



Regulatory Impact Statement: Strengthening responses to public disorder

Decision sought	Cabinet decisions
Agency responsible	Ministry of Justice
Proposing Ministers	Hon Paul Goldsmith, Minister of Justice
Date finalised	27 November 2025

To support law enforcement to manage public order, the Minister proposes to introduce powers for Police to require people to temporarily “move on” from specified public areas to address disorderly and disruptive behaviour.

Summary: Problem definition and options

What is the policy problem?

The Minister of Justice is concerned about disorderly and disruptive behaviour in public places that is affecting businesses and communities and causing people to feel unsafe and stay away. A range of surveys and media articles have indicated that many New Zealanders perceive incidents of public disorder have been increasing. Business and other interest groups have reported that the prevalence of this behaviour in city centres and business districts is impacting businesses and communities in these areas.

Police has limited powers to address disorderly conduct that may not rise to a criminal threshold. Police is not currently able to issue move-on orders, which can be a useful tool for managing low-level disorderly behaviour and prevent escalation.

What is the policy objective?

The following objectives are sought:

1. ensure the law is able to adequately and fairly deal with disorderly behaviour;
2. reduce the sense of vulnerability of the public, in public areas; and
3. support thriving urban economies.

It may be difficult to precisely determine the impact of the proposal because it is not clear to the extent that police will use it. Proxy indicators to monitor whether the objectives are being achieved are likely to include the New Zealand Crime and Victims Survey and the number of times Police issue move-on orders.

What policy options have been considered, including any alternatives to regulation?

We considered retaining the status quo, which accounts for the ongoing implementation of social and health sector initiatives to address disorderly behaviour.

We considered three additional options:

- Option Two – A narrow form of move-on order, with non-compliance resulting in an infringement offence with a fee of \$500.
- Option Three – A broad form of move-on order, with a new criminal offence for non-compliance carrying a maximum penalty of \$2,000 or up to three months' imprisonment.
- Option Four – A broader form of move-on order that also applies to begging, rough sleeping, and activities indicating an intent to inhabit a public place. This option has the same penalty for non-compliance as Option Three.

No non-regulatory options were considered.

What consultation has been undertaken?

The timeframes in which the policy proposals have been prepared did not allow for consultation beyond the following government agencies:

Crown Law Office, Department of Corrections, Ministry of Social Development, Ministry of Housing and Urban Development, New Zealand Police, Department of Internal Affairs, Office of the Privacy Commissioner, Treasury, Ministry of Business, Innovation, and Employment, and Oranga Tamariki.

In developing the options, we considered advice from the Ministerial Advisory Group for Victims of Retail Crime (MAG) to the Minister of Justice. The MAG consulted with retail stakeholders in preparing its advice.

Broader consultation would have helped us to better understand the nature and scale of the problem, the full range of options, and the potential impacts of the options.

Is the preferred option in the Cabinet paper the same as preferred option in the RIS?

No. The Minister of Justice prefers Option Four – move-on orders that capture a broader range of behaviours including begging, rough sleeping, and activities indicating an intent to inhabit a public place, as well as a criminal offence for non-compliance. The Ministry of Justice prefers Option One – status quo.

Summary: Minister's preferred option in the Cabinet paper

Costs (Core information)

Outline the key monetised and non-monetised costs, where those costs fall (e.g. what people or organisations, or environments), and the nature of those impacts (e.g. direct or indirect)

For the majority of people who utilise public and retail spaces, these proposals will have positive safety, social, and economic implications. But there will be negative impacts on people issued with move-on orders and their rights to freedom of movement and expression, freedom from discrimination on the basis of employment status, and freedom from arbitrary detention and interference with other detention-related rights.

People issued with move-on orders will also face direct costs if they do not comply. The direct costs may include a criminal conviction, and potentially a fine of up to \$2,000 or a prison sentence. Indirect costs may include reducing people's ability to source money and other goods as they will no longer be able to beg or ask for assistance in public places.

