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\_\_\_\_\_  
[Name of person signing the briefing]  
[Position of the person signing the briefing]

APPROVED    SEEN    NOT AGREED    APPROVED    SEEN    NOT AGREED

Delete content of this cell if briefing is  
only going to one Minister

\_\_\_\_\_  
[Hon Firstname Lastname]  
[Minister [of or for] XXXX]

Date / /

\_\_\_\_\_  
[Hon Firstname Lastname]  
[Minister [of or for] XXXX]

Date / /

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

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**From:** s9(2)(a) @police.govt.nz>  
**Sent:** Thursday, 2 October 2025 3:06 pm  
**To:** S9(2)(a) ; S9(2)(a)  
**Cc:** S9(2)(a)  
**Subject:** Updated briefing - public disorder

Hi both – just a couple of quick comments on your briefing (ahead of meeting up tomorrow). I'll add them to the briefing proper and send across more formally tomorrow, but thought it would be useful for you to have a heads-up given your timeframes.

*Move-on notices*

- Verbal issuing will not suffice – you will need more than verbal issuing to provide a record e.g. in WA they have paper orders and here we could potentially have a mobile version (similar to infringements). Without evidence of some kind a verbal version couldn't be enforced - the individual could just say they were not asked to move on or didn't think they were etc.
- Section 48 of the OT Act is a Police care and protection response, it is not a youth justice response. Your point is correct <sup>s9(2)(a)</sup> that you can't really just propose to remove the consent aspect of this part of the legislation e.g the child may have valid reasons for not wanting to go home, such as it being an abusive household (in which case Police would take them to OT). Also, if you are proposing amending any part of the act you must consult with OT as the administrators. It might be more straightforward to just go with the recommendation to not include children and young people, noting instead that Police having existing Youth Aid responses to respond to children and young people.
- In terms of enforcement, a breach could result in arrest and a charge managed through the Courts or an infringement (noting the current infringement system is at capacity and an updated system required).

Ngā mihi

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Hon Paul Goldsmith, Minister of Justice

**Strengthening responses to public disorder (including advice on Retail MAG proposals)**

Date	8 October 2025	File reference	
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Action sought	Timeframe
TBC	TBC

**Contacts for telephone discussion (if required)**

Name	Position	Telephone		First contact
		(work)	(a/h)	
Alida Mercuri	General Manager – Criminal Justice Unit	04 466 2091	S9(2)(a)	<input type="checkbox"/>
S9(2)(a)	Manager – Law Enforcement Policy	04 466 0723	S9(2)(a)	<input checked="" type="checkbox"/>

**Minister's office to complete**

- Noted   
  Approved   
  Overlaken by events  
 Referred to: \_\_\_\_\_  
 Seen   
  Withdrawn   
  Not seen by Minister

**Minister's office's comments**

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**Purpose**

1. This briefing advises you on options to strengthen responses to public disorder, including advice on proposals from the Ministerial Advisory Group for Victims of Retail Crime to address anti-social behaviour in retail settings.

**Key messages**

2. TBC
3. You have expressed concern about disorderly behaviour in public places, including how this is impacting the business community.
4. In August 2024, we provided you with advice that move-on notices, with appropriate penalties for non-compliance, could be an effective tool in supporting Police to manage certain anti-social behaviours. No decisions were taken at that time.
5. You discussed public disorder at the Justice Sector Ministers Meeting on 17 September.
6. On 9 September, the Ministerial Advisory Group for Victims of Retail Crime (MAG) provided you with a report with proposals to address antisocial behaviour in retail settings. We provide advice on the MAG's proposals below.

**Public disorder in New Zealand*****Public disorder affects towns and cities across New Zealand***

7. There are increased reporting and perceptions of public disorders in city centres, and retailers throughout the country have expressed concern over antisocial behaviours driving customers away from CBDs and affecting their businesses.
8. Police data indicates that there is not a marked increase in Police proceedings against public order, health, and safety offences.<sup>1</sup> Although there has been a decrease in pre-charge/non-court action proceedings, the volume of court actions for these offences has increased. The below table breaks down Police proceedings for these offences from 2022 to 2025.

	<b>1 September 2024 – 31 August 2025</b>	<b>1 September 2023 – 31 August 2024</b>	<b>1 September 2022 – 31 August 2023</b>
Court Action	2,886	2,192	1,836
Formal warning	1,308	2,050	2,483
Informal warning	652	1,129	1,148
Non-court Action	513	714	615
Non-court referred conference	13	22	28

<sup>1</sup> [Police Proceedings for Public Order, Health, and Safety Offences](#)

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Not proceeded with	68	191	191
<b>Grand total</b>	<b>5,480</b>	<b>6,298</b>	<b>6,301</b>

9. While there is not a legal definition of public disorder, we consider public disorder to be disturbing conduct in a public place which, in the time, place, and circumstances, is at a level beyond that which reasonable people can be expected to endure, and which justifies the intervention of law enforcement.
10. This includes behaviours that are criminal in nature (e.g. offensive or threatening behaviour, intimidation, urinating in public, wilful damage) and behaviours that may be below the threshold of criminal offending (e.g. disrupting businesses, nuisance behaviour, public intoxication).
11. For this paper, public disorder does not include protesting, picketing/trade union action, or trespass.

**Commented [TB1]:** This doesn't align with other parts of the paper e.g. where it is recommended that the focus should not be on the emotional state of those around the person but on the behaviour of the person being moved on.

**Police and councils have existing powers to address public disorder that meets the threshold of offending**

12. Law enforcement have well-developed guidelines and a range of tools to maintain public order and respond to most instances of low-level offending. In addition to general Police powers, these include criminal offences, council bylaws, infringements, alternative resolutions (e.g. formal warnings, diversion), and referral arrangements with social and health service providers.
13. We consider that current criminal offences cover the range of offending behaviour for public disorder. However, there may be a gap in Police powers to proactively de-escalate situations involving behaviour that falls below the criminal threshold to prevent imminent offending from taking place.

**Commented [JL2]:** What is known about the net widening impact of such an approach? Because, if there is net widening, this will undermine efforts to deal swiftly with such issues, and may increase criminalisation and deeper criminal justice reach into a wider variety of issues.

**Criminal justice responses should supplement social responses**

14. Social service agencies are careful not to conflate homelessness, mental health issues and public disorder. Survival behaviours such as sleeping rough do not necessarily contribute to public disorder, and that other actors who are not homeless are often involved in criminal and public disorder behaviours.
15. ~~We have heard from Police, councils, and social service agencies that law enforcement is often an inappropriate and ineffective response to homelessness. We have heard from social service agencies that homelessness which is best addressed through collaborative place-based approaches between councils, service providers, and relevant government agencies.~~
16. Social Sector Ministers have a well-developed package of initiatives to address homelessness, which is currently being delivered. You may wish to consider how to sequence the justice and social sector initiatives to enable maximum benefit.

**Commented [TB3]:** I'm not sure where this has come from or what law enforcement to homeless would be - Police cannot arrest someone for being homeless.

**Commented [CR4]:** MSD/HUD, can you please include a timeline for these initiatives or any relevant dates?

**There is scope to strengthen law enforcement responses to public disorder**

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17. Ensuring swift and certain responses to public disorder is an effective way to provide meaningful consequences, deter future offending, and support your law-and-order and court timeliness priorities.

**Commented [TB5]:** To support swiftness of response it would be useful to provide further information e.g. to what extent does deterrence, as a prevention mechanism, work? It would strengthen this claim to include empirical evidence with a focus on deterrence and its value and impact.

18. The following options could strengthen law enforcement responses to public disorder:

18.1. Move on notices could be used to prevent crime, maintain public order, and enable Police to deal with situations without needing to charge or arrest anyone.

**Commented [JL6]:** Aside from possible net widening affects that could do the very opposite, is there any evidence to suggest that this is an effective prevention tool, as opposed to simply moving the problem elsewhere (either geographically speaking, or in terms of crime type)?

18.2. S9(2)(f)(iv)

S9(2)(f)(iv)

We see merit in progressing the MAG's proposal for move-on notices, with some minor tweaks

19. The MAG's primary recommendation in its recent report is to enable Police to issue move-on orders to people behaving in an antisocial manner. Similar powers exist in the UK and Australia.

20. Police advises there is a gap in current enforcement powers to respond to behaviour that is likely to escalate to criminal offending. Police sees merit in move-on powers to respond to disorderly or antisocial behaviour in a timely way, where the conduct is below the threshold of criminal offending, or where court action is not in the public's interest.

Construction of move-on notices

21. We have worked will work closely with Police to refine-determine the approach and application of move-on orders. We envisage establishing and recommend a move-on notice that is issued by Police on the spot, that requires requiring an individual to 'move on' from a specific area for up to 24 hours to de-escalate situations of public disorder and prevent criminal offending. Move-on notices would apply to behaviours occurring in public places only.

**Commented [TB9]:** I think that this needs reframed, that you will work closely with Police. We met on 9th September and outside of that the rest of the content in here appears to be taken from our feedback to the retail MAG options paper that we forwarded to you (unless you are referring to other prior work that I am unaware of?).

22. A move-on notice could be issued to a person where a Police officer has reasonable grounds to suspect that:

**Commented [TB10]:** There is work that could be done about how current settings work, for example;  
 •it may be that the threshold for disorderly behaviour is too high, which is preventing us from using this offence to manage the types of behaviour MoJ is trying to address. The UK has a lower threshold than us. Perhaps this could also form part of the work/review?  
 •there is a current process through the court to secure a peace bond for a person (s 366 of the Criminal Procedure Act) to prevent further offensive behaviour, where the court is satisfied of a risk that the person is likely to repeat the behaviour and may tend to provoke a breach of the peace. If this isn't being used it may not be fit for purpose and could also be looked at as an option where a person's behaviour needs to be managed over a longer period than 24 hours.

22.1. a public disorder offence has occurred, is occurring, or is likely to occur,

22.2. the person is or has been interfering with trade or business by unnecessarily obstructing, hindering, or impeding someone entering or leaving the place, or

22.3. a breach of the peace has been or is likely to be committed.

23. Non-compliance with a move-on notice could be an arrestable offence, which would enable Police to arrest a person and remove them from the area where they fail or refuse to comply with the notice. The offence could be punishable by a maximum fine of \$2,000 or up to three months' imprisonment.

**Commented [JL11]:** Is there any likelihood that this may lead to greater levels of criminalisation, and therefore have the opposite effect of what is intended?

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- 24. Move-on powers and the offence for breach of a notice could be placed in the Summary Offences Act 1981, which houses most low-level offences addressing various forms of disorderly behaviour.
- 25. Service of move-on notices could be modelled after dispersal notices in the Gangs Act 2024. A Police officer would issue the notice in writing by personal service or by sending it to an electronic address supplied by the person to whom it is issued.<sup>2</sup>

We suggest two minor changes to the MAG's proposal

26. First, we recommend that move-on notices do not apply where a person's behaviour causes anxiety to someone. Move-on powers should be focused on the behaviour of the person being moved on, and not on the emotional state of those around the person. This would remove the requirement for Police to make a determination about the impact of one person's behaviour on another, which is highly subjective. ~~Even with the requirement that the anxiety must be reasonably arising in the circumstances, there is risk of bias, prejudice, stereotyping, or discrimination in an officer's decision making process.~~

Commented [TB12]: We are not sure that this distinction adds value - Police officers will take a range of factors into account when assessing a particular situation (including impacts on others).

27. Second, move-on notices should not apply to young people in the same way that they apply to adults. Police have existing responses to children and young people, including delivering them into the custody of a parent or guardian, that achieve the same purpose as move-on powers and are more appropriate for young people. Move-on notices could:

Commented [TB13]: Suggest delete - broad statement without evidence.

Commented [TB14]: Again, this is something to be worked through in the design phase.

27.1. exclude young people, as section 48 of the Oranga Tamariki Act 1989 provides Police with powers to return children and young people to their place of residence;

Commented [CC15]: Section 48 is a care and protection provision (not designed to be used in response to youth justice issues) and before using it Police would need to believe that firstly they are unaccompanied and secondly the child's physical or mental wellbeing is or is likely to be impaired. The young person then (with their consent) can be returned to their parents or caregiver and if they don't consent taken to OT.

27.2. require that Police take young people home, consistent with section 48 of the Oranga Tamariki Act (this approach would require changes to the consent provision in the Oranga Tamariki Act); or

It would need to be considered on a case by case basis and may or may not apply in these scenarios.

27.3. apply to young people as they would to adults, noting that this approach risks the State leaving children and young people unaccompanied when they are moved on. It is an offence under the Summary Offences Act to leave a child under 14 years without reasonable supervision and care.

Also noting that section 48 is in part 2 (care and protection of children and young people) of the OT act the wellbeing and best interests of the child or young person are the first and paramount consideration.

Safeguards for move-on notices

28. We recommend the following safeguards apply to move-on notices, in line with the MAG's proposal:

Commented [CC16]: I note in each of these sub paragraphs the term Young Person is used. I did note that potentially move on orders would be applied to children over the age of 10. Given the current age of criminal responsibility the effect of non compliance with these orders for children under 14 would be minimal

28.1. Notices could be issued for the minimum amount of time necessary to resolve the disorderly conduct (and no longer than 24 hours).

28.2. Notices could apply to the minimum area that is reasonably necessary to resolve the situation.

Commented [TB17]: We are very concerned that these para's appear to go straight to the operationalisation of move-on orders without due diligence for their design and effectiveness (particularly for application in a NZ context).

<sup>2</sup> Sections 10-11, Gangs Act 2024.

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- 28.3. There should be minimal interference with access to support and essential services. We also recommend that Police be required to consider whether a referral to relevant support services should accompany the move-on notice.
- 28.4. Notices should not be used to effectively criminalise homelessness or those who appear undesirable. Police, councils, and social service agencies agree that move-on notices should not be used to address survival behaviours associated with homelessness, like rough sleeping and general begging. Move-on notices are also not an appropriate response to people experiencing mental health distress.
- 28.5. Notices would not apply to lawful protests, pickets, or trade union action.
- 28.6. There should be operational oversight, monitoring, and reporting on the use of the power.
- 28.7. Upon issuing a notice, Police would be required to warn the person that it is an offence to breach a move-on notice, unless they have a reasonable excuse.

**Commented [TB18]:** Police already has mechanisms in place to connect people to the services they require e.g. AWHI - the broader issue is the capacity and availability of relevant services.

**Commented [TB19]:** Is the point here that there are concerns about the net widening impact of this proposed legislative change? If so, there is a body of literature that speaks to such issues, and it should be explored as part of this work.

*There are some concerns with move-on powers*

- 29. Move-on notices would be a Police-imposed discretionary action that would, unless breached, avoid judicial intervention. This process can undermine the presumption of innocence and deny recipients the right to conduct a defence. Move-on notices may also conflate notions of pre-emption and punishment by requiring a person to leave an area even where there is no proof of wrongdoing, or where no offence has been committed.
- 30. There is limited evidence of the efficacy of move-on laws in Australia and the UK. Studies have found there is no empirical evidence to show that move-on powers result in reductions in crime rates. Reports also show disproportionate application of move-on powers against persons who are homeless, Indigenous, young, or mentally ill.
- 31. MSD and HUD are concerned that move-on notices will be targeted at vulnerable groups, like the homeless. We recommend that notices only be applied to conduct amounting to public disorder, which involves disturbing, aggressive, threatening, or even violent behaviours. Move-on notices would not be used as a tool to move rough sleepers or people who appear undesirable, unless they were exhibiting disorderly behaviours.
- 32. There is also concern that move-on notices will simply shift concerning behaviours down the street. However, we agree with the MAG that move-on notices are a proportionate tool to swiftly de-escalate situations of public disturbance that do not require a more serious criminal justice response.

**Commented [TB20]:** It might be better to focus in here on the need to design move-on orders for effectiveness in the NZ context?

**Commented [JL21]:** What is the breach rate for such orders given their existence elsewhere? i.e. to what extent will they draw people into the system?

**Commented [TB22]:** This paragraph is a bit confusing - isn't part of the proposal for these orders to prevent offending, whereby an offence has not (yet) been committed?

s9(2)(g)(i)

**Commented [TB24]:** Design work would help to clarify where a move on notice would come into play, compared to arrest for clearly criminal behaviour. A move-on notice is unlikely to be a suitable response for violent behaviour.

**Commented [TB25]:** Displacement is an important issue that needs to be worked through.

*There is a proposed Members' bill seeking to create move on powers*

- 33. In June 2025, Ryan Hamilton MP introduced the Policing (Direction to Move On) Amendment Bill. The Bill proposes giving police powers to direct people to leave a specified area for harassment, public nuisance, disorder, or antisocial behaviour. The Bill has not been drawn from the ballot.

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S9(2)(f)(iv)

S9(2)(f)(iv)

**We have considered other options, but we do not recommend progressing these**

43. As discussed above, the Ministry recommends progressing the MAG's primary proposal to create move-on powers to address antisocial and disorderly behaviour.
44. We do not recommend progressing the MAG's proposals for:
  - new criminal offences for targeting retail workers
  - a ban on begging around 'relevant areas'
45. You could progress the MAG's two remaining proposals, but we see there may be limited value in doing so and there are also considerations that you will need to factor in. The two remaining proposals are:
  - additional powers for councils to enforce bylaws
  - a government action plan or strategy to address antisocial behaviour

***New offences for assaulting and threatening or abusing a retail worker***

46. The MAG proposes to introduce two new criminal offences into the Crimes Act 1961: assaulting a retail worker and threatening or abusing a retail worker. The MAG also

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proposes to introduce aggravated offences where a retail worker is assaulted, threatened, or abused while enforcing a restriction on the sale of products (such as an illegal sale of alcohol). The aggravated offences would attract a harsher penalty.

47. We do not recommend progressing this proposal because criminal offences for these behaviours already exist 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.<sup>4</sup>
48. The MAG has not identified a gap in the law in relation to charging offenders for assaults, threats, or abuse of retail workers. It states that current laws do not recognise the “unique context and aggravating factors” of the retail environment, as workers are often perceived as young, vulnerable, and in a low-status profession.
49. These factors can already be considered at sentencing under section 9 of the Sentencing Act 2002, which provides that courts may take into account certain aggravating or mitigating factors, including the particular vulnerability of the victim.<sup>5</sup>
50. We note that Cabinet has recently agreed to criminal offences for violence against first responders. However, first responders are distinguishable from retail workers in that they hold a special public duty and are crucial to community safety, justifying greater consequences for violence against them. It is not clear why there should be harsher punishments for offences against retail workers when other sectors may experience similar behaviours, such as public transport workers, medical professionals, and service providers.
51. We have heard from Police that providing additional charging options for the same conduct is not helpful and can cause a lack of clarity in the law. If you choose to progress other proposals, such as move-on powers, this can achieve the MAG’s goal to signify to the public that targeting retail shops and workers will be met with swift consequences.

**Implementing a ban on begging around ‘relevant areas’**

52. The MAG also proposes to introduce a new offence to the Summary Offences Act 1981 for begging within 15 metres of a ‘relevant area’ (e.g. a retail store entrance or cash machine). The MAG suggests that ‘relevant area’ could be defined by regulation.
53. We do not recommend progressing this proposal. The proposed ban risks essentially criminalising homelessness and survival behaviours. It does not distinguish between general begging (e.g. sitting peacefully with a sign or collection dish) and aggressive or threatening begging.
54. The MAG claims that “begging in front of a store front can be regarded as aggressive and intimidating, especially where the beggar is right next to the entrance.” While begging near a store front can make people feel uncomfortable, a criminal offence would not be a proportionate response to the behaviour the MAG proposes to capture.

<sup>4</sup> See, e.g., section 9 of the Summary Offences Act 1981 and section 188 of the Crimes Act 1961.

<sup>5</sup> See, e.g., sections 9(1)(g) and 9(4) of the Sentencing Act 2002.

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55. Police are also concerned that this proposal would shift Police's operational responses away from addressing criminal behaviour and into policing behaviours that do not warrant a criminal justice response. ~~Police advises that movement~~ Move-on notices, if progressed, could be a more effective tool to address instances of aggressive begging or unreasonable intrusion into the footpath or entryway to a retail space.
56. We also note that there are existing criminal offences for aggressive or intimidating behaviour which, along with move-on notices, can address begging behaviour that is reasonably regarded as aggressive or intimidating. Introducing a new offence for begging in 'relevant areas' has the potential to drive more cases into the courts.
57. There is also risk that banning begging from retail spaces will shift beggars to other high-traffic areas, such as schools, transport hubs, public parks, and outside of libraries and community centres.
58. Finally, we assess that such a ban would not be a justifiable limit on rights and freedoms, particularly the rights to freedom of movement and freedom of expression under the New Zealand Bill of Rights Act 1990.

s9(2)(g)(i)

**Additional powers for councils to enforce bylaws**

59. The MAG proposes to promulgate regulations under the Local Government Act 2002 to enable councils to enforce bylaws addressing antisocial behaviour.
60. **S9(2)(f)(iv)**
61. Section 259(1)(a) of the Local Government Act allows the Governor-General to make regulations setting infringement offences for breaches of bylaws. Regulations enabling councils to impose infringements under section 259 have to be made on a council-by-council basis. These regulations have rarely been made, meaning many bylaw breaches are criminal offences, which councils must rely on Police to enforce.
62. The MAG's proposal would require amending section 259 of the Local Government Act to enable regulations to be made for infringement offences for similar kinds of bylaws – in particular, bylaws addressing antisocial behaviours.
63. The MAG's proposal also notes that it would be up to councils to determine whether to create local bylaws addressing antisocial behaviour (only two councils – Auckland and Hamilton – currently have such bylaws). The MAG reports that councils do not think additional enforcement should be part of councils' role.
64. Local authority enforcement powers are primarily applicable to offences relating to building compliance, public health, the environment, and waste management, for example. There has been limited inclusion of public order offences in bylaws. Enabling local authorities to enforce public disorder offences requires caution given the potential for conflict or escalation. There are also risks associated with exercising greater enforcement powers

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without adequate supervision, training, and tools to deliver safe law enforcement. Councils would require:

- 64.1. robust operational policies and guidance for enforcement officers
  - 64.2. training and resources required to undertake the added function, e.g., de-escalation training, the operational kit required to support additional powers/functions, health and safety requirements, and
  - 64.3. authorising and accountability mechanisms, e.g., being sworn in/taking an oath to enable enforcement officers have the specific powers other council staff don't have.
65. **S9(2)(f)(iv)**

66.

**Government action plan and investment strategy**

- 67. The MAG's final proposal is for the Government to commit to issuing a strategy or action plan to address antisocial behaviour in retail, alongside a strategic investment plan. You could choose to progress a government action plan, but achieving long-term results may be resource intensive.
- 68. We see merit in MAG's recommendations to invest in evidence-based holistic crime prevention and addressing the drivers of antisocial behaviour, including through additional resources for social services. Criminal justice responses alone will not solve the challenges with crime and antisocial behaviour in the retail sector.
- 69. To be effective, a strategy or action plan would require dedicated investment on an ongoing basis from across the social and justice sectors.

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<sup>6</sup> In August 2024 the Prime Minister announced the Local Government System Improvements programme. Its aim is to ensure councils are getting back to basics to reduce the cost of living, deliver core services and infrastructure, and improve efficiency of decision making. This includes guiding council decision-making and avoiding duplication of role with central Government.

<sup>7</sup> [Democracy and Open Government - Local Government Bylaw System Issues and Options Paper August 2025.pdf - All Documents](#)

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- 70. However, we note that a government strategy focussed specifically on antisocial behaviour in retail may be overly narrow, such that it would benefit only a niche group, rather than the broader business community.
- 71. Unless there is strong Ministerial support to back up a strategy with a detailed implementation plan and strategic investment, we note that the MAG and retail sector may be dissatisfied with the outcomes.

**Next steps**

- 72. Should you want to progress the proposals in this briefing, we will provide you with a draft Cabinet paper for your consideration.
- 73. Any proposals requiring legislative change could be progressed via a s9(2)(f)(iv)
- 74. Expected timeframes are:

s9(2)(f)(iv)	
s9(2)(f)(iv) RIS to Office	TBC
Ministerial consultation	
Cabinet paper lodged	
SOU	
Cabinet	
PCO drafting	
LEG, Cabinet, and Bill introduction	
Select Committee reports back	
Final House stages and Bill enactment	

**Recommendations**

- 75. It's recommended that you:

1. <b>Note</b> that the Ministerial Advisory Group for Victims of Retail Crime has provided you with a set of proposals to respond to antisocial behaviour in retail.	
2. <b>Agree</b> to introducing a move-on power to the Summary Offences Act 1981. If you agree to introduce move-on powers, we recommend you:	YES / NO

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3. <b>Discuss</b> with the member (Ryan Hamilton) to seek to withdraw the Member's Bill	
4. <b>Indicate</b> your preferred option(s) for move-on notices:	
4.1. Create a move-on notice that applies where a person has or is likely to commit an offence, interfere with trade or business, or breach the peace (recommended)	YES/NO
4.2. Create a move-on notice that applies where a person causes anxiety to a person entering or leaving a place (not recommended)	YES/NO
4.3. Create a move-on notice that:	
• Does not apply to youth (recommended), or	YES/NO
• Applies to youth, with a requirement for Police to take the young person home, or	YES/NO
• Applies to youth in the same way as adults (not recommended)	YES/NO
5. <b>Agree</b> to creating a new offence in the Summary Offences Act 1981 for non-compliance with a move-on notice, with a three-month maximum penalty.	
6. <b>S9(2)(f)(iv)</b>	YES / NO
7. <b>Indicate</b> whether you would like to progress the MAG's following proposals (not recommended):	
7.1. Creating criminal offences for targeting retail workers,	YES / NO
7.2. Creating a criminal offence for begging in 'relevant areas',	YES / NO
7.3. Expanding councils' powers to enforce bylaws,	YES / NO
7.4. Creating a government action plan to address antisocial behaviour.	YES / NO
8. <b>S9(2)(f)(iv)</b>	YES / NO
9. <b>Forward</b> a copy of this brief to the Minister of Police.	

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10. <b>Note</b> that we will prepare a Cabinet paper reflecting your decisions.	
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[Name of person signing the briefing]  
[Position of the person signing the briefing]

APPROVED    SEEN    NOT AGREED    APPROVED    SEEN    NOT AGREED

Delete content of this cell if briefing is  
only going to one Minister

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[Hon Firstname Lastname]  
[Minister [of or for] XXXX]  
Date / /

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[Hon Firstname Lastname]  
[Minister [of or for] XXXX]  
Date / /

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

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**From:** s9(2)(a) @police.govt.nz>  
**Sent:** Monday, 6 October 2025 11:24 am  
**To:** S9(2)(a) ; S9(2)(a)  
**Subject:** RE: [EXTERNAL] RE: Updated briefing - public disorder  
**Attachments:** WA move on orders\_LEG.pdf

Hi both

I hope the briefing is progressing through sign out all ok.

Nothing urgent from me, just thought I'd forward the WA legislation on move-on orders, noting in particular section 27A and 27B (directions and methods for giving move on orders):

- 27A allows officers to direct that a person remain in the relevant place for the notice to be served or to accompany the officer to a suitable location for the same purpose (including a Police Station).
- 27B allows for the officer to give a notice by handing it to the person, leaving it near them (when they have refused to accept it); or electronically (by consent).

s9(2)(g)(i)

Ngā mihi

s9(2)(a)

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



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[SEEMAIL]

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**From:** S9(2)(a) @justice.govt.nz>  
**Sent:** Thursday, 2 October 2025 3:17 pm  
**To:** s9(2)(a) @police.govt.nz>; S9(2)(a) @justice.govt.nz>  
**Cc:** s9(2)(a) @police.govt.nz>  
**Subject:** [EXTERNAL] RE: Updated briefing - public disorder

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Hi s9(2)(a) thanks so much for getting this to us quickly! We will work through those this afternoon.

A quick response, before we give it more thought...

- Thanks for noting your concerns with the verbal issuing. It was an idea that came from Crown Law and a discussion with our Criminal Law team about the Gangs notices and what happened when the Bill was in the House. We have also been talking to the team about the Trespass Act changes. We can think about this more and see if we want to walk it back in the brief – but we will need to land something before the Cabinet paper.
- We are keen to talk to you tomorrow about no-compliance/breach. We have a couple of thoughts and wanted to see what would work best, from your perspective. We might be able to send you through the options we were broadly considering this afternoon as we write them up.
- Re the OT point, we are going to talk to s9(2)(a) about how we get this right. Thanks for noting those points, its helpful to our conversation and our concerns with this section.

Thanks again, I really appreciate your quick work on this.

s9(2)(a)

---

**From:** s9(2)(a) <[s9\(2\)\(a\)@police.govt.nz](mailto:s9(2)(a)@police.govt.nz)>  
**Sent:** Thursday, October 2, 2025 3:06 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)>  
**Cc:** s9(2)(a) <[s9\(2\)\(a\)@police.govt.nz](mailto:s9(2)(a)@police.govt.nz)>  
**Subject:** Updated briefing - public disorder

Hi both – just a couple of quick comments on your briefing (ahead of meeting up tomorrow). I'll add them to the briefing proper and send across more formally tomorrow, but thought it would be useful for you to have a heads-up given your timeframes.

*Move-on notices*

- Verbal issuing will not suffice – you will need more than verbal issuing to provide a record e.g. in WA they have paper orders and here we could potentially have a mobile version (similar to infringements). Without evidence of some kind a verbal version couldn't be enforced - the individual could just say they were not asked to move on or didn't think they were etc.
- Section 48 of the OT Act is a Police care and protection response, it is not a youth justice response. Your point is correct s9(2)(a) that you can't really just propose to remove the consent aspect of this part of the legislation e.g the child may have valid reasons for not wanting to go home, such as it being an abusive household (in which case Police would take them to OT). Also, if you are proposing amending any part of the act you must consult with OT as the administrators. It might be more straightforward to just go with the recommendation to not include children and young people, noting instead that Police having existing Youth Aid responses to respond to children and young people.
- In terms of enforcement, a breach could result in arrest and a charge managed through the Courts or an infringement (noting the current infringement system is at capacity and an updated system required).

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)>

## Part 4 — Miscellaneous official powers and duties

### Division 1 — Move on orders

[Heading inserted: No. 33 of 2024 s. 4.]

#### 26A. Terms used

In this Division —

**approved form** means a form approved by the Commissioner of Police;

**move on order** means an order referred to in section 27(2);

**relevant place or vehicle** has the meaning given in section 27(1);

**specified** means specified by a police officer.

[Section 26A inserted: No. 33 of 2024 s. 5.]

#### 27. Suspects and others may be ordered to move on

- (1) A police officer may give a move on order to a person if the officer reasonably suspects that the person, while in a public place or in a vehicle used for public transport (the **relevant place or vehicle**) —
- (a) is doing an act —
    - (i) that involves the use of violence against a person;  
or
    - (ii) that will cause a person to use violence against another person; or
    - (iii) that will cause a person to fear violence will be used by a person against another person;
  - or
  - (b) is just about to do an act that is likely to —
    - (i) involve the use of violence against a person; or

**Criminal Investigation Act 2006****Part 4** Miscellaneous official powers and duties**Division 1** Move on orders**s. 27**

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- (ii) cause a person to use violence against another person; or
  - (iii) cause a person to fear violence will be used by a person against another person;
- or
- (c) is committing any other breach of the peace; or
  - (d) is hindering, obstructing or preventing any lawful activity that is being, or is about to be, carried out by another person; or
  - (e) intends to commit an offence; or
  - (f) has just committed or is committing an offence
- (2) A move on order may require the person to do 1 or more of the following —
- (a) to leave the relevant place or vehicle, or a specified part of the relevant place or vehicle;
  - (b) to go beyond a specified reasonable distance from the public place, or a specified part of the place;
  - (c) to stay away from the relevant place or vehicle, or a specified part of the relevant place or vehicle, for a specified reasonable period of not more than 24 hours;
  - (d) to stay a specified reasonable distance from the public place, or a specified part of the place, for a specified reasonable period of not more than 24 hours.
- (2A) The move on order must be given to the person as soon as reasonably practicable after the police officer forms the reasonable suspicion referred to in subsection (1).
- (3) When giving the move on order to the person, the police officer must take into account the likely effect of the order on the person, including, but not limited to, the following —
- (a) **the effect on the person's access to the places where the person ordinarily resides, shops and works;**

- (b) **the effect on the person's access to transport, health, education or other essential services;**
  - (c) **the effect on the person's safety and wellbeing.**
- (4) For the purpose of giving a move on order to a person whose personal details (as that term is defined in the *Criminal Investigation (Identifying People) Act 2002* section 16) are unknown to the officer, a police officer may request the person **to give the officer any or all of the person's personal details.**
- (5) If a request is made under subsection (4), the *Criminal Investigation (Identifying People) Act 2002* section 16 applies to and in relation to the request in the same way as it applies to a request made under subsection (2) of that section.
- (6) A move on order must be given to a person in an approved form.
- (7) A person is not in breach of the move on order if the person is taking reasonable steps to comply with the order.
- (8) This section does not prevent a police officer from charging a person with an offence without having exercised a power in this section.

*[Section 27 amended: No. 5 of 2008 s. 36; No. 33 of 2024 s. 6.]*

*[Section 27. Modifications to be applied in order to give effect to Cross-border Justice Act 2008: section deleted 1 Nov 2009; altered 13 Jul 2010. See endnote 1M.]*

**27A. Directions for purposes of giving move on orders**

- (1) For the purpose of giving a move on order to a person, a police officer may direct the person —
- (a) to stay in the relevant place or vehicle for as long as is reasonably necessary for the police officer to give the order to the person; or
  - (b) to accompany the police officer to a suitable location, including a police station, and to stay there for as long as

**Criminal Investigation Act 2006****Part 4** Miscellaneous official powers and duties**Division 1** Move on orders**s. 27B**

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is reasonably necessary for the police officer to give the order to the person.

- (2) For the purpose of determining a suitable location under subsection (1)(b), the police officer must take into account the **likely effect that the direction will have on the person's safety and wellbeing.**
- (3) A person must not, without reasonable excuse, refuse or fail to comply with a direction given to the person under subsection (1).  
Penalty for this subsection: a fine of \$6 000.
- (4) A person who is given a direction under subsection (1) is taken to be in lawful custody for as long as is reasonably necessary for the police officer to give the move on order to the person.

*[Section 27A inserted: No. 33 of 2024 s. 7.]*

**27B. Method of giving move on orders**

- (1) A police officer may give a move on order to a person —
  - (a) by handing it to the person; or
  - (b) if the person refuses to accept it — by leaving it near the **person and orally drawing the person's attention to it;** or
  - (c) **with the person's consent, by electronic means.**
- (2) Subsection (1)(c) does not apply to a move on order given to a person who is under 18 years of age.
- (3) The regulations may make provision for or in relation to the following —
  - (a) **the way in which a person's consent may or must be given;**
  - (b) **the circumstances in which a person's consent is taken not to be given;**
  - (c) the time at which a move on order is taken to be given;

- (d) the circumstances in which a move on order is taken not to be given.

*[Section 27B inserted: No. 33 of 2024 s. 7.]*

### **Division 2 — Miscellaneous**

*[Heading inserted: No. 33 of 2024 s. 8.]*

#### **28. Persons accompanying officers to be informed of rights**

- (1) An officer who requests a person who is not in lawful custody to accompany the officer or another officer for the purposes of assisting in the investigation of an offence must inform the person and be satisfied that the person understands —
- (a) that he or she is not under arrest; and
  - (b) that he or she does not have to accompany the officer concerned; and
  - (c) that if he or she accompanies the officer concerned, he or she is free to leave at any time unless he or she is then under arrest.
- (2) Subsection (1) does not apply to or in respect of a person to whom a requirement has been made by a police officer under —
- (a) the *Road Traffic Act 1974* section 66, 66B, 66D or 66E; or
  - (b) the *Western Australian Marine Act 1982* section 75G.

*[Section 28 amended: No. 8 of 2012 s. 78; No. 27 of 2020 s. 43; No. 31 of 2023 s. 31(2).]*



## Background on local authority bylaws and update on work to address public disorder

Hon Paul Goldsmith, Minister of Justice  
7 October 2025

### Purpose

1. This aide memoire provides:
  - 1.1. information on council bylaws to manage public disorder
  - 1.2. a preview of our work on move-on orders, and
  - 1.3. our next steps for upcoming advice.
2. On Thursday 9 October, we will provide you with advice on justice responses to public disorder, including on the Ministerial Advisory Group for Victims of Retail Crime (MAG) proposals and options to strengthen responses to antisocial behaviour. The centrepiece of that advice will be move-on powers for police.

### Current bylaws to address public disorder

3. Bylaws are provided for in the Local Government Act 2002, which is administered by the Department of Internal Affairs (DIA).
4. Several local councils have enacted bylaws addressing public safety and public order, including public nuisance. A small number of councils have enacted bylaws prohibiting begging, busking, and sleeping rough.
5. **Auckland Council's** Public Safety and Nuisance Bylaw 2013 prohibits a person from wilfully obstructing, disturbing, interfering with, alarming, distressing, intimidating, or harming any other person in their use or enjoyment of a public place. The bylaw also prohibits erecting or leaving a structure in a public place that is likely to cause a safety risk, nuisance, damage, obstruction, disturbance, or interference to the use and enjoyment of that place.
6. In 2019, Auckland Council voted to remove references to begging from the bylaw to shift focus away from those in vulnerable communities, to the behaviours required of all Aucklanders in public places.
7. **Hamilton City Council** has a Safety in Public Places Bylaw 2020 that bans "nuisance behaviour", including begging in a public place "in a manner that is likely to cause harassment, alarm, or distress to any reasonable person, or causes an unreasonable interference with the peace, comfort or convenience of any person."
8. Hamilton's bylaw also prohibits sleeping in a public place in such a way as to cause an obstruction, urinating or defecating in a public place other than a toilet, and any conduct that is likely to cause unreasonable interference with the peace, comfort, or convenience of a reasonable person in the circumstances in which it occurs.
9. **Napier City Council's** Public Places Bylaw 2021 requires permission from the council to solicit money or busk in any public place. In 2017, Police charged three beggars with breaching this bylaw, but later dropped the charges following consultation with the council, which stated they did not intend to enforce the bylaw against beggars.

Approved by: **S9(2)(a)**, Policy Manager, Criminal Justice

~~IN CONFIDENCE~~

~~IN CONFIDENCE~~

S9(2)(f)(iv)

10. In August 2024, Prime Minister Christopher Luxon announced the Local Government System Improvement Programme, which aims to ensure councils are getting back to basics to reduce the cost of living, deliver core services and infrastructure, and improve efficiency of decision making. This includes guiding council decision-making and avoiding duplication of role with central Government.
11. Local authority enforcement powers are primarily used for offences relating to building compliance, public health, the environment, and waste management, for example.
12. S9(2)(f)(iv)
13. Enabling local authorities to enforce public disorder offences requires caution given the potential for conflict or escalation. There are also risks associated with exercising greater enforcement powers without adequate supervision, training, operational policies/guidance, and tools to deliver safe law enforcement.
14. In its recent report on antisocial behaviour, the MAG proposed to promulgate regulations under the Local Government Act 2002 to enable councils to enforce bylaws addressing antisocial behaviour. However, the MAG acknowledges that councils do not want increased enforcement powers to address antisocial behaviour as local authorities do not think enforcement should be part of councils' role.

S9(2)(f)(iv)

15. S9(2)(f)(iv)

16.

17.

**Move-on orders can provide a flexible and swift response to public disorder**

18. Justice Sector Ministers have shared their concern that public disorder is a prevalent issue in city centres, undermining safe and thriving urban economies.
19. We are working with Police on advice for move-on powers that will address a current gap in legislation. The new power would provide an effective tool for Police to quickly de-escalate situations of public disorder, where the behaviour is below the threshold of criminal offending.

~~IN CONFIDENCE~~

~~IN CONFIDENCE~~

20. A move-on power for police would create a nationally consistent approach to address public disorder. Police has the necessary mandate, personnel, training, and tools to manage public disorder in a safe and consistent way, which could improve public confidence in law and order.
21. Move-on powers and the offence for breach of a move-on order would be provided for in primary legislation – Summary Offences Act 1981, which contains most low-level offences addressing various forms of disorderly behaviour.

**Next steps**

22. On Thursday 9 October, we will provide you with advice on strengthening the justice response to public disorder, including advice on move-on powers and the MAG report on antisocial behaviour in retail settings.
23. According to your direction, we will provide you with a draft Cabinet paper for your consideration on 6 November, to take to Cabinet on 8 December to meet the Government's Quarter 4 target of Cabinet decisions on addressing antisocial behaviour by the end of 2025.

