

2 July 2026

Justice Committee
Parliament Buildings
Wellington
justice@parliament.govt.nz

Retail NZ submission: Summary Offences (Move-on Orders) Amendment Bill

Overview

1. Retail NZ is a membership organisation that represents the views and interests of New Zealand's retail sector. We are the peak body representing retailers across Aotearoa, with our membership accounting for nearly 70% of all domestic retail turnover. New Zealand's retail sector comprises approximately 30,000 businesses and employs around 222,000 Kiwis.
2. Retail NZ consulted our membership in the preparation of this submission.
3. Retail NZ share the deep concern of our members who feel the impact of public disorder, obstruction and nuisance behaviour around retail premises. When it occurs, this behaviour threatens staff safety and perpetuates negative perceptions of retail crime and public safety in a retail environment.
4. We support giving the Police the right tools to deal with disruptive, disorderly, intimidating, or threatening behaviour. Retail NZ believes move-on orders could be a useful tool for Police to manage disorderly behaviour and protect retailers from the impacts of this behaviour.
5. However, Retail NZ opposes the Bill in its current form, due to the inclusion of clauses targeting rough sleeping and begging (Proposed Sections 8A(1)(e) and 8A(1)(f)). We support the intent to address disorderly behaviour, which can be caused by any member of our society.
6. We are also concerned that, in some cases, move-on orders may simply displace the behaviour to nearby locations, shifting the impact onto other retailers and communities rather than resolving the underlying issue.
7. Rather than focusing on the disorderly behaviour, we believe this Bill unfairly singles out a group of New Zealanders who are vulnerable and in need of multi-agency support and safe housing. The disorderly behaviours that this bill intends to curtail are not uniquely specific to rough sleepers, nor people engaging in begging, and the language of the Bill should reflect this.
8. This Bill imposes an unsustainable obligation on the Police to manage complex social issues without addressing the root causes.

9. Stats NZ defines homelessness as a living situation where people with no other options to acquire safe and secure housing are: without shelter, in temporary accommodation, sharing accommodation with a household, or living in uninhabitable housing.
10. Rough sleeping is a severe form of homelessness. People who rough sleep frequently experience a combination of drug and alcohol addiction, mental and physical health issues, domestic violence, or interaction with the criminal justice system. This is often characterised as “multiple disadvantage”.

Protecting the rights of retailers and consumers

11. Retail is a critical part of New Zealand's social fabric. It contributes hugely to the economy and creates thousands of jobs. It is also a place where locals and visitors come together, connect with people and their communities, and support local livelihoods.
12. Retailers should be able to conduct their business free from fear of disruption, disorderly behaviour, intimidation or threat. The public should also be able to visit public spaces and patronise retail businesses free from fear of threat or harm. When the public feels unsafe or anxious about visiting our public and commercial spaces for fear of threat, violence or intimidation, they are less likely to visit.
13. Disorderly behaviour on our streets can cause members of the public to feel unsafe. This Bill perpetuates the perception that disorderly behaviour is caused by rough sleepers and people engaged in begging. Whilst retailers are rightly concerned that rising levels of homelessness and rough sleeping may reduce foot traffic and affect commercial viability, the behaviours targeted by section 8A(1)(a)(b)(c)(d) of this Bill, are not exclusively carried out by rough sleepers or people engaged in begging.

A complex problem with no simple solution

14. We must find sustainable, evidence-based and compassionate responses to homelessness (including rough sleeping), mental health and other complex social issues if our high streets are to thrive.
15. Homelessness, mental health issues, substance use, poor physical health, and contact with the criminal justice system often reinforce one another. A person experiencing one of these challenges is more likely to experience others. This can create a cycle of severe multiple disadvantage that is difficult to escape without significant, coordinated support. That support has the best chance of success when Police, health services, housing providers, and other social agencies work in partnership. Evidence-based approaches, including Housing First, should be prioritised if New Zealand is to address homelessness, rough sleeping, and any related mental health issues.
16. Support services work best when they have a trusting relationship with an individual. Support services often need to know where an individual is so they can provide help. Move-on orders undermine this critical element of support by relocating an individual where services (and their trusted relationship) may not find them. This creates a blind spot for services and increases the risk of a person not being able to readily access critical care or support when they need it.
17. There is an economic cost to doing nothing. A person experiencing multiple disadvantage incurs costs on the Police and health services through presentation at accident and emergency, ambulance call outs, arrests and so on. Retailers also bear the costs of disorderly behaviour, which drives away potential customers both now and in the future.