Additional costs will fall on the public sector, particularly NZ Police, the Ministry of Justice, and Corrections. These are direct costs, both implementation and ongoing:

- s9(2)(f)(iv)

<p>s9(2)(f)(iv)</p>	<p>Police will also need to use resources on issuing and enforcing move-on orders.</p> <ul style="list-style-type: none">- Because the preferred option includes a criminal offence for non-compliance, there will be additional costs for the Ministry of Justice in terms of more criminal cases. Justice will also be required to collect unpaid court issued fines. Any increase in cases being prosecuted may impact court timeliness by slowing down the progress of cases through the District Court.- Indicative estimates suggest up to six additional people per year could be sentenced to prison for non-compliance with move-on orders, at a cost of \$120,000 per prisoner per annum. There is already limited capacity and low resilience in the prison network, and even a small population increase beyond current projections, collectively with other policy changes and factors, could trigger the need for significant additional infrastructure investment.
<p>Benefits (Core information)</p>	
<p>Outline the key monetised and non-monetised benefits, where those benefits fall (e.g. what people or organisations, or environments), and the nature of those impacts (e.g. direct or indirect)</p> <p>There may be some indirect benefits to retailers if move-on orders result in more people being willing to come into public places, including city centres and business districts. This may result in more customers and increased revenue. It will be difficult to determine whether this is the result of move-on orders or other actions to address disorderly behaviour – or broader economic factors and other initiatives to support individuals and communities. Given the multiple factors impacting on businesses, it is not possible to monetise the benefits.</p> <p>There are also benefits to the broader public, of being able to gather in public places without feeling intimidated or unsafe. It is not possible to monetise these benefits.</p>	
<p>Balance of benefits and costs (Core information)</p>	
<p>Does the RIS indicate that the benefits of the Minister’s preferred option are likely to outweigh the costs?</p> <p>Costs are likely to outweigh the benefits. There may be benefits to business owners if the public is more likely to patronise their stores. The potential benefits to the public are unclear and partially relate to public perception of disorderly behaviour rather than actual incidents. The costs will fall on public services (Police, Justice, and Corrections) and those who are issued with move-on orders, particularly if they face criminal prosecutions or are unable to beg or ask for assistance in public places.</p> <p>The ratio of costs to benefits may shift over time if the implementation of move-on orders leads to a reduction in disorderly behaviour.</p>	
<p>Implementation</p>	
<p>How will the proposal be implemented, who will implement it, and what are the risks?</p> <p>Police will be responsible for issuing and enforcing move-on orders. Implementation will include developing a mechanism to issue the orders that are using or integrated with existing systems, and development and delivery of a robust training package.</p> <p>Implementation dates are yet to be finalised, but the necessary legislative amendments are expected to be progressed in 2026.</p>	

Implementation risks include if a larger percentage of move-on orders result in criminal prosecutions. This will impose additional costs on Justice and potentially on Corrections if prison sentences are imposed.

Limitations and Constraints on Analysis

The scope of analysis was limited by time constraints. The Minister indicated a desire for Cabinet to consider changes before the end of 2025, leaving limited time for policy development and analysis. Analysis has therefore focused mostly on options that can be implemented through the Justice system (rather than broader options involving a range of housing, social, and health services).

The scope was also constrained by Ministerial decisions. We were directed to focus on proposals for move-on orders. Therefore, this RIS does not analyse potential broader responses to disorderly behaviour.

Data on the levels and severity of disorderly behaviour is limited. This constrained our ability to assess the potential impacts of the options.

The timeframes in which the policy proposals have been prepared did not allow for consultation beyond government agencies affected.

Summary: Ministry's preferred option

Costs (Core information)

Outline the key monetised and non-monetised costs, where those costs fall (e.g. what people or organisations, or environments), and the nature of those impacts (e.g. direct or indirect)

Police would retain its current enforcement powers relating to public disorder (outlined in paragraph 14 below). There would be no impact on the courts or prison population because of this option. It has not been possible to monetise the costs associated with maintaining the status quo.

Businesses and retailers in city centres may continue to be impacted by disorderly behaviour. It is unclear whether and when Police operational improvements and recent social and health sector initiatives targeting homelessness, mental health, and addiction will see improvements for businesses and communities in these areas. Some of these initiatives are still being implemented. It is not possible to monetise these benefits.