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**From:** S9(2)(a)  
**To:** S9(2)(a) ; Justice PS; S9(2)(a) .parliament.govt.nz  
**Cc:** policy.correspondence@justice.govt.nz; OCE@justice.govt.nz; Purple, Folder; S9(2) ; S9(2)(a) ; Mercuri, Aida; Greaney, Caroline; S9(2)(a) ; S9(2)(a) ; S9(2)(a) ; S9(2)  
**Subject:** RE: Aide Memoire: Local authority bylaws addressing public disorder  
**Date:** Tuesday, 7 October 2025 9:15:00 am

Hi S9(2)(a)

- Law enforcement have well-developed guidelines and a range of tools to maintain public order and respond to most instances of low-level offending. In addition to general Police powers, these include criminal offences, infringements, alternative resolutions (e.g. formal warnings, diversion), and referral arrangements with social and health service providers.
- The Summary Offences Act includes offences against persons or property; intimidation, obstruction, and hindering Police; and offences resembling nuisance. Examples of provisions are set out below:

Section	Offence
3	Disorderly behaviour
4	Offensive behaviour or language
5A	Disorderly assembly
7	Fighting in a public place
9	Common Assault
11	Wilful damage
11A	Graffiti vandalism, tagging, defacing,
21	Intimidation
22	Obstructing public way
23	Resisting Police, prison, or traffic officer
27	Indecent exposure
28	Being found in a public place preparing to commit offence
30	Peeping or peering into dwelling
32	Excreting in public place
33	Billsticking
34	Throwing stones
35	Setting off or throwing fireworks
36	Lighting fires
37	Disturbing meetings
38	Drinking in a public place

- Section 42 of the Crimes Act 1961 provides that Police can arrest a person for breach of the peace, and anyone who witnesses a breach of the peace is justified in interfering and may detain any person committing it (to into the custody of a constable).

Please let me know if you need anything else.

Many thanks,

S9(2)(a)

S9(2)(a)

S9(2)(a)

s9(2)(a)

S9(2)(a) parliament.govt.nz S9(2)(a) @parliament.govt.nz  
 Cc: policy.correspondence@justice.govt.nz; OCE@justice.govt.nz; Purple, Folder  
 <Folder.Purple@justice.govt.nz>; S9(2)(a) @justice.govt.nz>; S9(2)(a)  
 @justice.govt.nz>; Mercuri, Alida <Alida.Mercuri@justice.govt.nz>; Greaney, Caroline  
 <Caroline.Greaney@justice.govt.nz>; S9(2)(a) @justice.govt.nz>; S9(2)(a)  
 @justice.govt.nz>; S9(2)(a) @justice.govt.nz>; S9(2)(a)  
 @justice.govt.nz>

**Subject:** RE: Aide Memoire: Local authority bylaws addressing public disorder

One further question from the office -

What tools/powers do Police currently have to manage public disorder? A very brief summary would be very helpful please.

Can you please send some bullet points through before 9.30 today? Thank you!!



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

Authorised by Hon Paul Goldsmith, Parliament Buildings

**From:** S9(2)(a) @parliament.govt.nz  
**Sent:** Tuesday, 7 October 2025 9:03 AM  
**To:** S9(2)(a) @justice.govt.nz>; s9(2)(a) @parliament.govt.nz>; S9(2)(a) @parliament.govt.nz>  
**Cc:** policy.correspondence@justice.govt.nz; OCE@justice.govt.nz; Purple, Folder  
 <Folder.Purple@justice.govt.nz>; S9(2)(a) @justice.govt.nz>; S9(2)(a)  
 @justice.govt.nz>; Mercuri, Alida <Alida.Mercuri@justice.govt.nz>; Greaney, Caroline  
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 @justice.govt.nz>

**Subject:** RE: Aide Memoire: Local authority bylaws addressing public disorder

Thank you! We'll let you know if the office has any further questions



S9(2)(a)  
 ary – Justice | Office of Hon Paul Goldsmith  
 Minister for Arts, Culture and Heritage  
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<@justice.govt.nz>; Mercuri, Alida <Alida.Mercuri@justice.govt.nz>; Greaney, Caroline  
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<@justice.govt.nz>

**Subject:** Aide Memoire: Local authority bylaws addressing public disorder

**IN CONFIDENCE**

Kia ora S9(2)(a)

As requested yesterday, please find attached the Aide Memoire on local authority bylaws and public disorder.

For Official Correspondence Records	
Document type:	Aide Memoire
Drafter:	S9(2)(a)
Title:	Background on local authority bylaws and update on work to address public disorder
Unit:	Criminal Justice
Team:	Law Enforcement Team
Minister:	Hon Goldsmith
Date sent:	7 October 2025
WPQ Release	TBD
Title for publication	N/A
SharePoint Link for Policy Dep Sec (Word doc only)	<input type="checkbox"/> <a href="#">20251006 AM on antisocial bylaws.pdf</a>

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  
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**From:** s9(2)(a) <[redacted]@ot.govt.nz>  
**Sent:** Wednesday, 8 October 2025 10:26 am  
**To:** s9(2)(a)  
**Cc:** s9(2)(a)  
**Subject:** RE: Update - draft briefing on public disorder

**IN CONFIDENCE**

Kia ora s9(2)(a)

Thanks for sharing the updated briefing on public disorder with us. We can see you have taken our feedback onboard.

- We note the new rec that if Ministers want move-on powers to apply to young people this should be limited to those 14 and older, not from the age of 10. We agree with your position that move-on orders not apply to young people.
- We note the fine for non-compliance with a move-on notice is proposed to be \$500 max rather than \$2,000 as proposed by the MAG and used in the last draft. This change would reduce potential negative impacts on young people if move-on powers apply to them.
- s9(2)(i)(iv)

Please keep us informed on the progress of this briefing as we will need to inform our Minister if the Minister of Justice is going to share the briefing with her.

Ngā mihi

s9(2)(a)

s9(2)(a)

Senior Policy Advisor – Oranga Tamariki – System Leadership - Policy  
Level 14, The Aupā Centre, 56 – 66 The Terrace, Wellington | PO Box 346, Wellington 6140  
T: s9(2)(a) E: s9(2)(a) [@ot.govt.nz](mailto:[redacted]@ot.govt.nz)

Oranga Tamariki



**From:** s9(2)(a) <[redacted]@justice.govt.nz>  
**Sent:** Tuesday, 7 October 2025 4:09 pm  
**To:** s9(2)(a) <[redacted]@ot.govt.nz>

Cc: s9(2)(a)

@ot.govt.nz>; s9(2)(a)

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@justice.govt.nz>

Subject: Update - draft briefing on public disorder

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,

For your awareness, please find attached an updated draft of our briefing on strengthening responses to public disorder (including advice on the Retail MAG's report on antisocial behaviours).

This work is part of the Government's Quarter 4 target to take policy decisions on options to address antisocial behaviour.

We will provide the briefing to the Minister on Thursday. Please let me know if you have any questions or comments.

Ngā mihi  
S9(2)(a)



S9(2)(a)

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

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**Sent:** Thursday, 9 October 2025 10:14 am  
**To:** S9(2)(a)  
**Cc:** s9(2)(a)  
**Subject:** RE: Update - draft briefing on public disorder  
**Attachments:** HUD feedback – Public Disorder V2.pdf, 20251007 DRAFT BR - Public Disorder v3.docx

Kia ora s9(2)(a)

Apologies for the delay.

Please find attached our comments. If you would like to discuss any of these, please let us know.

Ngā mihi,

s9(2)(a)

Senior Policy Advisor | Responding to Severe Housing Needs  
Policy Group

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

[www.hud.govt.nz](http://www.hud.govt.nz) | L8, 7WQ, 7 Waterloo Quay, Wellington 6011 | New Zealand



He kāinga ora, he hapori ora - our purpose is thriving communities where everyone has a place to call home.

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**From:** S9(2)(a) @justice.govt.nz>  
**Sent:** Wednesday, 8 October 2025 3:38 pm  
**To:** s9(2)(a) @hud.govt.nz>  
**Subject:** RE: Update - draft briefing on public disorder

Sounds great, s9(2)(a) thanks for letting me know!

---

**From:** s9(2)(a) @hud.govt.nz>  
**Sent:** Wednesday, October 8, 2025 3:37 PM  
**To:** S9(2)(a) @justice.govt.nz>  
**Subject:** RE: Update - draft briefing on public disorder

Kia ora s9(2)(a)

I am working through final edits and will have our feedback with you as soon as possible. We have kept this feedback high-level and only focussed on a few things. If it would be helpful, we are also able to chat through our thoughts.

Ngā mihi,

s9(2)(a)

[IN-CONFIDENCE]

From: S9(2)(a) <[@justice.govt.nz](mailto:s9(2)(a)@justice.govt.nz)>  
Sent: Tuesday, 7 October 2025 4:09 pm  
To: s9(2)(a) <[@hud.govt.nz](mailto:s9(2)(a)@hud.govt.nz)>  
Cc: s9(2)(a) <[@justice.govt.nz](mailto:s9(2)(a)@justice.govt.nz)>; s9(2)(a) <[@hud.govt.nz](mailto:s9(2)(a)@hud.govt.nz)>; S9(2)(a) <[@hud.govt.nz](mailto:S9(2)(a)@hud.govt.nz)>  
Subject: Update - draft briefing on public disorder

**IN CONFIDENCE**

Kia ora,

For your awareness, please find attached an updated draft of our briefing on strengthening responses to public disorder (including advice on the Retail MAG's report on antisocial behaviours).

This work is part of the Government's Quarter 4 target to take policy decisions on options to address antisocial behaviour.

We will provide the briefing to the Minister on Thursday. Please let me know if you have any questions or comments.

Ngā mihi  
S9(2)(a)



s9(2)(a)  
Policy Advisor | Criminal Justice Unit  
Ministry of Justice | Tāhū o te Ture  
Justice Centre | 19 Aitken Street | Wellington 6011

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Hon Paul Goldsmith, Minister of Justice

Hon Nicole McKee, Associate Minister of Justice

**Strengthening responses to public disorder and advice on Retail MAG proposals**

Date	9 October 2025	File reference	LEP > RETAIL CRIME > 202510 BR
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**Action sought**

**Timeframe**

<b>Agree</b> to proposals to address public disorder, including the MAG's proposals on antisocial behaviour, to deliver your Quarter 4 target.	By 13 October
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**Contacts for telephone discussion (if required)**

Name	Position	Telephone		First contact
		(work)	(a/h)	
Alida Mercuri	General Manager – Criminal Justice Unit	04 466 2091	S9(2)(a)	<input type="checkbox"/>
S9(2)(a)	Manager – Law Enforcement Policy	04 466 0723	S9(2)(a)	<input checked="" type="checkbox"/>

**Minister's office to complete**

<input type="checkbox"/> Noted <input type="checkbox"/> Approved <input type="checkbox"/> Overtaken by events <input type="checkbox"/> Referred to: _____ <input type="checkbox"/> Seen <input type="checkbox"/> Withdrawn <input type="checkbox"/> Not seen by Minister <b>Minister's office's comments</b>    
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### Purpose

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1. This briefing advises you on strengthening the justice response to public disorder, including advice on the Ministerial Advisory Group for Victims of Retail Crime (MAG) report on antisocial behaviour in retail settings.

### Key messages

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2. In September, the MAG provided you with a report (**Attachment 1**) with five proposals to address antisocial behaviour in retail settings.
3. Police has a range of tools available to manage public order and address disorderly behaviour, but there is a gap in Police powers to address instances of public disorder that are below the threshold of criminality, but which unreasonably disrupt the use and enjoyment of a public space.
4. We consider **move-on orders**, with appropriate penalties for non-compliance, would be an effective tool in supporting Police to manage public disorder and antisocial behaviour, and to improve public confidence in law and order.
5. Police, councils, and social service agencies agree that move-on orders should not be used to address survival behaviours associated with homelessness, like rough sleeping and general begging, or people experiencing mental health distress. We share this concern, noting both efficacy issues (move-on orders merely shift the concerning behaviour down the street) and the human rights impacts associated with criminalising survival behaviour.
6. **S9(2)(f)(iv)**
7. We do not recommend progressing **new offences for targeting retail workers**. Offences for the behaviours set out in the MAG report already exist within the Summary Offences Act 1981 and Crimes Act 1961. Creating additional offences for the same behaviours causes a lack of clarity in the law. It is also not clear why offending against retail workers should carry harsher penalties when workers in other sectors may experience similar behaviours.
8. We do not recommend progressing a **new offence for begging in specified areas**. The proposed ban essentially criminalises homelessness and survival behaviour. It does not distinguish between general begging and aggressive or threatening begging. We assess that such a ban on begging in specified areas would not be a justifiable limit on the rights to freedom of movement and expression under the New Zealand Bill of Rights Act 1990 (NZBORA).
9. The final two MAG proposals – **developing a government strategy** and changes to **local authority bylaws** – will have limited impact on public disorder and antisocial behaviour without significant investment. We do not recommend progressing these at this time.

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## Background

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10. You have expressed concern about disorderly behaviour in public places, including how this is impacting the business community.
11. In August 2024, we provided you with advice that move-on orders, with appropriate penalties for non-compliance, could be an effective tool in supporting Police to manage certain antisocial behaviours. You shared the advice with the MAG but did not take any decisions at that time.
12. On 8 September, the MAG provided you with a report with proposals to address antisocial behaviour in retail settings. The MAG has heard from retailers that antisocial behaviour is increasing and causing harm to retail workers and customers. The MAG's proposals include:
  - 12.1. **move-on orders** – a new tool for Police to require a person to move on to a different location if that person is behaving in an antisocial manner
  - 12.2. **bespoke criminal offences** for assaulting, threatening, or abusing retail workers
  - 12.3. **new offence banning begging** within 15 meters of a 'relevant area' (e.g. a retail store front or cash machine)
  - 12.4. **additional powers for councils** to enforce bylaws via promulgating regulations under the Local Government Act 2002, and
  - 12.5. **Government action plan** to address antisocial behaviour by 'wrapping up' the other actions into a cohesive strategy.
13. The Government's Quarter 4 Targets include that Cabinet will take decisions on options to provide more tools to address antisocial behaviour by the end of 2025. We envisage proposals in this briefing could be progressed in the 2026 legislative programme in a **s9(2)(f)(iv)**.
14. You have also told us that court timeliness is a priority and you do not want to drive more cases into the courts. We have considered your court timeliness priorities in developing this advice.

## Public disorder in New Zealand

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15. Retailers throughout the country have expressed concern over antisocial behaviour driving customers away from CBDs and affecting their businesses. There have also been anecdotal reports and perceptions of increased public disorder in city centres.
16. While there is not a legal definition of public disorder, we consider public disorder to be disorderly, intimidating, offensive, threatening, or disturbing behaviour in a public place which, in the time, place, and circumstances, is at a level beyond that which reasonable people can be expected to endure.
17. This includes behaviours that are below the threshold of criminal offending (e.g. disrupting businesses, nuisance behaviour, public intoxication).

**Commented [JC1]:** The previous draft included police data which highlighted the contrast between increased perception vs data on criminal proceedings.

Recommend adding this data back in or summarising as it provided helpful framing for perceptions vs actual offences.

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18. For this analysis, public disorder does not include protesting, picketing/trade union action, trespass, or survival behaviours associated with homelessness (e.g. rough sleeping and general begging).

Commented [JC2]: Note – HUD feedback incorporated and demonstration of clear steps taken to avoid unintentionally targeting people experiencing homelessness.

**Police and councils have powers to address most forms of public disorder, but there is scope to strengthen responses**

19. Law enforcement have well-developed guidelines and a range of tools to maintain public order and respond to most instances of low-level offending. In addition to general Police powers, these include criminal offences, council bylaws, infringements, alternative resolutions (e.g. formal warnings, diversion), and referral arrangements with social and health service providers.
20. However, there is a gap in Police powers to proactively de-escalate situations involving disorderly behaviour that falls below the criminal threshold, but that affects the enjoyment of a public space beyond that which the public should be expected to endure.

**Criminal justice responses can supplement social and health responses**

21. Social service agencies are careful not to conflate homelessness, mental health issues, and public disorder. Survival behaviours such as sleeping rough do not necessarily contribute to public disorder. Rather, actors who are not homeless are often the ones involved in criminal behaviour and public disorder.
22. We have heard from social service agencies that homelessness is best addressed through collaborative place-based approaches between councils, service providers, iwi/Māori, and relevant government agencies.
23. Social Sector Ministers have a well-developed package of initiatives to address homelessness, which is currently being delivered. You may wish to consider how to sequence the justice and social sector initiatives to enable maximum benefit.

Commented [JC3]: Interest – are you able to share data on populations involved in public disorder? This would be of great interest to us.

**Move-on powers can provide flexible, proportionate, and swift responses to public disorder**

24. The MAG's primary recommendation is to enable Police to issue move-on orders to people behaving in an antisocial manner. Similar powers exist in the UK and Australia.
25. We agree that move-on orders could be an effective tool for Police to quickly de-escalate situations of public disorder, where the behaviour is below the threshold of criminal offending.
26. If you wish to progress move-on orders, we seek a package of decisions from you in this brief so we can progress the work at pace.

Commented [JC4]: We acknowledge steps have been taken to try prevent harm to people experiencing homelessness, including clarifying homelessness as out of scope.

We are still concerned about the use of move-on orders and other tools and their potential impacts on people experiencing homelessness. We are interested in continuing to work on the proposed safeguards to ensure move-on orders do not interfere with access to support and essential services.

**Construction of move-on orders**

27. We recommend that move-on orders:

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- 27.1. are issued by Police to an individual
  - 27.2. are issued on the spot
  - 27.3. require the individual to 'move on' from a specific area for up to 24 hours
  - 27.4. require the individual to go a specified distance away from the area, and
  - 27.5. require Police to inform the person of the conditions of the order and the penalty for noncompliance.
28. Move-on powers and the offence for breach of an order could be provided for in the Summary Offences Act 1981, which houses most low-level offences addressing various forms of disorderly behaviour.

**We suggest changes to the MAG's proposal**

29. Overall, the MAG's proposal for move-on orders is workable, but we recommend modifications to:
- 29.1. the threshold for issuing move-on orders
  - 29.2. the behaviour covered by move-on orders
  - 29.3. the application of move-on orders to youth, and
  - 29.4. the penalty for noncompliance with a move-on order.

*Recommended modifications to the behaviour covered by move-on orders*

30. We recommend some changes to the MAG's proposal for when a move-on order could be issued.

Ministry's proposal	MAG's proposal
<p>Reasonable grounds to believe that, in a public place:</p> <ul style="list-style-type: none"> <li>• The person is or has been behaving in a disorderly, intimidating, offensive, threatening, or disturbing manner</li> <li>• The person is or has been interfering with trade or business by unnecessarily obstructing, hindering, or impeding someone entering or leaving a place</li> <li>• A breach of the peace has occurred or is occurring</li> </ul>	<p>Reasonable grounds to suspect that a person's behaviour is, has, or is likely to:</p> <ul style="list-style-type: none"> <li>• Cause anxiety to a person entering, at, or leaving a place, reasonably arising in all the circumstances</li> <li>• Be disorderly, indecent, intimidating, offensive, or threatening to someone entering, at, or leaving a place</li> <li>• Interfere with trade or business at or proximate to a place by unnecessarily obstructing, hindering, or impeding someone entering, at, or leaving the place</li> <li>• Disrupt the peaceable and orderly conduct of any event, entertainment, or gathering at a place</li> </ul>

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31. Our proposal:
- 31.1. targets behaviour that has recently occurred or is occurring, as opposed to requiring officers to predict behaviour that is "likely" to occur
  - 31.2. focuses on the behaviour of the person being moved on, and not the feelings of the public (in line with current Policing practice)
  - 31.3. expands move-on orders to behaviour occurring in all public places, and not solely entrances to businesses, and
  - 31.4. includes any breach of the peace occurring in public, and not solely to the disruption of events or gatherings.
32. We recommend that the threshold for issuing a move-on order is where an officer has formed a reasonable belief that public disorder has occurred, rather than a reasonable suspicion. This standard requires a higher degree of certainty which will ensure orders are only issued where there is an actual belief that public disorder occurred, as opposed to a mere possibility.
33. We recommend move-on orders apply to behaviour that has recently occurred or is occurring, and not to behaviour that is "likely" to occur. The MAG's proposal to include behaviour that is likely to occur is highly subjective and would require frontline officers to predict future behaviour. This risks operational inconsistency and unjustified limitations on civil liberties.
34. We recommend that move-on orders do not apply where a person's behaviour causes anxiety to someone, as suggested by the MAG. Move-on powers should be focused on the behaviour of the person being moved on, and not on the emotional state of those around the person. This would remove the requirement for Police to make a determination about the impact of one person's behaviour on another, which is highly subjective.
35. We recommend move-on orders should apply to behaviour occurring in public places only, rather than where someone is "entering, at, or leaving a place", as proposed by the MAG. Trespass laws apply where disorderly behaviour occurs inside a private place, like a shop.
36. We recommend that move-on orders apply to all breaches of peace occurring in public places, rather than being limited to disruptions to events, entertainment, or gatherings.

*Options for applying move-on orders to youth*

37. The MAG proposes that move-on orders apply to children and young people 10 years of age and older. The MAG also suggests that contact should be made with a caregiver and a referral to youth services where appropriate.
38. We do not recommend that move-on orders apply to children and young people under the age of 18 years.

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39. Police has existing responses for children and young people, including delivering them into the custody of a parent or guardian, that achieve the same purpose as move-on powers and are more appropriate for children and young people. Where there is ongoing public disorder by a child or young person, a referral can be made to a Police Youth Aid or a report of concern made to Oranga Tamariki.
40. Move-on orders would require the person to vacate a specific area and, for children and young people, may result in them being required to leave their residential area with limited ability to return home. For children in particular, issuing move-on orders could be seen as Police leaving a child without reasonable provision for supervision and care for the child.<sup>1</sup>
41. If you wish for Police to apply move-on powers to youth, we recommend that move-on orders apply only to young people aged 14 and older (and not to children under 14).
42. Alternatively, if you wish Police to have move-on powers in relation to children and young people (ages 10 and up), we suggest adding to the existing take-home powers in the Oranga Tamariki Act 1989. This could, for example, require an officer to deliver the child or young person into the custody of a parent or guardian where they have engaged in behaviour that meets the threshold for move-on orders, instead of moving them on unaccompanied. Requiring Police to take a child or young person home carries less risk of Police being held liable for failing to make reasonable provision for the supervision of a child.
43. If you would like move-on powers to apply to youth, we could provide you with further policy advice before seeking Cabinet decisions.
44. Police and Oranga Tamariki agree that move-on orders should not apply to children and young people.

*Recommended penalty for breaching a move-on order*

45. The MAG proposes the penalty for noncompliance with a move-on order could be a maximum fine of \$2,000 or up to three months' imprisonment. This penalty would align with the penalty for breaching a trespass notice under the Trespass Act 1980.
46. Creating a criminal offence for the breach of move-on orders risks increasing pressure on the courts by bringing people into the criminal justice system for engaging in behaviour that is below the threshold of criminality. Move-on orders have been shown to have a net-widening effect in other jurisdictions.<sup>2</sup> There is also risk that high fines for breaches could go unpaid, particularly where individuals who are homeless breach move-on orders because they have no other place to go.

<sup>1</sup> It is an offence under section 10B of the Summary Offences Act 1981 for a parent, guardian or person for the time being having the care of a child under 14 years old to leave that child without making reasonable provision for the supervision and care of the child, for a time that is unreasonable or under conditions that are unreasonable having regard to all the circumstances.

<sup>2</sup> Move-on powers. New paradigms of public order policing in Queensland, 2011; Governing through anti-social behaviour: regulatory challenges to criminal justice, 2009.

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47. We recommend that noncompliance with a move-on order be an infringement offence that carries a fee of \$500. This is a more proportionate penalty for breaching a move-on order, which responds to behaviour that is below the threshold of criminality. This proposed penalty also reflects that move-on orders are a lower-level tool than trespass with a significantly shorter timeframe for exclusion from a place.

Ministry's proposal	The MAG's proposal
<ul style="list-style-type: none"> <li>Infringement offence with a \$500 fee</li> </ul>	<ul style="list-style-type: none"> <li>Maximum penalty of \$2,000 fine or up to three months' imprisonment</li> </ul>

48. In general, Police do not have arrest powers for infringement offences or non-imprisonable offences. To ensure Police are able to enforce breaches of move-on orders, we recommend creating a power for Police to use reasonable force as necessary to move the person out of the specified area and temporarily detain the person for the time necessary to issue the infringement notice. This would align with the amendments to the Policing Act 2008 that were recently agreed by Cabinet, to provide Police with a power to use reasonable force when enforcing noncompliance with road closures.<sup>3</sup>
49. We note that Police is currently developing a replacement infringement system necessary for Police to issue new infringements.
50. If you were to create a criminal offence for breach of a move-on order, we recommend a non-imprisonable offence with a maximum fine of \$1,000. Because move-on orders target behaviour that is below the level of criminality, they have the potential to capture a large volume of the population. Penalising noncompliance with terms of imprisonment could put pressure on the prison population.

*There are operational logistics that need to be worked through*

51. We will work with Police to determine the logistics of issuing and policing move-on orders to ensure workability, including:
- 51.1. Service of move-on orders
  - 51.2. Geographic parameters of move-on orders
  - 51.3. Avenue to contest orders, if necessary
52. We will seek further decisions from you on the design elements of move-on orders ahead of taking a paper to Cabinet.

***There are some concerns and risks with move-on powers***

53. Move-on orders are a Police-imposed discretionary action that would, unless breached, avoid judicial intervention. 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

<sup>3</sup> CAB-25-MIN-0333 refers.

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committed. These powers are likely to engage freedom of expression and movement under NZBORA.

- 54. We note the risk that move-on orders will simply shift concerning behaviour down the street. There is limited evidence of the efficacy of move-on laws in Australia and the UK, as studies have found there is no empirical evidence to show that move-on powers result in reductions in crime rates.<sup>4</sup>
- 55. MSD and HUD are concerned that move-on orders will target vulnerable groups, like the homeless. Reports show disproportionate application of move-on powers in Australia against persons who are homeless, Indigenous, young, or mentally ill.<sup>5</sup> We recommend that orders only be applied to behaviour amounting to public disorder, and not as a tool to move rough sleepers or people who appear undesirable.

*Proposed safeguards for move-on orders to mitigate concerns*

- 56. Move-on orders should include robust safeguards to address the identified concerns and risks, particularly to ensure they are reasonably and consistently used, and that any intrusion on civil rights and freedoms is demonstrably justified. We recommend the following safeguards be implemented alongside move-on powers:
  - 56.1. Orders should be issued for the minimum amount of time necessary to resolve the disorderly behaviour (and no longer than 24 hours).
  - 56.2. Orders should require a person move-on from the minimum area that is reasonably necessary to resolve the situation.
  - 56.3. Upon issuing an order, Police should be required to warn the person that it is an offence to breach a move-on order, unless they have a reasonable excuse.
  - 56.4. Orders should not apply to lawful protests, pickets, or trade union action.
- 57. We recommend Police operational guidelines include:
  - 57.1. Police consider in the circumstances whether issuing a move-on order would interfere with access to support and essential services.
  - 57.2. Police consider whether a referral to relevant support services should accompany a move-on order.
  - 57.3. Orders should not be used to effectively criminalise homelessness or those who appear undesirable.
  - 57.4. Mechanisms for operational oversight, monitoring, and reporting on the use of the power.

**Commented [JC5]:** In alignment with homelessness being out of scope, we would like you to please consider adding the following:

- Orders should not apply to survival behaviours associated with homelessness (i.e. an exemption in alignment with the out of scope definition).
- Adding a review on the effect on homelessness by move-on orders (A similar review was outlined in S45a of the Self-Contained Motor Vehicles Legislation Act 2023).

**Commented [JC6]:** We suggest moving this from operational guidelines to up above as a robust safeguard.

Recommend strengthening and expanding this safeguard to: Police should not issue a move-on order that would interfere with access to support, essential services, or where people live.

(For example, HomeGround is located in the Auckland CBD. Preventing people from accessing their home/accommodation could contribute to homelessness (even if temporary).

**Commented [JC7]:** As above, recommend moving this from operational guidelines to up above as a robust safeguard.

<sup>4</sup> All the right moves? Police 'move-on' powers in Victoria, 2009.

<sup>5</sup> Police move-on powers: A CMC review of their use, 2010.

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Recommendations	Hon Paul Goldsmith	Hon Nicole McKee
1. <b>Agree</b> to establish a framework for move-on powers in the Summary Offences Act 1981.	YES / NO	YES / NO
2. <b>Agree</b> that move-on orders:		
2.1. are issued by Police to an individual,		
2.2. are issued on the spot,		
2.3. require the individual to 'move on' from a specific public place for up to 24 hours,	YES / NO	YES / NO
2.4. require the individual to go a specified distance away from the area, AND		
2.5. require Police to inform the person of the conditions of the order and the penalty for noncompliance.		
3. <b>Agree</b> that the threshold for issuing a move-on order will be:		
3.1. reasonable grounds to <u>believe</u> that specific behaviour has occurred ( <i>recommended</i> ) OR	YES / NO	YES / NO
3.2. reasonable grounds to <u>suspect</u> that specific behaviour has occurred. ( <i>not recommended</i> )	YES / NO	YES / NO
4. <b>Agree</b> that move-on orders apply to behaviour that is:		
4.1. occurring or has occurred in a public place,		
4.2. disorderly, intimidating, offensive, threatening, or disturbing,	YES / NO	YES / NO
4.3. interfering with trade or business by unnecessarily obstructing, hindering, or impeding someone entering or leaving a place, AND		
4.4. a breach of the peace in any public place. <i>(substantively aligns with the MAG)</i>		
5. <b>Agree</b> that move-on orders would not apply where a person's behaviour is causing or has caused anxiety to a person ( <i>recommended</i> )	YES / NO	YES / NO
6. <b>Agree</b> that move-on orders would not apply to individuals participating in lawful protest, picketing, or trade union action. ( <i>recommended</i> )	YES / NO	YES / NO

**Commented [JC8]:** Recommend adding or expanding recommendations to reflect the inclusion of homelessness in the out of scope definition.

For example, move-on orders would not apply to survival behaviours associated with homelessness (e.g. rough sleeping and general begging).

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7.	<b>Agree</b> that move on orders:		
7.1.	do not apply to children and young people (recommended), OR	YES / NO	YES / NO
7.2.	apply to young people 14 years or older (not recommended), OR	YES / NO	YES / NO
7.3.	apply to children and young people aged 10 or older with a requirement for Police to deliver the child or young person into the custody of a caregiver or to contact youth services. (not recommended)	YES / NO	YES / NO
8.	<b>Note</b> that if you agree to 7.3 it will require amending the Oranga Tamariki Act 1989.		
9.	<b>Discuss</b> the application of move-on orders to children and young people with the Minister for Children.	YES / NO	YES / NO
10.	<b>Agree</b> that breach of a move-on order is:		
10.1.	an infringement offence with a \$500 fee (recommended), OR	YES / NO	YES / NO
10.2.	a criminal offence with a maximum fine of \$1,000, OR	YES / NO	YES / NO
10.3.	a criminal offence with a maximum fine of \$2,000 or up to three months' imprisonment. (not recommended)	YES / NO	YES / NO
11.	If you agreed to recommendation 10.1 or 10.2, <b>agree</b> to create a power for Police to use reasonable force as necessary to move people on once they have breached an order and to temporarily detain the person for the time necessary to issue the infringement notice.	YES / NO	YES / NO
12.	<b>Note</b> that we will seek final policy decisions on service of move-on orders, geographic parameters of move-on orders, and avenues to contest move-on orders before you take decisions to Cabinet.		
13.	<b>Agree</b> to the recommended safeguards, at paragraphs 56 and 57, to mitigate concerns and ensure the reasonable and consistent use of move-on orders.	YES / NO	YES / NO

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S9(2)(f)(iv)

**The MAG's proposals for new criminal offences would duplicate existing offences**

68. As discussed above, the Ministry recommends progressing the MAG's primary proposal to create move-on powers to address antisocial and disorderly behaviour.
69. We do not recommend progressing the MAG's proposals for:
- new criminal offences for targeting retail workers
  - a ban on begging around 'relevant areas'

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**New offences for assaulting and threatening or abusing a retail worker**

- 70. The MAG proposes to introduce two new criminal offences into the Crimes Act 1961: assaulting a retail worker and threatening or abusing a retail worker. The MAG also proposes to introduce aggravated offences where a retail worker is assaulted, threatened, or abused while enforcing a restriction on the sale of products (such as an illegal sale of alcohol). The aggravated offences would attract a harsher penalty.
- 71. We do not recommend progressing this proposal because criminal offences for these behaviours already exist 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.<sup>7</sup>
- 72. The MAG has not identified a gap in the law in relation to charging offenders for assaults, threats, or abuse of retail workers. It states that current laws do not recognise the "unique context and aggravating factors" of the retail environment, as workers are often perceived as young, vulnerable, and in a low-status profession.
- 73. Factors including the age and particular vulnerability of a victim can already be considered at sentencing under section 9 of the Sentencing Act 2002, which provides that courts may take into account certain aggravating or mitigating factors.<sup>8</sup>
- 74. We note that Cabinet has recently agreed to criminal offences for violence against first responders. However, first responders are distinguishable from retail workers in that they hold a special public duty and are crucial to community safety, justifying greater consequences for violence against them. It is not clear why there should be harsher punishments for offences against retail workers when other sectors may experience similar behaviour, such as medical professionals and service providers.
- 75. We have heard from Police that providing additional charging options for the same behaviour is not helpful and can cause a lack of clarity in the law. If you choose to progress other proposals, such as move-on powers, this can achieve the MAG's goal to signify to the public that targeting retail shops and workers will be met with swift consequences.
- 76. Should you wish to progress the proposed offences, we could provide you with further advice in November as part of finalising your Cabinet paper. This may impact the timeframe for a s9(2)(f)(iv)

Recommendations	Hon Paul Goldsmith	Hon Nicole McKee
15. <b>Agree:</b>	YES / NO	YES / NO
15.1. not to progress the MAG's proposal to create criminal offences for assaulting, threatening, or abusing retail workers ( <i>recommended</i> ) OR		

<sup>7</sup> See, e.g., section 9 of the Summary Offences Act 1981 and section 188 of the Crimes Act 1961.

<sup>8</sup> See sections 9(1)(g) and 9(4) of the Sentencing Act 2002.

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15.2. that we provide further advice on the MAG's proposal to create criminal offences for assaulting, threatening, or abusing retail workers. <i>(not recommended)</i>	YES / NO	YES / NO
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**Implementing a ban on begging around 'relevant areas'**

- 77. The MAG also proposes to introduce a new offence to the Summary Offences Act 1981 for begging within 15 metres of a 'relevant area' (e.g. a retail store entrance or cash machine). The MAG suggests that 'relevant area' could be defined by regulation.
- 78. We do not recommend progressing this proposal. The proposed ban risks essentially criminalising homelessness and survival behaviour. It does not distinguish between general begging (e.g. sitting peacefully with a sign or collection dish) and aggressive or threatening begging.
- 79. The MAG claims that "begging in front of a store front can be regarded as aggressive and intimidating, especially where the beggar is right next to the entrance." While begging near a store front can make people feel uncomfortable, a criminal offence would not be a proportionate response to the behaviour the MAG proposes to capture.
- 80. Police is also concerned that this proposal would shift Police's operational responses away from addressing criminal behaviour and into policing behaviour that does not warrant a criminal justice response. Police advises that move-on orders, if progressed, could be a more effective tool to address instances of aggressive begging or unreasonable intrusion into the footpath or entryway to a retail space.
- 81. We also note that there are existing criminal offences for aggressive or intimidating behaviour which, along with move-on orders, can address begging behaviour that is reasonably regarded as aggressive or intimidating. Introducing a new offence for begging in 'relevant areas' has the potential to drive more cases into the courts.
- 82. There is also risk that banning begging from retail spaces will shift beggars to other high-traffic areas, such as schools, transport hubs, public parks, and outside of libraries and community centres.
- 83. Finally, we assess that such a ban would not be a justifiable limit on rights and freedoms, particularly the rights to freedom of movement and freedom of expression under NZBORA.
- 84. Should you wish to progress the proposal, we could provide you with further advice in November as part of finalising your Cabinet paper. This may impact the timeframe for a **s9(2)(f)(iv)**

IN CONFIDENCE

IN CONFIDENCE

Recommendations	Hon Paul Goldsmith	Hon Nicole McKee
16. <b>Agree:</b>		
16.1. not to progress the MAG's proposal to create a criminal offence for begging in 'relevant areas' ( <i>recommended</i> ) OR	YES / NO	YES / NO
16.2. that we provide further advice on the MAG's proposal to create a criminal offence for begging in 'relevant areas'. ( <i>not recommended</i> )	YES / NO	YES / NO

**The MAG's final two proposals will have limited impact**

85. You could progress the MAG's two remaining proposals, but there may be limited value in doing so and there are considerations that you will need to factor in. The two remaining proposals are:

- additional powers for councils to enforce bylaws
- a government action plan or strategy to address antisocial behaviour

**Additional powers for councils to enforce bylaws**

86. The MAG proposes to promulgate regulations under the Local Government Act 2002 to enable councils to enforce bylaws addressing antisocial behaviour.

S9(2)(f)(iv)

87. The MAG acknowledges that councils do not want increased enforcement powers to address antisocial behaviour as local authorities do not think additional enforcement should be part of councils' role. DIA confirmed that councils do not want these powers and advised that councils see move-on orders for Police as a more suitable tool to address public disorder issues.

88. Local authority enforcement powers are primarily applicable to offences relating to building compliance, public health, the environment, and waste management, for example. There has been limited inclusion of public order offences in bylaws. Enabling local authorities to enforce public disorder offences requires caution given the potential for conflict or escalation.

S9(2)(f)(iv)

IN CONFIDENCE

IN CONFIDENCE

S9(2)(f)(iv)

Recommendations	Hon Paul Goldsmith	Hon Nicole McKee
17. Agree:		
17.1. not to progress the MAG's proposal to expand councils' powers to enforce bylaws <i>(recommended)</i> AND / OR	YES / NO	YES / NO
17.2. S9(2)(f)(iv) [REDACTED]	YES / NO	YES / NO

**Government action plan and investment strategy**

- 89. The MAG's final proposal is for the Government to commit to issuing a strategy or action plan to address antisocial behaviour in retail, alongside a strategic investment plan.
- 90. We see merit in MAG's recommendation to invest in evidence-based holistic crime prevention and initiatives to address the drivers of antisocial behaviour, including through additional resources for social services. Criminal justice responses alone will not solve the challenges with crime and antisocial behaviour in the retail sector.
- 91. You could choose to progress a government action plan, but achieving long-term results may be resource intensive. We note there may be limited value in progressing this initiative because:
  - 91.1. the proposed strategy/plan for antisocial behaviour in retail setting is narrow, and focuses on a niche problem and group
  - 91.2. to be effective, a strategy or action plan would require dedicated investment on an ongoing basis from across the social and justice sectors, and

<sup>9</sup> In August 2024 the Prime Minister announced the Local Government System Improvements programme. Its aim is to ensure councils are getting back to basics to reduce the cost of living, deliver core services and infrastructure, and improve efficiency of decision making. This includes guiding council decision-making and avoiding duplication of role with central Government.

IN CONFIDENCE

IN CONFIDENCE

91.3. unless there is strong ministerial support to back up a strategy/plan with a detailed implementation plan and strategic investment, the MAG and the retail sector may be dissatisfied with the outcomes.

Recommendation	Hon Paul Goldsmith	Hon Nicole McKee
18. <b>Agree</b>		
18.1. not to progress the MAG's proposal to commit to issuing a strategy or action plan to address antisocial behaviour in retail ( <i>recommended</i> ) OR	YES / NO	YES / NO
18.2. to discuss with officials how you would like to progress a strategy or action plan.	YES / NO	YES / NO

**Next steps**

- 92. According to your direction on the proposals in this briefing, we will provide you with a draft Cabinet paper for your consideration.
- 93. The timeline below reflects achievable dates for progressing move-on orders as part of the Government's Quarter 4 target to seek Cabinet decisions on tools to address antisocial behaviour by the end of the year. If you choose to progress additional proposals in this paper, those proposals would be placed on a longer timeline.
- 94. We envisage proposals in this briefing could be progressed in the 2026 legislative programme in a s9(2)(f)(iv) . If you would like to progress a more comprehensive package of proposals, we would reevaluate the timeframe provided below, bearing in mind your Q4 target.

Milestones	Dates
Cabinet paper and RIS to Office	Thursday 6 November 2025
Ministerial consultation	Wednesday 12 – Tuesday 25 November 2025
Cabinet paper lodged	Thursday 27 November 2025
SOU	Wednesday 3 December 2025
Cabinet S9(2)(f)(iv)	Monday 8 December 2025

**Recommendations**

- 95. In addition to the recommendations above, it is recommended that you:

IN CONFIDENCE

19. **Forward** a copy of this brief to the Minister of Police and Minister for Children.
20. **Note** that we will prepare a Cabinet paper reflecting your decisions.

**Attachments:** Ministerial Advisory Group for Victims of Retail Crime report, *Addressing Anti-Social Behaviour in Retail*

DRAFT

Released under the Official Information Act 1982

IN CONFIDENCE

IN CONFIDENCE

S9(2)(f)(iv)

Released under the Official Information Act 1982

IN CONFIDENCE

## HUD feedback – Public Disorder V2

### ***Public disorder in New Zealand – defining what is and isn't in scope***

- We acknowledge and appreciate the clarification that homelessness is out of scope and cannot be considered an anti-social or public disorder behaviour in and of itself.
- Para 21 outlines that actors who are not homeless are often the ones involved in criminal behaviour and public disorder. If possible, we would be interested in seeing data on who is engaging in these behaviours, which is of great interest to us.

