options Three and Four)

Commented [TB41]: Take or leave (as with all) I just found myself immediately going 'where' when reading the sentence that they have been shown to be discriminatory.

Commented [TB42]: I'm not sure we can say that the impacts will be minor ahead of the design work for how these will look. There could be significant implication factors for Police, including establishing a mechanism to issue the orders, NIA implications, staff training etc.

Commented [TB43]: This would also be the case for adults and other vulnerable people.

Commented [CR44]: Not sure if these details should go here or above in section 1

Commented [JR45]: This probably sits in section above.

⁴⁸ [Police move-on powers: A CMC review of their use, 2010.](#)

⁴⁹ [All the right moves? Police 'move-on' powers in Victoria, 2009.](#)

is not a proportionate response to such behaviours, even if that would only occur in rare circumstances.

Option Four

64. We assess that law enforcement responses are neither appropriate nor effective responses for public disorder and begging behaviour that fall below the criminal threshold. Potential criminal prosecution for non-compliance (Options Three and Four) is not a proportionate response to such behaviours, even if that would only occur in rare circumstances.

65. In addition to the reasons above, the Ministry does not recommend Option Four as applying move-on orders to begging in all public places represents a considerable intrusion into people's rights to freedom of movement and expression, and may be viewed as an attempt to criminalise poverty.⁵⁰ We do not see evidence of a problem associated with begging that justifies the changes envisioned in Option Four, particularly where a person is sitting passively on the footpath and is not directly engaging, pressuring, intimidating, or harassing people, or unreasonably obstructing a public way. There is little material difference to the public between sitting passively with a cup/sign 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.

Commented [KB46]: Please specify the rights involved, otherwise it looks like begging is a right and that is not in NZBORA

Commented [KB47]: Beef this up a bit (eg empirical evidence) as the Minister has seen evidence on Queen St

65-66. There are also safety concerns associated with applying move-on orders to begging behaviour, which can be linked to homelessness. People who are homeless and people who beg are drawn to cities as there are often more services and support located in urban areas, and because populated areas make it safer for those vulnerable groups. The visibility and community these areas provide offer a level of protection for these people. People who are homeless, are drawn to cities as there are often more services and support located in urban areas, and because populated areas make it safer for those vulnerable groups. Moving these groups out of these areas, especially young people, may cause risks to their safety.

Is the Minister's preferred option in the Cabinet paper the same as the agency's preferred option in the RIS?

66-67. The Ministry's preferred option (Option One) differs from the Minister of Justice's preferred option (Option Four). The key differences between the options are the Ministry's preference to maintain the status quo and not introduce move-on powers to address public disorder and begging behaviours.

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

⁵⁰ In *Lacatus v. Switzerland* ECHR 14065/15, 19 January 2021, the European Court of Human Rights held that any restriction on the right to respect for private and family life (which included the right to call on others for assistance) must be reasonable and proportionate in the circumstances, and that a general ban on begging falls outside any acceptable margin of appreciation. The margin of appreciation is where the European Court respects that different countries may have different understandings on certain issues, with different legal and cultural traditions.

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 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 move on orders may mean that other incidents are not being addressed leading to costs for the victims. Move-on orders may simply displace rather than address disorderly behaviour, meaning that there is concentration of these behaviours in areas outside the boundaries of the move-on orders.	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 order against individuals, and a	High – Police likely to issue many move-on orders; resource required for prosecutions is high.	

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	robust training package will need to be developed. Once established, Ongoing: Police resource will be needed to issue move-on orders and prosecute offences relating to non-compliance. Likely ongoing costs (time): training (including refresher training), reporting/NIA/case file management, acting as a witness in some cases etc.		
Department of Corrections	Ongoing – Introducing imprisonment penalties will have an impact on the prison population	Low – Do not expect many people convicted of offences to receive a prison sentence, unless serious disorder or previous offending	
Courts	Ongoing – New prosecutions for non-compliance with move-on orders.	Medium/high – Additional judge-alone trials. If person pleads guilty without trial, will still require sentencing by a District Court judge.	
Total monetised costs	<i>TBC</i>	<i>TBC</i>	
Non-monetised costs	<i>TBC</i>	<i>(High, medium or low)</i>	
Additional benefits of the preferred option compared to taking no action			
People exhibiting disorderly behaviour	May enable more people to be referred to social services for support. Police already refer as appropriate but it may happen more often alongside the issuing of a move-on order.	Low	
Retailers and businesses	Ongoing – Potential for additional customers and additional revenue	Low/Medium – Benefits likely to be concentrated in areas where disorderly	

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	if location is safer or perceived to be safer.	behaviour is common or perceived to be common.	
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 fulfil public safety and crime prevention functions by addressing disorderly behaviours.	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>	

Section 3: Delivering an option

How will the proposal be implemented?

67-68. The proposals in the Cabinet paper will require amendments to the Summary Offences Act 1981 through an amendment bill. The Minister of Justice intends to introduce an amendment bill to the House in 2026. [TBC: The Bill will come into force upon Royal Assent.]

68-69. No additional funding is available to support implementation on the proposals. Implementation activities within baseline funding 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.

69-70. [Placeholder for implementation re any support services (or the need for these services)]

71. [Any implementation risks?]

70-72. New Zealand's courts are undergoing the biggest modernization in its history, referred to as Te Au Reka. The design work for Phase 2 of Te Au Reka (criminal and civil proceedings in the District Court and High Court) is expected to be complete by July 2026. The extent of the impact and associated costs that relate to this proposal will depend on the final design and timings of the Bill. To incorporate the proposals into the solution for Phase 2, the details would need to be confirmed by July 2026. As the proposals progress, the Ministry will continue to work to identify impacts and dependencies as early as possible.

How will the proposal be monitored, evaluated, and reviewed?

71-73. The Ministry has regulatory responsibility for the Summary Offences Act 1981, meaning the Ministry has responsibility for ongoing stewardship of the law and monitoring, evaluating and reviewing the proposals outlined in this paper. These responsibilities will be informed by:

- a. Police data relating to the use of move-on orders;
- b. Ministry and Police data on charges, convictions, and sentencing outcomes for new offences;
- c. Findings from the New Zealand Crime and Victim Survey;
- d. Reported case law;
- e. Academic studies of these proposals; and
- f. Media reporting.

72-74. Stakeholders, including Police, can raise any identified concerns directly with the Ministry.

73-75. There is currently no formal measurement of disorderly behaviour. This means that, despite the ongoing monitoring outlined above, it may be difficult to determine whether the proposals have an impact on the objectives to protect the safety of retailers and the public in public areas, ensure the law is able to adequately deal with disorderly

behaviour, and support thriving urban economies. However, proxy measures, such as the New Zealand Crime and Victim Survey for perceptions of safety, may be used to assess some of the impacts. Data relating to the use of new tools and offences will also be able to be used to determine whether the law is dealing with disorderly behaviour.

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Appendix A: Alternative options that were ruled out

74-76. The MAG recommended five options in its report, *Addressing Anti-Social Behaviour in Retail*, which we considered but ruled out due to a variety of reasons.

- a. move-on orders – a new tool for Police in the Summary Offences Act 1981 to require a person to move-on to a different location if that person is behaving in an anti-social manner;
- b. two bespoke criminal offences for assaulting and threatening or abusing a retail worker;
- c. a legal framework to implement a criminal offence to ban begging within 15 metres of a ‘relevant area’;
- d. additional powers for Councils through regulations under section 259(1)(a) of the Local Government Act 2002 to enable Councils to enforce their bylaws addressing disorderly behaviour; and
- e. the Government committing to issuing a strategy or action plan to address disorderly behaviour in retail and how the new proposals will work, alongside a strategic investment plan.

75-77. We considered each of the five MAG options, and we ruled them out as unsuitable responses, for the following reasons:

- a. **Move-on orders:** the MAG proposal was specific to retail settings, and we considered that a more universal application that did not focus on one setting was more appropriate to address the policy problem.
- b. **Two bespoke criminal offences:** Creating these offences would duplicate existing offences in the Summary Offences Act 1981 and Crimes Act 1961. Assault provisions within these two Acts have maximum penalties ranging from 6 months to 14 years imprisonment.
- c. **A legal framework to implement a criminal offence to ban begging:** Such a ban risks essentially criminalising homelessness and survival behaviour. Begging behaviour, particularly that which is not aggressive or threatening, does not warrant a criminal justice response.
- d. **Additional powers for Councils:** Enabling local authorities to enforce public disorder offences requires caution given the potential for conflict or escalation. The MAG notes that local authorities do not think additional enforcement should be part of councils’ role.
- e. **The Government committing to issuing a strategy or action plan to address disorderly behaviour in retail:** There may be limited value in progressing this initiative as the emphasis on the retail setting is narrow and focuses on a niche problem and group. Progressing a government action plan that achieves long-term results would also be resource intensive.

From: S9(2)(a)
Sent: Friday, 7 November 2025 11:24 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) ; Brightwell, Kathy; S9(2)(a)
Subject: Draft Cabinet Paper and RIS - seeking approval to begin Ministerial Consultation
Attachments: 20251107 - Draft CAB - Strengthening responses to public disorder.docx; 20251107 - Draft CAB - Strengthening responses to public disorder (1).pdf; 20251107 - AM - Confirming direction on proposals for the draft Cabinet paper and Regulatory Impact Statement on strengthening responses to public disorder.pdf; 20251107 - AM - Confirming direction on proposals for the draft Cabinet paper and Regulatory Impact Statement on strengthening responses to public disorder.docx; 251107 - DRAFT RIS - Strengthening responses to public disorder.docx; 251107 - DRAFT RIS - Strengthening responses to public disorder.pdf

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Kia ora S9(2)(a)

Please find the attached drafts of the Cabinet paper and RIS for the Minister’s approval for Ministerial consultation.

Also attached is an AM that clarifies the decisions from the last briefing and the Officials meeting on Monday 3 November.

Given the tight timeframes for achieving the Q4 target to take Cabinet decisions on tools to address anti-social behaviour, we are requesting the Minister’s approval for consultation on Monday (10 Nov).

We have planned for Ministerial and agency consultation to take place simultaneously next week, from Monday 10 November to Monday 17 November.