Benefits (Core information)

Outline the key monetised and non-monetised benefits, where those benefits fall (e.g. what people or organisations, or environments), and the nature of those impacts (e.g. direct or indirect)

People will continue to enjoy their rights to freedom of movement, expression, and arbitrary detention, and to be free from discrimination on the basis of employment status.

People who rough sleep and beg (which can include people experiencing homelessness) will be able to continue to utilise public places and seek assistance from the public without fear of being moved on. These same people will be able to continue to seek safety and community in city centres.

Communities in areas surrounding city centres will not have people moved into their neighbourhoods for exhibiting disorderly behaviour.

Balance of benefits and costs (Core information)
Does the RIS indicate that the benefits of the Ministry's preferred option are likely to outweigh the costs? Benefits are likely to outweigh the costs. The Ministry acknowledges the costs to businesses and communities affected by public disorder. However, we consider the costs to people who would be issued move-on orders and/or breach the orders are likely to be greater if the Minister's option is implemented.
Implementation
How will the proposal be implemented, who will implement it, and what are the risks? No implementation is required for the Ministry's preferred option (status quo).
Limitations and Constraints on Analysis
As above.

I have read the Regulatory Impact Statement and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the preferred option.

Responsible Manager(s) signature:



Caroline Greaney
Deputy Secretary Policy
27 November 2025

Quality Assurance Statement	
Reviewing Agency: Ministry of Justice	QA rating: Partially meets
Panel Comment: The Ministry of Justice's Regulatory Impact Assessment quality assurance panel has reviewed the Regulatory Impact Statement Strengthening responses to public disorder prepared by the Ministry of Justice. The panel considers that the RIS partially meets the quality assurance criteria. The RIS is clear, concise and complete, with a strong analytical framework and conclusions supported by the analysis. As noted in the RIS, there is limited information on the scale or significance of the problem, and the analysis has been constrained by its narrow scope that focuses only on justice legislative options, limited timeframes, and lack of broader consultation. More time would enable broader consultation and further analysis to test the assumptions underpinning the problem definition and options. Nonetheless, within the constraints outlined in the RIS, the panel considers that the analysis can be relied on for decision making. The RIS outlines the benefits, costs and risks of the options appropriately.	

Section 1: Diagnosing the policy problem

What is the context behind the policy problem and how is the status quo expected to develop?

The Government and a range of interest groups are concerned about public places, especially in central business districts

1. The Minister of Justice and the Government are concerned about the safety and enjoyment of public places and how this is being addressed. Community and business leaders throughout the country have also expressed concern.
2. A range of Ministers have expressed concern with people who are reportedly congregating in city centres and displaying behaviour that is unsavoury and in some cases criminal. People working in and visiting these areas are feeling vulnerable or unsafe and the behaviour is negatively impacting businesses and New Zealand's tourism industry.
3. A range of surveys and media articles have indicated that many New Zealanders perceive that public disorder has been increasing, particularly in urban centres. This perception is considered to result in people wanting to spend less time in these areas, and it is considered that all of these things are negatively impacting central business districts (CBD).¹
4. In July 2024, the Government announced the establishment of a Ministerial Advisory Group for Victims of Retail Crime (MAG) as part of its plan to restore law and order. The MAG was tasked with engaging directly with victims, workers, business owners, retail experts and advocacy groups to provide the Government with specific proposals to address urgent challenges in retail crime.
5. The MAG identified antisocial behaviour or public disorder as one of its priority areas on the basis that it appears to be increasing in and around retail settings, with negative impacts on retailers, retail workers and customers, and existing laws fail to regulate the broad spectrum of those behaviours.²
6. Submitters on the MAG's issues paper expressed concern that disorderly behaviour in retail settings is increasing.³ There have also been anecdotal reports of perceptions of increased public disorder in city centres, with some proprietors saying issues of homelessness, drug and alcohol abuse, and mental health related incidents have

¹ [Herald poll finds 97% believe Auckland CBD anti-social and uninviting, amid accounts of public sex and 'meth-fueled rage' - NZ Herald](#)

[Antisocial behaviour reaching 'desperate' levels in Wellington suburb | RNZ News](#)

[Rotorua homeless camp outside Salvation Army causing local business to lose money - NZ Herald](#)

² Ministerial Advisory Group for Victims of Retail Crime (June 2025) *Anti-social behaviour in retail in New Zealand: An issues paper*.