### ***Move-on orders***

- We acknowledge and appreciate the steps taken to incorporate our feedback.
- However, we are still concerned about the use of move-on orders and other tools and their potential impacts on people experiencing homelessness.
- We are interested in continuing to work with you on the proposed safeguards to ensure move-on orders do not interfere with access to support, essential services, or where people live.
- We have recommended including where people live as there could be a risk of contributing to homelessness (albeit potentially temporary). For example, HomeGround is located in the Auckland CBD.
- The Self-Contained Motor Vehicles Legislation Act 2023 provides a strong example of creating an exemption for those that are experiencing homelessness. It also mandated a review on the effect of homelessness by this regulation. Information can be found here at Section 45A: [45A - Review of effect on homelessness](#).

In alignment with homelessness being out of scope, we would like you to please consider the following changes:

#### Safeguards:

- adding the following safeguard - orders should not apply to survival behaviours associated with homelessness (i.e. an exemption in alignment with the out of scope definition).
- adding a review on the effect on homelessness by move-on orders.

Moving the following operational guidelines to robust safeguards (with some edits):

- Police should not issue a move-on order that would interfere with access to support, essential services, or where people live.
- Orders should not be used to effectively criminalise homelessness or those who appear undesirable.

#### Recommendations:

- we recommend adding or incorporating a specific recommendation on homelessness being out of scope (in alignment with definition). For example, move-on orders would not apply to survival behaviours associated with homelessness (e.g. rough sleeping and general begging).

s9(2)(f)(iv)

s9(2)(f)(iv)

Released under the Official Information Act 1982

## Item 2c: Justice responses to public disorder

Justice Sector Ministers Meeting

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Date: 15 October 2025

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Security classification: ~~In Confidence~~

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### Purpose

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1. This note supports a discussion between justice and social sector Ministers on public disorder. It relates to the Government's Quarter 4 target of Cabinet decisions on tools to address antisocial behaviour by the end of 2025.
2. It provides information on proposals that Minister of Justice Hon. Paul Goldsmith intends to take to Cabinet to:
  - a. establish move-on powers for Police to use, and
  - b. introduce a ban for begging in "relevant areas".
3. Ministers Hon Chris Bishop (Housing), Hon Tama Potaka (Associate Minister of Housing (Social Housing), and Hon Louise Upston (Social Development and Employment) have been invited to attend this item.

### Public disorder in New Zealand

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*There are concerns that disorderly behaviour in urban areas is affecting businesses*

4. Retailers throughout the country have expressed concern over antisocial behaviour driving customers away from CBDs and affecting their businesses. There is a perception that public disorder is a prevalent issue in city centres, undermining safe and thriving urban economies.
5. A recent Heart of the City business survey that was released in the media on 6 October assessed business sentiment in Auckland central city in September 2025. The survey received 102 respondents, primarily from the Queen Street area, who raised issues about cleanliness, enforcement of bylaws and the visibility of homelessness, and antisocial behaviour. 91% of respondents said people sleeping and begging nearby is affecting their business.

*Police and councils have powers to address most forms of public disorder*

6. There are a range of offences in the Summary Offences Act 1981 that criminalise public order related behaviours, for example, disorderly behaviour, offensive behaviour or language, intimidation, obstructing a public way, excreting in a public place, and indecent exposure.
7. However, there is a gap in Police powers to proactively de-escalate situations involving disorderly behaviour below the criminal threshold, but that affects the enjoyment of a public space beyond that which the public should be expected to endure.
8. In terms of general begging behaviours, there are no specific laws at the national level. However, there are existing criminal offences for aggressive or intimidating behaviour

which, along with move-on orders, can be used to address begging behaviour of that nature. A small number of councils have previously enacted and repealed various bylaws prohibiting begging, busking, and sleeping rough.

### **Justice responses to public disorder**

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9. The Ministerial Advisory Group for Victims of Retail Crime (MAG) provided the Minister of Justice with proposals to address antisocial behaviour, including on move-on orders and a ban on begging, that informed the Minister's recent decisions.

#### *Move-on powers for Police*

10. The Minister of Justice will take to Cabinet a proposal to establish a framework for move-on powers in the Summary Offences Act 1981. The power would enable Police to deal with immediate issues that do not amount to criminal offending, and would be aimed at behaviour that is:
- disorderly, intimidating, offensive, threatening, disturbing
  - interferes with trade or business by unnecessarily obstructing, hindering, or impeding someone entering or leaving a place
  - obstructs a public way (including footpaths), and
  - a breach of the peace.
11. Moving people on for a maximum of 24 hours can de-escalate public disorder as it is taking place. The key elements of the move-on order are that it:
- can be issued for up to 24 hours
  - apply to public places, and areas within view of a public place
  - apply to young people aged 14 years or older, and
  - includes a penalty for non-compliance with an order will be a criminal offence with a maximum fine of \$2,000 or up to three months' imprisonment.

#### *Ban on begging in relevant areas*

12. The Minister of Justice will take to Cabinet a proposal to ban begging in "relevant areas", to address some of the concerns around public disorder having a negative effect on city centres.
13. Officials at the Ministry of Justice are working with relevant agencies to prepare advice on what may constitute a "relevant area", with consideration of operational workability, and appropriate rights and freedoms. The advice will also include possible penalties for breaching a begging ban, including a criminal offence.

### **Next Steps**

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14. Hon Goldsmith intends to take a paper to Cabinet as soon as practicable to meet the Government's Quarter 4 target of Cabinet decisions on tools to address antisocial behaviour by the end of 2025.

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**From:** s9(2)(a) @police.govt.nz>  
**Sent:** Monday, 20 October 2025 9:04 pm  
**To:** S9(2)(a) s9(2)(a)  
**Cc:** S9(2)(a)  
**Subject:** Re: [EXTERNAL] Service of move-on orders

Hi there

I discussed this with frontline PSU officers and they suggested two things relevant to these points

s9(2)(g)(i)

hope this helps, apologies for late reply as I'm on the road in Taranaki this week.

Ngā mihi

s9(2)(a)

Inspector

Manager: Alcohol Harm Prevention  
Community Partnerships and Prevention

Police National Headquarters,  
180 Molesworth Street, Thorndon

PO Box 3017, Wellington 6011

M+ s9(2)(a) s9(2)(a) @police.govt.nz

Safer Communities Together

---

**From:** S9(2)(a) @justice.govt.nz>  
**Sent:** Monday, October 20, 2025 5:12:51 PM  
**To:** s9(2)(a) @police.govt.nz>; s9(2)(a) @police.govt.nz>; s9(2)(a) @police.govt.nz>  
**Cc:** S9(2)(a) @justice.govt.nz>  
**Subject:** RE: [EXTERNAL] Service of move-on orders

Thank you, s9(2)(a) that's helpful.

Our concern is that the person being issued the order would have no record of the order or its conditions, since it would only exist in NIA (where they do not give consent to have it emailed). Since the penalty for breach of an order is so high we think providing the person with a physical form (or email) on the spot would decrease the risk of noncompliance as well as future legal challenges.

We are aiming to share a draft of the briefing on Wednesday for agency feedback.

Ngā mihi  
s9(2)(a)

---

**From:** s9(2)(a) @police.govt.nz>  
**Sent:** Monday, October 20, 2025 12:22 PM  
**To:** s9(2)(a) @justice.govt.nz>; s9(2)(a) @police.govt.nz>; s9(2)(a) @police.govt.nz>  
**Cc:** s9(2)(a) @justice.govt.nz>  
**Subject:** RE: [EXTERNAL] Service of move-on orders

Kia ora and thanks for checking in on this.

Our view was that verbal service would not be sufficient for move-on orders – both for operational and evidential reasons. Operationally, shift staff need something to record the existence of move-on notice and how long it is in place. Evidential sufficiency would be unlikely to be met without there being some record of the details, date of issue, who it is issued to, time and boundaries of the order.

In terms of the delivery mechanism:

- We talked about the WA legislation having a *with consent* option for delivery by email/electronically – the notice would be deemed served as soon as sent.
- s9(2)(f)(iv)

s9(2)(f)(iv)

s9(2)(a) do you have anything to add?

Ngā mihi  
s9(2)(a)

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



**Document 47**

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**From:** S9(2)(a) <[redacted]@justice.govt.nz>  
**Sent:** Monday, 20 October 2025 12:01 pm  
**To:** s9(2)(a) <[redacted]@police.govt.nz>  
**Cc:** S9(2)(a) <[redacted]@justice.govt.nz>  
**Subject:** [EXTERNAL] Service of move-on orders

**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.

Kia ora s9(2)(a)

I have a couple follow-up questions from our discussion last week on service of move-on orders. We spoke about how verbal service of move-on orders would be the more feasible option given the short timeframe that orders are in place.

In the process of drafting our advice it has come to our attention that verbal service of move-on orders may not be the best option since the penalty for breach of an order is quite serious (category 2 offence, max \$2,000 or 3 months' imprisonment). Our thinking is that it would be preferable for a person being issued a move-on order to have some physical notice of the order and its conditions, given the consequence for breach of the order is so significant. A physical order may also be preferable given move-on orders could be issued to people who are young (ages 14+) or intoxicated, so may not fully understand the conditions of an order.

We are trying to figure out whether it is operationally possible for move-on orders to be issued in writing, on-the-spot. Because move-on orders are in place for such a short timeframe, we do not think that delayed service of orders would be appropriate (via the post). We have a few specific questions:

1. Is it feasible for constables to have a physical form to give the person being issued a move-on order, on-the-spot?
2. If move-on orders could be served via email, could the email be sent on-the-spot, or would it need to be sent later?

Please let me know if you have any questions or would like to discuss.

Thank you, as always, for your help!

S9(2)(a)



S9(2)(a)

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

**From:** S9(2)(a)  
**Sent:** Monday, 20 October 2025 2:08 pm  
**To:** S9(2)(a)  
**Cc:** policy.correspondence@justice.govt.nz; OCE@justice.govt.nz; Purple, Folder; s9(2)(a) Greaney, Caroline; Mercuri, Alida; S9(2)(a) S9(2)(a) ; S9(2)(a) ; S9(2)(a) ; S9(2)(a) ; S9(2)(a) ; Justice PS; S9(2)(a)  
**Subject:** RE: Briefing: Strengthening responses to public disorder and advice on Retail MAG proposals  
**Attachments:** Decisions table - public disorder.docx

Kia ora S9(2)(a)

Please find the attached table of decisions on the public disorder briefing.

Ngā mihi  
S9(2)(a)

---

**From:** S9(2)(a) @parliament.govt.nz  
**Sent:** Thursday, October 16, 2025 12:18 PM  
**To:** S9(2)(a) @justice.govt.nz; S9(2)(a) @justice.govt.nz  
**Cc:** policy.correspondence@justice.govt.nz; OCE@justice.govt.nz; Purple, Folder <Folder.Purple@justice.govt.nz>; S9(2)(a) parliament.govt.nz S9(2)(a) @parliament.govt.nz; Greaney, Caroline <Caroline.Greaney@justice.govt.nz>; Mercuri, Alida <Alida.Mercuri@justice.govt.nz>; S9(2)(a) @justice.govt.nz; S9(2)(a) @justice.govt.nz; S9(2)(a) @justice.govt.nz; S9(2)(a) @justice.govt.nz; S9(2)(a) @justice.govt.nz; S9(2)(a) @justice.govt.nz; S9(2)(a) @parliament.govt.nz

**Subject:** RE: Briefing: Strengthening responses to public disorder and advice on Retail MAG proposals

Kia ora S9(2)(a)

Apologies! In my haste I commissioned this in the email chain about the Out of scope work, rather than the public disorder work

Can you please whip up a table of the decisions the Minister has made on the **public disorder** briefing? The office would like to have an easy summary to hand rather than relying on the briefing alone

Something like this should do the trick:

Recommendation	Decision (Yes or No)

If you can please send that back before **COP Tuesday 21 October** that would be great!

Thanks again!

Document 48

SharePoint Link for Policy Dep Sec  
(Word doc only)



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) t@parliament.govt.nz  
Private Bag 18041, Parliament Buildings, Wellington 6160, New Zealand

Authorised by Hon Paul Goldsmith, Parliament Buildings

From: s9(2)(a) @parliament.govt.nz>  
Sent: Monday, 13 October 2025 6:02 PM  
To: S9(2)(a) @justice.govt.nz>  
Cc: policy.correspondence@justice.govt.nz; OCE@justice.govt.nz; Purple, Folder <Folder.Purple@justice.govt.nz>; S9(2)(a) @parliament.govt.nz>; Greaney, Caroline <Caroline.Greaney@justice.govt.nz>; S9(2)(a) @parliament.govt.nz>; Mercuri, Alida <Alida.Mercuri@justice.govt.nz>; S9(2)(a) @justice.govt.nz>; Justice.PS s9(2)(a) @parliament.govt.nz>; S9(2)(a) @justice.govt.nz>; S9(2)(a) @justice.govt.nz>; S9(2)(a) @justice.govt.nz>; S9(2)(a) @justice.govt.nz>; S9(2)(a) @justice.govt.nz>  
Subject: RE: Briefing: Strengthening responses to public disorder and advice on Retail MAG proposals

Kia ora S9(2)(a)

Please see attached a scanned signed version of the briefing.

s9(2)(a) will be in touch tomorrow with next steps.

Ngā mihi,  
S9(2)(a)



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

Authorised by Hon Paul Goldsmith, Parliament Buildings, Wellington

From: S9(2)(a) @parliament.govt.nz>  
Sent: Thursday, 9 October 2025 5:01 PM  
To: S9(2)(a) @justice.govt.nz>; S9(2)(a) @parliament.govt.nz>; S9(2)(a) @parliament.govt.nz>  
Cc: policy.correspondence@justice.govt.nz; OCE@justice.govt.nz; Purple, Folder <Folder.Purple@justice.govt.nz>; Greaney, Caroline <Caroline.Greaney@justice.govt.nz>; Mercuri, Alida <Alida.Mercuri@justice.govt.nz>; S9(2)(a) @justice.govt.nz>; S9(2)(a) @justice.govt.nz>; S9(2)(a) @justice.govt.nz>; S9(2)(a) @justice.govt.nz>; S9(2)(a) @justice.govt.nz>

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

Subject: RE: Briefing: Strengthening responses to public disorder and advice on Retail MAG proposals

Thank you, S9(2)(a)



S9(2)(a)  
Private Secretary – Justice | Office of Hon Paul Goldsmith

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

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

Authorised by Hon Paul Goldsmith, Parliament Buildings

From: S9(2)(a) @justice.govt.nz>  
Sent: Thursday, 9 October 2025 4:53 PM  
To: S9(2)(a) @parliament.govt.nz>; S9(2)(a) @parliament.govt.nz>; S9(2)(a) @parliament.govt.nz>  
Cc: policy.correspondence@justice.govt.nz; OCE@justice.govt.nz; Purple, Folder <Folder.Purple@justice.govt.nz>; Greaney, Caroline <Caroline.Greaney@justice.govt.nz>; Mercuri, Alida <Alida.Mercuri@justice.govt.nz>; S9(2)(a) @justice.govt.nz>; S9(2)(a) @justice.govt.nz>; S9(2)(a) @justice.govt.nz>; S9(2)(a) @justice.govt.nz>; S9(2)(a) @justice.govt.nz>; S9(2)(a) @justice.govt.nz>  
Subject: Briefing: Strengthening responses to public disorder and advice on Retail MAG proposals

**IN CONFIDENCE**

Kia ora S9(2)(a)

Please find the attached briefing on strengthening responses to public disorder, including advice on the Retail MAG’s report on antisocial behaviour. This briefing relates to the Government’s Quarter 4 target to take Cabinet decisions on responses to antisocial behaviour. We are requesting decisions by Monday 13 October, if possible.


Please let me know if you have any questions.

Ngā mihi  
S9(2)(a)

For Official Correspondence Records	
Document type:	Briefing
Drafter:	S9(2)(a)
Title:	Strengthening responses to public disorder and advice on Retail MAG proposals
Unit:	CJ
Team:	Law Enforcement Policy
Minister:	To: Goldsmith
Date sent:	9 October 2025
WPQ Release	No
Title for publication	No

Document 48

SharePoint Link for Policy Dep Sec  
(Word doc only)

 [20251009 FINAL BR - Strengthening responses to public disorder.docx](#)



S9(2)(a)

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

~~IN CONFIDENCE~~

Released under the Official Information Act 1982

## Decisions on move-on powers

Recommendation	Decision	Minister's comment
Agree to establish a framework for move-on powers in the Summary Offences Act 1981.	YES	
Agree that move-on orders: <ul style="list-style-type: none"> <li>• Are issued by Police to an individual</li> <li>• Are issued on the spot</li> <li>• Require the individual to 'move on' from a specific public place for up to 24 hours</li> <li>• Require the individual to go a specified distance away from the area, and</li> <li>• Require Police to inform the person of the conditions of the order and the penalty for noncompliance.</li> </ul>	YES	
Agree that the threshold for issuing a move-on order will be <u>reasonable grounds to suspect</u> that specific behaviour has occurred or is occurring	YES	
Agree that move-on orders apply to behaviour that:		
<ul style="list-style-type: none"> <li>• Occurs in public places only</li> </ul>	NO	Include places easily viewed from public places
<ul style="list-style-type: none"> <li>• Is disorderly, intimidating, offensive, threatening, or disturbing</li> <li>• Interferes with trade or business by unnecessarily obstructing, hindering, or impeding someone entering or leaving a place</li> <li>• Is a breach of the peace</li> </ul>	YES	Connect with obstruction of public way
Agree that the threshold for issuing move-on orders would not include causing anxiety to a person.	NO	
Agree that move-on orders would not apply to individuals participating in lawful protest or picketing.	YES	
Agree that move-on orders apply to young people (14 years or older).	YES	
Discuss the application of move-on orders to young people with the Minister for Children.	YES	
Agree that breach of a move-on order is a criminal offence with a maximum fine of \$2,000 or up to three months' imprisonment.	YES	
Agree that move-on orders would be issued for the minimum amount of time necessary to resolve the disorderly behaviour (and not longer than 24 hours)	YES	
Agree that Police would be required to warn the person being issued a move-on order that it is an offence to breach the order without a reasonable excuse	YES	

## Decisions on remaining MAG proposals

Recommendation	Decision	Minister's comment
Agree not to progress the MAG's proposal to create a criminal offence for begging in 'relevant areas'.	NO	
Agree that we provide further advice on the MAG's proposal to create a criminal offence for begging in 'relevant areas'.	YES	Define 'relevant area'
S9(2)(f)(iv)	YES	
<i>Proposals not being progressed:</i>		
Agree not to progress the MAG's proposal to create criminal offences for assaulting, threatening, or abusing retail works.	YES	
Agree not to progress the MAG's proposal to expand councils' powers to enforce bylaws.	YES	
Agree not to progress the MAG's proposal to commit to issuing a strategy or action plan to address antisocial behaviour in retail.	YES	

---

**From:** s9(2)(a) @dia.govt.nz>  
**Sent:** Wednesday, 22 October 2025 7:31 pm  
**To:** S9(2)(a) ; S9(2)(a)  
**Cc:** s9(2)(a)  
**Subject:** RE: Consultation request re draft briefing on public disorder

Kia ora S9(2)(a)

Thank you very much, this is really helpful.

We're keen to stay connected as our respective work progresses so please do keep sharing anything you think relevant and we'll do likewise.

Ngā mihi nui

S9(2)(a)

---

**From:** S9(2)(a) @justice.govt.nz>  
**Sent:** Wednesday, October 22, 2025 9:36 AM  
**To:** S9(2)(a) @dia.govt.nz>; S9(2)(a) @justice.govt.nz>  
**Cc:** S9(2)(a) @dia.govt.nz>  
**Subject:** RE: Consultation request re draft briefing on public disorder

**IN CONFIDENCE**

Kia ora S9(2)(a)

Apologies I didn't get back to you yesterday.

S9(2)(g)(i)

Regarding, the Ministers decisions on public disorder, he decided to:

- not to progress the MAG's proposal to expand councils' powers to enforce bylaws
- S9(2)(f)(iv)
- progress move-on orders, which would be issued by Police - we did not put up advice that councils or anyone else would be able to issue move-on orders, and
- seek further advice on the MAG's proposal to create a ban on begging in "relevant areas", which we are currently preparing.

We are now drafting advice seeking final policy decisions with the aim to take a paper to Cabinet on 8 December. We will share the next draft briefing with you either today or tomorrow for your comment/awareness.

We are happy to discuss this further if that would be helpful.

Many thanks,  
S9(2)(a)

~~IN CONFIDENCE~~

Released under the Official Information Act 1982

**From:** s9(2)(a) @ot.govt.nz >  
**Sent:** Friday, 24 October 2025 2:00 pm  
**To:** S9(2)(a)  
**Cc:** s9(2)(a)  
**Subject:** RE: For comment: Draft Brief Public disorder - Outstanding policy decisions - due Friday 24 October

~~IN CONFIDENCE~~

Kia ora s9(2)(a)

Thank you for consulting this paper with us.

Also apologies for sending our feedback later than expected.

Oranga Tamariki feedback on two proposals in the briefing is below:

#### **General feedback**

Oranga Tamariki opposes these proposals. They are not age-appropriate measures for children and young people and do not address the factors that contribute to harmful or unsafe behaviours. Specifically:

- These proposals are inconsistent with the United Nations Convention on the Rights of the Child (UNCROC), and the New Zealand Bill of Rights Act 1990 (NZBORA). For example, UNCROC requires that the best interests of the child be a primary consideration in all decisions affecting them.
- The proposed new infringement regime is punitive, may criminalise children and young people, and expose children and young people to the justice system unnecessarily.

The youth justice system currently works well for most children and young people. Our view is that current youth justice provisions and processes are able and sufficient to deal with these anti-social behaviours exhibited by children or young people.

#### **Specific feedback on the proposals**

##### Move-on orders

As previously advised, Oranga Tamariki does not support move on orders applying to young people 14 years and older. The earlier feedback we provided on these proposals continues to reflect our position. While we understand the policy rationale behind the proposal, we specifically oppose the power to temporarily detain young people while a move on order is being issued. Detaining young people should only be considered where there is a risk to themselves or others. Operational convenience should not outweigh the negative impact that being detained unnecessarily may have on young people.

We support further policy advice being provided to the Minister on the application of move on orders to young people. This will aid in making further decisions and is referred to in paragraph 43 of the earlier briefing (“If you would like move on orders to apply to children or young people, we could provide you with further policy advice before seeking Cabinet decisions”). We are happy to support in preparing this advice if that would be helpful.

##### The creation of a criminal offence for begging

Oranga Tamariki opposes the creation of a criminal offence for begging as it might apply to children and young people.

Where children and young people participate in begging activity, this is likely to be in response to unmet needs in other areas such as food or housing. Punishing children and young people for behaviour driven by wider care needs is ineffective. Responses should be therapeutic, strengths-based, and age-appropriate.

Existing mechanisms are effective at dealing with antisocial behaviour, including begging. Evidence shows that Police alternative action and the Family Group Conference process is an effective way of addressing the underlying causes of antisocial and/or offending behaviour. Approximately 92% of all offending behaviour by children is addressed through alternative action. There are also mechanisms available through the Family Court and Youth Courts when alternative action is not successful.

Criminalising begging would have a significant impact on children and young people. We see several issues with the current proposals, including:

- Unfairly penalising behaviour that arises from challenging situations children and young people may face, such as poverty or socio-economic disadvantage.
- Criminalising the vulnerabilities of children and young people, thereby exacerbating their circumstances rather than providing support.
- Potentially exposing young people to the criminal justice system, which can have long-lasting negative effects. Any offending behaviour by young people is more appropriately addressed through the youth justice system which is better equipped to deal with youth offending.
- Likely conflicting with the rights and principles established by the UNCROC by failing to protect vulnerable children and undermining their fundamental rights.

In addition, we are concerned about the disproportionate severity of the penalties for breaching a begging ban. Children and young people have less ability to pay a fine than adults, which then has further impacts and penalties. This will likely impose a significant financial burden on children, young people and their families, further exacerbating their situation.

We note that the briefing does not cover the implications of the proposals for children and young people in the Population implications section. We recommend the following wording be added:

- at or around paragraph 64:  
*"There are existing, age-appropriate responses to address any ongoing public disorder, including any begging, by children and young people. A referral can be made to Police Youth Aid, or a report of concern made to Oranga Tamariki. These approaches are highly effective at addressing the underlying causes of antisocial behaviour. Including children and young people in any offence for begging risks criminalising behaviour that is best dealt with through care and protection responses.*
- at or around paragraph 66 where international human rights implications are discussed:  
*"Introducing an offence for begging may significantly impact the fundamental rights of children under the United Nations Convention on the Rights of the Child. In particular Article 37 of the UNCROC emphasises the importance of protecting children from unfair punishment, safeguarding their rights, dignity and well-being within the legal system.*

Happy to discuss if you have any questions.

Ngā mihi  
 S9(2)(a)  
 Policy Advisor/ Kaitiaki Kaupapa  
 Youth Justice Policy Team  
 Oranga Tamariki - Ministry for Children  
 Level 16-The Aurora Centre, 58 the Terrace, Wellington/ PO Box 540, Wellington-6140, NZ  
 E S9(2)(a) @or.govt.nz



From: S9(2)(a) @justice.govt.nz  
 Sent: Wednesday, 22 October 2025 4:16 pm  
 To: S9(2)(a) @police.govt.nz; S9(2)(a) @police.govt.nz; S9(2)(a) @hud.govt.nz  
 S9(2)(a) @hud.govt.nz; S9(2)(a) @hud.govt.nz; S9(2)(a) @msd.govt.nz

Document 50

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 @police.govt.nz  
 Cc: S9(2)(a) @justice.govt.nz S9(2)(a) @justice.govt.nz S9(2)(a) @ot.govt.nz  
 @justice.govt.nz S9(2)(a) @ot.govt.nz

**Subject:** For comment: Draft Brief Public disorder - Outstanding policy decisions - due Friday 24 October

**IN CONFIDENCE**

Kia ora koutou

As you may be aware, the Minister of Justice recently made decisions on our advice on public disorder and the MAG's report on antisocial behaviours. The Minister decided to take the following proposals to Cabinet:

- progress move-on orders for certain instances of public disorder, and
- progress a ban on begging in designated areas.

We have been preparing advice at pace to seek final policy decisions on these proposals, with the aim of taking a paper to Cabinet on 8 December to meet the Government's Quarter 4 target to take Cabinet decisions on tools to address antisocial behaviour.

Due to our tight timeframes, we are requesting feedback on the attached draft briefing by noon this Friday 24 October. We understand this is a very tight turnaround so are grateful to receive very targeted, redline feedback or overarching agency comments.

Please note that the draft briefing is still quite rough, but we wanted to provide it as early as we possibly could. We intend to provide the briefing to our Minister on Thursday 30 October.

As the turnaround between the final policy decisions and the Cabinet paper is tight, we are also preparing the Cabinet paper and the RIS at pace. As such, we will be doing agency and Ministerial consultation simultaneously.

If you would like to discuss anything in the paper, please let us know. We are happy to meet if you think that might help address any redline issues or time concerns you have.

Ngā mihi nui,

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) @msd.govt.nz>  
**Sent:** Thursday, 23 October 2025 5:17 pm  
**To:** S9(2)(a)  
**Cc:** s9(2)(a)

**Subject:** For comment: Draft Brief Public disorder - Outstanding policy decisions - due Friday 24 October

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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Kia ora s9(2)(a)

Thank you for the opportunity to review your advice to the Minister of Justice on strengthening responses to public disorder. MSD has the following feedback for your consideration, from Housing Policy and Housing Service Delivery.

### General

- It is good to see the advice includes a description of how move-on orders and a targeted begging ban would operate in practice, and that some of the associated risks have been highlighted, e.g. potential BORA issues, Police resourcing, and administration of fines. However, we continue to have significant concerns regarding the proposals.
- It is good to see that the advice includes efforts to quantify the cost of the proposed measures on the justice sector. Costs in other areas could also be measured (ideally a full CBA should be undertaken).
- In our view, wider consultation on the proposals should occur (e.g. with those providing support services) considering the controversial nature of the measures proposed.
- There should be wider population analysis carried out, e.g. the impact on young people, older people, disabled people.

### Move-on orders

- Move on orders seem to conflict with NZ's international human rights obligations including around freedom of movement. While the paper notes the risks, it doesn't seek to mitigate those. We recommend MoJ test the options with Crown Law before drafting any Cabinet paper. Once an in-principle decision has been taken, early engagement with the Human Rights Commission would also seem desirable so that their input can be factored into implementation of move-on orders.
- We reiterate our previous advice that:
  - move-on orders should not be used to effectively criminalise homelessness or those who appear undesirable.
  - move-on orders should not interfere with access to support, essential services (this includes MSD offices) or where people live.

#### Document 51

- Paragraph 9 notes that linking move-on orders to obstruction of a public way would create a duplicate offence to an existing offence under the Summary Offences Act. If there is an existing mechanism for dealing with obstruction of public ways, what is the rationale for applying a move-on order instead, especially as it is proposed this carry a penalty level double the rate of the existing offence? We agree that the \$2,000 penalty proposed would be a disproportionate response to the behaviour.
- We would like to see an assurance that the information proposed to be gathered by officers (see para 15) will be treated in accordance with Privacy principles, and in particular, is not held longer than required, or used for profiling purposes.
- We do not support the proposed temporary detention power, which 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. It is good to see, however, that the right to be free from arbitrary detention and the right to freedom of movement are noted.
- The proposal to require an individual to move to a 'reasonable distance' from the location (recommendation 8) will simply move the issues further down the road, as we've previously advised.

### Begging Ban

- Creating a criminal offence for begging risks victimising people who are engaging in survival tactics. Having a criminal record will make it harder for individuals to obtain suitable housing, and therefore worsen housing accessibility.
- [s9\(2\)\(g\)\(i\)](#)

Given the focus is on reducing harm to the public and businesses, this seems like a gap.

- While the paper goes into some detail about how a ban may be operationalised, it doesn't give a good sense of what that might mean for our CBDs. The paper describes how the ban may be applied to specific locations (storefronts and ATMs etc) but not what the cumulative effect of those individual locations strung together might look like. A visual depiction of the impact of each option (e.g. a ban at 3 or 6 metres) on, for example, Lambton Quay, might help Ministers to better understand the ramifications of their decisions.
- Still on specific locations, we would also be concerned about the precedent that introducing a ban in even one 'relevant area' would create, with potential for proliferation of locations subject to a begging ban (including outside of main centres). How would the location of 'relevant areas' and their boundaries be made known to the public?
- 'Safeguards' i.e. warnings discussed at para 56, may be ineffective since an individual/group could simply move to just outside the designated area, thereby shifting the issues elsewhere (see also our comment above).
- The paper notes the disproportionate impact of a begging ban on Māori. We agree, and note that as well as over-representation among those living without shelter, Māori are also over-represented in emergency housing, and on the social housing Register (see here: [monthly-housing-report-september-2025.pdf](#)) Paragraph 69 asks if there are other indicators that could be pointed to – we suggest the June 2025 Homelessness Insights Report (see here: [Homelessness-insights-report-June-2025-PDF-1.0.pdf](#)). According to this report: *In Auckland nearly half the Housing First households waiting to be housed have a primary client who is Māori, while over a quarter (26.7 percent) are Pacific peoples.*

**Fines**

- There seems a high potential to saddle street people with unsustainable debt. For those who are genuinely homeless, additional debt will 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.
- The penalty options proposed (even \$50) are still most likely to affect people with high and complex needs, who will be unable to pay – therefore it will not create an effective deterrent (as we’ve said previously).
- Penalties will also have the effect of increasing public debt to government, as the paper notes.

Please let us know if you have any questions. I will be on leave from tomorrow until 31 October, but you can contact s9(2)(a) (copied in) in my absence.

Ngā mihi

s9(2)(a)

s9(2)(a)  
Senior Policy Analyst  
Housing Policy  
D.O. +64 4 978 4196



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**From:** s9(2)(a) <@justice.govt.nz>  
**Sent:** Wednesday, 22 October 2025 4:16 PM  
**To:** s9(2)(a) <@police.govt.nz> s9(2)(a) <@police.govt.nz> s9(2)(a) <@hud.govt.nz>  
 s9(2)(a) <@hud.govt.nz> s9(2)(a) <@hud.govt.nz> s9(2)(a) <@hud.govt.nz>  
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 s9(2)(a) <@police.govt.nz>  
**Cc:** s9(2)(a) <@justice.govt.nz> s9(2)(a) <@justice.govt.nz> s9(2)(a) <@justice.govt.nz> s9(2)(a) <@ot.govt.nz>  
**Subject:** For comment: Draft Brief Public disorder - Outstanding policy decisions - due Friday 24 October

**IN CONFIDENCE**

Kia ora koutou

As you may be aware, the Minister of Justice recently made decisions on our advice on public disorder and the MAG’s report on antisocial behaviours. The Minister decided to take the following proposals to Cabinet:

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Document 51

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Please note that the draft briefing is still quite rough, but we wanted to provide it as early as we possibly could. We intend to provide the briefing to our Minister on Thursday 30 October.

As the turnaround between the final policy decisions and the Cabinet paper is tight, we are also preparing the Cabinet paper and the RIS at pace. As such, we will be doing agency and Ministerial consultation simultaneously.

If you would like to discuss anything in the paper, please let us know. We are happy to meet if you think that might help address any redline issues or time concerns you have.

Nā mihi nui,

S9(2)(a)



S9(2)(a)

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

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**From:** s9(2)(a) @hud.govt.nz>  
**Sent:** Friday, 24 October 2025 2:16 pm  
**To:** S9(2)(a)  
**Cc:** s9(2)(a)  
**Subject:** RE: For comment: Draft Brief Public disorder - Outstanding policy decisions - due Friday 24 October  
**Attachments:** Summary of HUD feedback - Public disorder outstanding policy decisions [IN-CONFIDENCE].pdf; 20251022 Draft Briefing Responses to public disorder outstanding policy decisions - agency consultation.docx

Kia ora S9(2)(a)

Thank you for providing us with the opportunity to comment on the most recent draft.

For ease, please find attached a summary of HUD feedback and recommendations by theme. We have also attached the briefing with comments directly in the document.

Ngā manaakitanga,

s9(2)(a)

Senior Policy Advisor | Responding to Severe Housing Needs  
Policy Group

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

[www.hud.govt.nz](http://www.hud.govt.nz) | L8, 7WQ, 7 Waterloo Quay, Wellington 6011 | New Zealand



He kāinga ora, he hāpori ora - our purpose is thriving communities where everyone has a place to call home.

[IN-CONFIDENCE]

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**From:** S9(2)(a) @justice.govt.nz>  
**Sent:** Friday, 24 October 2025 1:24 pm  
**To:** s9(2)(a) @hud.govt.nz>  
**Cc:** S9(2)(a) @justice.govt.nz>  
**Subject:** RE: For comment: Draft Brief Public disorder - Outstanding policy decisions - due Friday 24 October

Hi Jasmin – thanks for letting me know. And thanks for doing your best to work to our tight timeframes.

Many thanks,

S9(2)(a)

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**From:** s9(2)(a) @hud.govt.nz>  
**Sent:** Friday, 24 October 2025 1:22 pm  
**To:** S9(2)(a) @justice.govt.nz>  
**Subject:** RE: For comment: Draft Brief Public disorder - Outstanding policy decisions - due Friday 24 October

Kia ora S9(2)(a)

Just touching base to apologise for the delay and let you know we will be sending through our feedback shortly.

Ngā mihi,

s9(2)(a)

Senior Policy Advisor | Responding to Severe Housing Needs  
Policy Group

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**Nā mihi nui,**

S9(2)(a)



S9(2)(a)

Principal Policy Advisor | Criminal Justice Unit | Policy Group

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## HUD feedback – Strengthening responses to public disorder – outstanding policy decisions

### General comments on the proposals

#### *Distinction*

- HUD are concerned that a lack of distinction between anti-social behaviour and homelessness creates a risk of criminalising homelessness and could cause further harm to people.
- In its current form, the proposal could also compromise recent investment into short-term actions to reduce homelessness, including limiting or preventing access to essential support and accommodation.

#### Recommendations:

1. We recommend the explicit exclusion of survival behaviours for homelessness (i.e. rough sleeping and begging) from the definition of public disorder, and that this is reflected across all proposed safeguards.
2. The paper currently uses data on rough sleeping as a proxy for understanding the begging population. We recommend considering other indicators as begging and rough sleeping are distinct and have different social impacts.

#### *Punitive approaches*

- Law enforcement and punitive approaches are an inappropriate and ineffective response to homelessness.
- The ability of someone experiencing homelessness to effectively engage with the court system, or pay a fine is limited, therefore the risk of incarceration is higher. Criminal convictions inhibit access to tenancies and some services, therefore compounding the problem. Auckland Council experience shows that they are less likely to enforce by-laws related to public nuisance and prefer to engage directly with people in the first instance.
- 

#### Recommendations:

1. This risk could be mitigated if non-compliance were an infringement rather than a criminal offence.

#### *Impact on human rights:*

- We agree that there will be disproportionate impact on Māori and other populations of interest such as youth, mentally ill and children. We support the recommendation for further consultation particularly in urban areas such as Auckland CBD.
- Previous advice included reports on the use of move-on orders in Australia demonstrating disproportionate application against people experiencing homelessness, indigenous, young, or mentally ill. Māori experiencing homelessness may face disproportionate risk of harm.
- We note that people experiencing homelessness should be afforded equal access to public spaces, in accordance with public amenity standards and non-discrimination principles, particularly where no thresholds for anti-social or disorderly behaviour have been met.

### Recommendations:

1. We recommend the paper include reference to the Australian reports, which highlight disproportionate impact of these tools on vulnerable populations.
2. We recommend framing the impact on Māori as Māori are more likely to experience inter-generational poverty and experience multiple types of deprivation and material hardship.

## Move-on powers

### *Clarification of behaviours covered by move-on orders*

- We consider move-on orders should be treated with strong caution as there is limited evidence available on their effectiveness. There is also a risk that move-on orders could simply shift the issue to neighbouring areas.
- We consider strong caution is needed here for references to 'imminent' offending. There is a high risk that this could create opportunities for people to prejudge the potential behaviour of someone based on assumptions or beliefs that they are homeless, how they look, or other discriminations. There is also a risk that this could set a precedence around punitive measures for anticipated rather than actualised behaviour.
- The paper provides a clear overview of the settings under the Summary Offences Act and potential risks associated with this proposal. Given the existing legislative tools, there does not appear to be evidence of an enforcement gap that would support the introduction of a new offence or penalties. Under section 22, liability is dependent on whether someone acted without reasonable excuse. Homelessness and a lack of housing should be considered a reasonable excuse to occupy public space in this context.
- We do not consider linking move-on orders with obstruction of a public way an appropriate means to address this behaviour. We consider the warning element and corresponding penalty (proportionate to the behaviour) under the Summary Offences Act sufficient and allows Police the opportunity through the warning action to assess an appropriate response that may include referral to services. Our concern, and this has been highlighted in our cross-agency discussions, is centred around how we support people whether they are obstructing a public way or sleeping/resting in the street, to access services.

### Recommendations

1. We recommend 'imminent' is removed from the construction of move-on orders.
2. We recommend clarifying that people experiencing homelessness should be treated as having a reasonable excuse for occupying public spaces, where no specific anti-social behaviour has occurred.

### *Service of a move-on order:*

- In principle, we acknowledge the potential of move-on orders to address anti-social behaviour, provided that survival behaviours associated with homelessness are explicitly excluded (e.g. rough sleeping, begging).
- Our experience in Auckland shows that many people experiencing homelessness have no fixed abode and this may curtail the process of detaining individuals to collect necessary information. The advice should consider what would happen in the event that an individual cannot provide that information.

- It should be noted that some people may not be able to provide an address and advice should consider what would happen in the
- Removing the right to immediate appeal or review will greatly affect people experiencing homelessness as they are less likely to submit a complaint to Police conduct authority and/or access advice.

#### Recommendations:

1. To mitigate the risk of harm and ensure that people experiencing homelessness are not inadvertently targeted, we recommend the adoption of robust safeguards, including:
  - a. an exemption for survival behaviours associated with homelessness;
  - b. requiring a review on the effect of move on orders on homelessness after implementation; and
  - c. preventing interference with access to support, essential services, or where people stay or live.
2. In addition to the recommend safeguards we also recommend safeguards ensure people are not penalised when they are unable to provide information, such as an address.

#### *Geographic parameters of a move-on order:*

- HUD are concerned that reasonable distance could define a large proportion of the CBD and, without appropriate safeguards, could interfere with access to support, essential services, or where people live. For example, we have identified hot spots (areas where people congregate or where there is higher anti-social behaviour) in the Auckland CBD, some of which are located near services such as Orange Sky which provides mobile showers and food.

## Ban on begging in “relevant areas”

#### *Behaviours covered by the begging ban and excluded behaviours*

- We note the paper provides a balanced view, clearly outlining some of the potential risks associated with this proposal, including the likely disproportionate impact on vulnerable people, such as those experiencing homelessness.
- HUD are concerned that the proposal risks conflating anti-social behaviour, homelessness, and begging. This includes conflating begging with general rough sleeping without begging.
- Despite their visibility, behaviours such as begging and rough sleeping do not necessarily contribute to public disorder. They are however a survival behaviour for those who are homeless and banning it will likely cause further harm to people.
- Where the threshold is met, legal mechanisms to address nuisance and aggressive behaviours already exist under the Summary Offences Act. Given the existing legislative tools, there does not appear to be evidence of an enforcement gap that would support the introduction of a new offence or penalties. It may be worth noting that some councils have decided not to introduce begging by-laws, or dropped the ones they did have, because they would be too hard to enforce.
- Notable examples include:
  - Napier – charges against three beggars were dropped by police in 2017 after the council clarified the rule was not intended for beggars.

