

# Submission to the Justice Committee on the Summary Offences (Move-on Orders) Amendment Bill

## Executive Summary

1. Mana Mokopuna strongly opposes this Bill in its entirety because of the likelihood that, if passed, it will negatively impact the rights and wellbeing of an already vulnerable group of mokopuna,<sup>1</sup> who are experiencing homelessness and housing insecurity. We note the significant overlap between mokopuna facing housing insecurity and those who have been in and recently left the care and/or custody of the State. Rather than addressing the root causes of homelessness, the proposed measures risk compounding harm, increasing the likelihood of justice system interaction and entrenching inequities for already disadvantaged mokopuna.
2. This Bill focuses on how business premises and public spaces look, rather than addressing the root causes of rough sleeping and begging, such as poverty and housing deprivation.
3. Within the Bill's Regulatory Impact Statement (RIS) the Ministry of Justice recommended retaining the current status quo, which includes the ongoing implementation of social and health sector initiatives to address disorderly behaviour.
4. The RIS also concluded that the costs of implementation outweigh the benefits, noting that the "potential benefits to the public are unclear and partially relate to public perception of disorderly behaviour rather than actual incidents".<sup>2</sup> Police data shows there has been a steady decrease in prosecutions of a disorderly nature over the past 5 years.<sup>3</sup>
5. Mana Mokopuna is concerned the Bill, if passed, will:
  - criminalise homelessness and poverty
  - likely increase exposure of harm to mokopuna that are homeless or experiencing housing insecurity, and
  - unjustifiably legislate the collection of personal data of mokopuna for no actual crime being committed.
6. We further note this Bill is not necessary to address public order concerns as tools already exist to do this.

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<sup>1</sup> At Mana Mokopuna we have adopted the term 'mokopuna' to describe all children and young people in Aotearoa New Zealand. 'Mokopuna' brings together 'moko' (imprint or tattoo) and 'puna' (spring of water). Mokopuna describes that we are valued descendants and members of families. We acknowledge the special status held by mokopuna in their families, whānau, hapū and iwi and reflect that in all we do. Referring to children and young people we advocate for as mokopuna draws them closer to us and reminds us that who they are, and where they come from, matters for their identity, belonging and well-being at every stage of their lives.

<sup>2</sup> Ministry of Justice, [Regulatory Impact Statement: Strengthening responses to public disorder](#) (27 November 2025), 3.

<sup>3</sup> Ministry of Justice, [Regulatory Impact Statement: Strengthening responses to public disorder](#) (27 November 2025), 7.

## Recommendations

7. Mana Mokopuna strongly recommends the Bill does not proceed. Social investment into youth-specific housing initiatives, culturally-grounded services and early intervention would be far more effective responses than the punitive public-order measures proposed in this Bill.
8. As highlighted in our position paper on housing, Mana Mokopuna instead calls on the Government to:<sup>4</sup>
  - increase investment in social and community-led housing initiatives
  - improve youth housing services and system responsiveness
  - review and revise existing housing policies and strategies to ensure they include the specific needs of mokopuna
  - increase resourcing to enable earlier support and assistance for mokopuna
  - invest in and support Māori-led and culturally grounded approaches
  - actively involve mokopuna to participate in housing policy development and implementation based on their lived experience (noting the Ministry of Justice has not undertaken any public consultation), and
  - make full use of existing public order mechanisms to address public safety concerns.