³ Ministerial Advisory Group for Victims of Retail Crime (August 2025) *Anti-social behaviour around retail settings: Options Paper*.

increased in recent years.⁴ Some residents and businesses have described homelessness, drug-taking, and antisocial behaviour as reaching “desperate levels”.⁵

Factors contributing to the perceived increase in public disorder

7. The increase in homelessness and visible rough sleeping⁶ could be contributing to perceptions of increased public disorder. However, there are several different groups of people that may be perpetrators of public disorder.
8. A variety of economic factors have combined to put ongoing financial pressure on people and businesses, including inflationary pressures driving up the cost of living,⁷ the number of people who are severely housing deprived,⁸ and businesses facing a sustained period of weak consumer spending.
9. Police data does not appear to support the perceived increase in disorderly behaviour, with available data indicating a decrease in prosecutions and Police proceedings for public order, health, and safety offences over the past 5 years.⁹
10. There is a relatively low rate of formal proceedings for low-level offending due to a range of factors, including Police prioritisation of incidents where there is a greater risk to public safety.

Public disorder captures a wide range of behaviours

11. A wide spectrum of behaviours could be considered ‘public disorder’. Disorderly behaviour can include disruptive, intimidating, offensive, threatening, obstructing or disturbing behaviour in a public place which is, in the time, place and circumstances, at a level beyond that which reasonable people can be expected to tolerate. It includes behaviours below the threshold of criminal offending (such as disrupting businesses, nuisance behaviour, begging, and public intoxication) and those that reach the level of criminality.

⁴ For example, see the following media articles: [Herald poll finds 97% believe Auckland CBD anti-social and uninving, amid accounts of public sex and ‘meth-fueled rage’ - NZ Herald](#); [Antisocial behaviour reaching ‘desperate’ levels in Wellington suburb | RNZ News](#); [Rotorua Beat Team: Police praised for CBD crackdown on shoplifters, disorder and sex acts - NZ Herald](#).

⁵ <https://www.rnz.co.nz/news/national/569582/antisocial-behaviour-reaching-desperate-levels-in-wellington-suburb>.

⁶ [More rough sleepers on Auckland streets: ‘NZ doesn’t have to be this way’ | RNZ News](#); [Auckland homelessness spike prompts ‘please help’ letter | RNZ News](#)

⁷ [Consumers price index \(CPI\) | Stats NZ](#)

⁸ Stats New Zealand (December 2024) *Census severe housing deprivation (homelessness) estimates*. Retrieved from: <https://www.stats.govt.nz/information-releases/2023-census-severe-housing-deprivation-homelessness-estimates/>

⁹ Police proceedings for public order, health, and safety offences from September 2024 – August 2025 were 5,424, compared to 11,289 proceedings in from September 2019 – August 2020. Retrieved from: <https://www.police.govt.nz/about-us/publications-statistics/data-and-statistics/policedatanz/proceedings-offender-demographics>

12. Media reporting on disorderly behaviour includes references to public defecation, sexual activity in public view, shouting and using threatening language, drug use, rough sleeping, and begging.¹⁰
13. Social service agencies are careful not to conflate homelessness, mental health issues, and public disorder. Survival behaviours such as sleeping rough do not necessarily contribute to public disorder. However, some routine human activities that arise from these groups (such as obstructing a public way or excreting in public places¹¹) are criminalised in the Summary Offence Act 1981 and disproportionately penalise these vulnerable groups due to their circumstances.¹²

New Zealand has some legal and operational responses available to deal with disorderly behaviour

14. New Zealand has some existing approaches to respond to disorderly behaviour and maintain public order. These include:

Response available	Examples
General Police powers	<p>Police are empowered under the Policing Act 2008 to:</p> <ul style="list-style-type: none"> - Maintain public safety - Keep the peace - Enforce the law - Prevent crime - Provide community support and reassurance <p>The Policing Act also provides Police with specific powers to carry out the above functions, for example the ability to obtain identifying particulars of a person in custody or for the purpose of issuing a summons.</p>
Criminal and infringement offences	<p>When offence thresholds have been met, Police are enabled to act by various pieces of legislation. For example, the Trespass Act; Search and Surveillance Act; Summary Offences Act and the Crimes Act.</p> <p>Summary Offences Act 1981 sets out a number of offences, including disorderly behaviour (s 3), offensive behaviour or language</p>