- Auckland – previous 2013 wording around begging activity in the bylaw has been removed and replaced with a more general description about bad behaviours.
- Wellington – has alternatively adopted an assertive street outreach service that addresses the causes of begging.

*Behaviours excluded from the ban:*

Recommendations:

1. To mitigate the risk of harm and ensure that people experiencing homelessness are not inadvertently targeted, we recommend the adoption of robust safeguards, including:
  - a. creating an explicit exclusion of survival behaviours for homelessness where thresholds for aggressive begging or other nuisance behaviour have not been met;
  - b. requiring a review on the effect of move on orders on homelessness after implementation; and
  - c. preventing interference with access to support, essential services, or where people stay or live.

*Relevant areas and distance of a begging ban:*

- HUD are concerned that relevant areas could define a large proportion of the CBD and, without appropriate safeguards, could interfere with access to support, essential services, or where people live.

*Retail premises:*

- There is a high risk that this could create opportunities for people to prejudge the potential behaviour of someone based on assumptions or beliefs that they are homeless, how they look, or other discriminations.

*Penalty for a ban:*

- HUD is concerned that the punitive approach risks targeting people experiencing homelessness and will cause further harm to people.
- The ability of someone experiencing homelessness to effectively engage with the court system, or pay a fine is limited, therefore the risk of incarceration is higher. Criminal convictions inhibit access to tenancies and some services, therefore compounding the problem.
- The proposed penalties do not appear to be proportionate to the situation, particularly where no threshold for nuisance or aggressive behaviour has been met (e.g. sitting quietly with a cup out).

Recommendations:

1. As an alternative, advice could consider refining begging offences to more aggressive behaviour and consider a higher threshold to warrant sanction under the Summary Offences Act.



Hon Paul Goldsmith, Minister of Justice

**Strengthening responses to public disorder – outstanding policy decisions**

Date	30 October 2025	File reference	
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**Action sought**

**Timeframe**

Agree to your preferred policy proposal to progress move-on powers and a ban for begging in 'relevant areas', to deliver the Government's Quarter 4 target.	By 3 November
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**Contacts for telephone discussion (if required)**

Name	Position	Telephone		First contact
		(work)	(a/h)	
Alida Mercuri	General Manager – Criminal Justice Unit	04 466 2091	S9(2)(a)	<input type="checkbox"/>
S9(2)(a)	Manager – Law Enforcement Policy	04 466 0723	S9(2)(a)	<input type="checkbox"/>
				<input type="checkbox"/>

**Minister's office to complete**

<input type="checkbox"/> Noted <input type="checkbox"/> Approved <input type="checkbox"/> Overtaken by events <input type="checkbox"/> Referred to: _____ <input type="checkbox"/> Seen <input type="checkbox"/> Withdrawn <input type="checkbox"/> Not seen by Minister <b>Minister's office's comments</b>   
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Released under the Official Information Act 1982

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Purpose

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

Background

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

Move-on powers

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

Clarification of behaviours covered by move-on orders

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

**Commented [JC1]:** HUD are concerned that a lack of distinction between anti-social behaviour and homelessness creates a risk of criminalising homelessness and could cause further harm to people.

In its current form, the proposal could also compromise recent investment into short-term actions to reduce homelessness, including limiting or preventing access to essential support and accommodation.

We recommend the explicit exclusion of survival behaviours for homelessness (i.e. rough sleeping and begging) from the definition of public disorder, and that this is reflected across all proposed safeguards.

**Commented [JC2]:** Law enforcement and punitive approaches are an inappropriate and ineffective response to homelessness.

The ability of someone experiencing homelessness to effectively engage with the court system, or pay a fine is limited, therefore the risk of incarceration is higher. Criminal convictions inhibit access to tenancies and some services, therefore compounding the problem.

Reports on the use of move-on orders in Australia demonstrate disproportionate application against people experiencing homelessness, indigenous, young, or mentally ill. Māori experiencing homelessness may face disproportionate risk of harm.

This risk could be mitigated if non-compliance were an infringement rather than a criminal offence.

**Commented [JC3]:** We consider move-on orders should be treated with strong caution as there is limited evidence available on their effectiveness. There is also a risk that move-on orders could simply shift the issue to neighbouring areas.

**Commented [JC4]:** We consider strong caution is needed here for references to 'imminent' offending. There is a high risk that this could create opportunities for people to prejudge the potential behaviour of someone based on assumptions or beliefs that they are homeless, how they look, or other discriminations.

There is also a risk that this could set a precedence around punitive measures for anticipated rather than actualised behaviour.

We recommend 'imminent' is removed from the construction of move-on orders.

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- 8. You have also asked us to link move-on orders to obstruction of a public way. We can include obstruction of a public way as part of the behaviours to be addressed by move-on orders.
- 9. Obstruction of a public way is a criminal offence under section 22 of the Summary Offences Act 1981. We seek direction from you on how you would like to address the inconsistency in the Summary Offences Act 1981 that will arise from creating a duplicative offence with different penalties. Key points of the obstruction of a public way offence in the Summary Offences Act 1981 are:
  - 9.1. The offence has a warning element built into it (similar to a move-on order) where, after having been warned by a constable to desist, a person continues to unreasonably impede normal passage along a public way.
  - 9.2. Someone who obstructs of a public way can be liable for a maximum fine of \$1,000. The proposed penalty for breaching a move-on order is up to three months imprisonment or a maximum \$2,000 fine.
- 10. If you want to apply move-on orders to behaviour that obstructs a public way, in addition to the criminal offence, then Police could decide in the circumstances whether to issue a move-on order for the obstruction or give a warning to cease the obstruction in line with the offence. Alternatively, you could repeal the offence for obstructing a public way and rely on move-on orders to address this behaviour.
- 11. We do not recommend amending the penalty for obstructing a public way to align with the penalty for breach of move-on orders, but you could do this if you wish. Altering the penalty for obstruction of public way offence will create an even wider inconsistency in the law, as this offence is part of a carefully calibrated framework of penalties and offences that are proportionate to the behaviours. The higher penalty of imprisonment is not proportionate to the behaviour of obstruction of a public way, particularly as there is no violence involved.

**Commented [JC5]:** The paper provides a clear overview of the settings under the Summary Offences Act and potential risks associated with this proposal. Given the existing legislative tools, there does not appear to be evidence of an enforcement gap that would support the introduction of a new offence or penalties.

Under section 22, liability is dependent on whether someone acted without reasonable excuse.

Homelessness and a lack of housing should be considered a reasonable excuse to occupy public space in this context.

We do not consider linking move-on orders with obstruction of a public way an appropriate means to address this behaviour. We consider the warning element and corresponding penalty (proportionate to the behaviour) under the Summary Offences Act sufficient and allows Police the opportunity through the warning action to assess an appropriate response that may include referral to services. Our concern, and this has been highlighted in our cross-agency discussions, is centred around how we support people whether they are obstructing a public way or sleeping/resting in the street, to access services.

We recommend clarifying that people experiencing homelessness should be treated as having a reasonable excuse for occupying public spaces, where no specific anti-social behaviour has occurred.

**Service of a move-on order**

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

**Commented [JC6]:** In principle, we acknowledge the potential of move-on orders to address anti-social behaviour, provided that survival behaviours associated with homelessness are explicitly excluded (e.g. rough sleeping, begging).

To mitigate the risk of harm, we recommend the adoption of robust safeguards, including:

- an exemption for survival behaviours associated with homelessness;
- requiring a review on the effect of move on orders on homelessness after implementation; and
- preventing interference with access to support, essential services, or where people stay or live.

**Commented [JC7]:** Removing the right to immediate appeal or review will greatly affect people experiencing homelessness as they are less likely to submit a complaint to Police conduct authority and/or access advice.

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

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

**Commented [JC8]:** Our experience in Auckland shows that many people experiencing homelessness have no fixed abode and this may curtail the process of detaining individuals to collect necessary information. The advice should consider what would happen in the event that an individual cannot provide that information.

We recommend safeguards to ensure that people experiencing homelessness are not inadvertently targeted, and to ensure people are not penalised when they are unable to provide information.

**Geographic parameters of move-on orders**

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

**Commented [JC9]:** HUD are concerned that reasonable distance could define a large proportion of the CBD and, without appropriate safeguards, could interfere with access to support, essential services, or where people live. For example, we have identified hot spots (areas where people congregate or where there is higher anti-social behaviour) in the Auckland CBD, some of which are located near services such as Orange Sky which provides mobile showers and food.

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

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

**Ban on begging in "relevant areas"**

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

**Behaviours covered by the begging ban and excluded behaviours**

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*Banning all begging*

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

**Commented [JC10]:** We note the paper provides a balanced view, clearly outlining some of the potential risks associated with this proposal, including the likely disproportionate impact on vulnerable people, such as those experiencing homelessness.

HUD are concerned that the proposal risks conflating anti-social behaviour, homelessness, and begging. This includes conflating begging with general rough sleeping without begging.

Despite their visibility, behaviours such as begging and rough sleeping do not necessarily contribute to public disorder. They are however a survival behaviour for those who are homeless and banning it will likely cause further harm to people.

Where the threshold is met, legal mechanisms to address nuisance and aggressive behaviours already exist under the Summary Offences Act. Given the existing legislative tools, there does not appear to be evidence of an enforcement gap that would support the introduction of a new offence or penalties.

It may be worth noting that some councils have decided not to introduce begging by-laws, or dropped the ones they did have, because they would be too hard to enforce.

Notable examples include:

Napier – charges against three beggars were dropped by police in 2017 after the council clarified the rule was not intended for beggars.

Auckland – previous 2013 wording around begging activity in the bylaw has been removed and replaced with a more general description about bad behaviours.

Wellington – has alternatively adopted an assertive street outreach service that addresses the causes of begging.

*Banning begging with targeted behaviours*

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

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

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

Behaviours excluded from the ban

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

Relevant areas and distance of a begging ban

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

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

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

Retail premises

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

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

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

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

**Commented [JC11]:** To mitigate the risk of harm and ensure that people experiencing homelessness are not inadvertently targeted, we recommend the adoption of robust safeguards, including:  
•creating an explicit exclusion of survival behaviours for homelessness where thresholds for aggressive begging or other nuisance behaviour have not been met;  
•requiring a review on the effect of move on orders on homelessness after implementation; and  
•preventing interference with access to support, essential services, or where people stay or live.

**Commented [JC12]:** HUD are concerned that relevant areas could define a large proportion of the CBD and, without appropriate safeguards, could interfere with access to support, essential services, or where people live.

**Commented [JC13]:** There is a high risk that this could create opportunities for people to prejudge the potential behaviour of someone based on assumptions or beliefs that they are homeless, how they look, or other discriminations.

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

*Money-associated locations*

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

*Public transport*

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

*Minimum distance from entryways*

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

*Penalty for begging in a relevant area*

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

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

*Penalty for a ban on all begging behaviours*

47. If the ban on begging is to apply to all begging behaviour, we recommend that breaching the ban be an infringement offence that carries a **\$50 fee**. As discussed, a ban on all begging includes a wide range of behaviours, including, for example, sitting quietly with a cup out. An infringement offence is a more proportionate and appropriate penalty for these behaviours than a criminal offence.
48. Penalising all begging with an infringement offence also accounts for the likelihood that the population that may be liable for this offence will not be able to pay significant fines. Unpaid fines can perpetuate cycles of poverty and make people susceptible to further contact with the justice system.
49. Additionally, infringement offences do not result in criminal convictions, which can compound financial hardship by making it harder for people to re-enter their communities and make money legally.
50. Alternatively, you could create a criminal offence for all begging in relevant areas. We propose a non-imprisonable offence with a **maximum fine of \$500**. This penalty aligns with other lower level offences in the Summary Offences Act, such as offensive behaviour or language (section 4), or peeping or peering into dwellinghouse (section 30).
51. Penalising all begging behaviours with imprisonment would be a disproportionately severe response. Where the begging involved more severe behaviour, such as threats or intimidation, Police could pursue existing criminal offences in addition to the begging offence.

*Penalty for a ban on certain begging behaviours*

52. If the ban on begging is to apply to nuisance or aggressive begging only (i.e. not all begging), you could create a criminal offence for breach of the ban.
53. We propose a non-imprisonable offence with a maximum fine of \$1,000. This penalty accounts for the seriousness of the behaviour while factoring in that more severe acts of violence, threats, or aggression are already criminalised under the Summary Offences Act and Crimes Act.
54. The MAG proposes the penalty for begging in a relevant area aligns with the penalty for intimidation in section 21 of the Summary Offences Act, which carries a maximum fine of \$2,000 or up to three months' imprisonment. A person would be liable for the offence if, after being warned by a constable to cease begging in the relevant area, the person continues to beg within a relevant area.
55. We do not recommend progressing the MAG's proposed penalty because it is a disproportionate response to the offending behaviour, particularly where the begging

**Commented [JC14]:** HUD is concerned that the punitive approach risks targeting people experiencing homelessness and will cause further harm to people.

The ability of someone experiencing homelessness to effectively engage with the court system, or pay a fine is limited, therefore the risk of incarceration is higher. Criminal convictions inhibit access to tenancies and some services, therefore compounding the problem.

The proposed penalties do not appear to be proportionate to the situation, particularly where no threshold for nuisance or aggressive behaviour has been met (e.g. sitting quietly with a cup out).

As an alternative, advice could consider refining begging offences to more aggressive behaviour and consider a higher threshold to warrant sanction under the Summary Offences Act.

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

*Safeguards*

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

***The impact on the justice sector could be notable***

57. **Impact on Police – we would welcome input / data from Police.**
58. If you decide to introduce an infringement offence for breaching a ban on begging in relevant areas, there is a high risk that fines will go unpaid, as people who beg are unlikely to have the resources to pay these fines. This may impact Justice collection services and may result in additional court events. There is work underway in the Ministry to address non-payment of debt, which you are being briefed on separately.
59. If you decide to introduce a criminal offence for breaching a ban on begging in relevant areas, we estimate there will be pressure on the District Court and subsequently on Corrections.
60. **Impact on the courts:** <sup>s9(2)(a)</sup> **to provide data on Friday.**
61. **Impact on Corrections:** Penalising begging with imprisonment could put pressure on the prison population and create cost implications for Corrections. <sup>s9(2)(a)</sup> **to provide this data on Friday.**

***Population implications – limitations and risks***

62. There is limited data on the extent of, and impacts of, begging in New Zealand: Specifically,
- 62.1. we have not been able to estimate the cost of antisocial behaviour on the economy or specifically the cost of aggressive begging on businesses, and
- 62.2. we do not have data on the volume and demographics of people who beg in New Zealand, and therefore we have drawn on proxy data and assumptions.
63. Measuring the efficacy of bans on begging in public places to address public disorder is limited as the underlying causes of begging are multifaceted and complex. Research indicates that begging bans have the potential to indirectly criminalise poverty,

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

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

65. **Comments from Social Sector Agencies.**

*A ban on begging will engage fundamental human rights*

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

67. **What are the international human rights implications?**

*The impact on Māori could be better understood through consultation*

68. There is a risk that creating a ban on begging will have a disproportionate impact on Māori. It is estimated that of the 4,965 people living without shelter<sup>5</sup>, 26.3 percent (1,308) were Māori, according to 2023 census data.<sup>6</sup>

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

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

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

<sup>3</sup> [35.pdf](#)

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

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

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

**Commented [JC15]:** Impact on human rights: We agree that there will be disproportionate impact on Māori and other populations of interest such as youth, mentally ill and children. We support the recommendation for further consultation particularly in urban areas such as Auckland CBD.

Previous advice included reports on the use of move-on orders in Australia demonstrating disproportionate application against people experiencing homelessness, indigenous, young, or mentally ill. Māori experiencing homelessness may face disproportionate risk of harm.

We note that people experiencing homelessness should be afforded equal access to public spaces, in accordance with public amenity standards and non-discrimination principles, particularly where no thresholds for anti-social or disorderly behaviour have been met.

We recommend the paper include reference to the Australian reports, which highlight disproportionate impact of these tools on vulnerable populations.

We recommend framing the impact on Māori as Māori are more likely to experience inter-generational poverty and experience multiple types of deprivation and material hardship.

**Commented [WP16]:** Previous versions of the paper contained a paragraph regarding reporting in Australia showing disproportionate application of move-on orders to vulnerable groups. That has dropped out of this version

**Commented [WP17]:** Begging and living without shelter are not the same and have different social impacts. They should be discussed separately

**Commented [JC18R17]:** We recommend considering other indicators as begging and rough sleeping are distinct and have different social impacts.

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[IN-CONFIDENCE:RELEASE-EXTERNAL]

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

**IN CONFIDENCE**

[IN-CONFIDENCE:RELEASE-EXTERNAL]

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

**Next steps**

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

Milestones	Dates
Cabinet paper and RIS to Office	Thursday 6 November 2025
Agency and Ministerial consultation	Monday 10 – Friday 14 November 2025
Cabinet paper lodged	Thursday 27 November 2025
SOU	Wednesday 3 December 2025
Cabinet	Monday 8 December 2025
s9(2)(f)(iv)	_____
	_____
	_____

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[IN-CONFIDENCE:RELEASE EXTERNAL]

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

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

**Recommendations**

73. It's recommended that you:

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

**IN CONFIDENCE**

---

Alida Mercuri  
General Manager, Criminal Justice Unit

APPROVED    SEEN    NOT AGREED

---

Hon Paul Goldsmith  
Minister of Justice

Date    /    /

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

**IN CONFIDENCE**

[IN CONFIDENCE:RELEASE EXTERNAL]

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**From:** s9(2)(a) @police.govt.nz>  
**Sent:** Friday, 24 October 2025 1:01 pm  
**To:** S9(2)(a)  
**Cc:** s9(2)(a) ; S9(2)(a) ; S9(2)(a)  
**Subject:** FW: [EXTERNAL] For comment: Draft Brief Public disorder - Outstanding policy decisions - due Friday 24 October  
**Attachments:** Police comments 24.10.25\_20251022 Draft Briefing Responses to public disorder outstanding policy decisions - agency consultation.docx

Kia ora S9(2)(a)

Great job getting the briefing out!

Thank you for the opportunity to provide feedback, noting that due to the tight turnaround you are seeking “very targeted, redline feedback or overarching agency comments”.

Please see the attached for more detailed comments – happy to discuss!

Overall comments:

- *Progress move-on orders for certain instances of public disorder* - the advice summarises the position we have discussed so far; the main work for Police will be in the implementation phase, once the additional policy decisions have been made and we know what has landed.
- *Progress a ban on begging in designated areas* – the key issue for Police will be in terms of workability (enforcement and prosecution).
- *Young people* – there could be significant impacts from these proposals on young people, noting that the Minister has indicated that move on orders will apply to them. The paper could benefit from a separate section addressing and distinguishing impacts for young people when compared to the adult population (if not in this briefing, then in the cabinet paper). OT may be coming back to you with content on that.

Apart from that, have a great long 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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Hon Paul Goldsmith, Minister of Justice

**Strengthening responses to public disorder – outstanding policy decisions**

Date	30 October 2025	File reference	
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**Action sought**

**Timeframe**

Agree to your preferred policy proposal to progress move-on powers and a ban for begging in 'relevant areas', to deliver the Government's Quarter 4 target.	By 3 November
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**Contacts for telephone discussion (if required)**

Name	Position	Telephone		First contact
		(work)	(a/h)	
Alida Mercuri	General Manager – Criminal Justice Unit	04 466 2091	S9(2)(a)	<input type="checkbox"/>
S9(2)(a)	Manager – Law Enforcement Policy	04 466 0723	S9(2)(a)	<input type="checkbox"/>
				<input type="checkbox"/>

**Minister's office to complete**

- Noted   
  Approved   
  Overtaken by events  
 Referred to: \_\_\_\_\_  
 Seen   
  Withdrawn   
  Not seen by Minister

**Minister's office's comments**

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Purpose

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

Background

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

Move-on powers

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

Clarification of behaviours covered by move-on orders

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

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

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

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

s9(2)(f)(iv)

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

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

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

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

**Service of a move-on order**

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

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

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

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

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

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

**Geographic parameters of move-on orders**

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

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

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

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

**Commented [TB12]:** Compare para 7.1

**Commented [TB13]:** Or with liquor ban zones?

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

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

**Ban on begging in “relevant areas”**

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

**Behaviours covered by the begging ban and excluded behaviours**

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*Banning all begging*

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

*Banning begging with targeted behaviours*

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

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

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

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

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

*Behaviours excluded from the ban*

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

**Relevant areas and distance of a begging ban**

33. You asked us to provide you further advice on the “relevant areas” where a begging ban could be applied.
34. A ban on all begging in all locations across New Zealand would impose too great a restriction on individual rights and freedoms. Therefore, should you wish to introduce a criminal offence for begging we recommend limiting its application to specified locations, which could include retail premises, public transport and money-associated locations.
35. We have determined the below options by considering legislation in New Zealand that includes specific distance requirements (i.e. Electoral Act 1993, COVID-19 Public Health Response Act 2020) and comparable jurisdictions including Australia, Canada, European Union, and United Kingdom.

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

*Retail premises*

36. The intent of the MAG’s proposal to ban begging is to enable shoppers to freely enter stores without any intimidation from beggars. The MAG advises that shoppers often have a reluctance to closely pass by beggars who are sitting in the doorways of stores and that it may be having an impact on the number of customers who enter and subsequently spend money in retail stores.
37. For consistency, we could define “retail premises” in the same way as it is defined for the new shoplifting infringement offence:
- “**retail premises** means a building, place, or part of a building or place, where goods are offered for sale to members of the public or a section of the public, but does not include a private home where any of the owners or occupiers property is being sold.”
38. This option would address the MAG’s concerns regarding beggars interfering with business by obstructing or impeding people entering or leaving a retail business, and their concern

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

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

*Money-associated locations*

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

*Public transport*

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

*Minimum distance from entryways*

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

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

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

*Penalty for begging in a relevant area*

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

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

*Penalty for a ban on all begging behaviours*

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

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

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

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

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

*Penalty for a ban on certain begging behaviours*

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

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

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

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

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

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

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

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

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

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

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

*Safeguards*

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

**The impact on the justice sector could be notable**

- 57. Impact on Police – we would welcome input / data from Police.
- 58. If you decide to introduce an infringement offence for breaching a ban on begging in relevant areas, there is a high risk that fines will go unpaid, as people who beg are unlikely to have the resources to pay these fines. This may impact Justice collection services and may result in additional court events. There is work underway in the Ministry to address non-payment of debt, which you are being briefed on separately.
- 59. If you decide to introduce a criminal offence for breaching a ban on begging in relevant areas, we estimate there will be pressure on the District Court and subsequently on Corrections.
- 60. Impact on the courts: <sup>s9(2)(a)</sup> to provide data on Friday.
- 61. Impact on Corrections: Penalising begging with imprisonment could put pressure on the prison population and create cost implications for Corrections. <sup>s9(2)(a)</sup> to provide this data on Friday.

**Population implications – limitations and risks**

- 62. There is limited data on the extent of, and impacts of, begging in New Zealand: Specifically,
  - 62.1. we have not been able to estimate the cost of antisocial behaviour on the economy or specifically the cost of aggressive begging on businesses, and
  - 62.2. we do not have data on the volume and demographics of people who beg in New Zealand, and therefore we have drawn on proxy data and assumptions.
- 63. Measuring the efficacy of bans on begging in public places to address public disorder is limited as the underlying causes of begging are multifaceted and complex. Research indicates that begging bans have the potential to indirectly criminalise poverty,

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

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

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

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

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

**65. Comments from Social Sector Agencies.**

*A ban on begging will engage fundamental human rights*

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

**67. What are the international human rights implications?**

*The impact on Māori could be better understood through consultation*

68. There is a risk that creating a ban on begging will have a disproportionate impact on Māori. It is estimated that of the 4,965 people living without shelter<sup>5</sup>, 26.3 percent (1,308) were Māori, according to 2023 census data.<sup>6</sup>

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

**Commented [JR27]:** Are there other indicators that we could point to?

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

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

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

<sup>3</sup> [35.pdf](#)

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

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

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

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

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

**Next steps**

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

Milestones	Dates
Cabinet paper and RIS to Office	Thursday 6 November 2025
Agency and Ministerial consultation	Monday 10 – Friday 14 November 2025
Cabinet paper lodged	Thursday 27 November 2025
SOU	Wednesday 3 December 2025
Cabinet S9(2)(f)(iv)	Monday 8 December 2025

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

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

**Recommendations**

73. It's recommended that you:

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

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Alida Mercuri  
General Manager, Criminal Justice Unit

APPROVED    SEEN    NOT AGREED

---

Hon Paul Goldsmith  
Minister of Justice

Date    /    /

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

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

Hi S9(2)(a)

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

As always, happy to discuss.

I hope all is progressing well over there!

Ngā mihi

s9(2)(a)

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



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[SEEMAIL]

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

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## Kia ora koutou

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

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

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

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

### Key date for you to be aware of

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

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

Ngā mihi,  
S9(2)(a)



S9(2)(a)

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

S9(2)(a)

[@justice.govt.nz](mailto:justice.govt.nz) | [justice.govt.nz](http://justice.govt.nz)

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

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

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

- Commented [TB1]:** I took out "issue" specifically because there may be (time) costs beyond the actual issuing of a notice e.g. training, reporting, acting as a witness in some cases etc.
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	<p>individuals, and a robust training package will need to be developed. Once established.</p> <p><b>Ongoing:</b> Police resource will be needed to issue move-on notices and prosecute offences relating to non-compliance and <b>begging</b>. Likely ongoing costs (time): training (including refresher training), reporting/NIA/case file management, acting as a witness in some cases etc.</p>		
Department of Corrections	<p><b>Ongoing</b> – Introducing imprisonment penalties will have an impact on the prison population</p>	<p><b>Low</b> – Do not expect many people convicted of offences to receive a prison sentence, unless serious disorder or previous offending</p>	
Courts	<p><b>Ongoing</b> – New prosecutions for non-compliance with move-on orders and <b>begging offence</b>.</p>	<p><b>Medium/high</b> – Additional judge-alone trials. If person pleads guilty without trial, will still require sentencing by a District Court judge</p>	
<b>Total monetised costs</b>	TBC	TBC	
<b>Non-monetised costs</b>	TBC	(High, medium or low)	
<b>Additional benefits of the preferred option compared to taking no action</b>			
People exhibiting disorderly behaviour	No additional benefits compared to the status quo.	N/A	
Retailers and businesses	<p><b>Ongoing</b> – Potential for additional customers and additional revenue if location is safer or perceived to be safer.</p>	<p><b>Low/Medium</b> – Benefits likely to be concentrated in areas where antisocial behaviour is common or perceived to be common.</p>	

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

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Public	<b>Ongoing</b> – Fewer victims of violent or antisocial behaviour because Police will be able to move people on if they are exhibiting antisocial behaviours.	<b>Low/Medium</b> – need more evidence.	
NZ Police	<b>Ongoing</b> – Additional powers and tools to <u>fulfil public safety and crime prevention functions by addressing -antisocial behaviour.</u>	<b>Low/Medium</b> – 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	
<b>Total monetised benefits</b>	<i>TBC</i>	<i>TBC</i>	
<b>Non-monetised benefits</b>	<i>TBC</i>	<i>(High, medium or low)</i>	

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

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

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

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

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

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

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

How will the proposal be implemented?

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

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

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

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

Hi and thanks for running this by us.

Quick comments:

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

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

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

Ngā mihi

s9(2)(a)

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



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

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Hi again s9(2)(a)

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

Many thanks,  
S9(2)(a)

*Adjacent to public places*

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

Document 56

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

**IN CONFIDENCE**

**From:** s9(2)(a) <@police.govt.nz>

**Sent:** Thursday, 30 October 2025 2:25 pm

**To:** S9(2)(a) <@justice.govt.nz>; s9(2)(a)

<@police.govt.nz>; s9(2)(a)

<@police.govt.nz>

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

Brill – our pleasure! Good luck with the briefing.

Ngā mihi

s9(2)(a)

s9(2)(a)

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



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

**IN CONFIDENCE**

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

Again, thank you!

s9(2)(a)

**IN CONFIDENCE**

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**From:** s9(2)(a) @police.govt.nz  
**Sent:** Thursday, 30 October 2025 1:08 pm  
**To:** s9(2)(a) @police.govt.nz; S9(2)(a) @justice.govt.nz; s9(2)(a) @police.govt.nz  
**Subject:** RE: [EXTERNAL] Question on Move-on orders and Police current approach to managing public spaces

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

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

**Section 14 – Warrantless Entry in Urgent Circumstances**

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

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

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

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

Also, under policing act section 9 police are empowered to

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

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

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

s9(2)(a)

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

Hi again

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

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

Ngā mihi

s9(2)(a)

s9(2)(a)

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



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

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

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

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

**Disorderly behaviour on private premises**

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

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

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

(i)  
assault; or

(ii)  
threatening or offensive or disorderly behaviour; or

(iii)  
possession of offensive weapons:

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

Ngā mihi

s9(2)(a)

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



WARNING  
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From: s9(2)(a)  
Sent: Thursday, 30 October 2025 11:01 am  
To: s9(2)(a) @justice.govt.nz>; s9(2)(a) @police.govt.nz>; s9(2)(a) @police.govt.nz>

Document 56

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

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

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

s9(2)(g)(i)

Ngā mihi

s9(2)(a)

s9(2)(a)

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



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

Sent: Thursday, 30 October 2025 10:41 am

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

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

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

**IN CONFIDENCE**

Hi s9(2)(a)

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

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

Document 56

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

My number is S9(2)(a)

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

**Ngā mihi,**

S9(2)(a)



S9(2)(a)

Principal Policy Advisor | Criminal Justice Unit | Policy Group

Ministry of Justice | Tāhū o te Ture

Justice Centre | 19 Aitken Street | Wellington 6011

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

**IN CONFIDENCE**

Released under the Official Information Act 1982

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

Kia ora S9(2)(a)

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

**Strengthening tools to address anti-social behaviour**

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

Ngā mihi

S9(2)(a)



S9(2)(a)

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

S9(2)(a)

Justice Centre | 19 Aitken Street | Wellington 6011

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

Kia ora koutou

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

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

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

Ngā mihi  
S9(2)(a)



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

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

Kia ora S9(2)(a)

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

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

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

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

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

@Greaney, Caroline – cc'ing for your visibility.

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

Ngā mihi nui  
S9(2)(a)



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

**From:** S9(2)(a)  
**Sent:** Friday, 31 October 2025 10:40 am  
**To:** S9(2)(a) - Parliament, S9(2)(a) .parliament.govt.nz; Justice PS  
**Cc:** Correspondence.Policy; OCE@justice.govt.nz; Purple, Folder; Greaney, Caroline; Mercuri, Alida; S9(2)(a) S9(2)(a) ; S9(2)(a) ; S9(2)(a) ; S9(2)(a)  
**Subject:** Briefing: Strengthening responses to public disorder – outstanding policy decisions  
**Attachments:** 20251031 Final BR Responses to public disorder outstanding policy decisions.pdf; 20251031 Final BR Responses to public disorder outstanding policy decisions.docx

**IN CONFIDENCE**

Kia ora S9(2)(a)

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

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

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

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

Please let me know if you have any questions.

Ngā mihi,  
S9(2)(a)



S9(2)(a)

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

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

**IN CONFIDENCE**

Released under the Official Information Act 1982

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

**IN CONFIDENCE**

Hi team

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

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

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

**Context behind problem**

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

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

Range of causes and responses across portfolios, including health, social, and justice  
This initiative is focused on behaviour and justice response

**Justice policy problem**

Lack of public order, perception of lack of public order

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

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

- Police addressing capacity and deployment
- Justice addressing tools

**Objectives**

Ensuring enforcement has the right tools, thereby:

- Ensuring safety
- Supporting urban economies

Let's discuss first thing

Thanks

S9(2)(a)



S9(2)(a)

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

S9(2)(a)

Justice Centre | 19 Aitken Street | Wellington 6011

**IN CONFIDENCE**


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

**IN CONFIDENCE**

Kia ora ano Caroline,

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

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

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

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

out of scope

Ngā mihi,  
S9(2)(a)



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

**IN CONFIDENCE**

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

**IN CONFIDENCE**

Many thanks team – I appreciate the early look.

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

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

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

out of scope

Many thanks  
Caroline

**IN CONFIDENCE**

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

**IN CONFIDENCE**

Document 61

Kia ora ano Caroline,

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

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

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

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

out of scope

Ngā mihi,  
S9(2)(a)



S9(2)(a)

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

**IN CONFIDENCE**

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

Kia ora koutou,

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

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

Ngā mihi,  
S9(2)(a)



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

Authorised by Hon Paul Goldsmith, Parliament Buildings, Wellington

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

Kia ora S9(2)(a)

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

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

Cheers,  
S9(2)(a)

### **Proposed comment**

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

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

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

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

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

### **Other points that could be included**

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

Strict liability offences should include specified defences.

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

**Details of the offences**

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

**Original**

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

---

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

Kia ora S9(2)(a)

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

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

s9(2)(g)(i)

Our comment:

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

Document 64

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

Please let me know if you have any questions.

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

Kind regards,  
S9(2)(a)



S9(2)(a)  
04 494 3537  
Senior Policy Advisor – Criminal Law Policy  
Ministry of Justice, Tāhū o te Ture  
Justice Centre, 19 Aitken Street  
DX Box SX10088, Wellington 6011  
s9(2)(a) [@justice.govt.nz](mailto:s9(2)(a)@justice.govt.nz)

Released under the Official Information Act 1982

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

**IN CONFIDENCE**

Hi S9(2)(a)

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

Thanks again for running this past us.

Kind regards

S9(2)(a)

**IN CONFIDENCE**

---

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

Thanks S9(2)(a) will take a look.

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

Thanks, S9(2)(a)

---

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

**IN CONFIDENCE**

Hi S9(2)(a)

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

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

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

s9(2)(g)(i)

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

**Ngā mihi,**

S9(2)(a)



S9(2)(a)

Principal Policy Advisor | Criminal Justice Unit | Policy Group

Ministry of Justice | Tāhū o te Ture

Justice Centre | 19 Aitken Street | Wellington 6011

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

**IN CONFIDENCE**

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---

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

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

Ngā mihi  
Kathy

---

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

Kia ora Kathy,

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

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

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

Thank you,  
S9(2)(a)



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

---

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

Hi S9(2)(a)

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

Ngā mihi  
S9(2)(a)

---

**From:** S9(2)(a) <@justice.govt.nz>  
**Sent:** Wednesday, 5 November 2025 3:59 pm  
**To:** S9(2)(a) <@parliament.govt.nz>  
**Cc:** S9(2)(a) <@parliament.govt.nz>; S9(2)(a) <@parliament.govt.nz>; S9(2)(a) <@justice.govt.nz>; Mercuri, Alida <@justice.govt.nz>; Alida.Mercuri@justice.govt.nz; S9(2)(a) <@justice.govt.nz>  
**Subject:** RE: Move on orders: comparison with Members Bill

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



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

---

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

Hi S9(2)(a)

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

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

Thank you!



S9(2)(a)

Private Secretary – Justice | Office of Hon Paul Goldsmith

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

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

Authorised by Hon Paul Goldsmith, Parliament Buildings

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

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

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

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

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

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

Nothing else from me – well done both!

Ngā mihi

s9(2)(a)

s9(2)(a)

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



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[SEEMAIL]

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

~~IN CONFIDENCE / CABINET~~

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

~~IN CONFIDENCE / CABINET~~

---

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

s9(2)(g)(i)

s9(2)(g)(i)

Ngā mihi

s9(2)(a)

s9(2)(a)

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



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

~~IN CONFIDENCE / CABINET~~

Noted, we've made that change.

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

~~IN CONFIDENCE / CABINET~~

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

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

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

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

Ngā mihi

s9(2)(a)

s9(2)(a)

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



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

**IN CONFIDENCE / CABINET**

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

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

Thank you so much!

S9(2)(a)

**IN CONFIDENCE / CABINET**

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

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

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

Happy to discuss!

Ngā mihi

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)

Sent: Thursday, 6 November 2025 12:37 pm

To: S9(2)(a) @justice.govt.nz, S9(2)(a) @justice.govt.nz

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

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

s9(2)(g)(i)

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

Ngā mihi

s9(2)(a)

s9(2)(a)

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



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From: s9(2)(a)

Sent: Thursday, 6 November 2025 11:20 am

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

@justice.govt.nz>

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

@police.govt.nz>

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

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

Some initial thoughts:

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

Ngā mihi

s9(2)(a)

s9(2)(a)

Senior Policy Advisor

Policy Group

Police National Headquarters

E s9(2)(a) @police.govt.nz



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

Sent: Thursday, 6 November 2025 9:28 am

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

@justice.govt.nz>

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

@justice.govt.nz>

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

**IN CONFIDENCE / CABINET**

Hi s9(2)(a)

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

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

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

Many thanks

s9(2)(a)

**~~IN CONFIDENCE / CABINET~~**

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

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

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

Ngā mihi

s9(2)(a)

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



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

Subject: [EXTERNAL] Public disorder material - for review

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

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Kia ora s9(2)(a)

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

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

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

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

*I request your assistance with the attached draft RIS.*

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

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

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

Thanks again for your help

S9(2)(a)



S9(2)(a)

Policy Manager | Criminal Justice Unit | Policy Group

Ministry of Justice | Tāhū o te Ture

S9(2)(a)

Justice Centre | 19 Aitken Street | Wellington 6011

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## Regulatory Impact Statement: Strengthening responses to public disorder

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

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

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

### Summary: Problem definition and options

#### What is the policy problem?

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

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

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

#### What is the policy objective?

The following objectives are sought:

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

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

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

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

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

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<p>We considered three additional options:</p> <ul style="list-style-type: none"> <li>• Option Two – A narrower form of move-on orders. Non-compliance would result in an infringement offence with a fee of \$500.</li> <li>• Option Three – A broader form of move-on orders, with a new criminal offence for non-compliance carrying a maximum penalty of \$2000 or up to three months imprisonment.</li> <li>• Option Four – Same move-on orders as Option Three, but also applying to begging behaviours.</li> </ul> <p>No non-regulatory options were considered.</p>
<p><b>What consultation has been undertaken?</b></p> <p>The timeframes in which the policy proposals have been prepared did not allow for consultation beyond government agencies affected.</p> <p>Crown Law Office, Department of Corrections, Ministry of Social Development, Ministry of Housing and Urban Development, New Zealand Police, Department of Internal Affairs, and Oranga Tamariki.</p>
<p><b>Is the preferred option in the Cabinet paper the same as preferred option in the RIS?</b></p> <p>No. The Minister of Justice prefers Option Four – move on orders capturing begging behaviour. The Ministry of Justice prefers Option One – status quo.</p>

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

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

<p><b>Costs (Core information)</b></p> <p><b>Outline the key monetised and non-monetised costs, where those costs fall (e.g. what people or organisations, or environments), and the nature of those impacts (e.g. direct or indirect)</b></p> <p>Additional costs will fall on the public sector, particularly NZ Police, the Courts and the Department of Corrections. These are direct costs, both implementation and ongoing. NZ Police will need to focus resources on issuing and enforcing move-on orders. Because the preferred option includes a criminal offence for non-compliance, there will be additional costs for the courts in terms of more criminal cases. Modelling estimates a small impact on the Corrections system because a very small number of people would be sentenced to prison for non-compliance with move-on orders.</p> <p>People issued with move-on orders will face direct costs if they do not comply. The direct costs may include a criminal conviction, and potentially a fine of up to \$2000 or a prison sentence. Indirect costs may reduce some people's ability to raise money by no longer being able to beg or ask for assistance.</p>
<p><b>Benefits (Core information)</b></p> <p><b>Outline the key monetised and non-monetised benefits, where those benefits fall (e.g. what people or organisations, or environments), and the nature of those impacts (e.g. direct or indirect)</b></p> <p>There may be some indirect benefits to retailers if move-on orders result in more people being willing to come into public spaces. This may result in more customers and increased revenue. It will be difficult to determine whether this is the result of move-on orders compared to broader economic factors or other actions taken to address disorderly behaviour. Given the multiple factors impacting on businesses, it is not possible to monetise the benefits.</p>

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

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

**Balance of benefits and costs (Core information)**

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

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

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

**Implementation**

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

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

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

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

**Limitations and Constraints on Analysis**

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

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

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

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

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

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

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

**Section 1: Diagnosing the policy problem**

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

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

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

<sup>1</sup> Herald poll finds 97% believe Auckland CBD anti-social and uninviting, amid accounts of public sex and 'meth-fueled rage' - NZ Herald

Antisocial behaviour reaching 'desperate' levels in Wellington suburb | RNZ News

Rotorua homeless camp outside Salvation Army causing local business to lose money - NZ Herald

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

**Factors contributing to the perceived increase in public disorder**

7. The increase in homelessness and visible rough sleeping<sup>6</sup> could be contributing to perceptions of increased public disorder.
8. A variety of economic factors have combined to put ongoing financial pressure on people and businesses, including inflationary pressures driving up the cost of living,<sup>7</sup> the number of people who are severely housing deprived,<sup>8</sup> and businesses facing a sustained period of weak consumer spending.
9. Police data does not appear to support the perceived increase in disorderly behaviour, with available data indicating a decrease in demand and prosecutions for public order, health and safety offences over the past 5 years.<sup>9</sup>

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

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

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

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

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

<sup>7</sup> [Consumers price index \(CPI\) | Stats NZ](#)

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

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

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

**Public disorder captures a wide range of behaviours**

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

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

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

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

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

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

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

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

<sup>10</sup><https://www.rnz.co.nz/news/national/569582/antisocial-behaviour-reaching-desperate-levels-in-wellington-suburb>; <https://www.nzherald.co.nz/rotorua-daily-post/news/rotorua-beat-team-police-praised-for-cbd-crackdown-on-shoplifters-disorder-and-sex-acts/ZTOGBF3DM5DW7G7C5ZGKAAC2MI/>; <https://www.rnz.co.nz/news/national/569916/residents-keep-faith-in-troubled-newtown-despite-rise-in-antisocial-behaviour>; <https://www.nzherald.co.nz/nz/herald-poll-finds-97-believe-auckland-cbd-anti-social-and-uninviting-amid-accounts-of-public-sex-and-meth-fueled-rage/CH4RPPTGRBELN65QREB3EEVDE/>; <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/EHUSLVP7SNQC3LIEKDHPMOQFU/>

<sup>11</sup> Sections 22 and 32, Summary Offences Act 1981.