Please let me know if you have any questions.

For Official Correspondence Records	
Document type:	Draft Cabinet paper and draft RIS
Drafter:	S9(2)(a) and S9(2)(a)
Title:	Strengthening responses to public disorder
Unit:	CJ
Team:	Law Enforcement
Minister:	To: Goldsmith
Date sent:	7 November 2025
WPQ Release	No
Title for publication	No
SharePoint Link for Policy Dep Sec (Word doc only)	20251107 - Draft CAB - Strengthening responses to public disorder.docx 251107 - DRAFT RIS - Strengthening responses to public disorder.docx

[20251107 - AM - Confirming direction on proposals for the draft Cabinet paper and Regulatory Impact Statement on strengthening responses to public disorder.docx](#)

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](#)

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From: S9(2)(a)
Sent: Monday, 10 November 2025 5:22 pm
To: Mercuri, Alida
Cc: S9(2)(a) ; S9(2)(a)
Subject: RE: Auckland actions - Multi Minister meeting

Hi Alida,

Below are some points ^{S9(2)(a)} and I pulled together for the Multi Minister meeting tonight.

Multi-Ministerial Meeting 10 November 2025 - Move-on orders and bylaws

- Minister Goldsmith met with Minister Watts to discuss move-on order and bylaws, as part of the draft Auckland Action Plan last week. We have not had a readout from that meeting.

Move-on orders proposal

- Minister Goldsmith will bring a paper to SOU on 3 December, with a proposal to establish a move-on power for Police.
- Move-on orders will apply to activities that are disorderly, offensive, threatening or disturbing, interfering with trade or businesses, obstructing a public way, breaching the peace, or causing anxiety to a person.
- Importantly, to get to the crux of the issue that Auckland is facing, the Minister has emphasised the need to capture:
 - people who are occupying a footpath (to address people who are homeless who are set up on a footpath in busy retail spaces), and
 - all forms of begging, including unsolicited requests for money, goods, or services that occur actively or passively.
- The proposal is included in the draft Cabinet Paper and RIS that were sent out for Ministerial consultation today.

What is Justice's interest in bylaws?

- Justice was interested in council bylaws that relate to public disorder as the MAG proposed to promulgate regulations under the Local Government Act 2002 to enable councils to enforce bylaws addressing antisocial behaviour. The Minister decided not to progress this proposal, on our advice.
- Bylaws are provided for in the Local Government Act 2002, which is administered by the Department of Internal Affairs (DIA).
- ^{S9(2)(f)(iv)}

We think Police is the appropriate enforcement body to issue move-on orders

- Local authority enforcement powers are primarily applicable to offences relating to building compliance, public health, the environment, and waste management, for example.
- We would not recommend providing additional powers for councils to enforce bylaws relating to antisocial behaviour given the risk of escalation and lack of adequate training and supervision for councils exercising enforcement powers.

Good luck.

Many thanks,

S9(2)(a)

From: S9(2)(a) @justice.govt.nz>
Sent: Monday, 10 November 2025 4:29 pm
To: S9(2)(a) @justice.govt.nz>; S9(2)(a) @justice.govt.nz>

Subject: FW: Auckland actions - Multi Minister meeting

Importance: High



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: Justice.PS <Justice.PS@parliament.govt.nz>

Sent: Monday, 10 November 2025 4:27 pm

To: Mercuri, Alida <alida.mercuri@justice.govt.nz>; OCE@justice.govt.nz; S9(2)(a)

@justice.govt.nz; S9(2)(a)

@justice.govt.nz; Brightwell, Kathy

<Kathy.Brightwell@justice.govt.nz>; Greaney, Caroline <caroline.greaney@justice.govt.nz>

Cc: S9(2)(a) Parliament S9(2)(a) @parliament.govt.nz; S9(2)(a)

.parliament.govt.nz

S9(2)(a) @parliament.govt.nz; S9(2)(a)

@parliament.govt.nz

Subject: Auckland actions - Multi Minister meeting

Importance: High

Kia ora koutou,

Apologies for the late notice, but we have been advised that officials are now required for the Auckland actions - Multi Minister meeting at 8pm tonight. The Minister is in Christchurch on his way to Antarctica – he may join via Teams but this is not confirmed.

Auckland actions - Multi Minister meeting

- Date/time: Monday 10 November, 8:00pm – 8:30pm
- Location: Minister Brown's Office 6.6EW; Teams (link below)
- Officials: Yes
- Attendees:
 - Minister for Auckland, Hon Simeon Brown
 - Minister of Social Development & Employment, Hon Louise Upston
 - Minister of Police, Hon Mark Mitchell
 - Associate Minister of Housing, Hon Tama Potaka
 - Minister for Mental Health, Hon Matt Doocey
 - Jules Lynch, Auckland Regional Public Service Commissioner
 - Michael Quinn, Head of the Auckland Policy Office

Microsoft Teams [Need help?](#)

[Join the meeting now](#)

Meeting ID: 477 308 504 891 3

Passcode: Bz6RR68m

For organizers: [Meeting options](#)

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

Authorised by Hon Paul Goldsmith, Parliament Buildings, Wellington

Released under the Official Information Act 1982

From: S9(2)(a)
Sent: Thursday, 13 November 2025 7:52 am
To: S9(2)(a)
Subject: FW: [EXTERNAL] Public disorder - Preparing Cabinet Paper and RIS

~~IN CONFIDENCE~~

Data for corrections below – should help a little with Treasury’s section.

~~IN CONFIDENCE~~

From: s9(2)(a) @corrections.govt.nz>
Sent: Wednesday, 29 October 2025 11:02 am
To: S9(2)(a) @justice.govt.nz>
Cc: s9(2)(a) @corrections.govt.nz>
Subject: FW: [EXTERNAL] Public disorder - Preparing Cabinet Paper and RIS

To the first line of para 3

From: s9(2)(a)
Sent: Wednesday, 29 October 2025 10:54 AM
To: S9(2)(a) @justice.govt.nz>
Cc: s9(2)(a) @corrections.govt.nz>; s9(2)(a) @corrections.govt.nz>
Subject: RE: [EXTERNAL] Public disorder - Preparing Cabinet Paper and RIS

Kia ora S9(2)(a)

That should suffice – you may want to add “because of these *and other* changes” to the first line, as while this could, due to capacity and resilience, be a driver of needing the additional infrastructure it would not only house these people.

Ngā mihi,

s9(2)(a)

From: S9(2)(a) @justice.govt.nz>
Sent: Wednesday, 29 October 2025 10:46 AM
To: s9(2)(a) @corrections.govt.nz>
Cc: s9(2)(a) @corrections.govt.nz>; s9(2)(a) @corrections.govt.nz>
Subject: RE: [EXTERNAL] Public disorder - Preparing Cabinet Paper and RIS

~~IN CONFIDENCE~~

Hi s9(2)(a)

Thanks so much for your comment yesterday. I have included the below in the briefing (I'll look at the RIS later today). Let me know if you want to make any tweaks, although we are being really pushed to reduced content where we can.

Many thanks,
s9(2)(a)

There would also some impact on Corrections

Penalising begging with imprisonment could put pressure on the prison population. Assuming 5,000 people per annum receive a warning for begging, and 20% failed to stop begging, the prison population is projected to increase by 2.

The above data is separate to the estimated impact of move-on orders on the prison population, which may see an estimated increase in the prison population by 4 people per year. Therefore, the combined impact of the two proposals on the prison population could be as much as an additional 6 people each year.

Corrections has advised that should the prison population increase because of these changes, future prison network funding decisions would need to be made to ensure there is sufficient capacity in Corrections' prison infrastructure, and frontline staff are supported to manage people safely and effectively. The prison network currently has limited available capacity and low resilience so even a policy change with just a small population increase on top of current projections could engage the need for additional infrastructure investment (which would cost at least \$300 million). Any new infrastructure to accommodate additional prisoners takes an average of 4-8 years to implement.

IN CONFIDENCE

From: s9(2)(a) <[s9\(2\)\(a\)@corrections.govt.nz](mailto:s9(2)(a)@corrections.govt.nz)>
Sent: Wednesday, 29 October 2025 10:37 am
To: S9(2)(a) <[S9\(2\)\(a\)@justice.govt.nz](mailto:S9(2)(a)@justice.govt.nz)>
Cc: s9(2)(a) <[s9\(2\)\(a\)@corrections.govt.nz](mailto:s9(2)(a)@corrections.govt.nz)>; s9(2)(a) <[s9\(2\)\(a\)@corrections.govt.nz](mailto:s9(2)(a)@corrections.govt.nz)>
Subject: RE: [EXTERNAL] Public disorder - Preparing Cabinet Paper and RIS

Kia ora s9(2)(a)

You probably already read it in but I just wanted to note should new infrastructure be required it would not only be used people imprisoned for this offending (should the imprisonable penalty options progress). So the costs set out below would be spread across more than one policy change.

Ngā mihi,
s9(2)(a)

From: s9(2)(a) <[s9\(2\)\(a\)@corrections.govt.nz](mailto:s9(2)(a)@corrections.govt.nz)>
Sent: Tuesday, 28 October 2025 6:12 PM
To: S9(2)(a) <[S9\(2\)\(a\)@justice.govt.nz](mailto:S9(2)(a)@justice.govt.nz)>
Cc: s9(2)(a) <[s9\(2\)\(a\)@corrections.govt.nz](mailto:s9(2)(a)@corrections.govt.nz)>; s9(2)(a) <[s9\(2\)\(a\)@corrections.govt.nz](mailto:s9(2)(a)@corrections.govt.nz)>
Subject: RE: [EXTERNAL] Public disorder - Preparing Cabinet Paper and RIS

Kia ora,

Thanks for sharing this paper and the RIS for review – and we also appreciate you providing s9(2)(a) modelling on Friday.

The potential prison population impact of the move on offence in para 24, rec 4.2 of the paper, is not stated (4 people per annum) only the impact of the begging offence is – see para 65. Can you please correct this paragraph (i.e. it's a total of 6 (equivalent across the year) people per annum).