¹⁰<https://www.rnz.co.nz/news/national/569582/antisocial-behaviour-reaching-desperate-levels-in-wellington-suburb>; <https://www.nzherald.co.nz/rotorua-daily-post/news/rotorua-beat-team-police-praised-for-cbd-crackdown-on-shoplifters-disorder-and-sex-acts/ZTOGBF3DM5DW7GZC5ZGKAAC2MI/>; <https://www.rnz.co.nz/news/national/569916/residents-keep-faith-in-troubled-newtown-despite-rise-in-antisocial-behaviour>; <https://www.nzherald.co.nz/nz/herald-poll-finds-97-believe-auckland-cbd-anti-social-and-uninviting-amid-accounts-of-public-sex-and-meth-fueled-rage/CH4RPTPTGRBELN65QREB3EEVDE/>; <https://www.nzherald.co.nz/nz/heart-of-the-city-survey-auckland-business-owners-slate-cbd-as-lawless-unclean-hit-out-at-drug-use-begging/EHUSLVP7SNCO3LIEKDHPMOOQFU/>

¹¹ Sections 22 and 32, Summary Offences Act 1981.

¹² Hipple N, Allison K, Campbell K, Farrell M (2024) *Police Responses to People Experiencing Homelessness*. Police Quarterly 2025, Vol. 28(3) 313-339.

Response available	Examples
	<p>(s 4), graffiti vandalism, tagging, defacing, etc. (s 11A), obstructing public way (s 22), and drinking in public place (s 38).</p> <p>When offences are being committed and evidential sufficiency and public interest tests have been met, Police will hold individuals to account for criminal behaviours; existing processes will apply, such as initiating proceedings.</p> <p>Police alternative resolution and youth justice responses for children and young people also apply to when offending has occurred.</p>
Police alternative resolutions	Police have a range of responses to offending that sit below prosecution, including warnings, adult diversion, and programmes such as Te Pae Oranga (TPO).
Youth justice responses	Children (10 to 13 years) and young people (14 – 17 years) are afforded special protections under the Oranga Tamariki Act 1989 (as well as international conventions such as the United Nations Convention on the Rights of the Child). Youth justice principles apply when Police respond to offending by children and young people.
Community policing responses	Police work daily with at risk cohorts and routinely connect vulnerable people to a range of services designed to meet their needs. The AWHI referral mechanism enables Police to refer individuals to a range of programmes and social services, including for example legal services, addiction services, accommodation, mental health, and employment services.
Council bylaws	Auckland Council’s Public Safety and Nuisance Bylaw 2013, which prohibits a person from wilfully obstructing, distributing, interfering with, alarm, distressing, intimidating, or harming any person in their use or enjoyment of a public place. ¹³ Hamilton City Council ¹⁴ and Napier City Council ¹⁵ have similar bylaws.
Community-led responses	Neighbourhood Watch, Māori Wardens and Community patrols provide support in areas through patrols and engagement with members of the community.

15. The Government has taken steps to address issues relating to public order and safety. Initiatives include:

¹³ Auckland Council (2013) *Public Safety and Nuisance Bylaw*. Retrieved from: <https://new.aucklandcouncil.govt.nz/content/dam/ac/docs/bylaws/public-safety-nuisance-bylaw-2013.pdf>

¹⁴ Hamilton City Council (2020) *Safety in Public Places Bylaw*. Retrieved from: https://hamilton.govt.nz/assets/Uploads/Documents/Bylaws/Safety-in-Public-Places-Bylaw-2020_D-1630042_22-October-2020.pdf

¹⁵ Napier City Council (2021) *Public Places Bylaw*. Retrieved from: <https://www.napier.govt.nz/assets/Document-Library/Bylaws/Public-Places-Bylaw-Docs-2021.pdf>