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

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

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

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

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

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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. <sup>13</sup> Hamilton City Council <sup>14</sup> and Napier City Council <sup>15</sup> have similar bylaws.
Alternative resolutions	Formal 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.<sup>16</sup>
  - b. The establishment of new Police Community Beat Teams in major cities across New Zealand.<sup>17</sup>
  - c. Ongoing support for crime prevention programmes, including Neighbourhood Watch and Community Patrols.<sup>18</sup>
  - b.d. Enhancing funding for safety measures in central Auckland, such as increased CCTV, improved lighting, increased security patrols.<sup>19</sup>
  - c.e. Changing sentencing laws to restore real consequences for crime, such as capping sentence discounts and prevent repeat discounts for remorse and youth.<sup>20</sup>
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.<sup>21</sup>

<sup>13</sup> 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>

<sup>14</sup> 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](https://hamilton.govt.nz/assets/Uploads/Documents/Bylaws/Safety-in-Public-Places-Bylaw-2020_D-1630042_22-October-2020.pdf)

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

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

<sup>17</sup> [More cops on the beat | New Zealand Police](https://www.nzpolice.govt.nz/news/news-releases/more-cops-on-the-beat/)

<sup>18</sup> [Police axed 'non-core' crime prevention funding to stay in their financial lane - NZ Herald](https://www.nzherald.co.nz/business/news/news-story/police-axed-non-core-crime-prevention-funding-to-stay-in-their-financial-lane-1.6484848)

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

<sup>20</sup> <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.<sup>22</sup>
- 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.<sup>23</sup>
- 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.<sup>24</sup>
- 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”.<sup>25</sup> 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.<sup>26</sup>

**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.

<sup>23</sup> 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>

<sup>24</sup> 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*.

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

<sup>26</sup> 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.<sup>27</sup>
- c. Media reporting indicates fewer people are frequenting central business districts.<sup>28</sup> Anecdotally, some reporting speculates declining numbers are due to concerns for safety.<sup>29</sup>

*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.<sup>30</sup> Evidence indicates the cost of retail crime is around \$2.6 billion a year.<sup>31</sup> 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%).<sup>32</sup> In Auckland, a recent survey indicated 91% of 102 operators around Queen Street thought that rough sleeping and begging was harming their trade.<sup>33</sup> Media reporting suggests retailers across the country also consider begging is costing them trade.<sup>34</sup>
- 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.<sup>35</sup> Retail workers have reported experiencing higher levels of threats of violence (16.2%) than other New Zealand workers (14%).<sup>36</sup>

*Impacts on New Zealand's economic prosperity and tourism*

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

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

<sup>28</sup> <https://www.nzherald.co.nz/nz/wellington-wine-bar-plonk-announces-closure-cites-low-cbd-foot-traffic/JMETLU3T5VBRDOCKPUJJVS2XBE/>

<sup>29</sup> <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>

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

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

<sup>32</sup> 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>

<sup>33</sup> <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/EHUSLVP7SNCO3LIEKDHPMOOFU/>

<sup>34</sup> <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>

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

<sup>36</sup> 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,work%20pace%20and%20emotional%20demands](https://www.worksafe.govt.nz/research/psychosocial-survey-of-the-retail-sector/#:~:text=Nearly%204%20in%2010%20(39.1,work%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.<sup>37</sup> 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.<sup>38</sup> 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 began<sup>39</sup>. 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

<sup>37</sup> [NZ CONSUMER SURVEY 2024 – SUMMARY REPORT](#)

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

<sup>39</sup> [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"> <li>Is the option an appropriate way to deal with the problem? Are the penalties associated with the option proportionate to the conduct?</li> </ul>
Effectiveness	<ul style="list-style-type: none"> <li>How well does the option respond to the policy problem?</li> <li>How well does the option protect the enjoyment of spaces, and the public's sense of vulnerability or safety in public places?</li> </ul>
Consistency	<ul style="list-style-type: none"> <li>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?</li> <li>Is the option consistent with criminal justice principles? Including the presumption of innocence, and an effective and efficient justice system.</li> </ul>
Certainty of the law	<ul style="list-style-type: none"> <li>To what extent is the law clear for the public and those creating public disorder?</li> <li>To what extent is the law enforceable by Police?</li> <li>How certain are the consequences of the public disorder behaviours?</li> </ul>
Feasibility	<ul style="list-style-type: none"> <li>Is the option able to be implemented within current baseline funding?</li> <li>Will the option increase pressure on the courts, prosecutors, legal aid system, or Corrections?</li> </ul>

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	<ul style="list-style-type: none"> <li>• Are there any operational challenges to implementing the option?</li> </ul>
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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 these 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**.

**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.

**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

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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)<sup>40</sup> 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;

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<sup>40</sup> 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
<b>Proportionality</b>	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).	0 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.
<b>Effectiveness</b>	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. 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. 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><b>Consistency</b></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><del>non-compliance will require guilt to be proven.</del></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><del>Would also enable Police to temporarily detain people aged 14-18.</del></p> <p>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. <del>Criminal sanctions for non-compliance will require guilt to be proven</del> <u>The offence 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.</u></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><del>Would also enable Police to temporarily detain people aged 14-18.</del></p> <p>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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Certainty of the law	0	<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>
	0			
Feasibility				

**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><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>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.</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>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.</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>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.</p>	<p>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.</p>
		<p>No impacts on Corrections system because no new imprisonable offences being created.</p>	<p>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.</p>	<p>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.</p>
			<p>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.<sup>41</sup></p> <p>The impacts on Corrections from the new offence should be</p>	<p>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.</p> <p>The impacts on Corrections from the new offence should be</p>

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?

<sup>41</sup> More 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.
<b>Overall assessment</b>	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.<sup>42</sup>
- b. The establishment of new Police Community Beat Teams in major cities across New Zealand.<sup>43</sup>
- c. Ongoing support for crime-prevention programmes, including Neighbourhood Watch and Community Patrols.<sup>44</sup>
- d. Enhancing funding for safety measures in central Auckland, such as increased CCTV, improved lighting, increased security patrols.<sup>45</sup>
- e. Changing sentencing laws to restore real consequences for crime, such as capping sentence discounts and prevent repeat discounts for remorse and youth.<sup>46</sup>

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.<sup>47</sup>

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, Reports 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.

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

<sup>43</sup> [More cops on the beat | New Zealand Police](https://www.beehive.govt.nz/release/more-cops-on-the-beat)

<sup>44</sup> [Police axed 'non-core' crime prevention funding to stay in their financial lane - NZ Herald](https://www.beehive.govt.nz/release/police-axed-non-core-crime-prevention-funding-to-stay-in-their-financial-lane)

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

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

<sup>47</sup> [Community Patrols New Zealand opens base in central Auckland | RNZ News, 2025.](https://www.beehive.govt.nz/release/community-patrols-new-zealand-opens-base-in-central-auckland)

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

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.<sup>49</sup>

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.

<sup>48</sup> Police move-on powers: A CMC review of their use, 2010.

<sup>49</sup> 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.<sup>50</sup> 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?**

<sup>50</sup> 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 nature of cost or benefit (eg, ongoing, one-off), evidence and assumption (eg, compliance rates), risks.	Impact \$m present value where appropriate, for monetised impacts; high, medium or low for non- monetised impacts.	Evidence Certainty High, medium, or low, and explain reasoning in comment column.
<b>Additional costs of the preferred option compared to taking no action</b>			
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	<b>One-off and Ongoing</b> <b>One-off:</b> – 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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	<p>robust training package will need to be developed. <b>Once established;</b></p> <p><b>Ongoing:</b> Police resource will be needed to issue move-on orders and prosecute offences relating to non-compliance. <b>Likely ongoing costs (time): training (including refresher training), reporting/NIA/case file management, acting as a witness in some cases etc.</b></p>		
Department of Corrections	<p><b>Ongoing</b> – Introducing imprisonment penalties will have an impact on the prison population</p>	<p><b>Low</b> – Do not expect many people convicted of offences to receive a prison sentence, unless serious disorder or previous offending</p>	
Courts	<p><b>Ongoing</b> – New prosecutions for non-compliance with move-on orders.</p>	<p><b>Medium/high</b> – Additional judge-alone trials. If person pleads guilty without trial, will still require sentencing by a District Court judge.</p>	
<b>Total monetised costs</b>	<i>TBC</i>	<i>TBC</i>	
<b>Non-monetised costs</b>	<i>TBC</i>	<i>(High, medium or low)</i>	
<b>Additional benefits of the preferred option compared to taking no action</b>			
People exhibiting disorderly behaviour	<p>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.</p>	<p><b>Low</b></p>	
Retailers and businesses	<p><b>Ongoing</b> – Potential for additional customers and additional revenue</p>	<p><b>Low/Medium</b> – Benefits likely to be concentrated in areas where disorderly</p>	

	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	
<b>Total monetised benefits</b>	<i>TBC</i>	<i>TBC</i>	
<b>Non-monetised benefits</b>	<i>TBC</i>	<i>(High, medium or low)</i>	

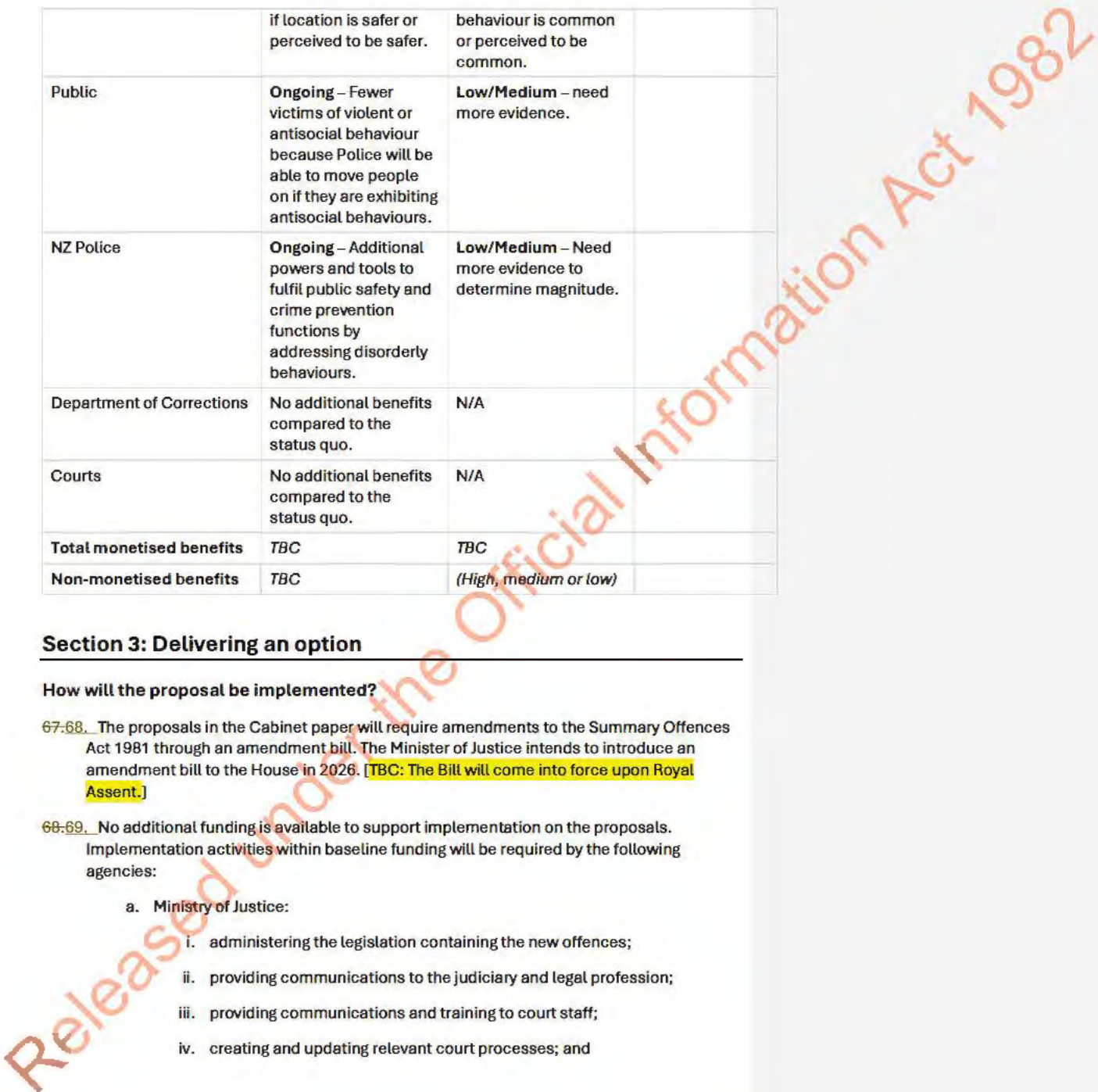
**Section 3: Delivering an option**

**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

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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

**IN CONFIDENCE / CABINET**

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)	<a href="#">20251107 - Draft CAB - Strengthening responses to public disorder.docx</a> <a href="#">251107 - DRAFT RIS - Strengthening responses to public disorder.docx</a>

[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](mailto:justice.govt.nz) | [justice.govt.nz](http://justice.govt.nz)

**IN CONFIDENCE / CABINET**

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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 <sup>S9(2)(a)</sup> 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).
- <sup>S9(2)(f)(iv)</sup>

*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 enforcements powers.

Good luck.

Many thanks,

S9(2)(a)

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**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](mailto:Justice.PS@parliament.govt.nz)>

**Sent:** Monday, 10 November 2025 4:27 pm

**To:** Mercuri, Alida <[alida.mercuri@justice.govt.nz](mailto:alida.mercuri@justice.govt.nz)>; [OCE@justice.govt.nz](mailto:OCE@justice.govt.nz); S9(2)(a) <[S9\(2\)\(a\)@justice.govt.nz](mailto:S9(2)(a)@justice.govt.nz)>; Brightwell, Kathy <[Kathy.Brightwell@justice.govt.nz](mailto:Kathy.Brightwell@justice.govt.nz)>

<[Kathy.Brightwell@justice.govt.nz](mailto:Kathy.Brightwell@justice.govt.nz)>; Greaney, Caroline <[caroline.greaney@justice.govt.nz](mailto:caroline.greaney@justice.govt.nz)>

**Cc:** S9(2)(a) <[S9\(2\)\(a\)@parliament.govt.nz](mailto:S9(2)(a)@parliament.govt.nz)>; Parliament <[Parliament@parliament.govt.nz](mailto:Parliament@parliament.govt.nz)>; S9(2)(a) <[S9\(2\)\(a\)@parliament.govt.nz](mailto:S9(2)(a)@parliament.govt.nz)>; S9(2)(a) <[S9\(2\)\(a\)@parliament.govt.nz](mailto: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 5.6EW; 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 Doocoy
  - Jules Lynch, Auckland Regional Public Service Commissioner
  - Michael Quinn, Head of the Auckland Policy Office

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**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

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**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~~

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

To the first line of para 3

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**From:** s9(2)(a) <[redacted]@corrections.govt.nz>  
**Sent:** Wednesday, 29 October 2025 10:54 AM  
**To:** S9(2)(a) <[redacted]@justice.govt.nz>  
**Cc:** s9(2)(a) <[redacted]@corrections.govt.nz>; s9(2)(a) <[redacted]@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)

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**From:** S9(2)(a) <[redacted]@justice.govt.nz>  
**Sent:** Wednesday, 29 October 2025 10:46 AM  
**To:** s9(2)(a) <[redacted]@corrections.govt.nz>  
**Cc:** s9(2)(a) <[redacted]@corrections.govt.nz>; s9(2)(a) <[redacted]@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**

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**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) [@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) [@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 Po ice, the courts and corrections.

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

Many thanks,  
S9(2)(a)

**IN CONFIDENCE**

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**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) <[redacted]@corrections.govt.nz>  
**Sent:** Monday, October 20, 2025 9:55 AM  
**To:** S9(2)(a) <[redacted]@justice.govt.nz>  
**Cc:** s9(2)(a) <[redacted]@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) <[redacted]@justice.govt.nz>  
**Sent:** Friday, 17 October 2025 4:33 PM  
**To:** s9(2)(a) <[redacted]@corrections.govt.nz>; s9(2)(a) <[redacted]@corrections.govt.nz>; s9(2)(a) <[redacted]@corrections.govt.nz>; s9(2)(a) <[redacted]@police.govt.nz>; s9(2)(a) <[redacted]@police.govt.nz>  
**Cc:** S9(2)(a) <[redacted]@justice.govt.nz>; S9(2)(a) <[redacted]@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)

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**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)

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**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>, 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) and myself **by COB Monday 17 November.**

S9(2)(a)

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>

---

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



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**From:** S9(2)(a) <[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) <[s9\(2\)\(a\)@police.govt.nz](mailto:s9(2)(a)@police.govt.nz)>; S9(2)(a) <[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~~

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**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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The information contained in this email message is intended for the addressee only and may contain privileged information. It may also be subject to the provisions of section 50 of the Policing Act 2008, which creates an offence to have unlawful possession of Police property. If you are not the

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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 \$ X 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)

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

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

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**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 <sup>S9(2)(a)</sup> and myself by COB Monday 17 November. <sup>S9(2)(a)</sup>

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,

<sup>S9(2)(a)</sup>



<sup>S9(2)(a)</sup>

Principal Policy Advisor | Criminal Justice Unit | Policy Group

Ministry of Justice | Tāhū o te Ture

Justice Centre | 19 Aitken Street | Wellington 6011

<sup>S9(2)(a)</sup>

[@Justice.govt.nz](https://www.justice.govt.nz) | [Justice.govt.nz](https://www.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](mailto:@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 <sup>s9(2)(f)(iv)</sup> 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

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**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 as 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)

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**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>  
**Sent:** Thursday, 13 November 2025 1:22 pm  
**To:** S9(2)(a) <@justice.govt.nz>  
**Subject:** S9(2)(a) 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.

Open

Share



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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 | Kaitiaki Mātua Kaupapa  
 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 50088 | Wellington  
[justice.govt.nz](http://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; 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~~

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**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.

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**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~~

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**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 \$ X 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**

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**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) <@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

Tel: +84 4 890 7447 | Email: S9(2)(b)

@treasury.govt.nz



**TE TAI ŌHANGA**  
**THE TREASURY**

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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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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.

## 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.

s9(2)(a) Document 83

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:** 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)

**From:** S9(2)(a)  
**Sent:** Monday, 17 November 2025 4:35 pm  
**To:** S9(2)(a)  
**Subject:** FW: Public disorder - CAB paper and RIS for agency consultation  
**Attachments:** HUD feedback - anti-social behaviour.pdf

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**From:** s9(2)(a) @hud.govt.nz  
**Sent:** Monday, 17 November 2025 4:11 pm  
**To:** S9(2)(a) @justice.govt.nz  
**Cc:** s9(2)(a) @hud.govt.nz; Colin Lynch <Colin.Lynch@hud.govt.nz>; Jeremy Steele <Jeremy.Steele@hud.govt.nz>; s9(2)(a) @hud.govt.nz  
**Subject:** RE: Public disorder - CAB paper and RIS for agency consultation

Kia ora S9(2)(a)

Thank you for providing us with the opportunity to comment on the draft Cabinet paper and RIS.

Our feedback and proposed recommendations are attached, with our key points also outlined below for ease.

**Key points:**

- HUD is unable to endorse this paper in its current form
- The proposal has the potential to cause further harm to people experiencing homelessness, by limiting or preventing access to essential support and accommodation. This approach could also compromise rather than supplement recent Government investment into short-term actions to reduce homelessness.
- To mitigate the risk of harm, we recommend the exclusion of survival behaviours for homelessness (i.e. rough sleeping and begging) from the scope of move-on orders, and that this is reflected across all proposed safeguards. Safeguards should include preventing interferences with access to support, essential services, or where people stay or live.
- We consider the offence and associated penalties to be disproportionate to the context. We are concerned that this approach may risk causing further harm to people experiencing homelessness, including making it harder for them to get housing.
- This risk could be mitigated if non-compliance were an infringement offence rather than a summary offence, in keeping with severity and potential impact.
- We are concerned about the limited detail and supporting evidence provided, such as data on which populations are engaging in disorderly behaviour, and a lack of evidence as to the effectiveness of interventions. The paper is silent on international evidence suggesting the proposed approach is not effective at addressing these issues.

Please let us know if you would like to discuss any of the feedback.

Ngā manaakitanga,

s9(2)(a)

Senior Policy Advisor | Responding to Severe Housing Needs  
Policy Group

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

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[remainder of email chain removed as duplicate]

**Cabinet paper feedback**

Key points:

- HUD is unable to endorse this paper in its current form.
- The proposal has the potential to cause further harm to people experiencing homelessness, by limiting or preventing access to essential support and accommodation. This approach could also compromise rather than supplement recent Government investment into short-term actions to reduce homelessness.
- To mitigate the risk of harm, we recommend the exclusion of survival behaviours for homelessness (i.e. rough sleeping and begging) from the scope of move-on orders, and that this is reflected across all proposed safeguards. Safeguards should include preventing interferences with access to support, essential services, or where people stay or live.
- We consider the offence and associated penalties to be disproportionate to the context. We are concerned that this approach may risk causing further harm to people experiencing homelessness, including making it harder for them to get housing.
- This risk could be mitigated if non-compliance were an infringement offence rather than a summary offence, in keeping with severity and potential impact.
- We are concerned about the limited detail and supporting evidence provided, such as data on which populations are engaging in disorderly behaviour, and a lack of evidence as to the effectiveness of interventions. The paper is silent on international evidence suggesting the proposed approach is not effective at addressing these issues.

Commentary	Recommendation
<p><u>Conflation of anti-social behaviour and homelessness</u></p> <ul style="list-style-type: none"> <li>• HUD are concerned that a lack of distinction between anti-social behaviour and homelessness creates a risk of de-facto criminalising homelessness and could cause further harm to people.</li> <li>• While homelessness and anti-social behaviour can share some of the same underlying causes, they do not always overlap. Despite their visibility, survival behaviours such as begging and rough sleeping do not necessarily contribute to</li> </ul>	<ul style="list-style-type: none"> <li>• We recommend the express exclusion of homelessness from the definition of public disorder. We recommend that this definition be consistently applied and clearly reflected across all proposed/potential safeguards and recommendations.</li> </ul>

<p><b>Cabinet paper feedback</b>          public disorder. Not making a clear distinction in the paper, creates a risk of criminalising homelessness.</p>	
<p><u>Key points:</u>  <u>Behaviours captured by and excluded from move-on orders</u></p> <ul style="list-style-type: none"> <li>• At present, the discussion on what behaviours are in scope is somewhat circular, with different paragraphs revisiting and shifting between positions.</li> <li>• We are concerned about the use of move-on orders to address activities that cause anxiety to people in public places. This risks people prejudging the potential behaviour of someone based on assumptions or beliefs that they are homeless, how they look, or other discriminations. This is also likely to result in a negative impact on people experiencing homelessness.</li> <li>• We are concerned that ‘obstructing a public way’ could include someone sleeping on the pavement, even if they are positioned out of the main walkway, such as against a wall or in a corner. If so, this risks the de facto criminalisation of homelessness.</li> <li>• We are concerned that including passive begging poorly balances public safety and the risk of causing harm. Begging may be a survival behaviour for those who are homeless and banning passive begging will likely cause further harm.</li> </ul>	<ul style="list-style-type: none"> <li>• We recommend providing a definitive list of behaviours to help ensure clarity and accuracy for decision-making.</li> <li>• We recommend removing ‘activities that cause anxiety to people’ from the captured behaviours as this is subjective and creates opportunities for discrimination and risk of further harm.</li> <li>• We recommend the exclusion of passive begging, from the captured behaviours.</li> </ul>
<p><u>Parameters and safeguards</u></p> <ul style="list-style-type: none"> <li>• We are concerned that the paper does not include information on safeguards to mitigate the risk of harm, for example disproportionate targeting of rough sleepers.</li> <li>• We note the inclusion of parameters to ensure responses are proportionate and appropriate. However, the paper does not define what would be considered a reasonable distance or a reasonable excuse.</li> <li>• Homelessness and a lack of housing should be considered a reasonable excuse to occupy public space in this context. HUD advocates for delivery in place, contracting several providers to deliver services within the CBD. There is a risk that reasonable distance could define a large proportion of the CBD and interfere with access to support, essential services, or peoples homes. Some key services</li> </ul>	<ul style="list-style-type: none"> <li>• To mitigate the risk of harm, we recommend the adoption of robust safeguards, including:             <ul style="list-style-type: none"> <li>○ An exemption for survival behaviours associated with homelessness;</li> <li>○ Requiring a review on the effect of move-on orders after implementation; and</li> <li>○ Preventing interferences with access to support, essential services, or where people stay or live.</li> </ul> </li> <li>• For clarity, please explain the parameter terms and provide examples of how this operates in other contexts. For example, would accessing</li> </ul>

<p><b>Cabinet paper feedback</b></p> <p>for rough sleepers are delivered in and around the CBD from locations specifically designed to create communities of support, including residential stable accommodation (e.g. HomeGround and Te Mātāwai in Auckland, Te Pā Pori and Te Pā Maru in Wellington, and Youth Hub in Christchurch).</p> <p>Key points:</p>	<p>support or living in the area be classified as reasonable excuses or would people be expected to find alternative accommodation?</p> <ul style="list-style-type: none"> <li>• We recommend further consideration of appeal and/or review opportunities in alignment with the proposed parameters.</li> </ul>
<p><u>Punitive approaches are an inappropriate and ineffective response to homelessness</u></p> <ul style="list-style-type: none"> <li>• Move-on powers and other law enforcement tools are an inappropriate and ineffective response to homelessness, which is best addressed through collaborative place-based approaches between councils, service providers, iwi/Māori, and relevant government agencies. However, we acknowledge that law enforcement could be an effective tool in the wider response to anti-social behaviours.</li> <li>• The paper notes the importance of balancing the rights and interests of people impacted by public disorder and those engaging in the behaviour. 2024 Police data indicates those experiencing homelessness are often victims of crime, emphasising the need for caution to prevent further harm.<sup>1</sup> This is supported by international studies which highlight the vulnerability of those living without shelter.<sup>2</sup></li> </ul>	<ul style="list-style-type: none"> <li>• Recommend that where a move-on order is breached this is considered an infringement offence rather than a summary offence, in keeping with severity and potential impact.</li> </ul>
<p><u>Likelihood of offending and risk of potential profiling</u></p> <ul style="list-style-type: none"> <li>• We are concerned about use of move-on powers where people are ‘likely to offend’. Assumptions based on the person and behaviour could lead to profiling, particularly by age and/or race. The use of profiling could raise Treaty and legal compliance concerns.</li> </ul>	<ul style="list-style-type: none"> <li>• We recommend adopting a higher threshold for issuing a move-on order, based on realised rather than anticipated behaviour to reduce the risk of profiling.</li> </ul>

<sup>1</sup> Through information gained by an Official Information Act (OIA) release from NZ Police, Housing First Auckland determined that, though there was a small increase with those with no fixed abode committing crimes, there has been a sharp increase in them being victims of crime (an 81% increase in crimes against people with “no fixed abode” since 2017) ([Housing First Auckland, 2024](#))

<sup>2</sup> For example, 2022 findings from Victoria Australia suggest that the state of homelessness is associated with temporary vulnerability to potentially harmful and problematic situations involving anti-social behaviour and victimisation ([Heerde, Jessica A. et al, 2022](#)) .

<p><b>Cabinet paper feedback</b></p> <p>We are concerned that people experiencing homelessness may be perceived of higher likelihood of offending due to their homeless status or appearance.</p> <p><u>Key points:</u></p> <p><u>Policy intent</u></p> <ul style="list-style-type: none"> <li>The paper notes the potential of move-on powers to deescalate situations. If the objective is de-escalation, issuing a move-on order may not align with that intent. De-escalation generally involves a proportionate, low-intensity response rather than measures that could be perceived as punitive. There is a risk that the use of move-on powers could escalate situations rather than reduce tension.</li> </ul>	
<p><u>Enforcement of move-on orders and penalty for breach</u></p> <ul style="list-style-type: none"> <li>Given the existing legislative tools, there does not appear to be evidence of an enforcement gap that would support the introduction of a new offence or penalties, particularly for begging.</li> <li>The proposed penalty appears disproportionate and would benefit from further justification.</li> <li>We acknowledge and appreciate the reference to unpaid fines perpetuating cycle of poverty and homelessness. However, setting move-on order breaches as a criminal offence rather than an infringement offence, as well as the fine amount, will have much greater impacts on people experiencing homelessness than others. The ability of someone experiencing homelessness to effectively engage with the court system, or pay a fine is limited, therefore the risk of incarceration is higher. Criminal convictions also inhibit access to tenancies and some services, therefore compounding the issue.</li> </ul>	<ul style="list-style-type: none"> <li>We recommend clarification of the intent of move-on powers, for example de-escalation, and how the proposed option is in alignment. It is important that this distinction is clearly reflected, given decisions will rely on the framing in this paper.</li> <li>This risk could be mitigated if non-compliance were an infringement rather than a criminal offence.</li> <li>We recommend providing examples of other offences which currently hold the same penalty to enable decisions on whether this proposed move-on penalty is proportionate and/or appropriate.</li> <li>We recommend that the paper also notes the greater potential impact on people experiencing homelessness, in particular that criminal convictions inhibit access to tenancies and some services, therefore compounding their situation and potentially further trapping them in homelessness.</li> </ul>
<p><u>Risks and issues for consideration</u></p> <ul style="list-style-type: none"> <li>HUD is concerned about the limited evidence provided in the paper on the efficacy of move-on laws in Australia and the UK. Previous Justice advice noted that studies have found no empirical evidence to show that move-on powers result in reduction in crime rates. The paper indicates that risks could be mitigated as breaches are unlikely to occur. This conflicts with the note on unpaid</li> </ul>	<ul style="list-style-type: none"> <li>We recommend that the paper emphasises that the impacts and efficacy of move-on powers is unknown.</li> <li>We recommend additional context on the assumption that breaches will be infrequent as well as evidence to support the view that the</li> </ul>

<p><b>Cabinet paper feedback</b></p> <p>lines perpetuating homelessness and the concerns outlined in the cost-of-living implications.</p> <p>Key points:</p> <ul style="list-style-type: none"> <li>• There is a risk that when begging is banned, people may lose access to a critical survival strategy, which could lead to riskier behaviours or illegal means to obtain food or shelter.</li> </ul>	<p>penalty will act as a strong deterrent. Providing this background would help clarify how these conclusions were reached, particularly given common perspectives within criminology.</p> <ul style="list-style-type: none"> <li>• We recommend signalling the potential connection between breaches, loss of access to critical survival strategies, and the risk of engaging in illegal behaviours to obtain food or shelter.</li> </ul>
<p><u>Implementation and financial considerations</u></p> <ul style="list-style-type: none"> <li>• Is there modelling on the potential cost of imprisonment resulting from breaches of move-on orders? If these orders are issued to people experiencing homelessness and subsequently breached, they are unlikely to be able to pay the \$2,000 fine, which could lead to imprisonment. What is the estimated cost of three months in prison, and what proportion of move-on orders might realistically result in imprisonment?</li> <li>• International evidence suggests that punitive approaches are often more expensive and less effective than investing in housing support. Has there been any assessment of the difference between these costs?</li> </ul>	<ul style="list-style-type: none"> <li>• We recommend including more information about financial implication of different approaches.</li> </ul>
<p><u>Population implications and human rights</u></p> <ul style="list-style-type: none"> <li>• We agree that there will be disproportionate impact on Māori and other populations of interest, such as youth and mentally ill.</li> <li>• We note that people experiencing homelessness should be afforded equal access to public spaces, in accordance with public amenity standards and non-discrimination principles, particularly where no thresholds for anti-social or disorderly behaviour have been met.</li> </ul>	<ul style="list-style-type: none"> <li>• The paper would benefit from including references to the reports of move-on orders in Australia being disproportionately applied against persons who are experiencing homelessness, indigenous, young, or mentally ill. Māori experiencing homelessness may face disproportionate risk of harm.</li> </ul>

**Subject paper feedback**

<p>Key points: General comments</p>	<ul style="list-style-type: none"> <li>• The paper presents a well-reasoned and balanced discussion on the costs and benefits of the options. This includes risks of discrimination, impacts on people’s freedom of movement and ability to source money and other goods, and the perception of behaviour rather than actual incidents.</li> <li>• The paper presents a well-reasoned assessment of options, including lack of empirical evidence to support move-on orders, risk of shifting behaviours to another area, and limitations on people’s rights. We agree with the papers assessment that the penalties under Options 3 and 4 are disproportionate and not appropriate, particularly in relation to begging when no aggression or intimidation is involved.</li> <li>• The RIS did not include Treaty implications or analysis. HUD are happy to support Treaty analysis on these proposals, we can either provide housing specific input or we can support with a broader proposed Treaty analysis for you to review.</li> <li>• Māori face disproportionate rates of homelessness and therefore are more likely to be engaged in survival behaviours which may be perceived as anti-social behaviour. The homeless are already a vulnerable group, intersectionality with ethnicity may elevate this risk as Māori are already over-represented in the justice system and face higher rates of prosecution by police.</li> </ul>
<p>Recommendations</p>	<ul style="list-style-type: none"> <li>• In alignment with the policy objective to reduce public vulnerability, the paper could also note that people experiencing homelessness are frequently victims of crime/anti-social behaviour.</li> <li>• The paper would benefit from including data on which populations are engaging in disorderly behaviour or clarify that this is unknown. The paper notes that data on the levels and severity of disorderly behaviour is limited. The significance of this limitation could be expanded as the prevalence, or precepted prevalence of this behaviour forms the basis of the proposal.</li> <li>• The paper could clarify that the list of public disorder behaviours are potential perceptions only rather than the proposed definition.</li> <li>• As part of monitoring and evaluation, the paper could propose requiring a review on the effect of move-on orders on people experiencing homelessness after implementation.</li> </ul>

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**From:** s9(2)(a) @privacy.org.nz>  
**Sent:** Monday, 17 November 2025 4:54 pm  
**To:** S9(2)(a)  
**Cc:** S9(2)(a) ; S9(2)(a) Eve Kennedy  
**Subject:** RE: Public disorder - CAB paper and RIS for agency consultation

Kia ora s9(2)(a)

Thanks very much for the opportunity to comment, we note your analysis and the limited evidence to support the policy rationale. Collecting personal information without an evidence-based rationale, increases the risk of the information collection being unnecessary.

Ngā mihi nui  
s9(2)(a)

Principal Policy Adviser | Kaitohutohu Tuakana – Kaupapa-here

**Office of the Privacy Commissioner** | Te Mana Mātāpono Matatapu  
PO Box 10094, Wellington 6140  
T 04 474 7590 DDI 04 494 7141  
E s9(2)(a) @privacy.org.nz  
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**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 his 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.

---

**From:** s9(2)(a) @dia.govt.nz>  
**Sent:** Monday, 17 November 2025 5:08 pm  
**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

Kia ora koutou

Thank you for the opportunity to provide feedback on the draft Cabinet paper and RIS, which we have reviewed from a local government system perspective.

We note that the proposal is to create a power for Police, and that no power or role is proposed for local authorities.

Has consideration been given to whether there is a potential risk of people being issued a move-on order by Police and having enforcement action undertaken against them by a council for the same behaviour or activity?

We are available to discuss this feedback if that would be useful.

Ngā mihi nui

s9(2)(a) ) | Senior Policy Analyst | Kaitātari Kaupapa Here Matua  
Local Government Policy, Partnerships and Operations  
Policy and Te Tiriti | He Pou Rarama  
Department of Internal Affairs | Te Tari Taiwhenua  
PO Box 805, Wellington 6140, New Zealand | [www.dia.govt.nz](http://www.dia.govt.nz)



**Internal Affairs**  
**Te Tari Taiwhenua**

*My usual days of work are Monday-Wednesday*

---

**From:** S9(2)(a) @justice.govt.nz>  
**Sent:** Thursday, November 13, 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 his 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.

---

**From:** S9(2)(a) @parliament.govt.nz>  
**Sent:** Wednesday, 19 November 2025 8:20 am  
**To:** S9(2)(a) Justice PS  
**Cc:** S9(2)(a) .parliament.govt.nz; S9(2)(a) ; Mercuri, Alida; S9(2)(a)  
S9(2)(a) ; S9(2)(a)  
**Subject:** RE: Strengthening responses to public disorder – outstanding policy decisions

Kia ora S9(2)(a)

Please see below feedback from Treasury – I understand this has been given to you directly during agency consultation, too

We recommend the Minister of Justice update the paper to:

- *Include full details of the financial implications for Police, Justice, Corrections, and Crown Law and indicate how those costs will be met. If costs are proposed to be met through baselines, the paper should present reprioritisation options so that Ministers are aware of the trade-offs required to enable delivery.*
- *Include further information about the nature and costs of the problem and likely effectiveness of the proposed solution, so the financial implications associated with implementation can be considered against the proposed benefits.*



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

Authorised by Hon Paul Goldsmith, Parliament Buildings

---

**From:** S9(2)(a) @justice.govt.nz>  
**Sent:** Tuesday, 11 November 2025 4:29 PM  
**To:** Justice.PS <Justice.PS@parliament.govt.nz>  
**Cc:** S9(2)(a) @parliament.govt.nz>; S9(2)(a) @parliament.govt.nz>; S9(2)(a) @parliament.govt.nz>; Mercuri, Alida <Alida.Mercuri@justice.govt.nz>; S9(2)(a) @justice.govt.nz>; S9(2)(a) @justice.govt.nz>; S9(2)(a) @justice.govt.nz>  
**Subject:** RE: Strengthening responses to public disorder – outstanding policy decisions

Kia ora  
Thanks for letting us know  
S9(2)(a)

S9(2)(a)  
Policy Manager | Criminal Justice Unit | Policy Group



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

**From:** S9(2)(a) @parliament.govt.nz>  
**Sent:** Tuesday, 11 November 2025 4:09 pm  
**To:** S9(2)(a) @justice.govt.nz>; Mercuri, Alida <alida.mercuri@justice.govt.nz>; S9(2)(a) @justice.govt.nz>; S9(2)(a) @justice.govt.nz>; S9(2)(a) @justice.govt.nz>  
**Cc:** S9(2)(a) @parliament.govt.nz>; 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:** Strengthening responses to public disorder – outstanding policy decisions

Kia ora koutou,

The draft paper **Strengthening responses to public disorder** intended for consideration at SOU on 3 December has been circulated for ministerial consideration, with feedback by 17 November.

Ngā mihi,  
S9(2)(a)



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

Authorised by Hon Paul Goldsmith, Parliament Buildings, Wellington

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**From:** s9(2)(a) @police.govt.nz>  
**Sent:** Wednesday, 19 November 2025 3:53 pm  
**To:** S9(2)(a) ; S9(2)(a)  
**Cc:** S9(2)(a) ; s9(2)(a)  
**Subject:** RE: [EXTERNAL] RE: Public disorder - CAB paper and RIS for agency consultation

Cool, let s9(2)(a) and I have a think on how best to represent this and come back to you by lunch time tomorrow with some additional wording.

s9(2)(g)(i)

Ngā mihi

s9(2)(a)

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



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**From:** S9(2)(a) @justice.govt.nz>  
**Sent:** Wednesday, 19 November 2025 3:46 pm  
**To:** s9(2)(a) @police.govt.nz>; S9(2)(a) @justice.govt.nz>  
**Cc:** S9(2)(a) @justice.govt.nz>; s9(2)(a) @police.govt.nz>; S9(2)(a) @police.govt.nz>  
**Subject:** RE: [EXTERNAL] RE: Public disorder - CAB paper and RIS for agency consultation

**~~IN CONFIDENCE / CABINET~~**

Thanks s9(2)(a) We appreciate you getting back to us. The purpose of adding more information here is to show what is happening across Government (not just social and health responses). So, it would be useful to make a reference to what Police is doing as part of the wider effort, which isn't Auckland specific. Is there a way we can reflect that?

We are happy to tweak the opening sentence about which agencies are involved.

**IN CONFIDENCE / CABINET**

**From:** s9(2)(a) @police.govt.nz>  
**Sent:** Wednesday, 19 November 2025 3:38 pm  
**To:** S9(2)(a) @justice.govt.nz>; S9(2)(a) @justice.govt.nz>  
**Cc:** S9(2)(a) @justice.govt.nz>; s9(2)(a) @police.govt.nz>; s9(2)(a) @police.govt.nz>  
**Subject:** RE: [EXTERNAL] RE: Public disorder - CAB paper and RIS for agency consultation

Kia ora, thanks for running this by us.