Can you please also insert the following to capture the impact:

Amend paragraph 65 to include the following: *Prison population impacts can be as little as direct costs relating to food, bedding, clothing, medical and transport (amongst other direct costs) of approximately \$7,500 per prisoner per annum through to more significant costs at a unit or site level of \$120,000 per prisoner per annum. Should the prison population increase because of these changes, future prison network funding decisions would need to be made to ensure there is sufficient capacity in Corrections' prison infrastructure, and frontline staff are supported to manage people safely and effectively. The prison network currently has limited available capacity and low resilience so even a policy change with just a small population increase on top of current projections could engage the need for additional infrastructure investment (which would cost at least \$300 million). Any new infrastructure to accommodate additional prisoners takes an average of 4-8 years to implement.*

Please also change the RIS to align with this. Please note that should the additional infrastructure be required it would house more people than just those imprisoned due to these proposed changes.

We thought it may be helpful to note that the research cited references two pieces produced by advocacy groups (with one explicitly positioned as opinion) rather than qualitative and quantitative (academic, peer reviewed research).

It looks like the notices are not attaching other conditions (such as community work), but please let us know if we are mistaken and that has already been approved. To the extent they do, we assume that you are no longer considering any options that may engage Corrections. Please advise if that's not the case.

Ngā mihi,

Maxine

s9(2)(a)

Principal Policy Adviser, Strategic Policy

Ara Poutama Aotearoa, Department of Corrections

a: Mayfair House, 44-52 The Terrace, Wellington, 6011

p: s9(2)(a)

e: s9(2)(a) [@corrections.govt.nz](mailto:s9(2)(a)@corrections.govt.nz)



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

Sent: Friday, 24 October 2025 10:38 AM

To: s9(2)(a) [@corrections.govt.nz](mailto:s9(2)(a)@corrections.govt.nz)

Cc: s9(2)(a) [@corrections.govt.nz](mailto:s9(2)(a)@corrections.govt.nz); s9(2)(a)

[@corrections.govt.nz](mailto:s9(2)(a)@corrections.govt.nz); 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); s9(2)(a)

[@justice.govt.nz](mailto:s9(2)(a)@justice.govt.nz)

Subject: RE: [EXTERNAL] Public disorder - Preparing Cabinet Paper and RIS

~~IN CONFIDENCE~~

Mōrena s9(2)(a)

Please find attached the indicative/preliminary data on the impact on the courts and corrections, for the RIS. It has not yet been signed out and we can send you the final data next week, but I wanted to get it to you as quickly as possible.

We have made some changes to the draft brief to reflect the data – please note this is holding place text, and we would welcome your input how you might like to reflect the impact on correctios in the brief.

You will also see that there is data on move-on orders. We are unsure if we will include this since the minster has already made decisions on this, however it's possible there will be a short update at JSLB-Subgroup next week on these proposals and we will likely draw form this data to give an indication of the possible impact on Police, the courts and corrections.

Please let me know if you have any questions or comments.

Many thanks,
S9(2)(a)

IN CONFIDENCE

From: s9(2)(a) <[s9\(2\)\(a\)@corrections.govt.nz](mailto:s9(2)(a)@corrections.govt.nz)>
Sent: Monday, 20 October 2025 5:05 pm
To: S9(2)(a) <[S9\(2\)\(a\)@justice.govt.nz](mailto:S9(2)(a)@justice.govt.nz)>
Cc: s9(2)(a) <[s9\(2\)\(a\)@corrections.govt.nz](mailto:s9(2)(a)@corrections.govt.nz)>
Subject: RE: [EXTERNAL] Public disorder - Preparing Cabinet Paper and RIS

Thanks S9(2)(a) I think we should be able to make that work.

From: S9(2)(a) <[S9\(2\)\(a\)@justice.govt.nz](mailto:S9(2)(a)@justice.govt.nz)>
Sent: Monday, 20 October 2025 4:37 PM
To: s9(2)(a) <[s9\(2\)\(a\)@corrections.govt.nz](mailto:s9(2)(a)@corrections.govt.nz)>
Cc: s9(2)(a) <[s9\(2\)\(a\)@corrections.govt.nz](mailto:s9(2)(a)@corrections.govt.nz)>
Subject: RE: [EXTERNAL] Public disorder - Preparing Cabinet Paper and RIS

IN CONFIDENCE

Hi s9(2)(a)

We hope to have indicative data by the end of the week that we will be able to share with you, which we will finalise on Tuesday. As these are new offences, the data will have several built-in assumptions. I acknowledge that this is a tight timeframe, apologies.

Also, I've realised that Monday is a public holiday, so a response by COB Tuesday would be great if possible.

Please let us know if this isn't ging to work. We are taking the RIS to the QA panel on Thursday next week.

Many thanks,
S9(2)(a)

IN CONFIDENCE

From: s9(2)(a) @corrections.govt.nz>
Sent: Monday, October 20, 2025 9:55 AM
To: S9(2)(a) @justice.govt.nz>
Cc: s9(2)(a) @corrections.govt.nz>
Subject: RE: [EXTERNAL] Public disorder - Preparing Cabinet Paper and RIS

Thanks S9(2)(a) and also for the heads up re the briefing being shared this week.

Do you have projected conviction volumes for the offences/will that be provided before feedback is due on 27 October?

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) @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

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)

From: S9(2)(a)
Sent: Thursday, 13 November 2025 11:40 am
To: s9(2)(a)
Cc: S9(2)(a) S9(2)(a)
Subject: RE: Public disorder - CAB paper and RIS for agency consultation

Kia ora s9(2)(a)

Those behaviours (rough sleeping; begging; and setting up personal possessions, encampments, or other structures indicating an intent to inhabit a public space) are intended to be covered by move-on orders.

Let us know if you have any other questions.

Thanks,
S9(2)(a)

From: s9(2)(a) @msd.govt.nz>
Sent: Thursday, 13 November 2025 11:00 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: Public disorder - CAB paper and RIS for agency consultation
Importance: High

IN CONFIDENCE

Kia ora S9(2)(a)

Can I clarify whether paragraph 24, as worded, is intended to indicate that "rough sleeping, begging, or setting up personal possessions, encampments, or other structures indicating an **intent to inhabit** a public space" is meant to count as "occupation of a public place" (and therefore covered by move-on orders), or whether "an intent to inhabit" a public place should be interpreted differently?

Many thanks

s9(2)(a)

From: S9(2)(a) @justice.govt.nz>
Sent: Thursday, 13 November 2025 10:03 AM
Cc: S9(2)(a) @justice.govt.nz>; S9(2)(a) @justice.govt.nz>; S9(2)(a) @justice.govt.nz>
Subject: RE: Public disorder - CAB paper and RIS for agency consultation

Some people who received this message don't often get email from S9(2)(a) @justice.govt.nz. [Learn why this is important](#)

IN CONFIDENCE

Kia ora koutou,

I wanted to let you know that at the direction of our Minister we have made an addition to the cabinet paper. We have updated this to the SharePoint in Version 2, with track changes at paragraph 24. The addition adds to the list of behaviours that could be captured by the order.

We will make the corresponding changes to the RIS in due course.

Apologies for the late notice. We look forward to receiving your feedback on the documents and are available if you would like to discuss anything.

Ngā mihi,
S9(2)(a)

IN CONFIDENCE

From: S9(2)(a)

Sent: Monday, 10 November 2025 3:59 pm

Cc: 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)>; S9(2)(a) <[@justice.govt.nz](mailto:S9(2)(a)@justice.govt.nz)>

Subject: Public disorder - CAB paper and RIS for agency consultation

Kia ora koutou,

Apologies for the technical difficulties today.

You should now have received the necessary information to set up your Microsoft 365 SharePoint onboarding, and for those of you who have been through the steps, you should have access to the site and documents. Please reach out if you have any further issues.

There are two papers for agency consultation – Draft Cabinet Paper and Draft RIS. You can access these from the tabs on the left-hand side of the site. Please note that you will not be able to download, print or edit the documents. We have disabled these functions in order to tightly manage the information. If there are additional people who will need access, please let us know.

We kindly ask for your feedback/comments by email. Please provide comments by email to S9(2)(a) and myself **by COB Monday 17 November**.

Ministerial consultation will also begin today and will run for five days, until Monday 17 November.

If you would like to discuss anything further, please let me know. We are also happy to meet if that is preferable.

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:S9(2)(a)@justice.govt.nz)> | justice.govt.nz

From: s9(2)(a) @police.govt.nz>
Sent: Thursday, 13 November 2025 4:18 pm
To: S9(2)(a) S9(2)(a)
Subject: RE: [EXTERNAL] RE: Financials

s9(2)(g)(i) . I think definitely have the line: “Further analysis is required to understand the full implications and associated costs of the proposals for Police.” – though I’ll see if I can get something back to you I don’t think there will be the opportunity to undertake significant analysis s9(2)(g)(i)

Could you have something similar re: the comment from your Minister e.g. preference to be undertaken within baselines but further analysis is required from agencies about potential costs and/or reprioritisation impacts.

Ngā mihi

s9(2)(a)

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



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From: S9(2)(a) @justice.govt.nz>
Sent: Thursday, 13 November 2025 4:11 pm
To: s9(2)(a) @police.govt.nz>; S9(2)(a) @justice.govt.nz>
Subject: RE: [EXTERNAL] RE: Financials

IN CONFIDENCE

s9(2)(g)(i)

Let me think about this and I’ll let you know how we might approach it...

Re costings, I think it would be best to have something back by Monday, if possible, otherwise we could include the following. “Further analysis is required to understand the full implications and associated costs of the proposals for Police.”

Like all the agencies, Treasury is still deciding how they are going to brief up to their minister, and what talking points to prepare for Cabinet, depending on what we change. Its tricky time for all agencies involved.

Thanks,
S9(2)(a)

~~IN CONFIDENCE~~

From: s9(2)(a) <[@police.govt.nz](mailto:s9(2)(a)@police.govt.nz)>
Sent: Thursday, 13 November 2025 4:01 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: RE: [EXTERNAL] RE: Financials

Thank you.

I think that comment is fine given it is what your Minister is saying/wanting – as long as our Police comment is there in contrast, so that it is on record that for us the costs could be significant?