- a. Increasing frontline Police numbers by 500 officers to help reduce crime and improve public safety.¹⁶
 - b. The establishment of new Police Community Beat Teams in major cities across New Zealand.¹⁷
 - c. Ongoing support for crime-prevention programmes, including Neighbourhood Watch and Community Patrols.¹⁸
 - d. Enhancing funding for safety measures in central Auckland, such as increased CCTV, improved lighting, increased security patrols.¹⁹
 - e. Changing sentencing laws to restore real consequences for crime, such as capping sentence discounts and prevent repeat discounts for remorse and youth.²⁰
16. The Government has other initiatives underway that have not yet been implemented, to address issues relating to public disorder. The initiatives include:
- a. Strengthening trespass laws for businesses to support retailers to protect their properties and make businesses safer.²¹
 - b. Introducing stronger measures to deter antisocial and intimidating drivers to reduce danger and disruption to communities.²²
 - c. Introducing stronger measure to address retail crime, including self-defence provisions (citizens arrest powers), a new infringement for retail theft and harsher penalties for thefts valued over \$2,000.

What is the policy problem or opportunity?

17. The Minister of Justice has directed officials to explore if there are additional tools that could enable law enforcement to more effectively address the disorderly and disruptive behaviour occurring in public places, and reduce the concerns highlighted by the Government and interest groups.
18. Retail NZ research shows only 61% of all retail crime incidents are reported to Police. A common reason for not reporting incidents is due to a belief that Police will not respond or that no action will be taken.²³
19. The MAG argues that the current law is inadequate to deal with the increase in anti-social (or disorderly) behaviour in retail environments, or near retail environments, and that traditional criminal law interventions are disproportionate.²⁴
20. The Ministry notes that there are limited Police powers to respond to disorderly and disruptive behaviours that fall below the criminal threshold but are generally considered

¹⁶ <https://www.beehive.govt.nz/release/500-more-police-improve-public-safety>

¹⁷ [More cops on the beat | New Zealand Police](#)

¹⁸ [Police axed 'non-core' crime-prevention funding to stay in their financial lane - NZ Herald](#)

¹⁹ <https://www.beehive.govt.nz/release/proceeds-crime-fund-safety-measures-central-auckland>

²⁰ <https://www.beehive.govt.nz/release/government-restores-real-consequences-crime>

²¹ <https://www.beehive.govt.nz/release/strengthening-trespass-laws-businesses>

²² <https://www.beehive.govt.nz/release/tougher-penalties-boy-racers-and-intimidating-drivers>

²³ Retail NZ (2024) *Retail Crime Report 2024*. Retrieved from: <https://shopcare.org.nz/wp-content/uploads/2025/05/Retail-NZ-report-on-retail-crime-2024.pdf>

²⁴ Ministerial Advisory Group for Victims of Retail Crime (September 2025) *Addressing Anti-Social Behaviour in Retail: Briefing for the Minister of Justice - Ministerial Advisory Group for Victims of Retail Crime*.

disruptive or a nuisance. In particular, there are few powers available for Police to proactively defuse a situation involving disorderly behaviour before it escalates to offending, or that affects the enjoyment of a public space beyond that which the public should be expected to tolerate.

21. The lack of an adequate response option leaves Police, the public, retailers, and their staff with limited ways to deal with people who perpetuate those behaviours and has wide-ranging, negative impacts across society:

Impacts on the general public

- a. Disorderly behaviour can impact public perceptions of safety and deter people from visiting public spaces. A recent, informal NZ Herald poll indicated that, of 6,100 responses, 97% of respondents agreed central Auckland city had become “uninviting” and “beset by anti-social behaviour”.²⁵ Similarly, the MAG found that disorderly behaviour lessens the attractiveness of precincts and can negatively impact community perceptions of safety and people’s quality of life.²⁶
- b. While not focused primarily on public areas, the New Zealand Crime and Victims Survey indicates that a significantly larger proportion of adults felt unsafe in 2024, when compared to 2018.²⁷
- c. Media reporting indicates fewer people are frequenting central business districts.²⁸ Anecdotally, some reporting speculates declining numbers are due to concerns for safety.²⁹