## The Bill poses multiple risks to the rights and wellbeing of mokopuna, particularly mokopuna Māori and mokopuna Pasifika

9. All mokopuna in Aotearoa New Zealand have the right to experience all of their rights, in all circumstances, at all times. Housing is a basic human right. All mokopuna have a right to this, as established in their right to an adequate standard of living, under Article 27 of the United Nations Convention on the Rights of the Child. Mokopuna Māori have additional rights to housing, as affirmed by their tino rangatiratanga (self-governance) over kāinga (homes) in Article 2 of Te Tiriti o Waitangi.<sup>5</sup> This includes the right to a safe, stable, and nurturing home.<sup>6</sup> Aotearoa New Zealand is duty-bound to uphold this right and take proactive steps to address housing deprivation.
10. No child or young person should be growing up homeless in Aotearoa New Zealand. Unfortunately, this is not the reality for more than 33,200 mokopuna in Aotearoa who are experiencing severe housing deprivation - living without shelter, in temporary accommodation, sharing someone else's private dwelling, or in uninhabitable housing.<sup>7</sup>
11. A safe, stable, and nurturing home is foundational to mokopuna wellbeing. It underpins all aspects of mokopuna lives, including their health, safety, development, and ability to participate fully in education and community life.

<sup>4</sup> Mana Mokopuna, [Safe, healthy, affordable housing position statement](#).

<sup>5</sup> United Nations Convention on the Rights of the Child, Article 27.

<sup>6</sup> The United Nations states the fundamental elements of the right to housing are security of tenure, availability of services (materials, facilities and infrastructure), affordability, habitability, accessibility, location, and cultural adequacy. Office of the United Nations High Commissioner for Human Rights – UN Habitat (2009). The right to adequate housing: Fact Sheet No. 21/Rev.1.

<sup>7</sup> Taylor Fry, [Children and young people experiencing homelessness](#) (Coalition to end Women's Homelessness, May 2026).

### ***Inconsistency with child-centred and rights-based frameworks***

12. The Bill's punitive approach is particularly concerning given that domestic legislation recognises children and young people as a vulnerable group who generally require care and protection responses rather than a criminal response.<sup>8</sup> The Bill's proposals signal a shift away from intervention and provision of support, including for rangatahi aged 14-17.
13. This approach is inconsistent with the Children's Convention, which requires the State to protect children from discrimination and harm, prioritise their best interests, support their healthy growth and development, and ensure their views are considered in decisions that affect them.<sup>9</sup>
14. In its 2023 concluding observations, the UN Committee on the Rights of the Child (CRC) raised serious concerns about child poverty, food insecurity, and severe housing deprivation in Aotearoa. The Committee called on the Government to prioritise children's stable access to adequate housing and increase investment in social and community-led housing.
15. The Attorney-General concluded that the impact of a move-on order is broader than is necessary to fulfil the objective of the Bill by creating a blanket prohibition for an individual to return to a specified area for any purpose including to buy food, seek medical treatment or medicine. A move-on order issued on the basis of rough sleeping alone is not a justified limit to the right of freedom of movement.<sup>10</sup>

### ***Te Tiriti o Waitangi implications***

16. The Bill is also inconsistent with Te Tiriti o Waitangi. In 2024 the Waitangi Tribunal found the Crown has a duty to answer for the connection between high levels of Māori experiencing homelessness and the loss of the majority of traditional kāinga.<sup>11</sup> The Waitangi Tribunal concluded this translates to a 'kāinga' duty of the Crown to provide an immediate and adequate housing substitute for Māori affected.
17. The Bill engages Article 2 of Te Tiriti which guarantees Māori their tino rangatiratanga (self-determination) over their kāinga (homes) and Article 3 which requires the Government achieves equity for Māori in housing outcomes.
18. Mana Mokopuna considers this Bill is a further policy and legislative step in the wrong direction and a further breach against Te Tiriti that is likely to deepen existing inequities that are disproportionately carried by mokopuna, whānau and hapori Māori experiencing homelessness.

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<sup>8</sup> Oranga Tamariki Act 1989.

<sup>9</sup> See Articles 2, 3, 6, and 12.

<sup>10</sup> Honourable Chris Bishop, [Report of the Attorney-General under the New Zealand Bill of Rights Act 1990 on the Summary Offences \(Move-on Orders\) Amendment Bill](#), paragraph 32.