Can we take some time to consider costings e.g. ahead of lodging the paper, or do you need something back on this on Monday too?

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)>



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From: S9(2)(a) <[@justice.govt.nz](mailto:S9(2)(a)@justice.govt.nz)>
Sent: Thursday, 13 November 2025 3:55 pm
To: 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: [EXTERNAL] RE: Financials

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) attached is the feedback from Treasury

Document 73

I've attached the indicative estimates that our data people pulled together. For the Ministers preferred option we essentially add move-on orders and the begging ban offence data together to get the data. We note in the RIS that the data could vary depending on how Police use move-on orders, and therefore it includes the following assumptions:

- a. It is based off Trespass Act offences in the courts, as it has a similar penalty of up to 3-month imprisonment or a \$2,000 fine
- b. The demographic/profile of the offender is similar to those committing Trespass offences
- c. It assumes that 9,000 to 15,000 people per annum could receive move on orders and 12% to 20% breach the order
- d. It may result in up to 207 to 818 additional court cases per annum, and up to 6 additional people in prison each year
- e. It accounts for when the policy is fully realised, two -years after the bill is implemented

We are also considering including a line in the Cabinet paper that says the following... which we would welcome your input on. Are you comfortable with us saying this?

"It is my expectation that any costs of the proposals will be met within agencies' baseline funding. I note that implementation of the proposals could require reprioritisation of funds."

Many thanks,
S9(2)(a)

IN CONFIDENCE

From: s9(2)(a) <[s9\(2\)\(a\)@police.govt.nz](mailto:s9(2)(a)@police.govt.nz)>
Sent: Thursday, 13 November 2025 3:49 pm
To: S9(2)(a) <[S9\(2\)\(a\)@justice.govt.nz](mailto:S9(2)(a)@justice.govt.nz)>; S9(2)(a) <[S9\(2\)\(a\)@justice.govt.nz](mailto:S9(2)(a)@justice.govt.nz)>
Subject: Financials

Hey again

Let me know if you can forward that email from TSY, or in the absence of that, what kind of financial parameters you might want for the paper costings.

Tomorrow is all good, but just after a bit of a steer before approaching our relevant finance people.

Thanks!

Ngā mihi

S9(2)(a)

S9(2)(a)
Senior Policy Advisor
Policy Group
Police National Headquarters
E s9(2)(a) <[s9\(2\)\(a\)@police.govt.nz](mailto:s9(2)(a)@police.govt.nz)>



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From: S9(2)(a)
Sent: Friday, 14 November 2025 8:04 am
To: s9(2)(a)
Cc: s9(2)(a)
Subject: RE: [EXTERNAL] RE: Public disorder - CAB paper and RIS for agency consultation

~~IN CONFIDENCE / CABINET~~

Kia ora s9(2)(a)

Thank you for your feedback and work on this. I have included the paragraph you have provided, but I think that we might need to have to tighten it a little bit (also see a that I reference that section to Corrections). I'll let you know if we make any further changes.

I'll also share this section with Treasury this morning so they can understand how they might need to brief MOF – I'll loop you into that email.

Implementation and Financial Implications

The Ministry of Justice, Corrections, Police, and Crown Law are the key agencies responsible for implementing the proposals. Implementation will include ensuring capacity to manage workloads, updating documentation and IT systems (and associated operating costs), staff training, and providing communications and guidance to relevant parties.

It is my preference that any costs of the proposal will be undertaken within agencies' baseline funding, but further analysis is required from agencies about the potential costs and/or reprioritisation impacts.

Police note that further analysis is required to understand the full implications and costs. [TBC – Police exploring if they can provide costings.]

I note that there will be an increase in cases being prosecuted in the courts for breaches of move-on orders. Any increase in cases could impact court timeliness. Indicative estimates suggest it would cost the courts \$XX per year, by mid-2028 after two years after implementation.

The Department of Corrections note that the prison population is projected to increase by 6 people per annum at the high estimate within two years of enactment. The costs of imprisonment are \$120,000 per prisoner per annum inclusive of any operational changes required at a unit or site level. The current prison network has limited capacity available and low resilience and even a policy change with a small population increase beyond current projections, collectively with other policy changes and factors, is likely to engage the need for significant additional infrastructure investment (which would cost at least \$300 million). Future prisoner network funding decisions would be needed to ensure that there is capacity in Corrections' infrastructure, and frontline staff are supported to manage additional people safely and effectively. Any new infrastructure to accommodate additional prisoner population impacts would take average 4 to 8 years to build and implement and may not be available until after the full policy impact takes effect.

We will carry this your proposed wording into the RIS and also include a point about the mental health impacts that you detail below.

Many thanks,
S9(2)(a)

IN CONFIDENCE / CABINET

From: s9(2)(a) @corrections.govt.nz>
Sent: Thursday, 13 November 2025 5:05 pm
To: S9(2)(a) @justice.govt.nz>
Cc: s9(2)(a) @corrections.govt.nz>; s9(2)(a) @corrections.govt.nz>
Subject: FW: [EXTERNAL] RE: Public disorder - CAB paper and RIS for agency consultation

Kia ora S9(2)(a)

In terms of bullet point one, for the avoidance of doubt Corrections requests that you incorporate our lines without rewording them – noting that they’re in our earlier email. It would helpful if you could then show us the relevant pages, so that we can see how they’ve been incorporated.

This should be a breakdown rather than a totalled figure – i.e. \$120,000 per annum per prisoner for an additional six prisoners per annum.

The line in the second bullet point in your email should not be included as it is inaccurate.

Ngā mihi,

s9(2)(a)

From: S9(2)(a) @justice.govt.nz>
Sent: Thursday, 13 November 2025 4:20 PM
To: s9(2)(a) @corrections.govt.nz>
Cc: S9(2)(a) @justice.govt.nz>
Subject: RE: [EXTERNAL] RE: Public disorder - CAB paper and RIS for agency consultation

IN CONFIDENCE

Hi again –

I thought it might be helpful to share how we have redrafted two parts of the implementation and financial implications section of the cabinet paper. I want to stress that we will take your lead on this section – it is Corrections cost implications, so please frame it in a way that reflects your position.

- The estimated indicative increase in annual costs to Corrections is \$1.05M, by mid-2028 (two-years after the Bill is expected to be implemented). The costs include the increase to the prison population, home detention, intensive supervision and community detention. While the figure is relatively small, the cumulative impact of all law-and-order policy proposals on the prison population is notable. The prison network currently has limited available capacity and low resilience so even a policy change with just a small population increase on top of current projections could engage the need for additional infrastructure investment (which would cost at least \$300 million). Any new infrastructure to accommodate additional prisoners takes an average of 4-8 years to implement.

The other point that we are toying with including, based off treasury’s feedback, is below about how it will be funded. We would welcome your initial thoughts on this.

- It is my expectation that any costs of the proposals will be met within agencies’ baseline funding, but further analysis is required from agencies about potential costs and/or reprioritisation impacts.

Treasury are very interested in where was land with this section of the cabinet paper and were hoping to see how we have reworked before they provide the Ministerial comment for their minister on Monday.

Many thanks,
S9(2)(a)

IN CONFIDENCE

From: S9(2)(a) <[@corrections.govt.nz](mailto:S9(2)(a)@corrections.govt.nz)>
Sent: Thursday, 13 November 2025 1:38 pm
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)>
Subject: RE: [EXTERNAL] RE: Public disorder - CAB paper and RIS for agency consultation

Thanks – I'll talk to S9(2)(a) in finance and we'll come back to you.

From: S9(2)(a) <[@justice.govt.nz](mailto:S9(2)(a)@justice.govt.nz)>
Sent: Thursday, 13 November 2025 1:36 PM
To: S9(2)(a) <[@corrections.govt.nz](mailto:S9(2)(a)@corrections.govt.nz)>
Cc: S9(2)(a) <[@justice.govt.nz](mailto:S9(2)(a)@justice.govt.nz)>
Subject: RE: [EXTERNAL] RE: Public disorder - CAB paper and RIS for agency consultation

IN CONFIDENCE

Hi S9(2)(a)

Will do. We have had initial feedback from Treasury asking for more detail on the costings, including for each agency (treasury feedback attached). So, to give the Cab paper a bit more detail our team has taken another look at the data and is working off the attached figures.

We are adding more detail into the Cabinet paper to satisfy Treasury and will clearly set out the costing as we understand them, noting that you will have input on this section. I think that I will be able to email that section to you directly later today or tomorrow. We are going to chat to Treasury soon to see if they are happy with our proposed approach before we make the changes.

Many thanks,
S9(2)(a)

IN CONFIDENCE

From: S9(2)(a) <[@corrections.govt.nz](mailto:S9(2)(a)@corrections.govt.nz)>
Sent: Thursday, 13 November 2025 12:53 pm
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) <[@justice.govt.nz](mailto:S9(2)(a)@justice.govt.nz)>
Subject: RE: [EXTERNAL] RE: Public disorder - CAB paper and RIS for agency consultation

Thanks – we will comment on the first version so the next point is a general one for now.

Per your second para, should future changes be made can you please check whether they alter the modelling for the estimated # of notices issued and people imprisoned per annum (high estimate). It may be that the assumptions behind the initial modelling will cover changes dependent on what they are, but please double check.

From: S9(2)(a) @justice.govt.nz>
Sent: Thursday, 13 November 2025 12:28 PM
Cc: S9(2)(a) @justice.govt.nz>; S9(2)(a) @justice.govt.nz>
Subject: [EXTERNAL] RE: Public disorder - CAB paper and RIS for agency consultation

~~IN CONFIDENCE~~

Kia ora ano,

I'm sorry for this being a bit untidy, but after further discussions with our Ministers Office, we are not yet consulting on the additional wording in the Cab Paper we added to SharePoint this morning. Therefore, we have removed V2 of the Cabinet Paper from the SharePoint - please revert to the original version.

I'm really sorry for any confusion. We will reach out if/when we have substantive changes to share.