Impacts on retailers and their staff

- a. Disorderly behaviour can impact retailers and their staff’s trade and safety. Retailers across New Zealand have expressed concern about antisocial behaviour impacting staff wellbeing, customer confidence, and personal safety, as well as causing financial losses to businesses.³⁰ Evidence indicates the cost of retail crime is around \$2.6 billion a year.³¹ We do not have data that estimates the cost of anti-social behaviour on the economy, or specifically on retailers.
- b. Retail NZ’s 2024 Retail Crime Report reported common retail crime experiences included threatening behaviour (58%), nuisance to members of the public

²⁵ <https://thespinoff.co.nz/society/20-10-2025/inner-city-homelessness-has-become-an-economic-emergency>

²⁶ Ministerial Advisory Group for Victims of Retail Crime (August 2025) *Anti-social behaviour around retail settings: Options Paper*, p. 4.

²⁷ Ministry of Justice (February 2025) *New Zealand Crime and Victims Survey: Key results – Cycle 7*. Retrieved from: [NZCVTS 2024 Key Results \(Cycle 7\)](https://nzcvts.govt.nz/2024/02/new-zealand-crime-and-victims-survey-key-results-cycle-7).

²⁸ <https://www.nzherald.co.nz/nz/wellington-wine-bar-plonk-announces-closure-cites-low-cbd-foot-traffic/JMETLU3T5VBRDOCKPUUUVS2XBE/>

²⁹ <https://www.waikatotimes.co.nz/nz-news/360615754/tough-times-hospo-even-tougher-cbd>; [Herald poll finds 97% believe Auckland CBD anti-social and uninviting, amid accounts of public sex and ‘meth-fueled rage’ - NZ Herald](https://www.nzherald.co.nz/nz/news/360615754/tough-times-hospo-even-tougher-cbd)

³⁰ Ministerial Advisory Group for Victims of Retail Crime (August 2025) *Anti-social behaviour around retail settings: Options Paper*.

³¹ Retail NZ (2023) *Retail Crime Report 2023*. Retrieved from: <https://retail.kiwi/wp-content/uploads/2023/10/RetailNZ-RetailCrimeReport2023.pdf>

(42%), and begging outside/nearby premises (30%).³² In Auckland, a recent survey indicated 91% of 102 operators around Queen Street thought that rough sleeping and begging was harming their trade.³³ Media reporting suggests retailers across the country also consider begging is costing them trade.³⁴

- c. Almost 20 percent of all retail crime events in New Zealand in 2024 involved verbal or physical abuse, intimidation, threats, violence, or the use of weapons.³⁵ Retail workers have reported experiencing higher levels of threats of violence (16.2%) than other New Zealand workers (14%).³⁶

Impacts on New Zealand's economic prosperity and tourism

- a. The direct impacts on New Zealand's economic prosperity as a result of public disorder is difficult to measure. It is likely that broader economic factors (the impacts of high inflation, rising unemployment and cost of living pressures) are more direct contributors to challenges in the retail and hospitality sectors.
- b. There is a slow but steady increase in the number of consumers who shop online frequently, up to 65% in 2024 compared to 62% in 2022 and 58% in 2020.³⁷ While in-store shopping remains the dominant method of consumer spending behaviour, there is an increase in spending online. New Zealanders spent \$1.5 billion online on physical goods in the first quarter (Jan-Mar) of 2025 (Q1 2025), 7% more than the year before.³⁸ Whereas the growth of in-store spending was not as high over the same period.
- c. The impact on tourism is also difficult to measure. International arrivals to New Zealand have been steadily increasing, although are yet to reach the numbers from 2019, before the COVID-19 pandemic began³⁹. We are not aware of any international perception that New Zealand is unsafe, or any evidence that suggests people are dissuaded from visiting New Zealand because of disorderly public behaviour.

What objectives are sought in relation to the policy problem?

