

Submission: Summary Offences (Move-on Orders) Bill

**By the Mental Health Foundation of
New Zealand**



29 June 2026
Justice Committee

Submission: Summary Offences (Move-on Orders) Amendment Bill

Tuia te rangi e tū nei
Tuia te papa e takoto nei
Tuia i te here tangata
Tihei mauri ora.

He hōnore, he korōria ki te atua ki te runga rawa
He whakaaro maha ki a rātou kua haere ki te wāhi ngaro
E ngā rau rangatira mā, ānei ngā whakaaro me ngā kōrero nā Te Hauora
Hinengaro.

Thank you for the opportunity to comment on the Summary Offences (Move-on Orders) Amendment Bill (the Bill).

The Mental Health Foundation of New Zealand (MHF) is a charity that promotes everyday actions that lift mental wellbeing, provides tools that support people through tough times, and advocates for a better mental health system and society.

The MHF strongly opposes the passage of this Bill. We are concerned the introduction of move-on orders would increase instability for people experiencing homelessness, many of whom are already living with mental health and addiction challenges. Rather than addressing the underlying causes of housing insecurity and homelessness, the Bill risks disrupting access to support networks and services and creating additional barriers to recovery and wellbeing.

People experiencing homelessness already face significantly poorer outcomes compared with the general population, including worse mental health, higher rates of hospitalisation, lower educational engagement, greater involvement with the justice system as both victims and perpetrators of crime, and a life expectancy that is, on average, 18 years shorter.¹ These outcomes highlight the critical role that safe, stable, and permanent housing plays in health and wellbeing. Instead of

criminalising homelessness, we support the resourcing and implementation of measures such as housing-first solutions and wrap-around health and social supports, which are far more effective at improving wellbeing outcomes for individuals and communities.

The Bill will undermine mental wellbeing and disproportionately affect already vulnerable populations

Tāngata whaioraⁱ

Not all unhoused people experience mental health challenges and not all tāngata whaiora experience homelessness.² However, Lifewise reports that nearly half of the unhoused whānau they support experience mental health and addiction challenges.³ International evidence suggests around one quarter to one third of unhoused people have severe mental health challenges, with psychosis and co-occurring mental health and substance use challenges particularly prevalent within this population.⁴

There is a well-established bidirectional relationship between mental ill-health and homelessness. Severe mental illness can increase the likelihood of experiencing homelessness, while a lack of stable housing can create significant barriers to treatment, recovery, and wellbeing.⁵ Conversely, securing and maintaining safe, stable, and affordable housing is a key determinant of recovery for many tāngata whaiora.⁶

We are concerned some of the behaviours the Bill seeks to address may be linked to mental distress, addiction, or crisis situations. Behaviour that is perceived as disorderly may, in some cases, be linked to mental health challenges rather than a deliberate disregard for others or for the law. In these situations, a punitive response is unlikely to address the factors contributing to the behaviour and may instead increase the likelihood of further disengagement from services and support. Responses grounded in health, housing, and social support are more likely to promote safety and wellbeing for both unhoused individuals and the wider community.

ⁱ People seeking wellness.

Māori

Māori are disproportionately affected by homelessness. More than half of those experiencing homelessness in Aotearoa New Zealand are Māori,⁷ and in December 2025 nearly half of unhoused people accessing specialist mental health and addiction services were Māori.⁸

In 2023, the Waitangi Tribunal released *Kāinga Kore*, the stage one report of its inquiry into Māori homelessness. The Tribunal found the Crown had breached the principles of active protection, equity, and good government in its response to this issue, and identified the lack of adequate support for homeless rangatahi (young people) as an ongoing concern.⁹ We are concerned the negative impacts of this Bill would be borne disproportionately by Māori and lead to further marginalisation of a population already experiencing significant inequities in housing, health, and wellbeing outcomes due to systemic discrimination and the ongoing effects of colonisation.

Rather than introducing additional enforcement measures, efforts to address Māori homelessness should focus on integrated, whānau-centred, Māori-led support that address housing alongside health, wellbeing, and social needs. This includes increasing the supply of affordable and culturally appropriate housing options (such as larger dwellings), providing more sustainable funding in genuine partnership with Māori housing providers, and prioritising preventative approaches over crisis response.ⁱⁱ

Young people

The MHF is concerned the powers proposed by this Bill would apply to children as young as 14 years old and creates the potential for prosecution and conviction of minors. Evidence consistently shows that introducing young people into the criminal justice system early in the life course is associated with increased likelihood of further justice system contact over time.¹⁰

ⁱⁱ Feedback from Te Matapihi He Tirohanga Mō Te Iwi Trust, the independent national peak body for Māori housing, provided to the Ministry of Housing and Urban Development for their [latest homelessness insights report](#) (2026).