Ngā mihi,
S9(2)(a)

~~IN CONFIDENCE~~

From: S9(2)(a)
Sent: Thursday, 13 November 2025 10:03 am
Cc: S9(2)(a) @justice.govt.nz>; S9(2)(a) @justice.govt.nz>; S9(2)(a) @justice.govt.nz>
Subject: RE: Public disorder - CAB paper and RIS for agency consultation

Kia ora koutou,

I wanted to let you know that at the direction of our Minister we have made an addition to the cabinet paper. We have updated this to the SharePoint in Version 2, with track changes at paragraph 24. The addition adds to the list of behaviours that could be captured by the order.

We will make the corresponding changes to the RIS in due course.

Apologies for the late notice. We look forward to receiving your feedback on the documents and are available if you would like to discuss anything.

Ngā mihi,
S9(2)(a)

From: S9(2)(a)
Sent: Monday, 10 November 2025 3:59 pm
Cc: S9(2)(a) @justice.govt.nz>; S9(2)(a) @justice.govt.nz>; S9(2)(a) @justice.govt.nz>
Subject: Public disorder - CAB paper and RIS for agency consultation

Kia ora koutou,

Apologies for the technical difficulties today.

You should now have received the necessary information to set up your Microsoft 365 SharePoint onboarding, and for those of you who have been through the steps, you should have access to the site and documents. Please reach out if you have any further issues.

There are two papers for agency consultation – Draft Cabinet Paper and Draft RIS. You can access these from the tabs on the left-hand side of the site. Please note that you will not be able to download, print or edit the documents. We have disabled these functions in order to tightly manage the information. If there are additional people who will need access, please let us know.

We kindly ask for your feedback/comments by email. Please provide comments by email to S9(2)(a), S9(2)(a) and myself **by COB Monday 17 November**.

Ministerial consultation will also begin today and will run for five days, until Monday 17 November.

If you would like to discuss anything further, please let me know. We are also happy to meet if that is preferable.

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

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From: s9(2)(a) @mbie.govt.nz>
Sent: Friday, 14 November 2025 8:51 am
To: S9(2)(a)
Cc: S9(2)(a) ; S9(2)(a) s9(2)(a)
Subject: RE: Public disorder - CAB paper and RIS for agency consultation [IN-CONFIDENCE]

Kia ora s9(2)(a)

Thanks for providing MBIE Tourism and Hospitality with an opportunity to comment on the draft Cabinet paper and RIS. Our comments are below.

- MBIE Tourism and Hospitality Branch has not had any engagement with hospitality and tourism businesses about disorderly and disruptive conduct.
- We are aware of concern from some hospitality businesses about the impact of disorderly and criminal behaviour on their businesses. This includes, for example, through the Restaurant Association's [Safety and Security](#) surveys.
- For example, according to the association's most recent survey, 36.36 percent of businesses said they had been a victim of crime in the last six months, a 3 percent increase from the previous year. Of those businesses who experienced crime 28.57 percent indicated they had issues with anti-social behaviour in or outside their premises, an increase of 12 percent on the previous year.
- We note:
 - the risk that moving on disorderly individuals risks moving the negative impacts of their behaviour to other locations, but the Minister of Justice sees value in dispersing people engaging in these types of behaviour (Cabinet paper, para 33);
 - other initiatives underway across government to address the drivers of public disorder and to support communities (Cabinet paper, para 13)
- Please add MBIE to the list of agencies consulted.

We're happy to find a time to discuss any of the above if that's useful to you and your team.

Aku mihi nui

s9(2)(a)

s9(2)(a)

SENIOR POLICY ADVISOR

Tourism Regions and Hospitality
Tourism and Hospitality Branch
Labour, Science and Enterprise Group
Ministry of Business, Innovation & Employment

s9(2)(a) @mbie.govt.nz |

PO Box 1473, Wellington 6140 | 15 Stout St, Wellington 6011 | New Zealand

From: s9(2)(a) @police.govt.nz>
Sent: Friday, 14 November 2025 3:27 pm
To: S9(2)(a) ; S9(2)(a)
Cc: s9(2)(a) ULU, Phillipa (Pip)
Subject: Preliminary costings

Kia ora

As promised preliminary costings. As we've discussed we expect that there could be significant costs for Police/reprioritisation could have significant impacts for the delivery of other core Police functions.

Thanks for the placeholder text you put in the paper, I'm keen to keep that and add our first cut at costs, does the below work for you guys?

Placeholder text : It is my preference that any costs of the proposal will be undertaken within agencies' baseline funding, but further analysis is required from agencies about the potential costs and/or reprioritisation impacts.

Police note that further analysis is required to understand the full implications and costs. [TBC – Police exploring if they can provide costings.]

Proposed text (added to placeholder): Police note that further analysis is required to understand the full implications and costs. Preliminary costings by Police suggest that implementation of the proposed legislative changes, based on comparable work, could be approximately s9(2)(f)(iv) as a one-off cost).

I'll be back in touch on Monday with the agency feedback.

Have a great weekend!

Ngā mihi

s9(2)(a)

s9(2)(a)

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



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From: s9(2)(a) @ot.govt.nz>
Sent: Friday, 14 November 2025 3:47 pm
To: S9(2)(a)
Cc: s9(2)(a) ; S9(2)(a) ; S9(2)(a) ; S9(2)(a)
Subject: RE: Public disorder - CAB paper and RIS for agency consultation

~~IN CONFIDENCE~~

Hi S9(2)(a)

Thanks for the opportunity to comment on the paper. Our previous feedback remains accurate to our position, but we but offer the following suggested Oranga Tamariki comment for the consultation section of the Cab paper. Feel free to edit/paraphrase to suit.

Oranga Tamariki does not support move-on orders being applied to young people aged 14 to 18. Existing care and protection and/or youth justice responses, which are already provided for under legislation, are age-appropriate and effective at dealing with this behaviour. Approximately 92% of all offending behaviour by young people is addressed through Police alternative action. There are also mechanisms available in the Family Court and Youth Court when alternative action is not successful.

Please let me know if we can provide any further information.

S9(2)(a)

Principal Policy Advisor

From: S9(2)(a) @justice.govt.nz>
Sent: Thursday, 13 November 2025 12:28 pm
Cc: S9(2)(a) @justice.govt.nz>; S9(2)(a) @justice.govt.nz>
Subject: RE: Public disorder - CAB paper and RIS for agency consultation

~~IN CONFIDENCE~~

Kia ora ano,

I'm sorry for this being a bit untidy, but after further discussions with our Ministers Office, we are not yet consulting on the additional wording in the Cab Paper we added to SharePoint this morning. Therefore, we have removed V2 of the Cabinet Paper from the SharePoint - please revert to the original version.

I'm really sorry for any confusion. We will reach out if/when we have substantive changes to share.

Ngā mihi,
S9(2)(a)

~~IN CONFIDENCE~~

From: S9(2)(a)
Sent: Friday, 14 November 2025 4:32 pm
To: S9(2)(a)
Cc: S9(2)(a) ; S9(2)(a)
Subject: RE: S9(2)(a) shared "20251111 - Draft CAB - Strengthening responses to public disorder - MOJ comment" with you

Kia ora S9(2)(a)

Thanks for those points.

I agree the challenges and confusion with the behaviours. We will take another look at those to be a clear as we can be.

I like the two points below (highlighted), so will make sure they are reflected in the RIS (we are currently fleshing out a point on youth under population impacts).

FYI - OT today provided us with the attached comment for the Cabinet paper.

Thank you again,
S9(2)(a)

From: S9(2)(a) @justice.govt.nz>
Sent: Friday, 14 November 2025 4:04 pm
To: S9(2)(a) @justice.govt.nz>
Cc: S9(2)(a) @justice.govt.nz>
Subject: RE: S9(2)(a) shared "20251111 - Draft CAB - Strengthening responses to public disorder - MOJ comment" with you

Kia ora S9(2)(a)

I've had a look at the papers from a youth justice perspective. I'm sure S9(2)(a) would have flagged any concerns she had before she left, so these are more in the nature of comments on matters that may be considered further at select committee.

Definition of disorderly behaviour – I was a little confused about why passive begging was disorderly (para 27), but passive presence (para 28) was not. Also, that busking is expressly ruled out from being disorderly but could be more disruptive than passive begging. In the same way, protesting or picketing could be disruptive to neighbouring businesses or not associated to the businesses where the protest is occurring – (protesting there because they are high traffic areas). How definitive do we want to be about what specific activities are in or out rather than focusing on how the activity is carried out?

Potential impacts for safety of young people and vulnerable groups – if there is a persistent use or threat of move on orders, it may impact of the ability of young people (and others) to congregate safely. I'm thinking of say Friday and Saturday nights when young people like to gather together to hang out but may not have money to go anywhere in particular. They may not be doing anything illegal, but the sheer volume of people or playing of music may be seen as disruptive. If young people and other vulnerable people are not able to hang out in a specific place, it may force them into spaces that are less safe with poorer street lighting and fewer people around making them at greater risk of victimisation. (I do realise that this may be a bit of a stretch!)

Ability to challenge the system - if charged with this offence, a young person may not understand how the law works, and if charged unfairly, to understand how to challenge the system.

I am away next week, but if there is anything you would like to discuss when I'm back, please let me know.

Ngā mihi
S9(2)(a)

From: S9(2)(a) <[@justice.govt.nz](mailto:S9(2)(a)@justice.govt.nz)>
Sent: Thursday, 13 November 2025 1:22 pm
To: S9(2)(a) <[@justice.govt.nz](mailto:S9(2)(a)@justice.govt.nz)>
Subject: Roche, Jessica shared "20251111 - Draft CAB - Strengthening responses to public disorder - MOJ comment" with you



S9(2)(a)

invited you to edit a file

Here's the document that S9(2)(a) shared with you.



[20251111 - Draft CAB - Strengthening responses to public disorder - MOJ comment](#)

This invite will only work for you and people with existing access.

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From: offenceandpenaltyvet
Sent: Friday, 14 November 2025 4:54 pm
To: S9(2)(a)
Cc: Mercuri, Alida; S9(2)(a) ; S9(2)(a) ; S9(2)(a) ; S9(2)(a) ; S9(2)(a)
Subject: RE: Public disorder Draft Cab paper and RIS

IN CONFIDENCE / CABINET

Hi S9(2)(a)

Thanks for giving OPV the chance to have a look at these papers and for the great job you and the team have done putting them together in the time available!