18. Sustainable, effective and evidence-based solutions can be found in consultation with experts in health, housing and other social agencies. The impact assessment related to this Bill highlights that these agencies were not consulted in the creation of this bill. It is our view that this is a significant gap and that a separate and thorough consultation with these agencies occur before this Bill proceeds any further.
19. Auckland Council and Wellington City Council have both debated this Bill, drawing on extensive experience in their respective urban environments. Both councils disagree with the inclusion of rough sleeping and begging within the Bill noting that it fails to address root causes, displace vulnerability, and disrupt the work of local social agencies.

Leveraging existing Police powers

20. The behaviours outlined in 8A(1)(a)(b)(c)(d) are rightly identified as damaging to business and public safety. Where a person behaves in such a way, regardless of their circumstances, Police should have the powers to respond.
21. Police have an extensive toolkit to manage public disruption, threatening or intimidating behaviour and obstruction.
 - a. Summary Offences Act 1981
 - i. Section 3 disorderly behaviour. A fine of up to \$2,000 or prison term of up to three months may apply.
 - ii. Section 4 Offensive behaviour or language. A fine of up to \$1,000 (behaviour) or \$500 (language).
 - iii. Section 5A Disorderly assembly (three or more people, threat of violence). A fine of up to \$2,000 or a prison term of up to three months.
 - iv. Section 21 Intimidation. An offence to behave with intent to frighten or intimidate another person or prevent them from undertaking a lawful trade. A fine of up to \$2,000, or prison term of up to three months.
 - v. Section 22 Obstructing a public way. Powers to require people to desist from obstruction. A fine of up to \$2,000 or prison term of up to three months.
 - b. Crimes Act 1961
 - i. Section 42 Breach of the peace. Provides for powers of arrest to Police.
 - c. Local Government Act 2002
 - i. Section 164. An enforcement officer may seize and impound property that is not on private land.
 - d. Trespass Act 1980
 - i. An occupier may warn a person to stay off a place.
22. Existing legislation, to our knowledge, does not deal with rough sleeping and begging as specific issues. However, it does give Police and local authorities tools to respond to the behaviours that affect retailers. Criminalising rough sleeping and begging specifically is unnecessary and potentially harmful to those individuals and would not in itself address the anti-social behaviours we see in our city centres. In addition, by driving complex issues of homelessness and addiction out of sight, this can exacerbate harmful behaviours which are costly to the public purse.

Potential impact on Police

23. The Comms Retail NZ 2024 Crimes report found that 99% of retailers in New Zealand experienced retail crime. Crimes ranging from minor shoplifting to physical assault are damaging to business, cause stress and anxiety to staff and business owners, and feed negative perceptions of safety in retail spaces.
24. This Bill is intended to “manage low-level disorderly behaviour” that occurs near a retail store. We know that Police are often stretched, having to respond to higher priority crimes and deprioritise “low-level” crimes such as shoplifting or use of abusive language. We’re concerned that despite the intentions of the Bill to prevent harmful behaviours from escalating, the reality is that Police, if they are able to respond at all, may be drawn into a time-intensive cycle of responding to requests for move-on orders to be issued.
25. There is a large risk the move-on powers will just move the issues from one place to another, without having any effect on the behaviour itself. This creates an unsustainable and repetitive strain on Police and retailers, without resolving the underlying issues. For example, we can foresee a scenario where an individual may be moved-on from Queen Street in Auckland, only to continue the disorderly behaviour, and disrupt retailers and the public, on Karangahape Road.
26. We have serious reservations regarding the practicality of the proposals in the Bill and the operational expectations it places on frontline Police. Whilst Police have a vital role in maintaining community safety, utilising them to manage complex social issues is impractical.

Conclusion

24. New Zealand’s Police and local authorities already possess an extensive legislative toolkit to address the specific anti-social, threatening, and obstructive behaviours that impact our retail communities. The fact these current powers are not consistently being used by Police in these instances perhaps says more about how stretched our Police are, rather than not having the tools to deal with it.
25. Frontline Police, local authorities, and social agencies are already doing excellent work under challenging conditions. Introducing these new clauses will not solve the underlying problems and risks fracturing support networks and making their vital work significantly more difficult. Retail NZ strongly urges the Committee to remove clauses 8A(1)(e) and 8A(1)(f) from the Bill.
26. Thank you for the opportunity to make a submission.
27. Retail NZ is happy to discuss any aspect of this submission further and would like the opportunity to make an oral submission to the committee.

28. No part of this submission should be withheld under the OIA.

Sincerely,



Carolyn Young
CHIEF EXECUTIVE
carolyn.young@retail.kiwi