



15 April 2026

HUD2026-009435

M Quicken
fyi-request-34073-5ac7f8ef@requests.fyi.org.nz

Tēnā koe M

Thank you for your email dated 13 March 2026 to Te Tūāpapa Kura Kāinga – Ministry of Housing and Urban Development (the Ministry) requesting the following information under the Official Information Act 1982 (the Act):

- a) Instructions provided by any of the ministers to you (ministry) relating to move-on orders including requests for briefing.*
- b) Official requests / communique both to you and from you relating to move-on orders including emails requesting data, evidence and information like attachments / appendixes.*

As you may be aware, the Ministry of Justice (MoJ) led the work to develop Move-on Orders targeting disorderly behaviour in public places. During the development of this policy, MoJ sought our feedback on their proposed policy on several occasions, as well as seeking information to support the proposed policy.

We recently published a response to a request we received under the Act for any advice provided to Ministers, officials, or other agencies regarding Move-on Orders, as well as any evaluation or analysis the impact of this proposed legislation. This response has been published on our website and can be viewed at: www.hud.govt.nz/documents/oia-response-to-hud2022-008549-move-on-orders.

For this reason, I am refusing your request for these documents under section 18(d), on the grounds that the information requested is publicly available.

One email, titled *RE: Cabinet paper consult MOJ - Strengthening responses to public disorder [HUD2025-008613]*, has been found to be within scope of your request and is released to you with some information withheld under the following sections of the Act:

Section of Act	Reason to withhold
9(2)(a)	To protect the privacy of natural persons.
9(2)(g)(i)	To maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or employees of the Ministry.

In terms of section 9(1) of the Act, I am satisfied that, in the circumstances, the decision to withhold information under section 9 of the Act is not outweighed by other considerations that render it desirable to make the information available in the public interest.

You have the right to seek an investigation and review of my response by the Ombudsman, in accordance with section 28(3) of the Act. The relevant details can be found on the Ombudsman's website at: www.ombudsman.parliament.nz.

As part of our ongoing commitment to openness and transparency, the Ministry proactively releases information and documents that may be of interest to the public. As such, this response, with your personal details removed, may be published on our website.

Nāku noa, nā

A handwritten signature in blue ink, appearing to read 'K Garvie', is enclosed in a light blue rectangular box.

Kate Garvie
Policy Manager Responding to Severe Housing Needs
Te Tūāpapa Kura Kāinga – Ministry of Housing and Urban Development

From: [Julia Minko](#)
To: s 9(2)(a)
Subject: RE: Cabinet paper consult MOJ - Strengthening responses to public disorder [HUD2025-008613]
Date: Thursday, 13 November 2025 1:37:45 pm
Attachments: [image001.png](#)
[image003.png](#)
[image005.png](#)
[image007.jpg](#)
[image009.png](#)
[image010.png](#)
[image011.png](#)
[image012.jpg](#)

Thank you s 9(2)(a)!

From: s 9(2)(a) @hud.govt.nz>
Sent: Thursday, 13 November 2025 1:34 pm
To: Julia Minko <@..>
Cc: Ministerial Service Workflow <@..>; Laura Miller <@..>; Jeremy Steele <@..>; Nicole Rennie <@..>; Colin Lynch <@..>; Bronwyn Lauten <@..>
Subject: Cabinet paper consult MOJ - Strengthening responses to public disorder [HUD2025-008613]

Kia ora Julia,

Please find below some comments on the Cab paper consult MOJ - Strengthening responses to public disorder to support the Ministerial feedback process.

s 9(2)(g)(i)

Therefore, we have included both comments that can be inform your response to consultation, but also questions that you may wish to ask through consultation (depending on your preference), to help gather more information to support Ministerial decision making.

In contrast to the paper, the Regulatory Impact Statement (RIS) shows that MOJ's preferred approach is to retain the status quo, including the ongoing implementation of social and health sector initiatives to address disorderly behaviour. The RIS contains additional significant information and notes that the benefits of the status quo are likely to outweigh the costs. The option reflected in the Cabinet paper received the lowest score.

We understand that Minister Goldsmith is still considering specifically including rough sleeping as a behaviour captured in move-on powers. If the papers are changed to reflect this, it amplifies our concerns with these measures.

It is worth noting that the proposal in the Cabinet paper is inconsistent with the proposed approach in the upcoming Auckland City Centre Action Plan.

Ngā mihi

Comments:

- We 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. This would be heightened by the explicit inclusion of rough sleeping and is heightened by the inclusion of passive begging as a behaviour the people can be moved on for.
- We recommend the express exclusion of homelessness from the definition of public disorder and other appropriate safeguards are adopted to minimise this risk of harm.
- 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.
- Setting move-on order breaches as a criminal offence rather than an infringement offence and the level of fine will have much greater impacts on people experiencing homelessness than others.
- Move-on orders risk creating a new avenue for interactions with Police. This is especially concerning for Māori as Māori are over-represented in the justice system, face increased likelihood of prosecution and Māori youth are already three-times more likely to become known to Police as an offender by age 14.

Questions:

1. *What data on who is engaging in anti-social behaviour was used to inform this position?*

2024 Police data indicates those experiencing homelessness are often victims of crime. This is further supported by recent Justice advice which stated actors who are not homeless are often the ones involved in criminal behaviour and public disorder.

2. *What evidence is available on the impact and effectiveness of move-on orders?*

HUD is concerned about the limited evidence of the efficacy of move-on laws in Australia and the UK, with Justice previously noting that studies have found no empirical evidence to show that move-on powers result in reduction in crime rates.

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

3. *Has there been any consideration on the potential increased risk of harm as a consequence of complying with move-on powers?*

Increased likelihood of predation if rough sleepers moved on from well-lit central public spaces (particularly at night) especially for women and young people. Alternatively, it may lead to people who would sleep in a public place, seeking out private property (to avoid move on orders) which could lead to criminal charges.

4. *Has consideration been given to whether this addition could amount to a de facto criminalisation of homelessness?*

Creates perception that homelessness is a criminal behaviour, which may negatively impact public opinion and ignores that most often homelessness is not a personal choice but a result of structural and systemic system failures (poverty, housing supply, access to healthcare and employment) and often a trigger such as family breakdown or violence, loss of employment or income, being the victim of a crime.

5. *What would constitute a reasonable excuse for breaching a move-on order?*

The paper does not define what would be considered a reasonable excuse. There is

opportunity for this definition to mitigate harm by explicitly outlining survival behaviours associated with homelessness as a reasonable excuse.

6. *What safeguards and mitigations will be adopted to ensure people experiencing homelessness will not be disproportionately targeted by move-on powers?*

The paper identifies significant implications and disproportionate impact for several vulnerable populations, including people experiencing homelessness, Māori, and youth. What safeguards will be employed to reduce the risk of harm?

7. *What safeguards and mitigations will be adopted to prevent the risk of profiling vulnerable populations based on 'likely' to offend or causing anxiety to people in public places?*

Assumptions based on the person and behaviour could lead to profiling and cause further harm through assumptions, beliefs, or other discriminations. Māori are disproportionately severely housing deprived and experience high rates of racial discrimination.

8. *What modelling has been done to compare the financial implications of move-on powers with social responses, such as Housing First?*

International evidence suggests that punitive approaches are often more expensive and less effective than investing in housing support. Has there been any assessment of these costs in the current fiscally constrained environment?

s 9(2)(a)

Senior Policy Advisor | Responding to Severe Housing Needs
Policy Group

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