I have suggested a slight tweak to the OPV comment in the Cabinet paper to reflect that the offence now has a 'without reasonable excuse' element included. In the RIS, S9(2)(a) and I have proposed adding a paragraph at para 28 with OPV comment and have track changed some minor suggested tweaks in the options analysis and table at the back of the document.

Happy to discuss further if needed – cheers and have a good weekend



S9(2)(a)

Offence and Penalty Vetting (OPV) Co-Ordinator
Senior Policy Advisor | Kaitātari Matua Kaupapahere
 Sentencing and Rehabilitation Team
 Criminal Justice Unit | Policy Group
 Ministry of Justice | Tāhū o te Ture
Phone +64 4 494 9746

S9(2)(a) @justice.govt.nz

S9(2)(a) @justice.govt.nz (for all OPV matters)

National Office | Justice Centre | 19 Aitken Street
 DX Box SX10088 | Wellington
justice.govt.nz

out of scope

IN CONFIDENCE / CABINET

From: S9(2)(a) @justice.govt.nz>
Sent: Wednesday, 12 November 2025 3:14 pm
To: S9(2)(a) @justice.govt.nz>; 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>
Subject: Public disorder Draft Cab paper and RIS

~~IN CONFIDENCE / CABINET~~

Kia ora

Please see the draft cabinet paper and RIS for your review. If you can please provide any comments by COB Friday 14 November.

[20251111 - Draft CAB - Strengthening responses to public disorder - MOJ comment.docx](#)

[251111 - DRAFT RIS - Strengthening responses to public disorder - MOJ Comments.docx](#)

S9(2) I appreciate you have already reviewed the relevant sections, thank you.

()

The papers are out for Ministerial and agency consultation, with input due by COB Monday 17 November.

The Minister has seen the draft papers and has asked for one change, which we are currently working on. He has been clear he would like to ensure that the move-on order could be used for people who are occupying public areas (i.e. rough sleeping or sitting on the footpath for extended periods).

Please let me know if you think I should share these with anyone else.

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 / CABINET~~

From: s9(2)(a) @corrections.govt.nz>
Sent: Monday, 17 November 2025 10:00 am
To: S9(2)(a)
Cc: S9(2)(a)
Subject: RE: [EXTERNAL] RE: Public disorder - CAB paper and RIS for agency consultation

Yes, we can rework our end. It came through to us at close to COP from our Strategic Finance team, so I had to determine whether to finesse the wording or send it through.

From: S9(2)(a) @justice.govt.nz>
Sent: Monday, 17 November 2025 9:49 AM
To: s9(2)(a) @corrections.govt.nz>
Cc: S9(2)(a) @justice.govt.nz>
Subject: RE: [EXTERNAL] RE: Public disorder - CAB paper and RIS for agency consultation

~~IN CONFIDENCE~~

Kia ora s9(2)(a)

Thank you for the redrafted section below. Noting you have said you would like it included as is, we are under pressure to keep the paper tight. We think the first paragraph could be condensed. We are also a bit confused about what the second paragraph is trying to say in addition to the points in the first paragraph, and therefore not sure if its necessary.

Would you like to redraft it to ensure the key points are delivered in a concise way, or would you like us to do this and run the reworked section back to you?

Thank you again for working with us on this.

S9(2)(a)

~~IN CONFIDENCE~~

From: s9(2)(a) @corrections.govt.nz>
Sent: Friday, 14 November 2025 5:10 pm
To: S9(2)(a) @justice.govt.nz>
Cc: S9(2)(a) @justice.govt.nz>; S9(2)(a) @justice.govt.nz>
Subject: FW: [EXTERNAL] RE: Public disorder - CAB paper and RIS for agency consultation

Kia ora,

As noted earlier, we have tweaked the lines to provide more detail around baselines and to provide other clarifications. Please note that while we are okay to put the text from us about costs after "Corrections notes" the statement about the 6 person increase should come before that as it is from MOJ modelling.

I've inserted it into your text below. Please don't hesitate to reach out Monday morning about anything that needs clarifying but we thought it would be helpful to get the additional content across to you today so you've got the substantive material.

Implementation and Financial Implications

The Ministry of Justice, Corrections, Police, and Crown Law are the key agencies responsible for implementing the proposals. Implementation will include ensuring capacity to manage workloads, updating documentation and IT systems (and associated operating costs), staff training, and providing communications and guidance to relevant parties.

It is my preference that any costs of the proposal will be undertaken within agencies' baseline funding, but further analysis is required from agencies about the potential costs and/or reprioritisation impacts.

Police note that further analysis is required to understand the full implications and costs. [TBC – Police exploring if they can provide costings.]

I note that there will be an increase in cases being prosecuted in the courts for breaches of move-on orders. Any increase in cases could impact court timeliness. Indicative estimates suggest it would cost the courts \$XX per year, by mid-2028 after two years after implementation.

The Department of Corrections note that the prison population is projected to increase by 6 people per annum at the high estimate within two years of enactment. The costs of imprisonment are \$120,000 per prisoner per annum inclusive of any operational changes required at a unit or site level. The current prison network has limited capacity available and low resilience and even a policy change with a small population increase beyond current projections, collectively with other policy changes and factors, is likely to engage the need for significant additional infrastructure investment (which would cost at least \$300 million). Future prisoner network funding decisions would be needed to ensure that there is capacity in Corrections' infrastructure, and frontline staff are supported to manage additional people safely and effectively. Any new infrastructure to accommodate additional prisoner population impacts would take average 4 to 8 years to build and implement and may not be available until after the full policy impact takes effect.

Replace with amended text

This policy change is projected to increase the prison population by six prisoners per annum, at the high estimate, within two years of enactment. The Department of Corrections notes that this forms part of a wider suite of policy proposals that could impact the prison population. This means that both the operational costs of each additional prisoner in the prison network (\$120,000 per prisoner per annum inclusive of any operational changes required at a unit or site level) and the infrastructure implications must be considered on a network-basis, which cannot be funded from existing baselines given prison population projections. The current prison network has limited capacity available and low resilience, so even a policy change with a small population increase beyond current projections (collectively with other policy changes and factors) will add risk to the need for significant additional infrastructure investment. Any new infrastructure to accommodate additional prisoner population impacts would take an average of four to eight years to build and implement and may not be available until after the full policy impact takes effect.

s9(2)(f)(iv)

Regarding the assumptions in the data, we will include this detail in the RIS. I am of the understanding that the Remand impacts is included in the data, however, the person who ran the data is not back in the office until Monday.

Many thanks,
S9(2)(a)

IN CONFIDENCE

From: S9(2)(a) <@treasury.govt.nz>
Sent: Thursday, 13 November 2025 7:49 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) <@treasury.govt.nz>; S9(2)(a) <@treasury.govt.nz>; S9(2)(a) <@treasury.govt.nz>
Subject: RE: Public disorder - CAB paper and RIS for agency consultation

[~~IN CONFIDENCE~~]

Kia ora S9(2)(a)

Thanks for consulting the Treasury on this paper and RIS. We have worked to get comments to you early so we can chat about the extent to which they will be addressed at agency level. An indication of this by COB today would be appreciated to allow time for us to consider what advice we may need to give to our Minister to progress through Ministerial consultation, given these processes are being run in parallel.

I summarise our key concerns below. We'd be happy to chat about any of these points further. Other than 10-11am, my diary is clear today so feel free to call.

- We consider that the Cabinet paper does not adequately identify the financial implications of the proposal, even though it is evident that there will be direct costs for Police, Corrections, and Justice/Courts (and Crown Law, referred to in the Cabinet paper but not the RIS). The costs should be estimated in dollar terms rather than mentioned in generalities so that the financial implications are clearly understood by Ministers when they take decisions. In addition:
 - While the RIS states “no additional funding is available to support implementation on the proposals” and that implementation and ongoing costs will be baseline funded, we are concerned that this may not hold over the long term – eg, costs may be folded into future Budget submissions as cost pressure bids, thereby having fiscal implications.
 - We are aware that Police, Justice/Courts, and Corrections are all experiencing significant cost pressures already, and that agencies consider much of these costs can't be met within baselines – it is unclear how the costs associated with this proposal would be different.
 - Where costs are met through baseline reprioritisation, Ministers should be made aware of the trade-offs at hand. This requires them to know what the costs of the proposals are for each agency and therefore how much funding will be reprioritised, and the operational/delivery implications of the reprioritisation decisions (eg, what other Police services might be deprioritised?).
 - If no new funding is attained and reprioritisation within baselines does not occur, implementation will likely suffer. This should be raised as a risk associated with the proposal given this could compromise attainment of the proposal's objectives.
 - The paper should indicate not just the quantum but also timing of costs. It is unclear, for example, in which financial year Police would be incurring implementation costs, and at which point following passage of the legislation courts and prisons would start to see the impacts.

Document 80

- Of particular note, the costs for Corrections should be clearly detailed, including information about the per-prisoner operating costs and potential implications for prison capacity and associated capital investment – again, as much as possible, this should be in dollar terms rather than indicated in narrative terms only.
 - While six extra prisoners may seem small relative to the prison population implications of other recent policy decisions, we understand the per-prisoner operating cost sits at \$120k and that, in the context of constrained prison capacity, even a small increase could generate the need to consider capital investment – ie, the financial implications are non-negligible.
 - Further, the assumptions behind the modelling suggesting a six-person impact should also be presented.
 - If the six-person impact hinges on the assumption that “most people will obey the law and the overall impacts on our courts and prisons due to offending will be low,” this claim requires substantiation. At first blush, it seems unlikely to withstand scrutiny, given the difficulties the most affected people may face in complying with move on orders (including lack of alternative places to go, mobility constraints, limited transport access, the issuance of multiple move on orders across bordering areas, and personal safety concerns associated with moving from publicly visible places).
 - In addition, it will be important to reflect the prison population impacts of not just the sentenced population but also the remand population. Given many people subjected to move on orders may not have viable bail addresses, it seems likely people awaiting trial in the context of criminal court backlogs may be remanded in custody.
- The RIS contains useful information about the limited evidence to indicate the proposal would generate the intended outcomes (eg, no evidence that move on orders reduced crime rates in Australia and the UK). It also suggests the problem may be more perceptual than real, stating that “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 five years.” It would be helpful to see this information from the RIS reflected in the paper itself to help Ministers understand the potential limitations to the realisation of the proposal’s objectives.
- While noting that the RIS does not monetise potential benefits associated with the proposal and that costs are not concretely presented (as discussed above), based on the available information, we agree with the assessment in the RIS that the costs are likely to outweigh the benefits – ie, this proposal is unlikely to represent value for money. The preferred option presented in the RIS (ie, status quo) seems well-reasoned, particularly noting there are several new initiatives that are likely to contribute to the objectives expressed in the Cabinet paper which haven’t yet been fully implemented and therefore which remain to be evaluated for effectiveness.
- Short of this being approached as an interagency paper, it would be useful for the paper to contain comments from Police and Corrections given their stake in the policy proposal and its strong operational leaning. A comment from Police about the sufficiency of current powers and feasibility of implementing the proposal (including in view of the RIS’ statement that no new funding is available) would be particularly helpful and would support Ministers in understanding whether the anticipated benefits are likely to be realised (and therefore whether the costs are justified). A Corrections comment about the operational impacts and risks associated with the prison population increase with no new funding would also be useful.