Slight tweak suggested below, based on:

- the focus of the section is non-offending responses (noting the reference to housing, health, and social sector portfolios and that points (a)-(e) are all housing related)
- beat teams are already established (i.e. we've *already* increased our presence in the city centre).

Police have established new Police Community Beat Teams in major cities. In Auckland, the Government alongside Auckland City Council are taking actions to improve the performance and perception of Auckland's city centre, including on housing, increased Police through the beat teams established last year and council presence in key areas and daytime service provisions, for example.

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:** Wednesday, 19 November 2025 1:28 pm  
**To:** s9(2)(a) @hud.govt.nz>; s9(2)(a) @police.govt.nz>; s9(2)(a) @mbie.govt.nz>; s9(2)(a) @msd.govt.nz>  
**Cc:** S9(2)(a) @justice.govt.nz>; S9(2)(a) @justice.govt.nz>; s9(2)(a) @hud.govt.nz>; s9(2)(a) @police.govt.nz>; s9(2)(a) @mbie.govt.nz>  
**Subject:** [EXTERNAL] RE: Public disorder - CAB paper and RIS for agency consultation

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~~IN CONFIDENCE / CABINET~~

Kia ora koutou

Thank you to everyone who provide feedback and comments on the Public Disorder Cabinet Paper and RIS.

One suggestion we received was to provide more detail on the government initiatives underway to address public disorder and the management/order of city centres, so that the Justice response is considered in the context of wider work. To do this, we think naming some key initiatives would be useful, but we wanted to confirm that the relevant agencies are comfortable with this change.

Can you please review the proposed change below and provide any edits or additions by mid-day tomorrow, Thursday 20 November.

*Previous wording*

The Government has a range of initiatives underway to address the drivers of public disorder, and support individuals and communities, including in the housing, health, and social sector portfolios.

*New proposed wording in the Cabinet paper*

The Government has a range of initiatives underway to support the management and order of city centres, and to further support individuals and communities, including in the housing, health, and social sector portfolios. A number of current initiatives focus on:

- a. Up to 300 additional social homes for people already getting support through Housing First (HUD-led)
- b. Additional provider-led, local responses for rough sleepers (HUD-led)
- c. Using transitional housing effectively (HUD-led)
- d. Strengthening staff guidance on using discretion in assessing emergency housing grants (MSD-led)
- e. Redirection of benefits towards housing costs (MSD-led)

Police have established new Police Community Beat Teams in major cities. In Auckland, the Government alongside Auckland City Council are taking actions to improve the performance and perception of Auckland's city centre, including on housing, increased Police and council presence in key areas and daytime service provisions, for example.

I'm happy to discuss this further if that would be helpful.

Ngā mihi,  
S9(2)(a)

~~IN CONFIDENCE / CABINET~~

From: S9(2)(a)

Sent: Monday, 10 November 2025 3:59 pm

Cc: 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)>; S9(2)(a)

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

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

---

**From:** s9(2)(a) @mbie.govt.nz>  
**Sent:** Wednesday, 19 November 2025 2:13 pm  
**To:** S9(2)(a) ; s9(2)(a) |  
**Cc:** S9(2)(a) ; S9(2)(a) ; s9(2)(a)  
**Subject:** RE: Public disorder - CAB paper and RIS for agency consultation [UNCLASSIFIED]

Kia ora S9(2)(a)

Please see the suggested changes below in relation to Auckland.

s9(2)(a)

Head | Auckland Policy Office  
Waea pūkoro: S9(2)(a)  
Imēra: s9(2)(a) @mbie.govt.nz  
Alternative: s9(2)(a) @mbie.govt.nz  
Website: [Click here](#)

---

**Auckland Policy Office** The Government's Auckland Policy Office  
Level 7, 167b Victoria Street West, Central Auckland 1010

---

***New proposed wording in the Cabinet paper***

The Government has a range of initiatives underway to support the management and order of city centres, and to further support individuals and communities, including in the housing, health, and social sector portfolios. A number of current initiatives focus on:

- a. Up to 300 additional social homes for people already getting support through Housing First (HUD-led)
- b. Additional provider led, local responses for rough sleepers (HUD-led)
- c. Using transitional housing effectively (HUD-led)
- d. Strengthening staff guidance on using discretion in assessing emergency housing grants (MSD-led)
- e. Redirection of benefits towards housing costs (MSD-led)

Police have established new Police Community Beat Teams in major cities. In Auckland, the Government and Auckland Council are taking coordinated steps to improve the performance and public confidence of Auckland's city centre. This includes reducing rough sleeping, improving responses to antisocial and intimidating behaviour, concentrating activity on known hotspots, and strengthening the enforcement of existing laws and bylaws.

---

**From:** S9(2)(a) @justice.govt.nz>  
**Sent:** Wednesday, 19 November 2025 1:28 pm  
**To:** s9(2)(a) @hud.govt.nz>; s9(2)(a) @police.govt.nz>; s9(2)(a) @msd.govt.nz>  
@mbie.govt.nz>; s9(2)(a) @justice.govt.nz>  
**Cc:** S9(2)(a) @justice.govt.nz>; S9(2)(a) @justice.govt.nz>; s9(2)(a)

s9(2)(a) @hud.govt.nz>; s9(2)(a) @police.govt.nz>; s9(2)(a)  
@mbie.govt.nz>

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

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**~~IN CONFIDENCE / CABINET~~**

Kia ora koutou

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The Government has a range of initiatives underway to address the drivers of public disorder, and support individuals and communities, including in the housing, health, and social sector portfolios.

*New proposed wording in the Cabinet paper*

The Government has a range of initiatives underway to support the management and order of city centres, and to further support individuals and communities, including in the housing, health, and social sector portfolios. A number of current initiatives focus on:

- a. Up to 300 additional social homes for people already getting support through Housing First (HUD-led)
- b. Additional provider-led, local responses for rough sleepers (HUD-led)
- c. Using transitional housing effectively (HUD-led)
- d. Strengthening staff guidance on using discretion in assessing emergency housing grants (MSD-led)
- e. Redirection of benefits towards housing costs (MSD-led)

Police have established new Police Community Beat Teams in major cities. In Auckland, the Government alongside Auckland City Council are taking actions to improve the performance and perception of Auckland's city centre, including on housing, increased Police and council presence in key areas and daytime service provisions, for example.

I'm happy to discuss this further if that would be helpful.

Ngā mihi,  
S9(2)(a)

**~~IN CONFIDENCE / CABINET~~**

From: s9(2)(a)

Sent: Monday, 10 November 2025 3:59 pm

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

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

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**From:** S9(2)(a)  
**Sent:** Thursday, 20 November 2025 3:32 pm  
**To:** s9(2)(a)  
**Cc:** s9(2)(a); S9(2)(a)  
**Subject:** RE: [EXTERNAL] RE: Updated impact lines

~~IN CONFIDENCE / CABINET~~

Thanks s9(2)(a) ts sounds like a very busy week for you.

Let us know what edits you have. We have now got our RIS panel comment, so any changes do need to go back through them.

Thanks for working to get the Trespass feedback aligned across all documents.

~~IN CONFIDENCE / CABINET~~

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**From:** s9(2)(a) @corrections.govt.nz>  
**Sent:** Thursday, 20 November 2025 2:33 pm  
**To:** S9(2)(a) @justice.govt.nz>  
**Cc:** s9(2)(a) @corrections.govt.nz>; S9(2)(a) @justice.govt.nz>  
**Subject:** RE: [EXTERNAL] RE: Updated impact lines

Sorry, I've been very occupied with a bill that's going through under urgency this week that Corrections has involvement in.

I just realised that your original email said COP yesterday. I am checking some things and will have some feedback for you very soon. There are a few elements to it but it shouldn't take long to incorporate.

I asked s9(2)(a) to get the team dealing with trespass to connect up with you as she hasn't seen a RIS for that and because the impacts are part of the collective impact we're wanting to check alignment with how the impacts are stated.

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**From:** S9(2)(a) @justice.govt.nz>  
**Sent:** Wednesday, 19 November 2025 3:18 PM  
**To:** s9(2)(a) @corrections.govt.nz>  
**Cc:** s9(2)(a) @corrections.govt.nz>; S9(2)(a) @justice.govt.nz>  
**Subject:** RE: [EXTERNAL] RE: Updated impact lines

~~IN CONFIDENCE / CABINET~~

Apologies for the delay, it's taken me a while to figure out how to share it within the parameters of our security protocol.

You can now access the draft RIS, with the below changes, in the external SharePoint site. It's in the RIS library, in a folder called Corrections.

Let me know if you have any issues.

~~IN CONFIDENCE / CABINET~~

From: s9(2)(a) @corrections.govt.nz>  
 Sent: Wednesday, 19 November 2025 11:22 am  
 To: S9(2)(a) @justice.govt.nz>  
 Cc: s9(2)(a) @corrections.govt.nz>; S9(2)(a) @justice.govt.nz>  
 Subject: RE: [EXTERNAL] RE: Updated impact lines

The way it's been excerpted is a little hard to follow – although appreciate you're trying only to include the relevant info, are you able to provide the relevant pages.

From: S9(2)(a) @justice.govt.nz>  
 Sent: Wednesday, 19 November 2025 10:53 AM  
 To: s9(2)(a) @corrections.govt.nz>  
 Cc: s9(2)(a) @corrections.govt.nz>; S9(2)(a) @justice.govt.nz>  
 Subject: RE: [EXTERNAL] RE: Updated impact lines

~~IN CONFIDENCE / CABINET~~

Kia ora s9(2)(a)

Thank you for the information for the Cabinet Papers. I wanted to share the Corrections related information in the RIS.

**Summary: Ministers preferred option Costs**

- Additional costs will fall on the public sector, particularly NZ Police, the Courts and the Department of Corrections. These are direct costs, both implementation and ongoing. NZ Police will need to use resources on issuing and enforcing move-on orders.
  - o Police information...
  - o Courts information...
  - o Indicative estimates suggest up to six additional people per year could be sentenced to prison for non-compliance with move-on orders, at a cost of \$120,000 per prisoner per annum. Because of the limited capacity and resilience in the prison system, even 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).

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

<b>Feasibility</b>	<p>Police will apply discretion when deciding when to dedicate resources to respond 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</p>	<p>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.</p> <p>Modelling estimates that assuming 6,000 to 10,000 people per annum receive move on orders and 12% to 20% breach the order, it may</p>	<p>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.</p> <p>Modelling estimates that Assuming 9,000 to 15,000 people per annum receive move on orders and 12% to 20% breach the order, it may</p>
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	<p>completing implementation of its new infringement system. 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. A person who receives a \$500 fee, who has no or very low income, will unlikely be able to pay a fine, even over a long period.</p> <p>No impacts on Corrections system because no new imprisonable offences being created.</p>	<p>result in up to 138 to 545 additional court cases per annum. A person who receives a court ordered fine (up to \$2,000), who has no or very low income, will unlikely be able to pay a fine, even over a long period.</p> <p>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. The costs of imprisonment are \$120,000 per prisoner per annum inclusive of any operational changes required at a unit or site level.</p>	<p>result in up to 207 to 818 additional court cases per annum. A person who receives a court ordered fine (up to \$2,000), who has no or very low income, will unlikely be able to pay a fine, even over a long period.</p> <p>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. The costs of imprisonment are \$120,000 per prisoner per annum inclusive of any operational changes required at a unit or site level.</p>
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**Additional costs of the preferred option compared to taking no action**

<p>Department of Corrections</p>	<p><b>Ongoing</b> – Introducing imprisonment penalties will have an impact on the prison population (including remand).</p>	<p><b>Medium/High</b> – Do not expect many people convicted of offences to receive a prison sentence, unless serious disorder or previous offending. Could increase the prison population by 6 people per year at a cost of \$120,000 each. However, the prison system has very limited capacity and low resilience and even a policy change with a small projected population increase could trigger the need for additional infrastructure investment.</p>	<p><b>Low</b> – esti and will de move-on c</p>
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- **Ongoing impact on prison population:** 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 (Corrections) notes that this is one of a wider suite of policy proposals that could increase the prison population, which, when considered collectively with these changes, could have funding implications for the Crown. This relates to both the operational costs for each additional prisoner (of \$120,000 per prisoner per annum), and the infrastructure requirements for the prison network, which already has very limited capacity and low resilience. This means that even a policy change with a small projected population increase could trigger the need for additional infrastructure investment. These costs must be considered on a network-wide basis and cannot be determined relative to one policy change alone. While Corrections would, in the first instance, consider if any marginal increase in prisoner numbers could be covered within baselines, current projections for the prison population indicate that further funding would be needed to meet future demand. This has been highlighted through Corrections’ Performance Plan, and annual Budget and Specific Fiscal Risks processes. **Separately, there is the potential that people with mental health concerns could receive and then breach move-on orders, and if these people receive a prison sentence, managing the health needs may impact Corrections operations.**

**How will the proposal be implemented?**

- 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.

Please let me know if you would like to make any edits etc, if possible, by COB today.

Nā 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:** Tuesday, 18 November 2025 3:34 pm  
**To:** S9(2)(a) @justice.govt.nz  
**Cc:** S9(2)(a) @justice.govt.nz @corrections.govt.nz; S9(2)(a)  
**Subject:** RE: [EXTERNAL] RE: Updated impact lines

Thanks S9(2)(a)

**From:** S9(2)(a) @justice.govt.nz  
**Sent:** Tuesday, 18 November 2025 3:02 PM  
**To:** S9(2)(a) @corrections.govt.nz  
**Cc:** S9(2)(a) @justice.govt.nz @corrections.govt.nz; S9(2)(a)  
**Subject:** [EXTERNAL] RE: Updated impact lines

Hi S9(2)(a)

Thank you so much for getting this to us. Also, thanks for highlighting the need for consistent language. I'll look later today and give you a call if I have any more questions.

Many thanks,  
S9(2)(a)

**From:** S9(2)(a) @corrections.govt.nz  
**Sent:** Tuesday, 18 November 2025 2:38 pm  
**To:** S9(2)(a) @justice.govt.nz  
**Cc:** S9(2)(a) @corrections.govt.nz  
**Subject:** Updated impact lines

Kia ora S9(2)(a)

Here are updated lines. If you have any particular comments on aspects of it, including anything you think is unclear, could you please call me. It is shorter and repetition has been addressed (although please signal anything you identify). It may be helpful for you to call me if that's the case to work through it quickly and we'll then quickly check with S9(2)(a). We could delete 'with these changes' after collectively as it's likely already covered. Please note that we need to ensure consistency with other materials, including those developed outside of our team in terms of the network-wide basis for which we consider costs.

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 (Corrections) notes that this is one of a wider suite of policy proposals that could increase the prison population, which, when considered collectively with these changes, could have funding implications for the Crown. This relates to both the operational costs for each additional prisoner (of \$120,000 per prisoner per annum), and the infrastructure requirements for the prison network, which already has very limited capacity and low resilience. This means that even a policy change with a small projected population increase could trigger the need for additional infrastructure investment.

These costs must be considered on a network-wide basis and cannot be determined relative to one policy change alone. While Corrections would, in the first instance, consider if any marginal increase in prisoner numbers could be covered within baselines, current projections for the prison population indicate that further funding would be needed to meet future demand. This has been highlighted through Corrections' Performance Plan, and annual Budget and Specific Fiscal Risks processes.

Apologies for the delay, I've been working on urgent work where deadlines moved forward and as signalled we needed to link in with other teams on this.

s9(2)(a)

**Principal Policy Adviser, Strategic Policy**

Ara Poutama Aotearoa, Department of Corrections

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

p: 04 460 3387

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



ARA POUTAMA AOTEAROA  
DEPARTMENT OF CORRECTIONS



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**From:** s9(2)(a) @msd.govt.nz>  
**Sent:** Friday, 21 November 2025 9:51 am  
**To:** S9(2)(a) ; S9(2)(a)  
**Subject:** RE: Public disorder - CAB paper and RIS for agency consultation

~~IN CONFIDENCE~~

Kia ora S9(2)(a)

Thank you, and yes we are happy with that additional minor change.

Ngā mihi

s9(2)(a)

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**From:** S9(2)(a) @justice.govt.nz>  
**Sent:** Friday, 21 November 2025 9:32 AM  
**To:** s9(2)(a) @msd.govt.nz>; S9(2)(a) @justice.govt.nz>  
**Subject:** RE: Public disorder - CAB paper and RIS for agency consultation

Kia ora ano

Yes, we can delete that.

Also, one point I wanted to check with you - the information below highlighted in yellow reads a bit awkwardly for a cabinet paper (it feels a little bit like agency feedback). We note this is MSD's comment, but we wondered if the following might read a bit better for a Cab Paper:

"We note the need for robust consideration of possible implications and mitigations for specific groups who may be disproportionately impacted (e.g. Māori, Pacific, youth aged 14 and over, disabled people, people with mental health needs, and people experiencing poverty and/or addiction)."

For your awareness, we didn't add more detail on these implications in the Cabinet Paper, but we added a lot more detail into the RIS to address these concerns.

Many thanks.

S9(2)(a)

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**From:** s9(2)(a) @msd.govt.nz>  
**Sent:** Friday, 21 November 2025 9:26 am  
**To:** 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~~

Mōrena kōrua

I've realised a line was accidentally left in yesterday, that should have been removed. Would it be too late to get it taken out?

This is in the third bullet:

s9(2)(g)(i)

If it's too late, that's fine, but can you please let me know?

Ngā mihi nui,

s9(2)(a)

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**From:** s9(2)(a) <[s9\(2\)\(a\)@msd.govt.nz](mailto:s9(2)(a)@msd.govt.nz)>  
**Sent:** Thursday, 20 November 2025 1:53 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)>  
**Cc:** s9(2)(a) <[s9\(2\)\(a\)@msd.govt.nz](mailto:s9(2)(a)@msd.govt.nz)>; Julia Bergman <[Julia.Bergman003@msd.govt.nz](mailto:Julia.Bergman003@msd.govt.nz)>  
**Subject:** RE: Public disorder - CAB paper and RIS for agency consultation

Kia ora <sup>s9(2)</sup><sub>(a)</sub> and S9(2)(a)

Can you please include the following agency comment in the Cabinet paper *Strengthening responses to public disorder*. This has had input from GMs and DCEs at both HUD and MSD.

**Ministry of Housing and Urban Development (HUD) and Ministry of Social Development (MSD) comment**

- HUD and MSD think there are significant issues with the paper in its current form. The proposal could potentially cause further harm to people experiencing homelessness, by distancing them from essential support services, networks and accommodation options. It would effectively criminalise them, as breaching a move-on order may be necessary to access services or somewhere safe to sleep. This approach could therefore compromise, rather than supplement, recent Government investment in homelessness supports.
- It is not clear that move-on orders are required for public safety, or will be effective in preventing disruptive or harmful events from occurring. There is limited detail and supporting evidence provided, such as data on which populations are engaging in disorderly behaviour (several different groups can be the perpetrators) or evidence, including international evidence, on the effectiveness of the proposed interventions.
- We are concerned that the offence and penalty proposed is disproportionate to the problem, and will burden those least able to pay with unsustainable debt to government (costs will primarily fall on those issued with move-on orders, and public services. The approach may risk causing further harm to people experiencing homelessness, including making it harder for them to get housing. s9(2)(g)(i)

These risks could be mitigated if non-compliance were made an infringement rather than summary offence, in keeping with severity and potential impact.

- We recommend excluding survival behaviours for homelessness (i.e. rough sleeping and begging) from the scope of move-on orders, and that this is reflected across all proposed safeguards. Safeguards will be important given risks stemming from the subjective

Document 92

judgements that will be required, such as on what is a 'reasonable excuse' for someone not complying with a move-on order, or what is reasonably likely to cause 'anxiety'. Safeguards should include preventing exclusion from access to support, essential services, or where people stay or live.

- We recommend the population implications section includes robust consideration of possible implications and mitigations for specific groups who may be disproportionately impacted (e.g. Māori, Pacific, youth aged 14 and over, disabled people, people with mental health needs, and people experiencing poverty and/or addiction).
- Social services to respond to homelessness and rough sleepers, and address the underlying issues, have been shown to be effective in international studies.

Ngā mihi

s9(2)(a)

s9(2)(a)

Senior Policy Analyst  
Housing Policy  
DDI: +64 4 978 4196



MINISTRY OF SOCIAL  
DEVELOPMENT  
Te Kaitiaki Take Kōwhiri

**From:** s9(2)(a)

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

**Sent:** Monday, 17 November 2025 4:18 PM

**To:** s9(2)(a)

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

**Cc:** s9(2)(a)

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

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

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

Kia ora ano,

Thanks for checking. I don't see an issue with that. It seems like an efficient approach.

We will stand by for your input.

Many thanks,

s9(2)(a)

**From:** s9(2)(a)

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

**Sent:** Monday, 17 November 2025 4:02 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)

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

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

IN CONFIDENCE

Kia ora anō

Thank you for the useful Teams call earlier. Assuming our GM and DCE agree to the inclusion of separate agency comment, would you be happy to receive lines that combine MSD and HUD comment?



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**From:** S9(2)(a)  
**Sent:** Friday, 21 November 2025 10:19 am  
**To:** s9(2)(a)  
**Cc:** s9(2)(a) S9(2)(a)  
**Subject:** RE: Public disorder RIS

~~IN CONFIDENCE / CABINET~~

Kia ora s9(2)(a)

Thank you for providing that feedback – we have incorporated it all into the RIS. Regarding the data, the information that is in the RIS is correct. Our data team has landed on those numbers (4+2=6).

Thank you again for all your support as we finalise the papers.

Many thanks,  
S9(2)(a)

~~IN CONFIDENCE / CABINET~~

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**From:** s9(2)(a) @corrections.govt.nz>  
**Sent:** Thursday, 20 November 2025 5:07 pm  
**To:** S9(2)(a) @justice.govt.nz>  
**Cc:** s9(2)(a) @corrections.govt.nz>  
**Subject:** RE: Public disorder RIS

Sorry replace the mental health lines with this more succinct version:

There will be an operational impact for Corrections where people have significant or severe mental health need, particularly where this needs to be managed in prison.

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**From:** s9(2)(a)  
**Sent:** Thursday, 20 November 2025 4:38 PM  
**To:** S9(2)(a) @justice.govt.nz>  
**Cc:** s9(2)(a) @corrections.govt.nz>  
**Subject:** FW: Public disorder RIS

Kia ora S9(2)(a)

I suspect it's every bit as busy your end!

Apologies, because it involved going into the SharePoint and we can't track comments directly in, our feedback is set out below. Please note the tweaks to the wording align it more with what the lines we previously provided say. We completely expect them to be in there in full once (otherwise it would just repeat). We focused tweaks on whether something was missing (e.g. infrastructure impacts in the feasibility part of the options table).

The rest of our email will go through the relevant parts of the RIS and feedback on the way corrections system impacts are set out:

Options assessment

- **Certainty of the law** – it may not be something that you can yet clarify. But to the extent that it's clear what the definition of some of the behaviours captured by either option 3 or 4 will be, it's unclear whether the modelling captures the scenario where it captures more 'passive' than 'active' behaviours – i.e. sitting on a footpath. It may be that uncertainty is already captured in the modelling at the high estimate, but possibly not. If the behaviours captured are changing, can you please have the modelling updated, particularly if more behaviours appear to be in scope.
- **Feasibility** – please delete “the impact on corrections from the new offence should be small.” The text appears to look at the impact only through the per person increase, which we have noted in the lines provided is a small increase to the prison population. We appreciate in the table you cannot put in the lines in full but at a minimum, after the rest of the lines you should add. “The prison network already has limited capacity and low resilience and even a small projected population increase, collectively with other changes, could trigger the need for additional prison infrastructure investment.” We think that while the RIS is focused on this proposal you need to refer to the collective impact as without it you are missing this aspect of the costs.
- Also, your RIS does not appear to have the latest version of the modelling, so the prison population increase is incorrect. It instead records an earlier version (which we think didn't include some breach/resisting arrest elements that were later built in). We understand that for the move on offence the projected impact is 6 and for the begging offence (not proposed but included in the RIS as an option) it's 9 – instead of 2 and 6. Please update this. The modelling needs to be updated/checked if it looks like the behaviours included are shifting.

**Summary: Minister's preferred option Costs**

- Additional costs will fall on the public sector, particularly NZ Police, the Courts and Corrections [you only need the full reference once – after that you can call us Corrections]. These are direct costs, both implementation and ongoing. NZ Police will need to use resources on issuing and enforcing move-on orders.
  - o Police information...
  - o Courts information...
  - o Indicative estimates suggest up to six additional people per year could be sentenced to prison for non-compliance with move-on orders, at a cost of \$120,000 per prisoner per annum. There is already limited capacity and low resilience in the prison network [delete system], and even a small population increase beyond current projections, collectively with other policy changes and factors, is likely to engage could trigger the need for significant additional infrastructure investment . (which would cost at least \$300 million).

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

<p><b>Feasibility</b></p>	<p>Police will apply discretion when deciding when to dedicate resources to respond 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</p>	<p>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.</p> <p>Modelling estimates that assuming 6,000 to 10,000 people per annum receive move on orders and 12% to 20% breach the order, it may result in up to 138 to 545 additional court cases per annum.</p>	<p>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.</p> <p>Modelling estimates that Assuming 9,000 to 15,000 people per annum receive move on orders and 12% to 20% breach the order, it may result in up to 207 to 818 additional court cases per annum.</p>
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	<p>justice system because it relies on infringement fees. May be some impact if infringement fees are challenged in court. A person who receives a \$500 fee, who has no or very low income, will unlikely be able to pay a fine, even over a long period.</p> <p>No impacts on Corrections system because no new imprisonable offences being created.</p>	<p>A person who receives a court ordered fine (up to \$2,000), who has no or very low income, will unlikely be able to pay a fine, even over a long period.</p> <p>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. The costs of imprisonment are \$120,000 per prisoner per annum inclusive of any operational changes required at a unit or site level.</p>	<p>A person who receives a court ordered fine (up to \$2,000), who has no or very low income, will unlikely be able to pay a fine, even over a long period.</p> <p>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. The costs of imprisonment are \$120,000 per prisoner per annum inclusive of any operational changes required at a unit or site level. <b>The prison network already has limited capacity and low resilience and even a small projected population increase, collectively with other policy changes, could trigger the need for additional prison infrastructure investment.</b></p>
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**Additional costs of the preferred option compared to taking no action**

<p>Department of Corrections</p>	<p><b>Ongoing</b> – Introducing imprisonment penalties will have an impact on the prison population (including remand).</p>	<p><b>High</b> – <del>Do not expect many people convicted of offences to receive a prison sentence, unless serious disorder or previous offending . [This doesn't seem accurate quite a bit of the impact will be remand following arrest, and not all of that will be serious offending, not all will receive prison sentences after remand – but would be part of the population increase – please check with s9(2)(a) for accuracy]</del>                  .This option would result in an increase the prison population of up to 6 people per year, at a cost of \$120,000 for each additional prisoner.  <del>However,</del> However, the prison system has very limited capacity and low resilience and even a policy change with a small projected population increase, collectively with other policy changes, could trigger the need for additional infrastructure investment.</p>	<p><b>Low</b> – estimating population will depend on move-on of the cost</p> <p>Note to relate to the population is more cost</p>
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**Ongoing impact on prison population:** 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 is one of a wider suite of policy proposals that could increase the prison population, which, when considered collectively with these changes, could have funding implications for the Crown. This relates to both the operational costs for each additional prisoner (of \$120,000 per prisoner per annum), and the infrastructure requirements for the prison network, which already has very limited capacity and low resilience. This means that even a policy change with a small projected population increase could trigger the need for additional infrastructure investment. These costs must be considered on a network-wide basis and cannot be determined relative to one policy change alone. While Corrections would, in the first instance, consider if any marginal increase in prisoner numbers could be covered within baselines, current projections for the prison population indicate that further funding would be needed to meet future demand. This has been highlighted through Corrections' Performance Plan and annual Budget and Specific Fiscal Risks processes.

There is a separate operation impact around the level of mental health need some people charged with these offences may have. The types of behaviours noted in the paper may be people who have severe mental health need, meaning that this needs to be responded to in custody. This may include where people are waitlisted for inpatient forensic mental health services due to capacity. ~~This is more~~ Separately, there is the potential that people with mental health concerns could receive and then breach move-on orders, and if these people receive a prison sentence, managing the health needs may impact Corrections operations.

#### How will the proposal be implemented?

- Department of Corrections: Responsible for managing any persons sentenced to imprisonment or subject to a sentence or order managed by Corrections in the community. Implementation activities will include ensuring sufficient prison capacity for those sentenced to imprisonment following conviction.

Ngā mihi,

s9(2)(a)

#### Principal Policy Adviser, Strategic Policy

Ara Poutama Aotearoa, Department of Corrections

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

p: 04 460 3387

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



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**From:** S9(2)(a)  
**Sent:** Friday, 21 November 2025 4:23 pm  
**To:** Greaney, Caroline  
**Cc:** S9(2)(a) ; Mercuri, Alida; S9(2)(a) ; S9(2)(a) ; S9(2)(a) ; S9(2)(a)  
S9(2)(a)  
**Subject:** Public Disorder Cab Paper and RIS - for sign-out

~~IN CONFIDENCE / CABINET~~

Kia ora Caroline,

Please find attached the links to the Public Disorder Cabinet Paper and RIS, and a document tabling the substantive feedback from agencies, for your sign-out. We have left the track changes in the Cab paper and RIS so you can see the substantive changes that have been made since the Minister last saw the paper.

[20251121 - Draft CAB - Strengthening responses to public disorder - current.docx](#)

[251121 - DRAFT RIS - Strengthening responses to public disorder - Current.docx](#)

[20251121 Feedback on draft Cabinet paper - For Minister.docx](#)

The paper incorporates the Minister's feedback from Officials meeting on 10 November (as outlined in the feedback table), to broaden behaviours captured by move-on orders.

The Minister received Ministerial feedback from MoF and the AG. We received agency consultation feedback from: Treasury, Crown Law, Police, HUD, MSD, OT, Corrections, MBIE, DIA, and OPC. Note that seven agencies provided comments for the Cabinet paper.

Please note this paper is going to SOU the same day as the Trespass and Firearms proposals. We have been working closely with Trespass to align, where we can.

Please note that Treasury provided similar feedback/concerns on this paper and the Trespass paper. For us, they provided a specific request to make changes to the Cabinet paper (see feedback in the table). One of the requests was to be specific on how the costs will be met and possible reprioritisation/trade-offs that might come if we are not seeking new funding. We have worked with COOO on this and the wording in the Cabinet paper has been agreed by Carl's office. They are also comfortable with how we have costed it in the RIS (using \$ value).

The plan is to send the paper to the MinO on Monday, around mid-day or early afternoon, if possible. We will confirm with you on Monday when to send this to Andrew.

We look forward to hearing your thoughts.

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

**From:** S9(2)(a)  
**Sent:** Monday, 24 November 2025 4:59 pm  
**To:** S9(2)(a) - Parliament; S9(2)(a) .parliament.govt.nz; Justice PS  
**Cc:** Correspondence.Policy; OCE@justice.govt.nz; Purple, Folder; Greaney, Caroline; Mercuri, Alida; S9(2)(a) S9(2)(a) ; S9(2)(a) ; S9(2)(a) ; S9(2)(a)

**Subject:** RE: Draft Cabinet Paper and RIS - seeking direction from the Minister  
**Attachments:** 20251124 - BR - Seeking direction following Ministerial consultation on strengthening responses to public disorder.docx; 20251124 - BR - Seeking direction following Ministerial consultation on strengthening responses to public disorder.pdf; 20251121 - Draft CAB - Strengthening responses to public disorder - current.docx; 20251121 - Draft CAB - Strengthening responses to public disorder - clean.docx; 20251124 - DRAFT RIS - Strengthening responses to public disorder - clean (1).docx

**IN CONFIDENCE / CABINET**

Kia ora S9(2)(a)

Please find attached the following documents:

- Covering Briefing – Seeking direction following ministerial consultation on strengthening response to public disorder (word and PDF)
- Draft Cabinet Paper – Strengthening response to public disorder (clean and tracked)
- Draft RIS - Strengthening response to public disorder (clean only)

We will standby for direction on how the Minister would like to proceed for lodging on Thursday (for SOU on 3 December).

Please let me know if you have any questions.

Ngā mihi,  
 S9(2)(a)

For Official Correspondence Records	
Document type:	Briefing Draft Cabinet paper 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:	24 November 2025
WPQ Release	No
Title for publication	No
SharePoint Link for Policy Dep Sec (Word doc only)	<a href="#">20251124 - DRAFT BR - Seeking direction following Ministerial consultation on strengthening responses to public disorder.docx</a>

	<a href="#">20251121 - Draft CAB - Strengthening responses to public disorder - current.docx</a>
	<a href="#">20251124 - DRAFT RIS - Strengthening responses to public disorder - clean.docx</a>

**IN CONFIDENCE / CABINET**

**From:** S9(2)(a)  
**Sent:** Friday, 7 November 2025 11:24 am  
**To:** 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  
**Cc:** Correspondence.Policy <Correspondence.Policy@justice.govt.nz>; OCE@justice.govt.nz; Purple, Folder <Folder.Purple@justice.govt.nz>; Greaney, Caroline <Caroline.Greaney@justice.govt.nz>; Mercuri, Alida <Alida.Mercuri@justice.govt.nz>; S9(2)(a) @justice.govt.nz; S9(2)(a) @justice.govt.nz; S9(2)(a) @justice.govt.nz; S9(2)(a) @justice.govt.nz; S9(2)(a) @justice.govt.nz; S9(2)(a) @justice.govt.nz; S9(2)(a) @justice.govt.nz; Brightwell, Kathy <Kathy.Brightwell@justice.govt.nz>; S9(2)(a) @justice.govt.nz  
**Subject:** Draft Cabinet Paper and RIS - seeking approval to begin Ministerial Consultation

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)	<a href="#">20251107 - Draft CAB - Strengthening responses to public disorder.docx</a>

	<p><a href="#">251107 - DRAFT RIS - Strengthening responses to public disorder.docx</a></p> <p><a href="#">20251107 - AM - Confirming direction on proposals for the draft Cabinet paper and Regulatory Impact Statement on strengthening responses to public disorder.docx</a></p>
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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](#)

Released under the Official Information Act 1982

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**From:** S9(2)(a)  
**Sent:** Monday, 24 November 2025 11:14 am  
**To:** S9(2)(a)  
**Cc:** S9(2)(a)  
**Subject:** RE: Public Disorder Cabinet Paper and RIS

~~IN CONFIDENCE / CABINET~~

Wording looks good –

Might be useful to share with Trespass team too!

S9(2)(a)  
Director | Budget and Performance Planning  
M S9(2)(a)

~~IN CONFIDENCE / CABINET~~

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**From:** S9(2)(a) @justice.govt.nz  
**Sent:** Monday, 24 November 2025 10:48 am  
**To:** S9(2)(a) @justice.govt.nz  
**Cc:** S9(2)(a) @justice.govt.nz  
**Subject:** RE: Public Disorder Cabinet Paper and RIS

~~IN CONFIDENCE / CABINET~~

Hi again,

Thanks for your help pm Friday. We landed the following wording with the COOO and Carl on Friday:

“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 may impact court timeliness, specifically it could slow down the progress of all cases through the District Court. This is one of several initiatives that could have a cumulative impact on the courts, but more information is required to determine the scale of the impact.”

s9(2)(g)(i)

Many thanks,  
S9(2)(a)

~~IN CONFIDENCE / CABINET~~

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**From:** S9(2)(a)  
**Sent:** Wednesday, 19 November 2025 9:49 am  
**To:** S9(2)(a) @justice.govt.nz

Cc: S9(2)(a) @justice.govt.nz>  
Subject: Public Disorder Cabinet Paper and RIS

Morning S9(2)(a)

We are finalising a Cab Paper and RIS today on the move-on order proposal that the Minister intends to take to SOU and Cabinet next month.

We have had received Treasury feedback on the paper, including the below points (in blue) from MoF.

With regards to specific actions, we recommended MoF ask the Minister of Justice to:

- Include full details of the financial implications for Police, Justice, Corrections, and Crown Law and indicate how those costs will be met. If costs are proposed to be met through baselines, the paper should present reprioritisation options so that Ministers are aware of the trade offs required to enable delivery.
- Include further information about the nature and costs of the problem and likely effectiveness of the proposed solution, so that the financial implications associated with implementation can be considered in the context of anticipated benefits.

We have been in touch with S9(2)(a), but we wanted to give you visibility of this proposal and see if you had anything to add that might help us address these concerns in the Implementation and Financial Implications section of the Cabinet Paper. Corrections have added a comment in the consultation section, that references the Performance Plan, and annual Budget and Specific Fiscal Risks processes.

[20251113 - Draft CAB - Strengthening responses to public disorder - current.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) @treasury.govt.nz>  
**Sent:** Tuesday, 25 November 2025 3:28 pm  
**To:** S9(2)(a)  
**Cc:** S9(2)(a) ; S9(2)(a) ; Michael Lonergan [TSY]; Nicole Bares [TSY]; Fiona Stokes [TSY]; MALLINSON, Maxine (PONEKE); s9(2)(a)  
**Subject:** RE: Public disorder - CAB paper and RIS for agency consultation

Thanks for the update, s9(2)(a) All the best with final revisions and lodgement. I look forward to seeing the final version on CabNet soon.

Nāku noa, nā  
s9(2)(a)

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**From:** S9(2)(a) @justice.govt.nz>  
**Sent:** Tuesday, 25 November 2025 11:04 am  
**To:** s9(2)(a) @treasury.govt.nz>  
**Cc:** 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>; s9(2)(a) @treasury.govt.nz>; s9(2)(a) @corrections.govt.nz>; s9(2)(a) @police.govt.nz>  
**Subject:** RE: Public disorder - CAB paper and RIS for agency consultation

**IN CONFIDENCE**

Kia ora s9(2)(a)

Thank you for sending us the points below, the minister's office has also received these. I wanted to come back to you to share where we have landed on the information in the Cabinet paper.

After several internal conversations with the relevant groups, and with Corrections and Police, we have included the following information in the paper:

- Corrections - the indicative ongoing costs, along with the impact this will have on the wider network. Corrections have included a detailed comment in the paper setting out the network wide/infrastructure issues that even a small projected prison population increase could trigger.
- Police - the one-off potential implementation cost to police (noting that further information is required for the on-going costs). Police have included a comment in the paper highlighting the potential significant fiscal implications, and that if move-on orders are to be developed within baseline, then there could be significant impacts on the delivery of other core Policing functions.
- Justice/courts - we have not included the value of the costs, as the impacts are measured in terms of court timeliness, rather than a value. This is how we have articulated the impact in the paper noting that the trade-off for this approach is slowing down the District Court. However, we do have the \$ costings in the RIS but with the caveat that this is expected to be a timeliness impact.

I have also spoken with s9(2)(a) and this proposal has been included in the updated justice sector projections s9(2)(f)(iv) s9(2)(f)(iv)

Please let me know if you need additional information from us or would like to discuss this further.

Many thanks,  
S9(2)(a)

**IN CONFIDENCE**

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**From:** s9(2)(a) <@treasury.govt.nz>  
**Sent:** Monday, 17 November 2025 10:21 am  
**To:** S9(2)(a) <@justice.govt.nz>  
**Cc:** 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>; S9(2)(a) <@corrections.govt.nz>; S9(2)(a) <@police.govt.nz>  
**Subject:** RE: Public disorder - CAB paper and RIS for agency consultation

Kia ora S9(2)(a)

I hope you managed to make the most of the beautiful weekend weather. Just a heads up to let you know we reiterated our key points from agency feedback in our proposed feedback for MoF to provide to the Minister of Justice.

With regards to specific actions, we recommended MoF ask the Minister of Justice to:

- Include full details of the financial implications for Police, Justice, Corrections, and Crown Law and indicate how those costs will be met. If costs are proposed to be met through baselines, the paper should present reprioritisation options so that Ministers are aware of the trade offs required to enable delivery.
- Include further information about the nature and costs of the problem and likely effectiveness of the proposed solution, so that the financial implications associated with implementation can be considered in the context of anticipated benefits.

From our conversations and your email below we appreciate this is already in train to the greatest extent possible in view of tight timeframes. Don't hesitate to reach out if you have any questions or content to test as you refine the paper in the week ahead.

Nāku noa, nā  
s9(2)(a)

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**From:** S9(2)(a) <@justice.govt.nz>  
**Sent:** Friday, 14 November 2025 9:36 am  
**To:** s9(2)(a) <@treasury.govt.nz>  
**Cc:** 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>; S9(2)(a) <@corrections.govt.nz>; S9(2)(a) <@police.govt.nz>  
**Subject:** RE: Public disorder - CAB paper and RIS for agency consultation

**IN CONFIDENCE**

Kia ora s9(2)(a)

Thank you for the feedback below and for the call yesterday.

Working with Corrections and Police (Cc'd) we have taken your feedback on board and have attempted to draw out the points in the Cabinet Paper and the RIS (we are still working on the RIS but see the most changes will come to this document, including highlight the implementation risks etc.).

We propose the below revised section for the draft Cabinet Paper (noting this has not been signed out and Minister Goldsmith will review the changes).