<sup>11</sup> Waitangi Tribunal, [Kāinga Kore: The Stage One Report of the Housing Policy and Services Inquiry on Māori Homelessness](#) (WAI 2750, 2024), 125.

### ***Drivers and impacts of youth homelessness***

19. Mokopuna experience homelessness due to a range of intersecting factors, often beyond their control.<sup>12</sup> These include poverty, health challenges, unsafe home environments, relationship breakdowns, unemployment and inadequate housing support, particularly for those transitioning from State care and/or custody.<sup>13</sup> For example, evidence shows young people transitioning out of care or youth justice settings have challenges, and experience worse outcomes than their non-care experienced peers.<sup>14</sup>
20. The impacts of youth homelessness are profound. Mokopuna experiencing homelessness face significantly higher rates of harm, including abuse, disengagement from education, poor health outcomes and higher involvement with the justice system as both perpetrator and victim.<sup>15</sup> Evidence shows they are twice as likely to experience victimisation and 2.6 times more likely to be proceeded against by Police.<sup>16</sup>
21. These outcomes already reflect deep inequities, particularly for mokopuna Māori and mokopuna Pasifika, who are disproportionately represented among those experiencing homelessness.<sup>17</sup>

### ***Concerns with enforcement-based approaches***

22. Mokopuna who are without a home and on the streets should not be subject to punitive measures such as move-on orders, which can prohibit an individual from accessing a specified area for up to 24 hours.
23. This approach risks deepening, rather than resolving, the underlying issues. This is likely to increase harm – moving vulnerable mokopuna from visible, well-lit areas such as a busy central business district, to more isolated places, increasing risks of assault, exploitation and victimisation. Enforcement-based approaches also risk undermining trust and driving mokopuna further underground, away from the services and supports that are there to help them.
24. Investment into earlier intervention is what mokopuna need. During our life-journey-focussed engagement with mokopuna, they reinforced the need to get in early when you first see people struggling.<sup>18</sup> Mokopuna need earlier support instead of enforcement-based approaches that punish rather than help. Our focus should be on creating safe, suitable and supported housing environments for young people to live in.

<sup>12</sup> Fraser, B., Chun, S., Pehi, T., Jiang, T., Johnson, E., Omblor, J., McMinn, C. and Piers, N. (2023), Post-housing first outcomes amongst a cohort of formerly homeless youth in Aotearoa New Zealand. *Journal of the Royal Society of New Zealand*, 53: 656-672. <https://doi.org/10.1080/03036758.2022.2088572>.

<sup>13</sup> Oranga Tamariki *Accommodation Review (October 2024)*, 12.

<sup>14</sup> Oranga Tamariki *Accommodation Review (October 2024)*, 4.

<sup>15</sup> Taylor Fry, *Children and young people experiencing homelessness* (Coalition to end Women's Homelessness, May 2026).

<sup>16</sup> Taylor Fry, *Children and young people experiencing homelessness* (Coalition to end Women's Homelessness, May 2026), 18.

<sup>17</sup> Taylor Fry, *Children and young people experiencing homelessness* (Coalition to end Women's Homelessness, May 2026); Ministry of Justice, *Regulatory Impact Statement: Strengthening responses to public disorder* (27 November 2025); Te Whatu Ora Health New Zealand, *The Alcohol ABC approach: The Counties Manukau experience* (March 2025).

<sup>18</sup> Mana Mokopuna *"You need to get in early, as soon as you see people struggling" Understanding the life-course journey: Mokopuna voices to inform the Child and Youth Wellbeing Strategy Review 2024* (November, 2024).