Furthermore, children and young people already experience homelessness at higher rates than any other age group, with around half of unhoused people in Aotearoa aged under 25 years. For many, homelessness results from factors beyond their control, including unsafe home environments, poverty, family breakdown, unemployment, and limited support for those leaving state care. Current housing and support systems are insufficient to meet their needs, with limited access to age-appropriate emergency, transitional, or long-term housing options.¹¹ We recommend government focus on developing safe, stable, and developmentally appropriate housing pathways for children and young people.

Moving people on isolates them from supports and services

We are concerned about the powers proposed by this Bill that would allow Police to order people to leave a public space for up to 24 hours. In practice, this would displace people from the locations where they are meeting basic needs and from the services, support networks, and communities they are accessing at that time. For many unhoused people, such locations are not discretionary, but essential, and measures that rely on displacement and enforcement risk increasing instability by disrupting continuity of access to informal and formal supports.

Displacement may also increase exposure to harm by requiring people to move into unfamiliar or less safe environments. Evidence indicates that people experiencing homelessness are more likely to be victims of crime than perpetrators. While offending among people experiencing homelessness has increased only slightly since 2017, victimisation has increased substantially, with an 81 percent increase in crimes committed against unhoused people between 2017 and 2024.¹² Homelessness already involves high levels of precarity and exposure to risk, including violence, theft, and other forms of victimisation, and displacement only serves to compound these issues.

Housing is a human rights issue, not a criminal justice issue

Aotearoa has committed to upholding the right to adequate housing through its international human rights obligations.ⁱⁱⁱ A rights-based approach recognises that people experiencing homelessness are entitled to dignity, safety, and inclusion in

ⁱⁱⁱ Specifically through the International Covenant on Economic, Social and Cultural Rights (ICESCR).

community life. Because unhoused people often rely on public spaces to meet their basic needs when they have nowhere else to go, measures that focus on displacement and enforcement risk penalising people for circumstances beyond their control, which are wholly inconsistent with this approach. We note the Attorney-General's report, which finds that this Bill is inconsistent with the New Zealand Bill of Rights Act 1990. In particular, the issuing of move-on orders on the stand-alone ground of "begging" would limit the right to freedom of expression, and displacement from a specified area due to rough sleeping or begging would violate the right to freedom of movement.¹³

We note the Ministry of Justice's Regulatory Impact Statement (RIS) recommends retaining the status quo rather than introducing move-on orders. The Ministry encourages the continued implementation of social and health sector initiatives to address behaviours associated with homelessness and identifies a range of potential downstream impacts arising from the proposed legislation, including increased demands on courts, corrections, and prison capacity, with the potential to require significant additional infrastructure investment. The RIS further notes the overall costs of the proposed approach are likely to outweigh the benefits, which it acknowledges are difficult to quantify.

Evidence-based solutions to homelessness should be prioritised

Research consistently shows that homelessness is most effectively addressed through housing and support interventions, rather than through enforcement measures. Local evidence demonstrates that supporting people into suitable, permanent housing improves outcomes for individuals and communities.

Aotearoa's longitudinal datasets show that once people are housed through approaches such as [Housing First](#), interactions with the justice system decrease significantly, physical health and mental health outcomes improve, and incomes increase.¹⁴ Housing First prioritises getting people into permanent, supported housing, regardless of any other challenges they may be experiencing. While we commend [recent government investment to expand these initiatives](#), significant gaps remain in Aotearoa's homelessness response, and this Bill risks exacerbating those gaps.

The MHF supports the implementation of Duty to Assist legislation, based on an approach used in Wales.¹⁵ This framework places legal responsibilities on local housing and public authorities to prevent homelessness wherever possible and to help secure accommodation for those at risk. It recognises homelessness as a housing, health, and social issue requiring coordinated intervention, rather than as a behavioural or criminal justice issue. Such prevention-focused approaches offer a more effective and humane response than measures centred on displacement and enforcement.

Conclusion

The MHF recommends that the Committee reject the Bill. The evidence indicates that homelessness is best addressed through prevention, housing, and coordinated health and social support services, rather than through displacement and criminal justice responses. We encourage continued investment in approaches such as Housing First, the implementation of Duty to Assist legislation, and the resourcing and expansion of other evidence-based initiatives that address the underlying causes of homelessness, improve mental health and wellbeing outcomes for unhoused whānau, and support safer communities.

Mauri tū, mauri ora,

Shaun Robinson

Chief Executive

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