

Departmental Disclosure Statement

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

The departmental disclosure statement for a government Bill seeks to bring together in one place a range of information to support and enhance the Parliamentary and public scrutiny of that Bill.

It identifies:

- the general policy intent of the Bill and other background policy material;
- some of the key quality assurance products and processes used to develop and test the content of the Bill;
- the presence of certain significant powers or features in the Bill that might be of particular Parliamentary or public interest and warrant an explanation.

This disclosure statement was prepared by the Ministry of Justice.

The Ministry of Justice certifies that, to the best of its knowledge and understanding, the information provided is complete and accurate at the date of finalisation below.

29 April 2026.

Contents

Contents.....	2
Part One: General Policy Statement.....	3
Part Two: Background Material and Policy Information	5
Part Three: Testing of Legislative Content.....	7
Part Four: Significant Legislative Features	9

Part One: General Policy Statement

The Summary Offences (Move-on Orders) Amendment Bill (the **Bill**) contributes to the Government's commitment to restoring law and order to keep New Zealanders safe by ensuring that the New Zealand Police (**Police**) has the necessary powers to maintain public order.

The Government is concerned that people are congregating in city centres, especially around retail and hospitality premises, and engaging in behaviour that is disorderly, and in some cases, criminal.

This behaviour can have negative social and economic impacts, including affecting people's enjoyment of public spaces, causing fear and harm in communities, and undermining public confidence in law and order.

The Bill aims to—

- ensure that Police is adequately equipped to address public disorder; and
- increase the public's sense of safety; and
- support urban centres and economies.

The Bill provides new powers that enable Police to issue move-on orders to manage low-level disorderly behaviour and prevent escalation.

The Bill—

- introduces a new power for Police to issue move-on orders requiring people who are engaging in disorderly or disruptive behaviour in public places to leave the area and not return for a specified period of time:
- enables Police to issue move-on orders—
 - for behaviour that is disorderly, intimidating, threatening, or disruptive, unreasonably obstructing entry to a trade or business, breaching the peace, begging, rough sleeping, or activities indicating an intent to inhabit a public place:
 - to people 14 years or older:
 - for a specified period of time, not longer than 24 hours:
 - for behaviour that is below the threshold of criminality, or for low-level criminal behaviour that relates to public disorder:
- excludes move-on orders from applying to protest, freedom camping, and charitable or not-for-profit fundraising:
- introduces new powers for Police to temporarily detain a person for the time necessary to obtain biographical details, for example, the person's name, and to issue and serve a move-on order:
- provides the specific powers and duties of a constable when issuing and serving move-on orders, and the contents of those orders:
- creates new offences for—

- failing or refusing to remain at the place where a person is detained, or failing or refusing to provide biographical details, or providing false biographical details, with a maximum penalty of a \$500 fine:
- knowingly or recklessly, and without reasonable excuse, failing or refusing to comply with a move-on order, with a maximum penalty of 3 months' imprisonment or a fine not exceeding \$2,000.

Part Two: Background Material and Policy Information

Published reviews or evaluations

2.1. Are there any publicly available inquiry, review or evaluation reports that have informed, or are relevant to, the policy to be given effect by this Bill?	YES
Addressing Anti-Social Behaviour in Retail, Briefing for the Minister of Justice, Ministerial Advisory Group for Victims of Retail Crime, 8 September 2025, https://www.justice.govt.nz/assets/Documents/Publications/Retail-MAG-Anti-social-behaviour-Advice-to-Minister-FINAL-8-Sept-2025.pdf	

Relevant international treaties

2.2. Does this Bill seek to give effect to New Zealand action in relation to an international treaty?	NO
--	-----------

Regulatory impact analysis

2.3. Were any regulatory impact statements provided to inform the policy decisions that led to this Bill?	YES
Regulatory Impact Statement – Strengthening responses to public disorder, Ministry of Justice, 27 November 2025 Regulatory Impact Statement: Strengthening responses to public disorder Ministry for Regulation	

2.3.1. If so, did the Ministry for Regulation provide an independent opinion on the quality of any of these regulatory impact statements?	NO
--	-----------

2.3.2. Are there aspects of the policy to be given effect by this Bill that were not addressed by, or that now vary materially from, the policy options analysed in these regulatory impact statements?	NO
--	-----------

Extent of impact analysis available

2.4. Has further impact analysis become available for any aspects of the policy to be given effect by this Bill?	NO
---	-----------

2.5. For the policy to be given effect by this Bill, is there analysis available on:	
(a) the size of the potential costs and benefits?	YES
(b) the potential for any group of persons to suffer a substantial unavoidable loss of income or wealth?	NO
Yes, the Regulatory Impact Statement provides analysis on the potential costs and benefits of the proposal.	

2.6. For the policy to be given effect by this Bill, are the potential costs or benefits likely to be impacted by:	
(a) the level of effective compliance or non-compliance with applicable obligations or standards?	YES

(b) the nature and level of regulator effort put into encouraging or securing compliance?	YES
The level of non-compliance will impact the cost of delivering the policy. The nature and level of regulator effort (policing) will impact the degree of compliance.	

