

Summary Offences (Move-on Orders) Amendment Bill

Background

The **Summary Offences (Move-on Orders) Amendment Bill** (“the Bill”) would grant police the power to issue “Move-On” orders to people who are sleeping rough, begging, or indicating “intent to inhabit” a public place for the following conduct:

- behaving in a manner that is disorderly, intimidating, or threatening.
- behaving in a manner that is disruptive.
- unreasonably obstructing, hindering, or preventing someone from entering or leaving a place where a lawful trade, business, or occupation is being conducted.
- breaching the peace.
- begging.
- rough sleeping or setting up personal possessions, makeshift shelters, or other structures indicating an intent to inhabit the public place.

The orders could be served to individuals as young as 14. People who do not comply will face fines of up to \$2,000 or up to three months of imprisonment.

Executive Summary

We do not support the Bill.

Lifewise’s work with people experiencing homelessness in Central Auckland goes back to 1851, when the Methodist Mission was first established in the city. We have been part of the response to homelessness in Auckland for over 170 years. We operate Merge Café ([Merge Cafe](#)) on Karangahape Road, successfully working with the Homeless Community, Business Owners, the Police, Council, and the wider Community.

Criminalizing rough sleeping and begging will not solve the problems of homelessness, addiction and underlying mental health issues faced by street whanau.

This Bill directly contradicts the Government’s stated commitment to deliver better outcomes at a lower cost.

We believe there are more effective and efficient ways to address the needs of the street whanau involved.

We support the homeless moving on to safe accommodation with effective wrap around services with dignity and respect.

Communities become safer when people are housed, not when they are pushed away and further marginalised.

Commentary

The Government's primary driver for the Bill is the Police cannot force someone to move along simply for begging, rough sleeping, or loitering. They can only order people to move or arrest them if a specific, existing criminal offence is actively being committed. Under the current Summary Offences Act 1981, police options are limited when a person's behavior is disruptive but does not cross the line into a formal crime.

Currently, police rely on the following existing legal powers to clear public spaces:

Breach of the Peace

Under the Crimes Act 1961, police can intervene if a person is actively breaking the peace or if they believe a breach of the peace is about to happen.

The Power: Officers can detain or arrest someone to stop the disturbance, which "naturally" forces them to leave the area.

The Limit: They cannot issue a formal order banning that person from returning to the area later.

Trespass Laws

Police can remove someone under the Trespass Act 1980 if they are on private property.

The Power: If a business owner or property occupier gives someone a trespass notice and they refuse to leave, police can arrest them.

The Limit: This does not apply to public spaces like city pavements, public parks, or town squares.

Obstruction and Disorderly Behaviour

If someone's actions escalate beyond just sitting or begging, Police can use standard criminal charges:

Obstruction: If a person physically blocks a footpath, driveway, or business door so people cannot pass.

Disorderly Behaviour: If a person is acting in a threatening, insulting, or highly offensive way that causes public alarm.

Local Bylaws

The Auckland Council Public Safety and Nuisance Bylaw (2013) regulate bad behavior in a public place. This includes begging and rough sleeping where it interferes with a person's use or enjoyment of a public space. Currently Council uses this bylaw to wake-up rough sleepers where they are obstructing or impeding the use of a public space. Through peaceful engagement staff encourage people to pack up their kit allowing access to and the safe use of public space by others. This is done with a trauma informed approach, through proactive patrols, and connecting with social service providers.

We believe the current legal powers are sufficient to address material harm to the public.

High Level Issues

The Bill fails to address the root causes of homelessness, effectively "kicking the problem down the road".

We believe the Bill will:

- move very vulnerable individuals from showcase tourist spots and/or central business districts to adjacent neighborhoods without resolving the underlying issues.
- unfairly penalise people in survival mode —like rough sleeping or begging— which just risks funneling people unnecessarily into the justice system.
- waste valuable police, council, and social service resources, we need instead targeted investment and services for the whanau who need to “move on”.
- grant police broad discretionary powers to move people along for up to 24 hours which infringes on basic freedoms of association and the right to public presence.

Impact on Good Practice & Positive Outcomes

We want to share a story from our Karangahape Road Outreach Team — not because it's unusual, but because it's painfully common.

Our team met this person because they kept coming back to our community café on Karangahape Road. Not asking for much — a coffee, somewhere warm, somewhere predictable. They were sleeping rough and had already been told to move on more times than they could count. What we learned slowly was that moving on didn't feel safe — it felt frightening. They'd lived through trauma. Being approached by authority, told to leave suddenly, sent them into panic. So, they moved — not into housing, but into darker, more isolated places. It took weeks of quiet, consistent contact before they trusted anyone enough to talk about support. Not because we pressured them — but because we stayed. Because they knew we'd still show up tomorrow.

That's what move-on orders risk breaking.

When people are forced to leave familiar places, they don't disappear — they become harder to find, harder to help, and more at risk. Trust gets reset to zero.

What eventually helped this person wasn't enforcement. It was Relationship. Dignity. Time. Respect.

So, when we say this policy worries us, it's because we see — every day — that safer communities are built by walking alongside people, not pushing them out of sight.

The Bill will undermine good practice, will lead to poorer outcomes and higher costs to the Government and the wider Community.

Note “A healthy society is not (just) an efficient one. It is a stable one. It is one where people trust that institutions will be there when they need them, where work carries meaning beyond a salary, where ordinary people can see themselves in the future being built around them” ([Trust & the Decent Society](#)). This Bill will undermine trust, will push people to darker places, and erode the equity built up with street whanau.

Further the Bill directly contradicts the Government's stated commitment to delivering better outcomes at a lower cost.

Specific Sections Recommendation's

If the Bill is to proceed, we suggest amending the conduct that triggers the move on orders. We would remove:

- *rough sleeping or setting up personal possessions, makeshift shelters, or other structures indicating an intent to inhabit the public place.* If someone has no other option, what are they to do?
- *begging.* If you're just sitting on a footpath with a sign asking for coins **not** causing a nuisance or bothering people what harm is being done?

We would also recommend:

- introducing a new step which would require the Police to make a real-time referral to an accredited social service provider and record the outcome before issuing a move-on order unless there is an immediate material safety risk.
- introducing a new step by which the Police must place young people under 17 years old with either whanau, a legal guardian or Oranga Tamariki before a move on order is issued.

We wish to present to the Select Committee.

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Chief Executive

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