Ngā mihi nui,
s9(2)(a)

s9(2)(a)

| Te Tai Ōhanga **The Treasury**

Justice and Courts Vote Analyst

Infrastructure, Security and Government Team | Public Sector Performance Division

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From: s9(2)(a) @msd.govt.nz>
Sent: Monday, 17 November 2025 11:18 am
To: S9(2)(a)
Cc: S9(2)(a) ; S9(2)(a) ; S9(2)(a) ; s9(2)(a)

Subject: RE: Public disorder - CAB paper and RIS for agency consultation
Attachments: MSD response to Ministry of Justice, public disorder Cabinet paper and RIS.docx

IN-CONFIDENCE

Kia ora S9(2)(a)

MSD has considered the draft Cabinet paper and RIS, and have some comments for your consideration (please see attached).

Please let me know if you have any questions.

Ngā mihi

s9(2)(a)

s9(2)(a)
Senior Policy Analyst
Housing Policy
DDI: +64 4 978 4196



From: S9(2)(a) @justice.govt.nz>
Sent: Monday, 10 November 2025 3:59 PM
Cc: S9(2)(a) @justice.govt.nz>; S9(2)(a) @justice.govt.nz>; S9(2)(a) @justice.govt.nz>
Subject: Public disorder - CAB paper and RIS for agency consultation

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MSD feedback: Cabinet paper *Strengthening responses to public disorder*

Summary

- MSD does not support amending the Summary Offences Act to introduce a power for Police to issue a 'move-on' order.
- We are concerned, in line with previous feedback, that the offence and penalty proposed is disproportionate to the problem, and will saddle people living on the street with unsustainable debt. In addition, having a criminal record will make it harder for affected individuals to obtain suitable housing, and therefore worsen housing accessibility.
- We are not satisfied there are sufficient safeguards or limitations built into the proposals, that they are proportionate, targeted to the problematic behaviour, or that they are needed to achieve public safety (previous evidence presented to Justice Sector Ministers has been that disorderly behaviour has actually been decreasing, and is at a 10-year low).
- We have concerns around the subjective judgement required by individual Police officers (with the inherent risks this carries) on aspects that are not clearly defined. For example, on what behaviour would be considered to reasonably cause "anxiety" to the public, and what would constitute a "reasonable excuse" for breaching a move-on order.
- **The paper is light on a number of details**, including risks, such as the significant consequences for those that may have the penalty imposed and are unable to afford the (up to \$2,000) fine. This is further highlighted under cost-of-living implications (para 38). The paper states the impact of applying move-on orders (to those begging, people experiencing homelessness, and other low-income populations) has not been quantified.
- However we are pleased to see that the paper acknowledges the solution proposed may simply displace the problem to another location, and that unpaid fines can perpetuate cycles of poverty and homelessness.

Move on orders

- **There is still an insufficient rationale presented on why Police need additional tools to respond to low-level disorderly behaviour.** Police already have a range of tools available to them and there is a lack of evidence that these existing tools are insufficient, or that it is a good use of Police resource to respond to behaviour described as "annoying". We note there is already provision in the Summary Offences Act to address public disorder offences including obstruction of a public way. Would move-on orders simply duplicate existing offences?
- **The paper lacks clarity around definitions**, e.g., para 29 on parameters for move-on orders states a person will not be liable for breaching an order if they have a "reasonable" excuse. We reiterate the importance of robust operational

guidance and training, since it appears that **a number of decisions will be subject to the judgement of individual officers**. Other definitions that lack clarity include:

- what would count as a 'footpath' (as begging on a footpath would be covered by move-on orders)
 - what should be a "reasonable distance" from the specified area. It is unclear how this would be applied in practice. E.g. how close to retail entrances would a person be permitted?
 - what would count as "obstruction" of a public way, and whether that obstruction was "reasonable"
 - whether a person is or has been causing "anxiety", and whether that anxiety is "reasonable"
 - what is a "reasonable excuse" for breaching a move-on order
 - whether a person is "begging". The proposed definition of begging (at recommendation 4) should be discussed in the body of the paper.
- Paragraph 19 notes that "many disruptive, distressing and potentially harmful acts can occur before officers are able to step in to de-escalate the situation." We would point out that this can occur regardless of whether Police have the ability to issue move-on orders; **a new move-on power won't prevent disruptive or harmful acts from occurring**.
 - We reiterate our previous advice that:
 - move-on orders will not be effective, and will simply move the problem down the road. It is essentially punishing survival behaviours caused by homelessness
 - move-on orders should not be used to effectively criminalise homelessness or those who appear undesirable. Having a criminal record will make it harder for individuals to obtain suitable housing, and therefore worsen housing accessibility
 - move-on orders should not interfere with access to support and essential services (this includes MSD offices), or where people live
 - s9(2)(g)(i)
 - Para 27 - we are concerned that **move-on orders being applied to passive begging** in particular is not aligned with "activities that are disorderly, offensive, threatening or disturbing, interfering with trade or businesses, obstructing a public way, breaching the peace, or causing anxiety to a person". It could be argued there is a fine line between being able to sit on a footpath (excluded from move-on orders) compared to sitting on the footpath with a sign/begging bowl (included in move-on orders). Arguably being approached by charitable

fundraisers on the street can be more annoying to the public than someone sitting on the side of the footpath with a sign.

- **Proposed power of temporary detention:** we reiterate our previous advice that a temporary detention power risks victimising people experiencing homelessness and/or exhibiting symptoms of addiction or mental distress. There is already an ability to detain a person for 'disturbing the public peace' under s.315 of the Crimes Act, so it's unclear why an additional power of detention would be needed. The paper is unclear on whether there is a maximum timeframe envisaged for detention, or what would happen if an individual refuses to supply the information requested. As previously advised, we would like to see an assurance that particulars to be gathered by officers will be treated in accordance with Privacy principles, and in particular, are not held longer than required, or used for profiling purposes.

Enforcement, penalty and offences

- We reiterate our previous advice that **those most impacted by the fine proposed will be those with high and complex needs, who are the least likely to be able to pay.** It therefore will not create an effective deterrent, and risks saddling people living on the streets with unsustainable debt. For those who are genuinely homeless, additional debt will also make it harder to secure housing and may discourage them from engaging with government and/or community services, which may undercut the intention of the significant new investment that the Government has made in homelessness outreach services.
- We are pleased to note, and **support MOJ's advice that the offence created and level of fine is disproportionate to the problem,** and should not be aligned with penalties for offences such as careless driving causing death, or selling Class C drugs.
- MoJ's advice also states that imprisonment should be reserved for the severest offending where the person intentionally, knowingly, or recklessly committed the act, however, this is not the case with the proposed offence, removing a key protection for individuals. We note there is no mention of how this will be communicated to those it is most likely to impact, resulting in individuals who have no knowledge or awareness of this penalty/offence.
- We also agree that provision needs to be made for a defence, and would question whether this might impact legal aid resourcing.

Risks

- **A number of important risks are not canvassed,** some of which we have previously raised; for example, the implications for natural justice (i.e. the presumption of innocence, the right to a fair trial etc) seem significant. This is especially the case given the orders may be issued to those with the least ability to challenge them or to access legal representation.
- There is no clear rationale or mitigation discussed for the identified risk of moving people on from one place to another (para 33). This raises concern that people may be repeatedly moved and displaced, impacted by penalties/offences, and in

worse circumstances. Without any support in place, this may exacerbate their needs and not address the underlying issues resulting in homelessness or begging etc. in the first place.

- There are references to alternative personal and social support options being available to assist people in meeting their basic needs. While this is positioned as a key mitigation to many of the risks, there is no consideration of the wider implications of high demand on existing social supports and services. MSD recommends considering an effective package that could support social services to meet the possible increased demand, mitigate the outlined risks, and address underlying issues that have placed individuals in such circumstances – which in turn may more effectively achieve the intended outcomes of this paper. There also needs to be consideration for where this may increase the current demands for personal and social support options.
- While the population implications section (from para 44) specifies Māori, youth aged 14 and over, and people experiencing mental health needs, poverty, and addiction, there is limited detail on safeguards, robust consideration of the possible implications and mitigations for these groups.
 - People experiencing mental health episodes may be perceived as disorderly, disruptive, or intimidating (para 47). The paper states Police will continue to utilise existing responses to situations involving mental health concerns, however, it lacks detail as to how decisions or assessments will be made prior to enforcing move-on orders and/or any penalties.
 - There is a lack of clarity on how move-on orders will be enforced and operationalised. This feedback applies to the paper in general, including the threshold (as para 8 includes issuing orders for intimidation without intent to frighten another person).

Population implications

- We agree that Māori are likely to be disproportionately impacted, and as previously advised, are over-represented among those living without shelter, in emergency housing and on the social housing register. We are also concerned that young people and people experiencing mental health distress may also be disproportionately impacted, and that move-on orders could be applied to individuals as young as 14 years. We consider this should be covered under human rights implications (as there are likely to be implications for UNCROC compliance).
- Other cohorts likely to be impacted are not mentioned – e.g. disabled people, Pacific people, and older people.