Part Three: Testing of Legislative Content

Consistency with New Zealand's international obligations

3.1. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with New Zealand's international obligations?

Crown Law will vet the Bill for consistency with the New Zealand Bill of Rights Act 1990 (NZBORA).

If the vet, or subsequently the courts, determine that there is an inconsistency, this is likely to impact New Zealand's compliance with our international commitments under the International Covenant on Civil and Political Rights (which NZBORA affirms).

Consistency with the government's Treaty of Waitangi obligations

3.2. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with the principles of the Treaty of Waitangi?

As part of policy development, the demographic of those likely to receive a move-on order was considered. Māori experience disproportionate rates of homelessness and therefore are more likely to be engaged in these activities.

Consistency with the New Zealand Bill of Rights Act 1990

3.3. Has advice been provided to the Attorney-General on whether any provisions of this Bill appear to limit any of the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990?

YES

Crown Law has provided advice to the Attorney-General, or a section 7 report of the Attorney-General, is expected as part of the NZBORA vet. The information is expected to be available on the Ministry of Justice's website upon introduction of the Bill at:

- [Advice on consistency of Bills with the Bill of Rights Act](#); or
- [Section 7 reports](#).

Offences, penalties and court jurisdictions

3.4. Does this Bill create, amend, or remove:

(a) offences or penalties (including infringement offences or penalties and civil pecuniary penalty regimes)?

YES

(b) the jurisdiction of a court or tribunal (including rights to judicial review or rights of appeal)?

NO

Offences are found in clauses 8C and 8F.

3.4.1. Was the Ministry of Justice consulted about these provisions?

YES

The Ministry of Justice led the policy development of the Bill.

The Ministry of Justice's Offence and Penalty Vetting (OPV) team vetted the proposed new offences and penalties in the Bill to ensure that they are consistent, appropriate, and proportionate. The vet found that the criminal offence for breaching a move-on order is disproportionate to the harm caused and will create inconsistencies in the law. This is because a sentence of imprisonment should be reserved for the most serious offending and that the behaviour this Bill seeks to address falls below the current threshold of criminality.

Privacy issues

3.5. Does this Bill create, amend or remove any provisions relating to the collection, storage, access to, correction of, use or disclosure of personal information?	YES
Clause 8C authorises the Police to obtain biographical details.	

3.5.1. Was the Privacy Commissioner consulted about these provisions?	YES
The Office of the Privacy Commissioner was consulted during policy development and on the Social Outcomes Committee Cabinet paper. The Office of the Privacy Commissioner noted 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.”	

External consultation

3.6. Has there been any external consultation on the policy to be given effect by this Bill, or on a draft of this Bill?	NO
There has been no external consultation on the Bill as it has progressed at pace in order to be passed before the 2026 General Election.	

Other testing of proposals

3.7. Have the policy details to be given effect by this Bill been otherwise tested or assessed in any way to ensure the Bill's provisions are workable and complete?	NO
Officials have worked closely with relevant agencies to address any implementation issues arising from the provisions in the Bill that give effect to the policies.	

Part Four: Significant Legislative Features

Compulsory acquisition of private property

4.1. Does this Bill contain any provisions that could result in the compulsory acquisition of private property?	NO
---	----

Charges in the nature of a tax

4.2. Does this Bill create or amend a power to impose a fee, levy or charge in the nature of a tax?	NO
---	----

Retrospective effect

4.3. Does this Bill affect rights, freedoms, or impose obligations, retrospectively?	NO
--	----

Strict liability or reversal of the usual burden of proof for offences

4.4. Does this Bill:	
(a) create or amend a strict or absolute liability offence?	YES
(b) reverse or modify the usual burden of proof for an offence or a civil pecuniary penalty proceeding?	NO
When a person fails to provide particulars to a constable or fails to remain in place for the purpose of receiving a move-on order, in clause 8C, it is a strict liability offence.	

Civil or criminal immunity

4.5. Does this Bill create or amend a civil or criminal immunity for any person?	NO
--	----

Significant decision-making powers

4.6. Does this Bill create or amend a decision-making power to make a determination about a person's rights, obligations, or interests protected or recognised by law, and that could have a significant impact on those rights, obligations, or interests?	YES
The Bill provides Police with the ability to issue move-on orders. The criteria for making this decision is set out in legislation. When issued, a move-on order limits a person's ability to access a specified public place for no longer than 24 hours.	

Powers to make delegated legislation

4.7. Does this Bill create or amend a power to make delegated legislation that could amend an Act, define the meaning of a term in an Act, or grant an exemption from an Act or delegated legislation?	NO
---	-----------

4.8. Does this Bill create or amend any other powers to make delegated legislation?	NO
--	-----------

Any other unusual provisions or features

4.9. Does this Bill contain any provisions (other than those noted above) that are unusual or call for special comment?	YES
--	------------

Clause 8A is unusual as it provides Police the power to direct people to leave a specified public place for some behaviours that are below the criminal threshold.
The new power enables Police to manage low-level disorderly behaviour and prevent escalation.