Please note that we will have the costs for Justice on Monday, and Police are working to provide it but may possibly not have it for the Cabinet Paper. We also understand that Police will provide a comment for the paper, which will focus the significant fiscal impacts and the risks. Corrections have provided the below wording for inclusion, noting we may need to tighten this section slightly.

### 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 \$ X 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.

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)

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

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.
- 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

Tel: +64 4 860 7447 | Email: S9(2)(a) @treasury.govt.nz



TE TAI ŌHANGA  
THE TREASURY

treasury.govt.nz | LinkedIn | Youtube

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

**IN CONFIDENCE**

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 Sally <sup>S9(2)(a)</sup> 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,  
<sup>S9(2)(a)</sup>



<sup>S9(2)(a)</sup>  
Principal Policy Advisor | Criminal Justice Unit | Policy Group  
Ministry of Justice | Tāhū o te Ture  
Justice Centre | 19 Aitken Street | Wellington 6011  
<sup>S9(2)(a)</sup> [@justice.govt.nz](https://www.justice.govt.nz) | [justice.govt.nz](https://www.justice.govt.nz)

**IN CONFIDENCE**

**From:** S9(2)(a) @parliament.govt.nz>  
**Sent:** Tuesday, 2 December 2025 10:11 am  
**To:** ; S9(2)(a) .parliament.govt.nz; Justice PS  
**Cc:** S9(2)(a) S9(2)(a) ; S9(2)(a) ; S9(2)(a) ; Purple, Folder; Correspondence.Policy; OCE@justice.govt.nz; Greaney, Caroline; S9(2)(a) S9(2)(a)  
**Subject:** RE: Public Disorder Cab paper - further CL comment

Thank you!



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

Authorised by Hon Paul Goldsmith, Parliament Buildings

**From:** S9(2)(a) @justice.govt.nz>  
**Sent:** Tuesday, 2 December 2025 9:07 AM  
**To:** S9(2)(a) @parliament.govt.nz>; S9(2)(a) @parliament.govt.nz>; Justice.PS <Justice.PS@parliament.govt.nz>  
**Cc:** S9(2)(a) @justice.govt.nz>; S9(2)(a) @justice.govt.nz>; S9(2)(a) @justice.govt.nz>; Purple, Folder <Folder.Purple@justice.govt.nz>; Correspondence.Policy <Correspondence.Policy@justice.govt.nz>; OCE@justice.govt.nz; Greaney, Caroline <Caroline.Greaney@justice.govt.nz>; S9(2)(a) @justice.govt.nz>; S9(2)(a) @justice.govt.nz>  
**Subject:** RE: Public Disorder Cab paper - further CL comment

~~IN CONFIDENCE / CABINET~~

Kia ora S9(2)(a)

Please find the attached updated Cabinet paper incorporating CLO's updated comment for lodging.

Thank you,  
S9(2)(a)

For Official Correspondence Records	
Document type:	Cabinet paper
Drafter:	S9(2)(a) and S9(2)(a)
Title:	Strengthening responses to public disorder
Unit:	CJ
Team:	Law Enforcement
Minister:	To: Goldsmith
Date sent:	2 December 2025

Document 99

WPQ Release	No
Title for publication	No
SharePoint Link for Policy Dep Sec (Word doc only)	<a href="#">W=20251202 - CAB - Strengthening responses to public disorder - For lodging.docx</a>

~~IN CONFIDENCE / CABINET~~

From: S9(2)(a) @parliament.govt.nz  
Sent: Monday, 1 December 2025 6:00 pm  
To: S9(2)(a) @justice.govt.nz; S9(2)(a) .parliament.govt.nz  
S9(2)(a) @parliament.govt.nz; Justice PS <Justice.PS@parliament.govt.nz>  
Cc: S9(2)(a) @justice.govt.nz; S9(2)(a) @justice.govt.nz; Mercuri, Alida <Alida.Mercuri@justice.govt.nz>  
Subject: RE: Public Disorder Cab paper - further CL comment

Kia ora S9(2)(a)

If you can please flick through an updated PDF version of the paper incorporating this comment that would be much appreciated, and we'll re-upload it in CabNet

Noted about the AM timing – thanks!

Thank you!



S9(2)(a)  
Private Secretary – Justice | Office of Hon Paul Goldsmith  
Minister for Arts, Culture and Heritage  
Minister of Justice  
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Authorised by Hon Paul Goldsmith, Parliament Buildings

From: S9(2)(a) @justice.govt.nz  
Sent: Monday, 1 December 2025 4:46 PM  
To: S9(2)(a) @parliament.govt.nz; S9(2)(a) @parliament.govt.nz; Justice.PS <Justice.PS@parliament.govt.nz>  
Cc: S9(2)(a) @justice.govt.nz; S9(2)(a) @justice.govt.nz; Mercuri, Alida <Alida.Mercuri@justice.govt.nz>  
Subject: Public Disorder Cab paper - further CL comment

Kia ora S9(2)(a)

Thanks for the chat just now.

As mentioned, Crown Law has come back and advised that, in light of the Minister extending the behaviours captured by move on orders in the final version of his Public Disorder Cab paper, they would to include additional text in their agency comment, as follows:

**Current text:**

S9(2)(b)

**Additional text:**

*Crown Law has become aware that since we were consulted on the Cabinet paper the recommendations have been amended. This included adding to (now) rec 3.5, after the word begging, "rough sleeping, or setting up personal possessions, encampments, makeshift dwellings, or other structures indicating an intent to inhabit a public place". We were not consulted on this amendment and have not had the opportunity to properly consider its implications.*

Let's discuss, when convenient.

Also, just confirming, we'll provide an AM by 10am Friday 5 December to support the Minister to present his paper at SOU on Wednesday 10 December.

Ngā mihi

S9(2)(a)



S9(2)(a)

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

S9(2)(a)

**Justice Centre | 19 Aitken Street | Wellington 6011**

**From:** Greaney, Caroline  
**Sent:** Tuesday, 2 December 2025 3:11 pm  
**To:** S9(2)(a) S9(2)(a) S9(2)(a) Mercuri, Alida; S9(2)(a)  
**Subject:** Media story on move on orders

Kia ora, I note this media story from yesterday suggests council officers may be able to issue move on orders... you may already have addressed this suggestion, but if not could you please add it to the side mem to support Minister at SOU.

Prime Minister Luxon confirms action plan on 'move-on' orders for homeless, announcement soon

<https://www.nzherald.co.nz/nz/politics/prime-minister-chris-luxon-speaks-after-social-media-lobbyist-text-revelations-kiwisaver-changes/RNY46YPJWRC5XK4ZXJRZPVCQCA/>

Ngā mihi  
Caroline

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**From:** Greaney, Caroline  
**Sent:** Friday, 5 December 2025 7:57 am  
**To:** S9(2)(a)  
**Cc:** S9(2)(a) ; Mercuri, Alida; S9(2)(a) ; S9(2)(a) S9(2)(a) ; S9(2)(a)  
; S9(2)(a)  
**Subject:** RE: AM to support SOU - Strengthening responses to public Disorder

~~IN CONFIDENCE / CABINET~~

Many thanks <sup>S9(2)(a)</sup> and all who have travelled with you

I have some comments on the hard copy, which I will leave with <sup>S9(2)(a)</sup> The key points are:

- The reason for council enforcement officers not being able to issue order needs a bit more rationale. Council officers enforce alcohol bans, take possession of dangerous dogs, and manage noise control complaints - all have elements of public disorder. I've added some other reasons/rationale on the hard copy for you to consider (hopefully my writing is legible). I would think that powers to detain and use reasonable force are key elements of our rationale.
- In some places we talk about the concern from other agencies being that the orders could be applied to people who *aren't being disorderly* – and the response we propose for our Minister is that it's beneficial because it will *stop disorder*. I think we should provide the Minister with the alternate proposal he could share with colleagues if needed during the meeting/discussion
- s9(2)(f)(iv)

Many thanks  
Caroline

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~~IN CONFIDENCE / CABINET~~

**From:** S9(2)(a) @justice.govt.nz  
**Sent:** Thursday, 4 December 2025 4:42 pm  
**To:** Greaney, Caroline <Caroline.Greaney@justice.govt.nz>  
**Cc:** S9(2)(a) @justice.govt.nz; Mercuri, Alida <Alida.Mercuri@justice.govt.nz>; S9(2)(a)  
@justice.govt.nz; S9(2)(a) @justice.govt.nz; S9(2)(a)  
@justice.govt.nz; S9(2)(a) @justice.govt.nz; S9(2)(a)  
@justice.govt.nz  
**Subject:** AM to support SOU - Strengthening responses to public Disorder

~~IN CONFIDENCE / CABINET~~

Kia ora Caroline,

Please find the link to the AM to support the Minister at SOU on 10 December with the Cabinet Paper – Strengthening responses to public disorder. [20251204 - Draft AM for SOU - Public disorder.docx](#)

We are sharing this for your visibility and any thoughts, as the Minister may bring it up at officials and it will be helpful for those attending SOU. I understand you and the relevant GM's will discuss who will support the Minister at SOU.

The AM is due with the Minister's Office at 10am tomorrow, Friday 5 December.

As addressed in the AM, I wanted to draw your attention to two issues.

Financial impacts - One key point that arose during ministerial consultation with MoF was the financial implications of the proposal, which also came up with the Trespass SOU paper. We have been working with the Civil Law team to align messaging on this and the trespass proposal and have also discussed this with s9(2)(a)

Change to CLO comment in the Cabinet Paper - We relodged the Cabinet Paper last week as Crown Law asked to add further text to its comment in the Cabinet Paper (paragraph 63). The comment notes they did not have the opportunity to consider the expanded behaviours that move-on orders could apply to (rough sleeping and setting up personal possessions, encampments, makeshift dwellings, or other structures indicating an intent to inhabit a public place).

In case you need access to them, I have linked the Cabinet paper and RIS.

-  [20251204 - CAB - Strengthening responses to public disorder - For lodging.pdf](#)
-  [RIS - Strengthening responses to public disorder - signed.pdf](#)

Separately, the Office has asked for us to prepare Q&As to support a public announcement, which may take place post-Cab on 15 December. The Q&As are due next Wednesday 10 Dec and we are working with s9(2)(a) to refine them. We understand that the Office will prepare the press release.

Ngā mihi  
S9(2)(a)



S9(2)(a)

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

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

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~~IN CONFIDENCE~~  
~~IN CONFIDENCE~~



Appendix 2: New powers to be raised with the responsible agency consultation

Supporting the Cabinet paper – Strengthening responses

Hon. Paul Goldsmith, Minister of Justice

5 December 2025

### Purpose

1. This aide memoire supports you to present your Cabinet paper, *Strengthening responses to public disorder*, to the Social Outcomes Committee (SOU) on Wednesday 10 December.
2. It summarises the proposed move-on orders, notes ministerial and agency feedback and provides questions and answers on:
  - how move-on orders will be operationalised, and
  - concerns that are likely to be raised.

### The proposal will enable Police to issue move-on orders for public disorder

3. The Cabinet paper proposes amending the Summary Offences Act 1981 to establish a new power for Police to issue move-on orders to people behaving in a disorderly manner in public.
4. Move-on orders would apply where:
  - a person is or has been behaving in a disorderly, disruptive, intimidating, offensive, or threatening manner
  - a person is or has been interfering with trade or business by unnecessarily obstructing, hindering, or impeding someone entering or leaving a place
  - a breach of the peace is occurring or has occurred
  - a person is or has been causing anxiety to another person, or
  - a person is or has been begging, rough sleeping, or setting up personal possessions, encampments, makeshift dwellings, or other structures indicating an intent to inhabit a public place.
5. Should you wish to consider a narrower scope of behaviours, you could discuss with Cabinet whether to remove one or several of the above behaviours.
6. The orders:
  - could apply to behaviour that is below the criminal threshold and to low-level crimes, where Police determine it is appropriate
  - would require a person to move a reasonable distance from a specified place for a maximum of 24 hours, and
  - would apply to people aged 14 years and older.
7. To support move-on orders, the proposal also creates:

Approved by: S9(2)(a) , Policy Manager, Criminal Justice

~~IN CONFIDENCE~~

~~IN CONFIDENCE~~

Appendix 2. Key Powers on which drafting ministerial policy consultation a move-on order

- a power for Police to temporarily detain a person for the purpose of issuing a move-on order, and
  - a new offence for breaching a move-on order with a maximum penalty of \$2,000 or up to three months' imprisonment.
8. Appendix 1 provides questions and answers relating to how move-on orders will be operationalised.

#### Ministers and agencies raised a range of concerns at consultation

9. Police generally sees merit in move-on powers, but many relevant agencies are not supportive of the proposal in its current form. Several concerns were raised during ministerial and agency consultation. The key concerns were centred on the behaviours to which move-on orders could be applied, particularly begging and other behaviours that may capture people experiencing homelessness. There were also concerns with the financial impacts of the proposal.
10. During ministerial consultation, the offices of the <sup>S9(2)(h)</sup> and Minister of Finance raised concerns and made recommendations to amend the paper.
11. Several agencies raised a range of concerns, including Treasury, Crown Law, Corrections, Police, Ministry for Social Development, Ministry for Housing and Urban Development, and Oranga Tamariki. The Cabinet paper contains formal agency comments from each of these agencies (aside from Treasury).
12. Appendix 2 sets out key concerns raised during ministerial and agency consultation, and notes to support discussion.

#### Next steps

13. We understand, following Cabinet's decisions, the Government may announce the proposal and fulfilment of the Quarter 4 Action Plan commitment to take Cabinet policy decisions on options to provide more tools to address anti-social behaviour.
14. Subject to Cabinet's decisions, a bill to amend the Summary Offences Act 1981 will be introduced to Parliament in 2026 and referred to a select committee for public submissions.

~~IN CONFIDENCE~~

~~IN CONFIDENCE~~Appendix 2: Key concerns raised during operationalised agency consultation

*Who can issue move-on orders?*

- Police would have the power to issue move-on orders.
- This proposal does not empower council officers to issue orders.
- Local authority enforcement powers primarily relate to building compliance, public health, the environment, and waste management. There are some public order offences in bylaws, such as dog control, alcohol bans and noise complaints, etc.
- However, councils do not have adequate training, supervision, or tools to deliver safe law enforcement for the behaviours captured by move-on orders.
- There is the potential for conflict or escalation when issuing orders making Police best placed to respond.
- Also, issuing an order could require the use of detention, which is a function that Councils are not trained or equipped to carry out.

*We note the Prime Minister has commented publicly about the potential for council officers to have the power to issue move-on orders.*

*This is not part of your proposal. In early October we provided you advice that Police is best placed to deliver this primary law enforcement function. The Department of Internal Affairs is also of this view.*

*In their report to you on Antisocial Behaviour, the Retail MAG advised that move-on orders should be for Police and that many local authorities told the MAG they do not consider it is the Councils' role to undertake law enforcement related to antisocial behaviour.*

*Could move-on orders apply to begging and rough sleeping that does not involve other disorderly behaviour?*

- Yes. A person could be issued a move-on order for passive begging, such as sitting on a footpath with a cup placed out, or, for example, rough sleeping in a public park.
- A person engaged in begging, rough sleeping, or who has set up makeshift dwellings or other structures that indicate an intent to inhabit a public place need not be behaving disorderly, aggressively or causing an obstruction for move-on orders to apply.

*What is a reasonable distance for someone to be moved, and how will Police determine this?*

- Police officers will determine what constitutes a reasonable distance depending on the circumstances. This will likely vary depending on the location. The distance to move someone in Auckland, for example, may vary from what would be suitable in Timaru.
- Officers are familiar with the locations they work within, and Police will develop operational guidance for its frontline staff to implement this policy.

~~IN CONFIDENCE~~

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~~What happens if you are ordered to move on by a police officer? consultation~~

- The person will be in breach of the order and subject to a criminal offence for non-compliance. Under these circumstances, Police will have the power to arrest.

*Will Police physically move the person on?*

- Generally, no. Police will have the power to temporarily detain the person (using reasonable force as necessary) for the time necessary to issue the order. After an order is issued, the person will be required to move themselves beyond the distance specified in the order.
- Police will develop operational guidelines for appropriate responses depending on age, ability and other factors. I have confidence in Police to implement this well.

*What happens to a person's belongings if they are moved on or arrested?*

- People who are moved on can take their belongings with them.
- Police has clear operational guidelines for when a person is arrested.

*Can move-on orders apply to protests?*

- No. This policy has some specific built-in exceptions. Move-on orders will not apply to protests, pickets, and other forms of lawful self-expression.

*Can move-on orders apply to people or organisations raising funds in public places?*

- No. This policy has some specific built-in exceptions. Move-on orders will not apply to charitable or not-for-profit fundraising

*How can you guarantee that people going about their everyday lives or enjoying public spaces won't be subject to move-on orders?*

- Move-on orders are intended to target behaviours that disrupt the public order. Mere passive presence (e.g. sitting at a bus stop or taking a nap in a public park) will not be subject to move on orders.

*How will people who are experiencing poverty pay court-issued fines?*

- My expectation is that people will pay their fines. Where fines are not paid, our Justice system has a robust debt collection function with existing mechanisms to facilitate payment of outstanding debt.
- I am looking at alternative options for people who cannot pay their fines to be able to do community service instead.

~~IN CONFIDENCE~~

~~IN CONFIDENCE~~**Appendix 2: Key concerns raised during ministerial and agency consultation**

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***The financial implications of the proposal***

1. The Minister of Finance and Treasury recommended the paper include full details of the financial implications for Police, Justice, and Corrections, and indicate how the costs will be met.
2. Police noted there could be significant financial implications and that implementing the proposal within baseline could affect the delivery of other core policing functions.
3. The prison population could increase by approximately six prisoners per year. Corrections noted that even small projected increases to the prison population could trigger the need for additional infrastructure investment.
4. We expect there will be a conversation about how agencies, particularly Police and Corrections, will meet the financial impacts within the fiscally constrained environment, and noting the cumulative impacts of policy proposals that relate to law-and-order.

***Response***

- To the extent possible, information on the cost and/or reprioritisation implications for these agencies has been included in the paper.
- In terms of the Ministry of Justice, I anticipate an increase of cases going through the courts. Depending on the volume of move-on orders issued, this proposal could result in approximately 200 to 800 additional court cases per year.
- I will not be seeking additional funding to increase capacity of the courts. Rather, I anticipate that any additional cases will impact court timeliness by slowing the progression of cases through the District Court.

***Consistency with the New Zealand Bill of Rights Act (NZBORA)***

5. S9(2)(h)

***Response***

- I have heard that rough sleeping and related behaviour are having a negative impact on our public spaces in city centres. I want to better equip Police to address them.
- Move-on orders are a short-term, temporary tool to allow Police to better manage public order and support safe and thriving urban economies.

***The expansion of behaviours captured by move-on orders***

6. Since agency and ministerial consultation, the list of behaviours that move-on orders can apply to has been expanded to include rough sleeping and setting up personal possessions, encampments, or other structures indicating an intent to inhabit a public place.

~~IN CONFIDENCE~~

~~IN CONFIDENCE~~**Appendix 2: Key concerns raised during ministerial and agency consultation**

- Over recent months, I have taken a range of advice from stakeholders and officials. At the point of agency and ministerial consultation on this proposal, I was still refining the list of behaviours in scope. These specific behaviours related to inhabiting a public place had not yet been added.
- I have heard that rough sleeping and related behaviour are having a negative impact on our public spaces in city centres. I want to better equip Police to address them.

***Clarifying the behaviours that move-on orders can apply to***

7. Police noted that operationalising move-on orders for behaviour that is below the criminal threshold will be challenging, and that further work defining these behaviours is necessary.

***Response***

- The Ministry of Justice will work with the Parliamentary Counsel Office (PCO) and relevant agencies during drafting of the Bill to clearly define the behaviours in a way that reduces ambiguity and uncertainty, while making it consistent with existing legal definitions.

***Applying move-on orders to behaviours that “cause anxiety” to others***

8. Multiple agencies noted that “causing anxiety” to another person is subjective and could pose challenges to the consistent application of move-on orders.
9. Police advised that it would be challenging to determine a person’s level of anxiety and what is causing it. [S9\(2\)\(h\)](#)

***Response***

- I have heard that increased incidents of public disorder in our cities are affecting businesses and communities, causing many people to feel unsafe and stay away.
- The intent of creating move-on orders is to reduce people’s sense of vulnerability and enhance the use and enjoyment of public spaces.

***Applying move-on orders to young people***

10. Oranga Tamariki and Police do not support applying move-on orders to young people aged 14 to 18. They noted there are existing care responses that are age-appropriate and effective at dealing with disorderly behaviour.

***Response***

- I would like to give Police a range of tools. I anticipate they will determine which response is appropriate in the circumstances, whether it be issuing a move-on order, warnings, or other available responses.

***Move-on orders will displace the problem, not solve the issue***

11. MSD, HUD, and Police have raised concern that move-on orders will displace individuals and disorderly behaviour to neighbouring areas, as opposed to addressing the root causes of the problems.

~~IN CONFIDENCE~~

~~IN CONFIDENCE~~

## ~~Key concerns raised during operationalised agency consultation~~

- Move-on orders are a useful tool to stop disorderly behaviour and prevent these behaviours from escalating to offending.
- I see value in moving a person along who is engaged in disruptive or disorderly behaviour rather than letting them continue.
- Police will continue to connect people, where appropriate, with relevant social and health services.

### *Impacts on homeless populations*

12. MSD and HUD are concerned that the proposal will effectively criminalise homelessness and interfere with access to support and essential services. They note that it may be necessary for some people to breach move-on orders to access essential services within CBDs and find safe places to sleep.

#### *Response*

- Police will develop operational guidelines to ensure the appropriate and safe use of move-on orders depending on the circumstance.
- Police will continue to connect people, where appropriate, with relevant social and health services.

### *The proposal could compromise recent Government investment into short term actions to reduce homelessness*

13. MSD and HUD raised concerns that applying move-on orders to behaviours associated with homelessness could compromise recent Government initiatives and investment.

#### *Response*

- The issues that city centres are facing relating to disorderly and criminal behaviour are complex.
- Social problems require social agency solutions. However, there are also reported safety and public order issues. Ensuring Police has the right tools to manage these issues is important to support thriving public spaces for everybody.
- A criminal justice response will supplement social and health responses.

### *The penalty for noncompliance with a move-on order*

14. The Ministry of Justice and other relevant agencies noted that the penalty for noncompliance with a move-on order is disproportionate to the behaviour. They advise that an infringement offence would be more proportionate.

#### *Response*

- I have determined the penalty is an appropriate consequence for breaching an order. The proposed penalty will send a strong signal to those issued with move-on orders that disobeying a Police order and disrupting the use and enjoyment of public spaces will not be tolerated.

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**From:** S9(2)(a)  
**Sent:** Tuesday, 9 December 2025 2:13 pm  
**To:** S9(2)(a) - Parliament; S9(2)(a) .parliament.govt.nz; Justice PS  
**Cc:** Greaney, Caroline; Mercuri, Alida; S9(2)(a) ; S9(2)(a) ; S9(2)(a) ;  
 OCE@justice.govt.nz; Purple, Folder; S9(2)(a) ; S9(2)(a)  
**Subject:** Correspondence.Policy  
**Attachments:** Public disorder - examples of behaviours  
 Examples of behaviours in scope of move-on orders.docx

Kia ora S9(2)(a)

As per your conversation with S9(2)(a) please find the attached document including examples of where move-on orders could apply to begging and behaviours indicating an intent to inhabit a public place.

Please let us know if you need anything else.

Ngā mihi,  
 S9(2)(a)

For Official Correspondence Records	
Document type:	Note
Drafter:	S9(2)(a)
Title:	Examples of behaviours in scope of move-on orders
Unit:	CJ
Team:	Law Enforcement
Minister:	To: Goldsmith
Date sent:	9 December 2025
WPQ Release	No
Title for publication	No
SharePoint Link for Policy Dep Sec (Word doc only)	<a href="#">Examples of behaviours in scope of move-on orders.docx</a>



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

## Examples of behaviours in scope of move-on orders

Current text in the Cabinet paper at pages 3-4 (paragraphs 25 and 26):

- 25 *Move-on orders will apply to activities in public places where:*
- 25.1 *a person is or has been behaving in a disorderly, disruptive, intimidating, offensive, or threatening manner;*
  - 25.2 *a person is or has been interfering with trade or business by unnecessarily obstructing, hindering, or impeding someone entering or leaving a place;*
  - 25.3 *a breach of the peace is occurring or has occurred;*
  - 25.4 *a person is or has been causing anxiety to another person; or*
  - 25.5 *a person is or has been begging, rough sleeping, or setting up personal possessions, encampments, makeshift dwellings, or other structures indicating an intent to inhabit a public place.*
- 26 *Move-on orders will apply to all forms of begging, including a person actively or passively soliciting money or goods as charity. Begging does not include actions where there is a clear transaction (e.g. busking or roadside stalls selling goods or services).*

### Examples of begging behaviours

#### *Passive begging* (non-criminal behaviours)

- sitting on the pavement or in a park with a hat or cup placed out

#### *Active begging* (non-criminal behaviours)

- sitting on the pavement or a bench asking for donations by sign or speech, or by putting forward a cup, hat, or hand

#### *Aggressive begging* (could be criminal behaviour, e.g. intimidation or assault)

- aggressively or forcefully asking for money by approaching people or blocking people's way

### Examples of behaviours that could indicate an intent to inhabit a public place

#### *Rough sleeping*

- lying in a sleeping bag on a bench or in an entranceway

#### *Setting up personal possessions or makeshift dwellings*

- sitting on the pavement with blankets and a supermarket trolley filled with personal possessions
- setting up crates, cardboard boxes, or tents in a public place, such as a beach, park, or alleyway

**From:** S9(2)(a)  
**Sent:** Thursday, 11 December 2025 9:07 am  
**To:** S9(2)(a) - Parliament; S9(2)(a) .parliament.govt.nz; Justice PS  
**Cc:** Correspondence.Policy; OCE@justice.govt.nz; Purple, Folder; Greaney, Caroline; Mercuri, Alida; S9(2)(a) S9(2)(a) ; S9(2)(a) ; S9(2)(a) ; S9(2)(a)  
**Subject:** Note - Supplementary information following SOU – public disorder behaviours captured by move-on orders  
**Attachments:** 20251211 - Note - Supplementary information following SOU - Public disorder behaviours captured by move-on orders.pdf; 20251211 - Note - Supplementary information following SOU - Public disorder behaviours captured by move-on orders.docx

**IN CONFIDENCE**

Kia ora S9(2)(a)

Please find attached the note on the behaviours captured by move-on orders.

Caroline, Alida, S9(2)(a) and myself will be over for the 10am.

Please let me know if you have any questions.

Ngā mihi,  
 S9(2)(a)

For Official Correspondence Records	
Document type:	Note
Drafter:	S9(2)(a)
Title:	Supplementary information following SOU – public disorder behaviours captured by move-on orders
Unit:	CJ
Team:	Law Enforcement
Minister:	To: Goldsmith
Date sent:	11 December 2025
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**IN CONFIDENCE**

Supplementary information following SOU: Public disorder behaviours captured by move-on orders

Wednesday 10 December 2025

- This note sets out:
  - how Courts have interpreted the terms disorderly, disruptive, intimidating, offensive, and threatening<sup>1</sup>, and
  - the kinds of behaviour those terms are intended to capture in the context of move-on orders.
- The note also covers the extent to which move-on orders could apply to speech.

*Indicative terminology*

- Most of the terms are used in offences under the Summary Offences Act. In contrast to the offences under that Act, move-on orders are intended to capture a lower-level behaviour, that is below the criminal threshold. If Police are satisfied the conduct reached the criminal threshold, prosecution may be appropriate.
- While the case law relates to criminal offences, it gives an indication of how these terms may be interpreted by Police in applying move-on orders.
- The terms used may change in the final drafting by PCO to describe what behaviour is to be covered by the orders.

Behaviour	How the courts have interpreted this in criminal cases	Examples of similar behaviours below the criminal threshold that move-on orders could capture	Legislative reference currently for criminal conduct
<b>Disorderly</b>	Conduct that constitutes a disturbance to good order which, in the time, place and circumstances of the case, is at a level reasonable citizens should not be expected to endure.	<ul style="list-style-type: none"> <li>- Fighting</li> <li>- Shouting around people in the street</li> <li>- Unruly gatherings</li> </ul>	<i>Summary Offences Act s 3 – Disorderly behaviour</i> Every person who, in or within view of any public place, behaves, or incites or encourages any person to behave, in a <b>riotous, offensive, threatening, insulting, or</b>

<sup>1</sup> The note does not discuss begging and rough sleeping related behaviours.

**IN CONFIDENCE**

Behaviour	How the courts have interpreted this in criminal cases	Examples of similar behaviours below the criminal threshold that move-on orders could capture	Legislative reference currently for criminal conduct
			<b>disorderly manner</b> that is likely in the circumstances to cause violence against persons or property to start or continue.
<b>Offensive</b>	<p>To wound the feelings, or arouse anger, resentment, disgust or outrage.</p> <p>In determining whether conduct amounts to offensive behaviour, there must be an actual disturbance of public order and not a mere capacity to disturb.</p> <p>Courts currently do not apply “offensive behaviour or language” to language alone.</p>	<ul style="list-style-type: none"> <li>- Saying something obscene to a child or young person</li> <li>- Obscene gestures at members of the public/in tourist areas</li> </ul>	<p><i>Summary Offences Act s 4 – Offensive behaviour or language</i></p> <p>A person who in or within view of any public place, behaves in an offensive or disorderly manner; or in any public place, addresses any words to any person intending to threaten, alarm, insult, or offend that person; or in or within hearing of a public place:</p> <ul style="list-style-type: none"> <li>- uses any threatening or insulting words and is reckless whether any person is alarmed or insulted by those words; or</li> <li>- addresses any indecent or obscene words to any person.</li> </ul>
<b>Threatening</b>	<p>Intending to induce in the mind of the addressee fear that the defendant will cause him or her some harm (presumably to person or property).</p>	<p>Stand over tactics</p> <ul style="list-style-type: none"> <li>- Demanding money from a person</li> <li>- Threatening to destroy property</li> <li>- Lurking or looming over people at a bus stop</li> <li>- Threatening to injure someone</li> </ul>	<ul style="list-style-type: none"> <li>- Threatening behaviour is included as part of disorderly behaviour (s 3 and s 4)</li> </ul>
<b>Disruptive</b>	<p>Disorderly behaviour under s 4 (1)(a) of the Summary Offences Act involves disruptive behaviour or disruption of public order.</p>	<ul style="list-style-type: none"> <li>- Fighting</li> <li>- Shouting around people in the street</li> <li>- Unruly gatherings</li> </ul>	<p><i>Not a behaviour included in the Summary Offences Act.</i></p> <ul style="list-style-type: none"> <li>• Disruptive behaviour could also apply to disorderly or offensive behaviour, as they</li> </ul>

~~IN CONFIDENCE~~

Behaviour	How the courts have interpreted this in criminal cases	Examples of similar behaviours below the criminal threshold that move-on orders could capture	Legislative reference currently for criminal conduct
			relate to disrupting the public order (as determined in case law).
<b>Intimidating</b>	Intending to cause or instil fear in order to influence conduct, or to deter the victim from some relevant action by threat or violence; the coercion of a person by means of a threat to act in a desired manner.	<ul style="list-style-type: none"> <li>- Accosting another person in the street, asking for money in an intimidating way</li> <li>- Threatening to injure someone</li> <li>- Following someone in the street</li> <li>- Blocking someone's way</li> </ul>	<i>Summary Offences Act s 21 - Intimidation</i> To frighten or intimidate by: <ul style="list-style-type: none"> <li>• threatening to injure a person,</li> <li>• following that person,</li> <li>• watch or loiter near the place that person lives, worked, carried out business, or</li> <li>• stopped and confronted or accosted another person.</li> </ul>
<b>Breach of the peace</b>	Essentially a breach of the peace is violence or threatened violence, or when harm is likely to be done to a person or their property, or a person is in fear of being harmed through an assault, riot, unlawful assembly or other disturbance.	<ul style="list-style-type: none"> <li>- Riotous gatherings</li> <li>- Fighting in public</li> </ul>	<i>Crimes Act 1961 s 24 – Preventing breach of the peace</i> <ul style="list-style-type: none"> <li>• Not defined in the Act</li> </ul> Not a criminal offence, but rather gives a person or Police the ability to prevent a breach of the peace.

Do move-on orders apply to speech?

- As currently framed, move-on orders apply to disorderly behaviour that involves speech as well as actions. Move-on orders could apply in instances where words are addressed in a way that may be considered threatening, alarming, insulting, or offensive. This is in line with the existing criminal offence of “offensive behaviour or language” in the Summary Offences Act. For example, a person could be moved on for shouting at someone in an intimidating manner.
- The policy intent is to focus on the manner in which the words/speech is delivered (forcefully, loudly, drunkenly), rather than the content of the speech alone. In other words, ideas and opinions are not intended to be captured. However, the fact that move-on orders could cover speech means it is possible that if the matter came before the courts, they would consider whether freedom of expression was unreasonably limited under the Bill of Rights Act.

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~~IN CONFIDENCE~~

- To avoid the risk of people being moved on for saying things considered offensive, you may wish to remove or specifically carve out offensive speech from move-on orders. There are other behaviours that involve speech/language, such as intimidating, aggressive or threatening behaviours. Move-on orders will still apply to these behaviours, even if you carve out offensive speech.

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~~IN CONFIDENCE~~

**From:** S9(2)(a)  
**Sent:** Friday, 12 December 2025 9:56 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) ; S9(2)(a)  
**Subject:** Public disorder Cab paper - TPs on changes to scope

Kia ora S9(2)(a)

As you discussed with S9(2)(a) just now, on Monday 15 December, Cabinet will consider the current version of the public disorder Cab paper (not an updated version).

Minister Goldsmith can verbally advise Cabinet of the agreed changes using the following lines:

- This is the same version of the Cabinet paper that we discussed at SOU last Wednesday
- However, we have agreed some changes to the scope of the disorderly behaviours captured by move-on orders (listed in para 25 and rec 3)
  - At SOU, we agreed to remove; *'where a person is or has been causing anxiety to another person'* (at para 25.4 and rec 3.4)
  - In subsequent discussions, we agreed to remove the reference to *'offensive'* (at para 25.1 and rec 3.1)
- I consider, the proposal will still enable Police to address the concerning behaviour

Will anticipate these changes will be reflected in the minute and become the basis of our drafting instructions.

For ease of reference, I've also reattached the one-pager we sent yesterday that shows and explains the proposed changes to the text.

Let me know if you need anything further

S9(2)(a)



S9(2)(a)

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

S9(2)(a)

Justice Centre | 19 Aitken Street | Wellington 6011

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**From:** s9(2)(a) @crownlaw.govt.nz>  
**Sent:** Friday, 12 December 2025 1:43 pm  
**To:** S9(2)(a)  
**Cc:** S9(2)(a) ; S9(2)(a)  
**Subject:** RE: Update - public disorder [CLO-DOCS.SOL115.1722.FID609969]

Great thanks s9(2)(a) appreciate that.

Ngā mihi

s9(2)(a)

Crown Counsel, Senior Policy Advisor  
Rōia o te Kaurana, Kaitatari Kaupapa Matua

M: S9(2)(a)

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**From:** S9(2)(a) @justice.govt.nz>  
**Sent:** Friday, 12 December 2025 1:29 pm  
**To:** s9(2)(a) @crownlaw.govt.nz>  
**Cc:** S9(2)(a) @justice.govt.nz>; S9(2)(a) @justice.govt.nz>  
**Subject:** Update - public disorder

**~~IN CONFIDENCE / CABINET~~**

Kia ora s9(2)(a)

I wanted to let you know that there were two changes to the Cabinet paper after SOU:

- 'where a person is or has been causing anxiety to another person' (at para 25.4 and rec 3.4)
- the reference to 'offensive' was removed (at para 25.1 and rec 3.1)

The Minister, after suggestion from the Cabinet office, wanted to relodge the paper with the changes. This needed to be done by 12:45 (we only found out that we were loading a new paper at 12:20). So, there should be a new version on CabNet this afternoon.

This made your agency comment very slightly out of date as it referred to the original proposal. As we didn't have time to seek changes from you, we added the following after your comment [*Note this comment on causing anxiety reflects an earlier version of the proposal.*]

I'm away from my email this afternoon, but if you need to get hold of me, please call S9(2)(a)

Many thanks,  
S9(2)(a)

**~~IN CONFIDENCE / CABINET~~**

**From:** S9(2)(a)  
**Sent:** Wednesday, 4 February 2026 3:19 pm  
**To:** S9(2)(a) ; B S9(2)(a) .parliament.govt.nz; Justice PS  
**Cc:** Greaney, Caroline; Mercuri, Alida; S9(2)(a) ; S9(2)(a) ; S9(2)(a) ;  
 OCE@justice.govt.nz; Purple, Folder; S9(2)(a) ; S9(2)(a) ; S9(2)(a) ;  
 Correspondence.Policy  
**Subject:** RE: Q&A pack - move on orders  
**Attachments:** 20260204 QA from the Office - move-on orders.docx; 20260204 Final - Q&As -  
 move-on orders.docx

Kia ora S9(2)(a)

Please find the attached Q&A packs for move-on orders. One document contains the questions from the Office below, and the other is a pack with a longer list of questions that we prepared previously and may also be useful.

Please let us know if you need anything else.

Ngā mihi,  
 S9(2)(a)

For Official Correspondence Records	
Document type:	Q&A packs
Drafter:	S9(2)(a)
Title:	Q&As – move-on orders
Unit:	CJ
Team:	Law Enforcement
Minister:	To: Goldsmith
Date sent:	4 February 2026
WPQ Release	No
Title for publication	No
SharePoint Link for Policy Dep Sec (Word doc only)	<a href="#">20260204 QA from the Office - move-on orders.docx</a> <a href="#">20260204 Final - Q&amp;As -move-on orders.docx</a>

**From:** S9(2)(a) <S9(2)(a)@parliament.govt.nz>  
**Sent:** Wednesday, 4 February 2026 9:05 am  
**To:** S9(2)(a) <S9(2)(a)@justice.govt.nz>; S9(2)(a) <S9(2)(a)@justice.govt.nz>  
**Cc:** Mercuri, Alida <Alida.Mercuri@justice.govt.nz>; S9(2)(a) <S9(2)(a)@justice.govt.nz>; Greaney, Caroline <Caroline.Greaney@justice.govt.nz>; S9(2)(a) <S9(2)(a)@parliament.govt.nz>  
**Subject:** RE: Q&A pack - move on orders

Kia ora S9(2)(a)

One more question please:

- Is any extra support being offered alongside the move-on orders?



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

Authorised by Hon Paul Goldsmith, Parliament Buildings

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**From:** S9(2)(a) @justice.govt.nz  
**Sent:** Monday, 2 February 2026 4:34 PM  
**To:** S9(2)(a) @parliament.govt.nz; S9(2)(a) @justice.govt.nz  
**Cc:** Mercuri, Alida <Alida.Mercuri@justice.govt.nz>; S9(2)(a) @justice.govt.nz; Greaney, Caroline <Caroline.Greaney@justice.govt.nz>; S9(2)(a) @parliament.govt.nz  
**Subject:** RE: Q&A pack - move on orders

Kia ora S9(2)(a)

Received - thank you for providing these. We will come back to you by COB Wednesday.

Many thanks,  
S9(2)(a)

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**From:** S9(2)(a) @parliament.govt.nz  
**Sent:** Monday, 2 February 2026 4:25 pm  
**To:** S9(2)(a) @justice.govt.nz; S9(2)(a) @justice.govt.nz  
**Cc:** Mercuri, Alida <alida.mercuri@justice.govt.nz>; S9(2)(a) @justice.govt.nz; Greaney, Caroline <caroline.greaney@justice.govt.nz>; S9(2)(a) @parliament.govt.nz  
S9(2)(a) @parliament.govt.nz  
**Subject:** Q&A pack - move on orders

Kia ora S9(2)(a)

**The office has asked for a Q&A pack about move-on orders –**

**Can you please pull some responses together by COP Wednesday?**

Happy to chat!

- Does this initiative only target the homeless?
  - Are you effectively banning homelessness to CBDs?
  - Will this solve anything, or are you moving the problem elsewhere?
  - What are these homeless people supposed to do when issued a move-on order? Where do they go?

- Do police support this? Do they think it's a good idea?
- So if you have to issue the order either in writing or via email, what happens when someone just flatly refuses to engage?
- So the specified area is at police discretion. What's stopping them from saying someone has to leave the whole CBD?
- If some of these people are homeless already, what's the point of fining them? Aren't you just going to make their situation worse?
- Can you tell us exactly what acts or things would qualify for a move-on order?
- How you define anti-social, or is this subjective?
- Will the orders apply to people who are begging but are not making noise or being disruptive?



S9(2)(a)

Private Secretary – Justice | Office of Hon Paul Goldsmith

Minister for Arts, Culture and Heritage  
Minister of Justice  
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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 1804 | Parliament Buildings, Wellington 6160, New Zealand

Authorised by Hon Paul Goldsmith, Parliament Buildings

## **Q&A: Move-on orders (questions from Office)**

### *1. Does this initiative only target the homeless?*

- This initiative is aimed at giving police tools to manage disorderly behaviour
- Police will be able to issue move-on orders to people engaging in a range of behaviour in public places, including:
  - Disorderly or threatening behaviour
  - interfering with businesses
  - breaching the peace
  - begging
  - rough sleeping and having belongings on the footpath.
- Move-on orders are just one of a range of initiatives underway across the justice, housing, health, and social sectors.