Human rights (paragraphs 52 – 54)

- We agree that move-on orders are likely to conflict with NZ's international human rights obligations including freedom of movement and freedom from discrimination (including discrimination on the basis of employment status). We will be interested to read Crown Law's advice on BORA implications.

Regulatory Impact Statement

Summary

Policy problem and objectives

- The **policy problem** seems more like a statement of symptoms rather than identifying the root cause. Given the objectives, would it be better to focus the problem on any deficiencies in the law, the tools available to Police, or on the public's sense of vulnerability (noting there needs to be clear evidence for these)?
- **Options considered** – it would be useful to cover these at a high level in the Cabinet paper (even as an attachment) as they add a lot of context.

Minister's preferred option

- **Additional costs** could note the potential for public defence and appeal costs, assuming this will be available to those being prosecuted for breaching a move-on order.
- **Indirect costs** to people issued with move-on orders, particularly those who may be convicted of breaching an order, should include financial impacts in the form of debt to government, and social impacts such as it being harder to secure suitable housing. It may also discourage people from engaging with government and/or community services. While the RIS notes that people will no longer be able to beg or ask for assistance in public places, it should also point out that losing this ability could drive an increase in petty crime by affected people as a survival mechanism.

Balance of benefits and costs

- MSD supports the Ministry's view that costs are likely to outweigh the benefits, and will fall primarily on those issued with move-on orders, and public services.

Diagnosing the policy problem

- Para 7 asserts that an increase in homelessness and visible rough sleeping could be contributing to perceptions of increased public disorder (these perceptions aren't backed up by evidence as we note in our Cabinet paper feedback). It should be acknowledged that several different groups of people may be the perpetrators of public disorder.
- The table following para 14 sets out the different tools available to deal with disorderly paper, including Police alternative resolutions to deal with offending that sit below the prosecution level. It could therefore be made clearer at para 20 why Police powers to proactively de-escalate lower level disorderly behaviour are limited and insufficient. Could some examples of common scenarios be included?
- Para 21 onwards discusses impacts of not being able to adequately deal with disruptive behaviour. Impacts on New Zealand's economic prosperity note at (e) on page 12, a slow and steady increase in online shopping. However, what evidence is there that increased online shopping is due to public disorder? There will be other factors involved.

- Consultation is noted at paragraph 26. This should summarise the feedback from the agencies involved, perhaps by way of a table (which could be appendicised).
- Population impact analysis should be included, as should Treaty analysis.

Comparison of the options with the counterfactual

- The table of options needs the usual key to interpret the ratings given (we would assume, for example, that -- means that the option is much worse than the status quo, but a key would be useful for unfamiliar readers).
- We support the Ministry's assessment of notable points relating to the different options; for example that:
 - move-on orders are not necessary to respond to public disorder
 - there is limited evidence that move-on orders actually work
 - move-on orders can be applied in a discriminatory manner (including against people who are homeless, indigenous or young), and bypass formal justice system mechanisms
 - move-on orders can deny recipients the right to conduct a defence
 - criminal prosecution for non-compliance with move-on orders is not a proportionate response to such behaviours, and should not carry a term of imprisonment.
- We support notable points made in relation to Option Four (the Minister's preferred option), in particular that:
 - it may penalise people who are experiencing poverty
 - there is no evidence of a problem associated with begging that justifies the changes proposed
 - there is little difference to the public between someone sitting passively on the footpath holding a cup/sign, versus someone sitting/loitering on the footpath without a cup/sign.

Marginal costs and benefits, implementation

- This should note the high level of indirect cost to people exhibiting disorderly behaviour (see above comment).
- The cost to Courts from potential slowing down of court cases (due to dealing with new prosecutions from non-compliance with move-on orders) could be noted
- Any additional costs from further public defence/legal aid being required could be added. Depending on where these costs fall, it could also be noted under Implementation.

Monitoring, evaluation and review

- Should the proposals be passed into law, we would also suggest that a review of how the new law is functioning, including effectiveness, would be worthwhile.

From: s9(2)(a) @police.govt.nz>
Sent: Monday, 17 November 2025 4:09 pm
To: S9(2)(a) ; S9(2)(a) ; S9(2)(a)
Cc: s9(2)(a) ; Tanya.Roth
Subject: FW: [EXTERNAL] Public disorder - CAB paper and RIS for agency consultation

Kia ora koutou

Thank you for the opportunity to provide feedback and discussions to date. These comments also apply to related content in the RIS. As always, happy to discuss, quite a lot has come through since our last catch up!

Substantive matters for Police

- **We can see merit in the use of move-on orders to address behaviours that meet offending thresholds.** However, we consider operationalising move on orders for behaviours that do not meet offence thresholds will be challenging. We note that the only new aspects at recommendation 3, that may not be covered by existing offences, are breach of the peace, causing anxiety and begging. We consider that operationalising move-on orders is likely to be most practicable when a move-on order is designed/developed as one tool among other existing tools (such as written warnings, infringements, referral to services), to address behaviours that reach the threshold for offending and as an alternative to arrest. Clear and transparent decision making is important for maintaining public trust and confidence in Police.
- Police has identified **significant risk in terms of potential fiscal implications** (thank you for providing us with the opportunity to include a comment in the paper reflecting this). If move-on orders are to be developed within baseline, as proposed, then there could be significant impacts on the delivery of other core Policing functions. s9(2)(f)(iv)

Ahead

of design decisions, that will determine the scope of move-on orders, we are not in a position to know how much funding could need to be reprioritised, and the operational/delivery implications of any reprioritisation decisions.

- s9(2)(g)(i)

Design work will also need to consider:

- Operationalising Police responses for the range of behaviours in scope for Police issued move-on orders, including finer details about enforcement and non-compliance. s9(2)(f)(iv)

I note that, following our conversation on Thursday, you were going to do some work around clarifying this part of the paper.

- The role of agencies other than police in addressing disorderly or disruptive behaviour e.g. council enforcement of bylaws, community led responses – particularly where these behaviours do not meet offending thresholds.
- Broader factors such as the availability of services.

Police comment (for inclusion in the Cabinet paper):

Police consider that operationalising move-on orders is likely to be most practicable when a move-on order is developed as one tool among others (such as written warnings, infringements, referral to services), to address behaviours that reach the threshold for offending and as an alternative to arrest. Move-on orders

Feedback related to specific recs/para's

Recommendations:

- s9(2)(f)(iv)

Paragraphs:

- Para 8 - "intimidation without intent to frighten another person" – I get that this is to distinguish the behaviour from s21 (intimidation) of the SOA, however this technicality would be difficult to operationalise i.e. it seems to be saying there is intimidation without the intent to frighten another person, intimidation with the intent to frighten another person, begging that may include intimidation, begging that might not include intimidation.
- Sub heading above para 17 refers to Police not having sufficient powers to respond to disorderly and disruptive behaviours, then para 17 says Police has a range of options for responding to those same behaviours – suggest deleting the sub-heading.
- Para 17.2 is not quite right. Police cannot detain someone simply because they are intoxicated (certain criteria must be met) and they must consider alternatives (such as taking them home or to a shelter); and the sentence structure links trespass to causing harm or being harmed. The heading is also referring to low-level offending but being intoxicated is not an offence.
- Para 18 - it is arguable that all concerning/non-offending behaviours are the responsibility of Police – can para 18 be removed? I think you go on to make the point you want to in the next para.
- Para 20 – I'm not sure that this is pitched quite right. It sounds as if Police do nothing in these circumstances, when in reality Police interact with vulnerable populations every day (without the need to arrest). Can we take Police out of this para and focus on the behaviours that the Minister is wanting to address e.g.

I am hearing from x,y,x (retailers etc) about ~~Police also cannot respond to many low-level disorderly behaviours that are annoying and disrupting the peaceful enjoyment of public places, such as begging on a footpath or next to retail entrances. I acknowledge that for some, begging is a response to challenging personal circumstances. However, it is also important to recognise that there are alternative personal and social-support options available. As retailers and communities report, begging can have wider negative social and economic impacts for busy urban areas.~~

I think this way you still get the sequence you want e.g. 17 outlines the responses that Police has to offending, delete 18, and then 19 and 20 are about behaviours that are disorderly/disruptive and don't meet offence thresholds.

- Para 23 – As noted above, most of the activities described here are already offences, and for those that aren't it is not clear how Police could 'police' them e.g. anxiety of the reasonable person? Should begging also be listed here, given it is referred to in the paras following and is separately noted in the recs?
- Para 31 – refer to substantive comment above about enforcement/non-compliance.
- Para 32 – covers penalty for breach of a move-on order but not what happens if a person doesn't provide details.
- Para 34 - notes that people breaching may have difficulty paying and goes on to say that the Minister does not consider that breaches will occur – what is the evidence for this? Given the needs of the populations that move-on orders could apply to, including those who are begging, if they breach they may not have any or sufficient income to make payment.
- Para 45 – is it worth footnoting why health and safety offences are included here e.g. the ANSOC category clusters this with public disorder? It just sits out a bit oddly otherwise.
- Para 47 – could you please add 'or the public' to the first sentence e.g. ' . . . may be perceived by law enforcement **or the public** as disorderly, disruptive or intimidating'. It is the public that may call Police/alert Police beat teams to the behaviour in this scenario.

Ngā mihi

s9(2)(a)

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



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From: S9(2)(a) @justice.govt.nz
Sent: Monday, 10 November 2025 3:59 pm
Cc: S9(2)(a) @justice.govt.nz; S9(2)(a) @justice.govt.nz; S9(2)(a) @justice.govt.nz
Subject: [EXTERNAL] Public disorder - CAB paper and RIS for agency consultation

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We kindly ask for your feedback/comments by email. Please provide comments by email to S9(2)(a) , S9(2)(a) and myself by COB Monday 17 November.

Ministerial consultation will also begin today and will run for five days, until Monday 17 November.

If you would like to discuss anything further, please let me know. We are also happy to meet if that is preferable.

Ngā mihi,
S9(2)(a)