**Expansion of criminalisation and justice system involvement**

25. The Bill's proposed move-on orders, powers to detain and creation of new offences will introduce a new pathway into the criminal justice system for mokopuna experiencing homelessness. This is unnecessary given the existing legal and non-legal mechanisms to respond to disorderly behaviour and maintain public order.<sup>19</sup> Mana Mokopuna highlights that the Bill, if passed, is inconsistent with the urgent recommendation of the UN CRC to ensure our child justice system is children's rights compliant.<sup>20</sup>
26. The behaviour targeted by these proposals falls below the current threshold of criminality and may not involve intent or culpability.<sup>21</sup> Advice from the Ministry of Justice's Offence and Penalty Vetting team notes that "the use of move-on orders to address any concern in this context is disproportionate to the harm caused and will create inconsistencies in the law".<sup>22</sup> This also raises concerns about the lawfulness and reasonableness of the Police collecting personal data in such circumstances, particularly given the special protections required under Information Privacy Principle 4 when collecting children and young people's information.<sup>23</sup>
27. Rather than addressing underlying need, these measures risk widening inequities for mokopuna experiencing homelessness by increasing the likelihood of justice system interaction. Any criminal conviction or fines will financially burden mokopuna, making it harder to secure housing or employment and raising the likelihood of ongoing justice system interaction into adulthood. This should be avoided, rather than reinforced through legislation.

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<sup>19</sup> Police Act 2008, Summary Offences Act 1981; Police Alternative Options (discretion, warnings, diversion; Te Pae Oranga).

<sup>20</sup> CRC/C/NZL/CO/6, paragraph 43.

<sup>21</sup> Ministry of Justice, [Regulatory Impact Statement: Strengthening responses to public disorder](#) (27 November 2025), 13.

<sup>22</sup> Ministry of Justice, [Regulatory Impact Statement: Strengthening responses to public disorder](#) (27 November 2025), 13.

<sup>23</sup> Office of the Privacy Commissioner, [Information Privacy Principle 4 – Manner of Collection](#).

## About Mana Mokopuna – Children’s Commissioner

### The Children’s Commissioner is the independent advocate for all children in Aotearoa New Zealand.

Mana Mokopuna – Children’s Commissioner is the independent Crown entity that advocates for the rights, interests, wellbeing and participation of all mokopuna (children and young people) in Aotearoa New Zealand. The Children’s Commissioner is Dr Claire Achmad.

We exist for all mokopuna in New Zealand. We advocate for and with mokopuna, within their whānau and community contexts. We base our work on evidence and research, including the perspectives of mokopuna.

We particularly advocate for mokopuna Māori, and for mokopuna who are experiencing disadvantage. Our work includes monitoring places mokopuna can’t leave, such as care and protection, youth justice, youth mental health, and intellectual disability facilities.

### Our vision is for all mokopuna to live their best lives

Our moemoeā (vision) is ‘Kia kuru pounamu te rongō – All mokopuna live their best lives’. This is a collective vision and challenge for Aotearoa New Zealand.

We focus our advocacy in four areas for all mokopuna:

- 1) a strong start in life
- 2) growing up safe and well
- 3) thriving families and whānau, and
- 4) participating in what matters to me.

### We have a mandate grounded in domestic and international law

Our purpose and functions are set out in the Children’s Commissioner Act 2022. We anchor our work in Te Tiriti o Waitangi, the UN Convention on the Rights of the Child (the Children’s Convention) and other international human rights instruments.

We’re responsible for:

- advocating for the rights of all mokopuna
- putting a strong focus on the rights of mokopuna Māori to support them to thrive within their whānau, hapū, iwi
- amplifying the voices of mokopuna
- promoting the Children’s Convention
- monitoring how the government gives effect to the Children’s Convention, and
- monitoring the rights of mokopuna when they live in places where they can’t leave.

### The term mokopuna recalls their connection to places and people

We use the term mokopuna to describe all children and young people in Aotearoa New Zealand.

Mokopuna combines moko (imprint or tattoo) and puna (spring of water), describing how young people are valued descendants and members of families. Referring to the people we advocate for as mokopuna draws them closer to us. It reminds us that who they are – and where they come from – matters for their sense of identity, belonging and wellbeing.