### *2. Are you effectively banning homelessness in CBDs?*

- Move-on orders are a short-term tool to allow Police to better manage all public places, so they are safer for everyone.
- Thriving CBDs are beneficial to everyone, and they are facing real challenges.
- They are not for use against any specific group, but will target behaviours including begging, rough sleeping, and disorderly or threatening behaviour.
- Move-on orders are just one of a range of initiatives underway across the justice, housing, health, and social sectors.

### *3. Will this solve anything, or are you moving the problem elsewhere?*

- Move-on orders are a short-term tool to allow Police to better manage public order and support safe and thriving urban economies.
- I have heard that some people's behaviour is negatively impacting on our public spaces in city centres.
- I want to better equip Police to disperse people to deescalate concerning situations and prevent these from becoming dangerous or a crime.

- I'm looking to right the balance of freedoms for all people to enjoy public spaces without feeling uncomfortable or unsafe, and to run businesses without having to deal with public disorder.

4. *What are these homeless people supposed to do when issued a move-on order? Where do they go?*

- A person who has been issued a move-on order will be required to move a reasonable distance away from the area, as specified by the constable.
- Constables are familiar with the locations they work within, and Police will develop operational guidance for its frontline staff. They have existing networks and partnerships with social and housing services, so constables can move them on to where help is available.

5. *Do police support this? Do they think it's a good idea?*

- Minister Mitchell has spoken publicly about his interest in move-on orders to add to Police's toolkit.
- Police has expressed interest in the use of move-on orders and similar tools in other countries.
- Police were closely involved in developing move-on orders and will develop robust guidelines to ensure move-on orders are effectively used.

6. *So if you have to issue the order either in writing or via email, what happens when someone just flatly refuses to engage?*

- Police will have the power to temporarily detain a person and collect the necessary information to issue an order.
- Police has a range of strategies to use when people are uncooperative, and officials are working on what Police will do in this particular situation.

7. *So the specified area is at police discretion. What's stopping them from saying someone has to leave the whole CBD?*

- A reasonable distance will depend on the circumstances and location. For example, the distance to move someone in Auckland, may vary from what would be suitable in Timaru.
- Officers are familiar with the locations they work within, and Police will develop operational guidance for its frontline staff to use this policy. I have confidence in Police will enforce move-on orders appropriately.

8. *If some of these people are homeless already, what's the point of fining them? Aren't you just going to make their situation worse?*

- It is my expectation that people who incur a fine will pay it. They need to experience the consequences of their actions.
- Where fines are not paid, our Justice system has a debt collection function with existing mechanisms to facilitate payment of outstanding debt.

9. *Can you tell us exactly what acts or things would qualify for a move-on order?*

- Move-on orders will apply to the following behaviour:

<i>Behaviour</i>	<i>Example</i>
Disorderly and disruptive behaviour	Fighting, shouting or swearing at people on the street, or unruly congregations outside shops
Threatening behaviour	Stand over tactics, demanding money from a person, or threatening to destroy property
Intimidating behaviour	Accosting a person in the street, asking for money in a forceful way, threatening to hurt someone, or blocking someone's way
Obstructing or impeding someone entering a business	Loitering outside of shop entranceways
Breaching the peace	Disturbing the public order – fighting, or noisy, disruptive, and dangerous behaviour
All forms of begging	Sitting on the pavement with a cup placed out or asking passersby for money
Rough sleeping	Lying in a sleeping bag on the ground, a bench or in a doorway
Behaviour indicating an intent to inhabit a public place	Putting up structures and makeshift dwellings such as tents in parks or alleyways

10. *How do you define anti-social, or is this subjective?*

- Anti-social is a widely used, general term. It's likely that when we make move on orders in law, we will use specific language so the public and police have clarity of this tool.

11. *Will the orders apply to people who are begging but are not making noise or being disruptive?*

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- Move-on orders will apply to all forms of begging. This includes soliciting money or goods as charity, regardless of whether the person begging is being disorderly.
- Notably, move-on orders will not apply to charitable and not-for-profit fundraising.
- Move-on orders will not apply to busking, selling goods at roadside stalls, or other activities where there is a clear transaction – for example, stalls selling fruit and vegetables.

*12. Is any extra support being offered alongside the move-on orders*

- If a person that is being moved-on also needs additional support, then I expect Police will use the arrangements in place to connect people to the services they need.
- It's important to note, move-on orders are just one of a range of initiatives underway across government, including in the justice, housing, health, and social sectors.
- Current initiatives include:
  - Up to 300 additional social homes for people already getting support through Housing First<sup>1</sup>
  - Additional provider-led, local responses for rough sleepers<sup>2</sup>
  - Optimising the utilisation of Transitional Housing<sup>3</sup>
  - Strengthening staff guidance on using discretion in assessing emergency housing grants<sup>4</sup>
  - Redirection of benefits towards housing costs<sup>5</sup>
  - Budget 2025 allocation: \$128 million over four years to deliver at least 550 new social homes in Auckland during the 2025/26 year, with tenanting by November 2026. This is part of the Government's commitment to 3,000 additional social housing places in Auckland by November 2026.<sup>6</sup>

<sup>1</sup> [Expanding support for rough sleepers | Beehive.govt.nz](https://www.beehive.govt.nz/news/expanding-support-for-rough-sleepers)

<sup>2</sup> [Expanding support for rough sleepers | Beehive.govt.nz](https://www.beehive.govt.nz/news/expanding-support-for-rough-sleepers)

<sup>3</sup> [Expanding support for rough sleepers | Beehive.govt.nz](https://www.beehive.govt.nz/news/expanding-support-for-rough-sleepers)

<sup>4</sup> [Expanding support for rough sleepers | Beehive.govt.nz](https://www.beehive.govt.nz/news/expanding-support-for-rough-sleepers)

<sup>5</sup> [Expanding support for rough sleepers | Beehive.govt.nz](https://www.beehive.govt.nz/news/expanding-support-for-rough-sleepers)

<sup>6</sup> [Hon Chris Bishop, Hon Tama Potaka: Delivering the right houses in the right place, for the right people - 22 May 2025](#)

- Police is continuing to roll out community beat teams across major towns and cities.<sup>7</sup>
- Delivering a better mental health crisis response<sup>8 9</sup>
- In Auckland, the Government and Auckland City Council are taking coordinated steps to improve the performance and public confidence of Auckland's city centre.

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<sup>7</sup> [More beat officers, and fewer victims | Beehive.govt.nz](#)

<sup>8</sup> [Delivering a better mental health crisis response | Beehive.govt.nz](#)

<sup>9</sup> [Innovation Fund to support Crisis Café | Beehive.govt.nz](#)

## Questions & Answers: Move-on orders

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### What are move-on orders and when will they be used?

#### 1. What are move-on orders?

- Move-on orders are a new tool for Police to move people on who are engaging in disorderly behaviour in public places.

#### 2. What behaviours will move-on orders apply to?

- Police will be able to issue move-on orders for criminal and non-criminal behaviour, including:
  - Disorderly or threatening behaviour
  - interfering with businesses
  - breaching the peace
  - begging
  - rough sleeping and having belongings on the footpath.

<i>Behaviour</i>	<i>Example</i>
Disorderly and disruptive behaviour	Fighting, shouting or swearing at people on the street, or unruly congregations outside shops
Threatening behaviour	Stand over tactics, demanding money from a person, or threatening to destroy property
Intimidating behaviour	Accosting another person in the street, asking for money in a forceful way, threatening to hurt someone, or blocking someone's way
Obstructing or impeding someone entering a business	Loitering outside of shop entranceways
Breaching the peace	Disturbing the public order – fighting, or noisy, disruptive, and dangerous behaviour
All forms of begging	Sitting on the pavement with a cup placed out or asking passersby for money
Rough sleeping	Lying in a sleeping bag on the ground, a bench or in a doorway
Behaviour indicating an intent to inhabit a public place	Putting up structures and makeshift dwellings such as tents in parks or alleyways

3. *What is disorderly behaviour?*

- Disorderly behaviour is a widely used, general term. It's likely that when we make move on orders in law, we will use specific language so the public and police have clarity of this tool.

4. *Will move-on orders impact freedom of speech or expression?*

- Generally, no. A person will not be subject to a move-on order for speech alone. However, where a person directs threatening or intimidating vocalisation or language at other people, a move-on order may be appropriate.
- Move-on orders will not apply where people are exercising their democratic rights and freedoms, such as protest and picket activities.

5. *What qualifies as begging? What if a person is begging but not being disorderly?*

- Move-on orders will apply to all forms of begging. This includes soliciting money or goods as charity, regardless of whether the person begging is being disorderly.
- Notably, move-on orders will not apply to charitable and not-for-profit fundraising.
- Move-on orders will not apply to busking, selling goods at roadside stalls, or other activities where there is a clear transaction – for example, where a person is directly or indirectly asking for money or goods in exchange for something of value in return.

6. *Can move-on orders be used to address serious crime?*

- Move-on orders are not suitable to deal with serious crime – such as violence, damage to property, or theft.
- Police will continue to address such offending using the full range of powers and offences available to them under the law.

**How will move-on orders work in practice?**

7. *How will move-on orders work?*

- Police can issue a move-on order to a person directing them to leave an area for a maximum of 24 hours for behaving in a disorderly manner in public.

8. *Who can issue move-on orders?*

- Police will issue move-on orders. As our primary law enforcement officers they have the mandate, training, and tools necessary to safely and effectively issue and enforce the orders.

9. *Shouldn't we also empower council officers to issue orders?*

- Councils are not equipped with the training, supervision, or tools necessary to safely issue and enforce move-on orders.

- When issuing and enforcing move-on orders, there is the potential for conflict or escalation – making Police best placed to respond.
- Further, issuing orders could require the use of detention, which is a function that councils are not trained or equipped to carry out.

*10. Will move-on orders only apply in Auckland CBD?*

- No, move-on orders will apply in all public places throughout New Zealand. Public disorder is present in towns and cities across the country, and everyone has the right to feel safe in public places.

*11. Why only 24 hours? Won't people just move from place to place every 24 hours?*

- The intent of move-on orders is to allow Police to immediately de-escalate disorderly behaviour. I understand that a maximum of 24 hours, with flexibility to allow shorter timeframes depending on the circumstances, is sufficient to meet this purpose.
- Move-on orders are a short-term tool to allow Police to better manage public order. I understand Police partner with local social and health services to find longer-term solutions.

*12. Where will Police move people on to?*

- Police officers will determine the distance that a person must move on. This will vary depending on the circumstances.
- For example, the distance to move someone in Auckland may vary from what would be suitable in Timaru.
- Officers are familiar with the locations they work within, and Police will develop operational guidance for its frontline staff to implement this policy.

*13. Will Police physically move people on?*

- Police will develop operational guidelines for appropriate responses depending on age, ability and other factors. I have every confidence in Police implementing the orders.
- Police will have the power to temporarily detain the person for the time necessary to issue the order. After an order is issued, the person will be able to move themselves beyond the distance specified in the order.
- Where a person fails or refuses to move after being issued a move-on order, they will be in breach of the order.

*14. What if a person doesn't move on?*

- If a person doesn't move on, they will be in breach of the order and subject to a criminal offence for noncompliance.
- Under these circumstances, Police will have the power to arrest.

15. *What happens to a person's belongings when they are moved on or arrested?*

- A person who has been issued a move-on order is expected to take their belongings with them.
- Police has clear operational guidelines for when a person is arrested.

**Who could be subject to a move-on order?**

16. *Are move-on orders going to be used to target people experiencing homelessness?*

- Move-on orders target behaviours such as begging, rough sleeping, and setting up possessions, encampments, makeshift dwellings, or other structures that indicate an intent to inhabit a public place.

17. *Why can someone be moved on for sitting on the footpath with a sign in front of them asking for help, but not for sitting on a park bench drinking a cup of coffee?*

- Begging disrupts the peaceful enjoyment of our public spaces and can cause people to feel unsafe.

18. *Isn't it irresponsible to move-on 14–17 year-olds from a CBD area, particularly if they are experiencing homelessness?*

- I understand Police has well-developed responses in partnership with other agencies and services to ensure young people are managed appropriately. This provides another tool for Police.
- I anticipate Police will assess the individual circumstances to determine whether a move-on order or another response, such as a warning, is appropriate.

19. *Are there any safeguards to ensure that Māori and Pasifika are not disproportionately impacted by move-on orders?*

- Move-on orders target behaviours. I have confidence that Police will enforce move-on orders appropriately.

20. *Is there a risk that move-on orders will be used in response to mental health crises in our streets?*

- Police has existing responses to situations involving people experiencing mental health crises. I expect Police will continue to handle these situations in accordance with current practices.

21. *Is there a risk that move-on orders will be used to break up protests?*

- No. This policy has some specific built in exceptions. Move-on orders will not apply to protests, pickets, and other forms of lawful self-expression.

22. *Is there a risk that move-on will be used to prevent people from raising funds?*

- No. This policy has some specific built in exceptions. Move-on orders will not apply to charitable or not-for-profit fundraising.

**Impact on social issues**

23. *Move-on orders don't address the root causes of homelessness. What else is being done?*

- Move-on orders are just one of a range of initiatives underway across the justice, housing, health, and social sectors.

24. *Will move-on orders drive people away from their support networks and essential services to more dangerous and unsafe areas?*

- I expect Police will take these issues into consideration, where appropriate, when enforcing move-on orders.
- Police has arrangements in place to connect people to the services they require.

25. *Have you consulted with the communities who may be affected by this legislation, such as people experiencing homelessness?*

- In developing advice on move-on orders, my officials consulted with agencies across the justice, housing, health, and social sectors.
- They also considered the advice of the Ministerial Advisory Group for the Victims of Retail Crime. The MAG consulted with stakeholders including businesses and communities affected by public disorder.
- Others in the community will have the opportunity to contribute feedback at Select Committee.

26. *Regarding begging, are you penalising people for asking for help?*

- People can still ask for help from their own networks and communities, as well as NGOs and social services.

**Impact on rights**

27. *Don't all New Zealanders have the right to use public spaces?*

- People cannot do whatever they please in public. Where a person is disrupting our public spaces and causing people to feel unsafe, they could be subject to a move-on order.
- Our city centres should be places where everyone feels comfortable and safe to visit, work and live, and where retail, hospitality, arts, and entertainment can thrive.

28. *How do you justify the intrusion on people's basic human rights, such as the freedoms of movement and expression?*

- I'm looking to right the balance of freedoms for all people to enjoy public spaces without feeling uncomfortable or unsafe, and to run businesses without having to manage public disorder.

- I have heard that rough sleeping and related behaviour are having a negative impact on our public spaces in city centres. I want to better equip Police to address them.
- Move-on orders are a short-term tool to allow Police to better manage public order and support safe and thriving urban economies.

29. *Will move-on orders impact freedom of speech or expression? [Same as Question 4]*

- Generally, no. Move-on orders will not apply where people are exercising their democratic rights and freedoms, such as protest and picket activities.
- However, someone can be moved on for vocalisation or language that is threatening, intimidating, or disorderly.

### **Proportionality of the penalty**

30. *Why is the penalty for breaching a move-on order so high, particularly when the behaviours being targeted are not always criminal?*

- I have determined the penalty is an appropriate consequence where a person does not conform to the terms of a move-on order, which they have received for disorderly behaviour.
- The proposed penalty will send a strong signal to those issued with move-on orders that disobeying a Police order and disrupting the use and enjoyment of public spaces will be met with serious consequences

31. *How will these people pay a court-ordered fine?*

- It is my expectation that people who incur a fine will pay it. They need to experience the consequences of their actions.
- Where fines are not paid, our Justice system has a debt collection function with existing mechanisms to facilitate payment of outstanding debt.

### **Impact on Police**

32. *Will enforcing move-on orders take Police resources away from addressing more serious crime?*

- This is a Police prioritisation issue, and I have confidence that Police will handle its operations in the field, as they do every day.

33. *Given the existing pressure on frontline Police, will Police have the people to enforce move-on orders?*

- That is a question for the Minister of Police.
- However, I understand Police is continuing to roll out community beat teams across major towns and cities. Increasing the presence of police officers in our communities is one of this Government's law-and-order priorities.

34. *When will Police meet its Coalition commitment to train no fewer than 500 new frontline police?*

- That is a question for the Minister of Police.

Released under the Official Information Act 1982



s9(2)(a)

**Senior Policy Advisor**

Policy Group

Police National Headquarters

E s9(2)(a) @police.govt.nz



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Released under the Official Information Act 1982

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**From:** s9(2)(a) @police.govt.nz>  
**Sent:** Thursday, 12 February 2026 8:41 am  
**To:**  
**Cc:** S9(2)(a) ; s9(2)(a)  
**Subject:** RE: [EXTERNAL] Outstanding policy issues - move-on orders

Hi again s9(2)(a)

I have now checked with our ops people and can confirm we are comfortable with the approach re: point two.

Ngā mihi  
s9(2)(a)

s9(2)(a)  
**Policy Advisor**  
**People and Communities**  
Police National Headquarters  
E s9(2)(a) @police.govt.nz

Mon	Tue	Wed	Thu	Fri
✓	✗	✓	✓	✓

---

**From:** s9(2)(a)  
**Sent:** Wednesday, 11 February 2026 1:30 PM  
**To:** S9(2)(a) @justice.govt.nz>  
**Cc:** S9(2)(a) @justice.govt.nz>; s9(2)(a) @police.govt.nz>; s9(2)(a) @police.govt.nz>  
**Subject:** RE: [EXTERNAL] Outstanding policy issues - move-on orders

Not a problem s9(2)(a) Thank you for making the changes.

I've replied to your comments in the document attached. s9(2)(f)(iv)

Ngā mihi  
s9(2)(a)

s9(2)(a)  
**Policy Advisor**  
**People and Communities**  
Police National Headquarters  
E s9(2)(a) @police.govt.nz

Mon	Tue	Wed	Thu	Fri
✓	✗	✓	✓	✓

---

**From:** S9(2)(a) @justice.govt.nz>  
**Sent:** Tuesday, 10 February 2026 12:14 PM  
**To:** s9(2)(a) @police.govt.nz>

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

Subject: RE: [EXTERNAL] Outstanding policy issues - move-on orders

~~IN CONFIDENCE / CABINET~~

Kia ora s9(2)(a)

Thank you for getting back to us so quickly on this. We have responded to your comments in the attached document. You will see the changes we have made to the drafting instructions, noting we are still discussing the may/must point.

We have also included additional drafting instructions to address a gap that was raised by PCO, where a person fails or refuses to remain at the place where they are detained (see point 2). Can you confirm whether Police is comfortable with the approach?

Happy to discuss as always.

Thank you,  
S9(2)(a)

~~IN CONFIDENCE / CABINET~~

---

From: s9(2)(a) @police.govt.nz>  
Sent: Monday, 9 February 2026 3:26 pm  
To: S9(2)(a) @justice.govt.nz>  
Cc: S9(2)(a) @justice.govt.nz>; s9(2)(a) @police.govt.nz>; s9(2)(a)  
@police.govt.nz>  
Subject: RE: [EXTERNAL] Outstanding policy issues - move-on orders

Kia ora S9(2)(a)

Thanks for sending this through. It was nice to meet you and s9(2)(a) on Wednesday and we really appreciate being kept in the loop.

s9(2)(f)(iv)

Just let me know if you have any queries. I've attached a revised document with the suggested changes if that helps. Tomorrow is my non-working day but s9(2)(a) should be available in my absence.

Ngā mihi  
s9(2)(a)

s9(2)(a)  
Policy Advisor  
People and Communities  
Police National Headquarters  
E s9(2)(a) @police.govt.nz

Mon	Tue	Wed	Thu	Fri
✓	×	✓	✓	✓

---

**From:** s9(2)(a) @justice.govt.nz  
**Sent:** Monday, 9 February 2026 11:12 AM  
**To:** s9(2)(a) @police.govt.nz  
**Cc:** s9(2)(a) @police.govt.nz; s9(2)(a) @justice.govt.nz; s9(2)(a) @police.govt.nz  
**Subject:** RE: [EXTERNAL] Outstanding policy issues - move-on orders

~~IN CONFIDENCE / CABINET~~

Kia ora s9(2)(a)

I hope you had a lovely long weekend. Thank you again for meeting with us last week to work through some of the remaining issues.

I have drafted the attached document to instruct PCO on drafting s9(2)(f)(iv). Can you please review the document to ensure it captures where we got to on these points?

Thank you,  
s9(2)(a)

~~IN CONFIDENCE / CABINET~~

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**From:** s9(2)(a) @justice.govt.nz  
**Sent:** Wednesday, 4 February 2026 11:01 am  
**To:** s9(2)(a) @police.govt.nz  
**Cc:** s9(2)(a) @police.govt.nz; s9(2)(a) @justice.govt.nz;

s9(2)(a) @police.govt.nz&gt;

Subject: RE: [EXTERNAL] Outstanding policy issues - move-on orders

~~IN CONFIDENCE / CABINET~~

Hi s9(2)(a)

Sure, happy to discuss these points. Here is an updated agenda.

	Item	Lead
1	Introductions	S9(2)(a)
2	Update on the Public disorder work: <ul style="list-style-type: none"> <li>- Timeframes</li> <li>- Announcements (by whom and when)</li> </ul>	S9(2)(a)
3	Other outstanding policy issues and how these will be addressed: <ul style="list-style-type: none"> <li>- application of move-on orders to 14 – 17 year olds</li> <li>- the additions to the cabinet paper that were not consulted on (rough sleeping; setting up personal possessions; encampments, makeshift dwellings, or other structures indicating an intent to inhabit a public place)</li> </ul>	S9(2)(a) / All
4	Issue 1: Where a person fails to provide particulars <ul style="list-style-type: none"> <li>- Summarise issue</li> <li>- Offer approach solutions</li> <li>- Key considerations</li> <li>- Next steps</li> </ul>	S9(2)(a) / All
5	Issue 2: Details on issuing and serving a move-on order <ul style="list-style-type: none"> <li>- Summarise</li> <li>- Discuss each strawman options (refer to handout in calendar invite)</li> <li>- Next steps</li> </ul>	S9(2)(a) / All
6	Concluding remarks and Actions	S9(2)(a) All

Ngā mihi,  
s9(2)(a)~~IN CONFIDENCE / CABINET~~

From: s9(2)(a) @police.govt.nz&gt;

Sent: Wednesday, 4 February 2026 10:47 am

To: S9(2)(a) @justice.govt.nz&gt;

Cc: s9(2)(a) @police.govt.nz&gt;; S9(2)(a)

@justice.govt.nz&gt;;

s9(2)(a) @police.govt.nz&gt;

Subject: RE: [EXTERNAL] Outstanding policy issues - move-on orders

Hi there – looking forward to the meeting (as are my colleagues!).

Can we please add the following to the agenda:

Document 114

- Timeline LEG and commencement – noting, s9(2)(f)(iv)
- Other outstanding policy issues and how these will be addressed e.g. application of move-on orders to 14 – 17 year olds; the additions to the cabinet paper that were not consulted on (rough sleeping; setting up personal possessions; encampments, makeshift dwellings, or other structures indicating an intent to inhabit a public place).
- Announcements - by whom and when.

Thank you.

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: Wednesday, 4 February 2026 10:35 AM  
 To: s9(2)(a) @police.govt.nz  
 Cc: s9(2)(a) @police.govt.nz; S9(2)(a) @police.govt.nz; S9(2)(a) @justice.govt.nz; s9(2)(a)  
 Subject: RE: [EXTERNAL] Outstanding policy issues - move-on orders

**IN CONFIDENCE / CABINET**

Kia ora s9(2)(a)

Apologies for not providing more information earlier. Below is a proposed agenda for the meeting and attached is a handout to help guide the discussion on Issue 2 (which is also available in the calendar invite).

	Item	Lead
1	Introductions	S9(2)(a)
2	Issue 1: Where a person fails to provide particulars <ul style="list-style-type: none"> <li>- Summarise issue</li> <li>- Offer approach solutions</li> <li>- Key considerations</li> <li>- Next steps</li> </ul>	S9(2)(a) All
3	Issue 2: Details on issuing and serving a move-on order <ul style="list-style-type: none"> <li>- Summarise</li> <li>- Discuss each strawman options (refer to handout in calendar invite)</li> </ul>	S9(2)(a) All

	- Next steps	
4	Concluding remarks and Actions	S9(2)(a) / All

Looking forward to our discussion later today.

Many thanks,  
S9(2)(a)

~~IN CONFIDENCE / CABINET~~

From: s9(2)(a) <[@police.govt.nz](mailto:s9(2)(a)@police.govt.nz)>  
 Sent: Wednesday, 28 January 2026 3:59 pm  
 To: S9(2)(a) <[@justice.govt.nz](mailto:S9(2)(a)@justice.govt.nz)>  
 Cc: 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)>;  
 s9(2)(a) <[@police.govt.nz](mailto:s9(2)(a)@police.govt.nz)>  
 Subject: RE: [EXTERNAL] Outstanding policy issues - move-on orders

Great stuff thank you!

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: Wednesday, 28 January 2026 3:26 pm  
 To: s9(2)(a) <[@police.govt.nz](mailto:s9(2)(a)@police.govt.nz)>  
 Cc: 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)>; s9(2)(a) <[@police.govt.nz](mailto:s9(2)(a)@police.govt.nz)>  
 Subject: RE: [EXTERNAL] Outstanding policy issues - move-on orders

~~IN CONFIDENCE / CABINET~~

Thanks <sup>s9(2)(a)</sup> I've sent an invite. We will be in touch on Monday with more details to help us prepare to make the most of it. Also, I've booked 1.5 hrs but expect it to only last an hour – I just wanted to confirm the room booking just in case we run over.

Many thanks,  
<sup>s9(2)(a)</sup>

**IN CONFIDENCE / CABINET**

**From:** <sup>s9(2)(a)</sup> [@police.govt.nz](mailto: @police.govt.nz)  
**Sent:** Wednesday, 28 January 2026 1:59 pm  
**To:** <sup>s9(2)(a)</sup> [@justice.govt.nz](mailto: @justice.govt.nz)  
**Cc:** <sup>s9(2)(a)</sup> [@police.govt.nz](mailto: @police.govt.nz); <sup>s9(2)(a)</sup> [@justice.govt.nz](mailto: @justice.govt.nz);  
<sup>s9(2)(a)</sup> [@police.govt.nz](mailto: @police.govt.nz)  
**Subject:** RE: [EXTERNAL] Outstanding policy issues - move-on orders

Hi <sup>s9(2)(a)</sup> and happy new year to you and <sup>s9(2)(a)</sup> too! How is it almost Feb already??

Definitely interested in a meeting on those matters. Happy to come down to you, but can you please have a teams link as well – we'll need some operational expertise in the room and they may or may not be in Wellington when we hold the meeting.

Wednesday is looking good from 11.30 onwards. Book in a time and we'll take it from there 😊

Ngā mihi

<sup>s9(2)(a)</sup>

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



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**From:** <sup>s9(2)(a)</sup> [@justice.govt.nz](mailto: @justice.govt.nz)  
**Sent:** Wednesday, 28 January 2026 12:17 pm  
**To:** <sup>s9(2)(a)</sup> [@police.govt.nz](mailto: @police.govt.nz)  
**Cc:** <sup>s9(2)(a)</sup> [@police.govt.nz](mailto: @police.govt.nz); <sup>s9(2)(a)</sup> [@justice.govt.nz](mailto: @justice.govt.nz)  
**Subject:** [EXTERNAL] Outstanding policy issues - move-on orders

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**IN CONFIDENCE / CABINET**

Kia ora S9(2)(a)

Happy new year. I hope you had a lovely break. We were hoping to arrange a time next week to discuss/workshop the two key issues that need to be resolved on move-on orders:

1. Where a person fails to provide particulars, and
2. Details on issuing and serving a move-on order.

We will provide more detail/questions ahead of any meeting, but at this stage we wanted to get time in our calendars since it's a short week. Are you free on Wednesday 4 February before 4pm, (and aside from 9:45 – 10:45am)?

We are happy to host you here or come up to Police if that would be easier.

Ngā mihi,  
S9(2)(a)



S9(2)(a)

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

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

**IN CONFIDENCE / CABINET**

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**From:** S9(2)(a)  
**Sent:** Monday, 16 February 2026 2:00 pm  
**To:** S9(2)(a)  
**Cc:** Mercuri, Alida; S9(2)(a) <S9(2)(a)@parliament.govt.nz>; Justice PS; S9(2)(a)  
S9(2)(a) <S9(2)(a)@parliament.govt.nz>; S9(2)(a) <S9(2)(a)@parliament.govt.nz>  
**Subject:** RE: Q&A move-on orders: follow-up questions  
**Attachments:** 20260216 Response to MO questions.docx

Kia ora S9(2)(a)

Please find the attached document which includes our responses to the Office's questions. Please let us know if you need any further clarification.

Thank you,  
S9(2)(a)

---

**From:** S9(2)(a) <S9(2)(a)@parliament.govt.nz>  
**Sent:** Monday, 16 February 2026 8:53 am  
**To:** S9(2)(a) <S9(2)(a)@justice.govt.nz>; S9(2)(a) <S9(2)(a)@justice.govt.nz>  
**Cc:** S9(2)(a) <S9(2)(a)@justice.govt.nz>; Mercuri, Alida <alida.mercuri@justice.govt.nz>;  
S9(2)(a) <S9(2)(a)@parliament.govt.nz>; S9(2)(a) <S9(2)(a)@parliament.govt.nz>; S9(2)(a) <S9(2)(a)@parliament.govt.nz>  
**Subject:** Q&A move-on orders: follow-up questions

Hi S9(2)(a)

The office has a couple of questions on the Q&A pack (attached) –

**Can you please clarify the comments by COP today?** Please let me know if that timeframe is tricky

Thank you!



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

Authorised by Hon Paul Goldsmith, Parliament Buildings

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**From:**  
**Sent:** Wednesday, 18 February 2026 9:30 am  
**To:** S9(2)(a) ; S9(2)(a)  
**Subject:** FW: [EXTERNAL] RE: Move-on orders - implementation



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

---

**From:** s9(2)(a) @police.govt.nz>  
**Sent:** Wednesday, 18 February 2026 8:52 am  
**To:** S9(2)(a) @justice.govt.nz>  
**Subject:** RE: [EXTERNAL] RE: Move-on orders - implementation

Thanks S9(2)(a)

We have project managers assigned to some of the bigger pieces of implementation work to ensure everything is coordinated. They look at all aspects of implementation: funding, HR (recruitment, training), legal (including legal notes and police instructions), communications (internal and external) and ICT.

Ngā mihi

s9(2)(a)

**Manager Policy, People and Communities**

Policy Group

M S9(2)(a)

E [john.white@police.govt.nz](mailto:john.white@police.govt.nz)



From: S9(2)(a) <@justice.govt.nz>  
Sent: Tuesday, February 17, 2026 5:38 PM  
To: s9(2)(a) <@police.govt.nz>  
Cc: s9(2)(a) <@police.govt.nz>; S9(2)(a) <@justice.govt.nz>; S9(2)(a) <@justice.govt.nz>  
Subject: [EXTERNAL] RE: Move-on orders - implementation

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Hi S9(2)(a)

That's very helpful – thanks so much for setting it out for us.

It will certainly help with planning, messaging, managing expectations, etc.

No doubt the teams will chat further about all this, and we'll keep you up to date as we draft the Bill and other LEG materials.

Thanks again

S9(2)(a)



S9(2)(a)

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

S9(2)(a)

Justice Centre | 19 Aitken Street | Wellington 6011

From: s9(2)(a) <@police.govt.nz>  
Sent: Tuesday, 17 February 2026 4:31 pm  
To: S9(2)(a) <@justice.govt.nz>  
Cc: s9(2)(a) <@police.govt.nz>  
Subject: FW: Move-on orders - implementation

Kia ora S9(2)(a)

Yesterday you asked me about implementation timeframes for the proposed move-on orders. Below I have outlined Police's key considerations for implementing the move-on order proposals.

Factors that Police will need to be worked when planning to implement move-on orders

- The proposals include the following new powers for Police:
  - powers for Police to obtain identifying particulars and detain a person for the time necessary to issue an order
  - s9(2)(f)(iv)
  -
- Police will need to work out:
  - How to meet evidential sufficiency requirements in the case of prosecuting breaches of the order (noting that the penalty for breaching a move-on order is proposed to be a maximum \$2,000 fine or up to three months' imprisonment)
    - how service will be evidenced

- how a warning will be evidenced (when a Police officer issues a move-on order to a person, they will be required to warn the person that it is an offence to breach the order, unless the person has a reasonable excuse for doing so)
- there will likely be additional considerations with regards to youth, such as compliance with the Oranga Tamariki Act.
- Operationalising move-on orders for behaviours that meet offending thresholds; operationalising move-on orders for behaviours that do not meet offending thresholds. Operationalising service when electronic service is suitable and when it is not available (e.g. our frontline may need to carry hardcopy forms for these cases).
- Infrastructure needs: We have identified implementation implications for Police's ICT including "On Duty", NIA, and staff training, however we cannot design these elements until the final parameters of move-on orders are known. Additionally, we will need to consider sequencing factors, such as when NIA updates occur and how to get this work prioritised on that rolling schedule.
- Move-on orders will be a new power for Police and as such cannot lean on existing infrastructure to fast-track implementation. For example, if we compare the trajectory of this this work with that of the Trespass Amendment Bill s9(2)(f)(iv), comparably, the trespass work is much further along in terms of policy development, agencies have been consulted on a draft bill, and there is existing infrastructure for implementation (e.g. Police already issue trespass notices and the mechanisms and training to do so exist).
- What training is required for staff, including developing the relevant collateral (on-line module and/or face-to-face training packages); developing Police instructions; communicating these changes to staff.

The following caveats limit how far we can progress consideration of implementation at this time:

- The application of move on orders to behaviours such as 'rough sleeping, or setting up personal possessions, encampments, makeshift dwellings, or other structures indicating an intent to inhabit a public place' was not consulted on as part of either agency or ministerial consultation – consequently the policy implications have not yet been worked through by agencies (including Police) and the operationalisation in these contexts has not yet been considered. Police consider that operationalising move-on orders for behaviours that do not meet offence thresholds will present challenges.
- So far, we only have the policy parameters as agreed by Cabinet in December 2025 to base our initial thinking on i.e. announcements have not yet been made and the final form of move-on orders will remain uncertain until the proposals have progressed through select committee.
- We won't know exactly what we are operationalising until select committee processes are complete and decisions have been made about key factors (such as the age range, duration, penalty etc).
- PCO drafting is underway and yet to be reviewed by Police.

s9(2)(f)(iv)

With the current uncertainty Police recommend implementation **at least 6 months** following royal assent.

Ngā mihi

s9(2)(a)

**Manager Policy, People and Communities**

Policy Group

M S9(2)(a)

E [john.white@police.govt.nz](mailto:john.white@police.govt.nz)



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**From:** S9(2)(a)  
**Sent:** Saturday, 21 February 2026 4:36 pm  
**To:** S9(2)(a) - Parliament  
**Cc:** Mercuri, Alida; Media - Justice; S9(2)(a) parliament.govt.nz; Justice PS; S9(2)(a); S9(2)(a)  
**Subject:** RE: Query re Australian move-on orders  
**Attachments:** 2026 - Draft table of Australian move-on powers.docx

Hi again

On further reflection and research, I think my third bullet (below) might be a bit misleading.

I've whipped up a quick table of Australian move-on powers to provide a sense of the differences of behaviours captured and penalties levels across jurisdictions. I note some of the behaviours relate to other policy issues (eg major events and incitement to hate), so are quite different. Relatedly, some of the penalties are very high. I still think it's fair to say that **by-comparison, the move-on orders being proposed for New Zealand are very comprehensive with regard to general public disorder.**

I've left the table in draft at this stage because I haven't double checked all the information against the provisions in each Act, but let me know if you'd like me to finalise it.

Happy to chat

S9(2)(a)



S9(2)(a)

Policy Manager | Criminal Justice Unit | Policy Group

Ministry of Justice | Tāhū o te Ture

S9(2)(a)

Justice Centre | 19 Aitken Street | Wellington 6011

**From:** S9(2)(a)

**Sent:** Saturday, 21 February 2026 3:29 pm

**To:** S9(2)(a) - Parliament S9(2)(a) t@parliament.govt.nz

**Cc:** Mercuri, Alida <Alida.Mercuri@justice.govt.nz>; Media - Justice <Media@justice.govt.nz>; S9(2)(a) parliament.govt.nz S9(2)(a) @parliament.govt.nz; S9(2)(a) @parliament.govt.nz; S9(2)(a) @justice.govt.nz; S9(2)(a) @parliament.govt.nz; S9(2)(a) @justice.govt.nz

**Subject:** Query re Australian move-on orders

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

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

**Subject:** Query re Australian move-on orders

Hi S9(2)(a)

I've just checked in on our earlier advice, RIS, etc. and can confirm:

- All Australian jurisdictions have some form of 'move-on' power available to Police for use in public places.
- Different territories specify slightly different combinations of disorderly and threatening behaviours, and have slightly different penalties for breach.
- None of them are as extensive as the ones proposed for New Zealand.
- The Australian powers have been variously introduced, reviewed, and amended over the years.
- There is debate and limited evidence of their efficacy. Studies have found there is no empirical evidence to show that move-on powers result in reductions in crime rates.
- Some reports show disproportionate application of move-on powers in Australia against persons who are homeless, Indigenous, young, or mentally ill.

Hope that helps

S9(2)(a)



S9(2)(a)

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

S9(2)(a)

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## Australian Move-On Powers by Jurisdiction (2026)

Territory	Legislation	Behaviour	Typical duration	Notable Conditions / Updates	Typical penalty for breach	Maximum penalty for breach
<b>New South Wales</b>	LEPRA 2002	Disorderly conduct; obstructing persons or traffic; causing fear; or during "major events" to prevent disruption.	Up to 6 hours (intoxicated); otherwise "reasonable"	New " <b>Public Assembly Restriction Declarations</b> " (PARD) allow 14-day protest bans in designated areas following major security incidents.	\$220 (2 penalty units)	\$1,650 for intoxicated/disorderly breaches
<b>Victoria</b>	Summary Offences Act 1966	Causing a breach of peace; endangering safety; or obstructing others in a public place.	Up to 24 hours	Police cannot use move-on powers against people peacefully protesting.	~\$925 (5 penalty units)	<b>5 penalty units</b> (No imprisonment)
<b>Queensland</b>	Police Powers & Responsibilities Act 2000	Causing anxiety; interfering with trade/business; disorderly, indecent, or threatening behaviour; disrupting events.	Up to 24 hours	Includes triggers for "soliciting for prostitution" and "interfering with trade".	Up to \$4,000 (approx. 24 penalty units)	40 penalty units or arrest for non-compliance
<b>Western Australia</b>	Criminal Investigation Act 2006	Reasonable suspicion of a breach of peace; hindering others; or (new in 2026) promoting hate or wearing intimidating face coverings.	Up to 24 hours	<b>Electronic Move-On Orders</b> via SMS or email were introduced in late 2025 to replace paper notices.	<b>Up to \$12,000</b>	<b>12 months imprisonment and \$12,000 fine</b>
<b>South Australia</b>	Summary Offences Act 1953	Loitering or remaining in a public place without a reasonable excuse after being told to move on	Up to 24 hours	Referred to as "loitering" or "reasonable direction" powers.	Up to <b>\$1,250</b>	<b>3 months imprisonment</b> or \$1,250 fine
<b>Northern Territory</b>	Summary Offences Act	Loitering; causing a nuisance or obstruction.	Up to 72 hours	Typically used for loitering; duration varies based on the specific direction given.	Up to <b>\$2,000</b>	<b>6 months imprisonment</b> or \$2,000 fine

<b>ACT</b>	Crime Prevention Powers Act 1998	Exclusion powers to prevent crime or disorder.	Up to 6 hours	Known as "exclusion powers" in certain contexts.	\$320 (2 penalty units)	2 penalty units (Exclusion powers)
<b>Tasmania</b>	Police Offences Act 1935	Dispersal of persons where a breach of peace is likely or to protect public order.	Minimum 4 hours	Focuses on the "dispersal of persons" in public places.	\$346 (2 penalty units)	2 penalty units

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**From:** S9(2)(a)  
**To:** S9(2)(a)  
**Cc:** S9(2)(a)  
**Subject:** Query - application of move on orders  
**Date:** Wednesday, 4 March 2026 12:32:13 pm  
**Attachments:** [image001.png](#)  
**Importance:** High

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Kia ora kōrua

I've just come from a meeting with our operational people about move-on orders and a query was raised about the application of move-on orders for people in vehicles – it struck me that this has not been explicitly included or excluded in conversations to date.

It may be relevant where there are some people living in tents and others in vehicles – is the thinking that Police would be able to issue move on orders in both instances? An example is recent coverage of people in ChCh that have set up in the red zone e.g.

<https://www.rnz.co.nz/news/national/588440/community-forms-in-remains-of-christchurch-red-zone>

This probably needs to be addressed/covered in the draft bill i.e. that move-on orders can or cannot be issued to individuals in vehicles.

**S9(2)(a)**

Senior Policy Advisor

Policy Group

Police National Headquarters

E<sup>S9(2)(a)</sup> [@police.govt.nz](mailto: @police.govt.nz)



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