22. The following objectives are sought:

- a. ensure the law is able to adequately and fairly deal with disorderly behaviour;

³² Retail NZ (2024) *Retail Crime Report 2024*. Retrieved from: <https://shopcare.org.nz/wp-content/uploads/2025/05/Retail-NZ-report-on-retail-crime-2024.pdf>

³³ <https://www.nzherald.co.nz/nz/heart-of-the-city-survey-auckland-business-owners-slate-cbd-as-lawless-unclean-hit-out-at-drug-use-begging/EHUSLVP7SNQ3LIEKDHPMOOQFU/>

³⁴ <https://www.thepress.co.nz/nz-news/350281810/beggars-and-businesses-both-survival-mode;>
<https://www.rnz.co.nz/news/national/569582/antisocial-behaviour-reaching-desperate-levels-in-wellington-suburb>

³⁵ <https://www.auror.co/media-center/opinion-time-to-treat-retail-crime-like-real-crime>

³⁶ Worksafe (2024) *Psychosocial survey of the retail sector*. Retrieved from: [https://www.worksafe.govt.nz/research/psychosocial-survey-of-the-retail-sector/#:~:text=Nearly%204%20in%2010%20\(39.1,work%20pace%20and%20emotional%20demands.](https://www.worksafe.govt.nz/research/psychosocial-survey-of-the-retail-sector/#:~:text=Nearly%204%20in%2010%20(39.1,work%20pace%20and%20emotional%20demands.)

³⁷ [NZ CONSUMER SURVEY 2024 – SUMMARY REPORT](#)

³⁸ [Is strong growth signalling better times? | NZ Post Business IQ](#)

³⁹ [International travel: August 2025 | Stats NZ](#)

- b. reduce the sense of vulnerability of the public, in public areas; and
 - c. support thriving urban economies.
23. These objectives are interconnected and mutually reinforcing. If the law is able to adequately and fairly deal with disorderly behaviour, then it should reduce the public's sense of vulnerability and enhance the use and enjoyment of the public spaces. This in turn should better support thriving urban economies.

What consultation has been undertaken?

24. Due to time constraints, the Ministry has not undertaken any consultation beyond discussions with key government agencies. Broader consultation would have helped us to better understand the nature and scale of the problem, the full range of options, and the potential impacts of the options.
25. However, the MAG consulted with a range of retail stakeholders when developing its policy proposals. It summarised the responses in its final report, but we have not seen detailed feedback from retail stakeholders.
26. Crown Law Office, NZ Police, the Department of Corrections, the Department of Internal Affairs, Ministry of Housing and Urban Development, Ministry of Social Development, Ministry of Business, Innovation and Employment, Treasury, and Oranga Tamariki – Ministry for Children were consulted on the proposals in this paper and provided feedback which has informed analysis in this RIS. With more time, the Ministry would have engaged directly with a broader range of stakeholders from the retail sector, those experiencing disorderly behaviour, those perpetuating disorderly behaviour, and organisations working to support people in public spaces, such as the Salvation Army, City Missions, Māori Wardens, mental health outreach services, and other essential service organisations.
27. The following agencies received a copy of this RIS as part of departmental consultation on the policy Cabinet paper: Crown Law Office, the Department of Corrections, Ministry of Social Development, Ministry of Housing and Urban Development, NZ Police, the Department of Internal Affairs, the Office of the Privacy Commissioner, Treasury, and Oranga Tamariki.
28. The Ministry's Offence and Penalty Vetting (OPV) team was consulted to vet the proposals in accordance with paragraph 7.36 of the *Cabinet Manual*. In line with the Legislation Design and Advisory Committee's guidelines, the OPV team considers that in the absence of a compelling policy objective and rationale such as the avoidance of substantial harm to society, a criminal offence with a sentence of imprisonment is never appropriate. The behaviour these proposals are seeking to address fall below the current threshold of criminality and may not involve any mental culpability. The OPV team firmly assesses 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.

Section 2: Assessing options to address the policy problem

What criteria will be used to compare options to the status quo?

29. The following criteria have been used to assess options:

Criterion	Description
Proportionality	<ul style="list-style-type: none">• Is the option an appropriate way to deal with the problem?• Does the conduct and harm justify a criminal justice or law enforcement response?
Effectiveness	<ul style="list-style-type: none">• How well does the option respond to the policy problem?• How well does the option protect the enjoyment of spaces, and the public's sense of vulnerability or safety in public places?
Consistency	<ul style="list-style-type: none">• Is the option consistent with domestic laws, including the rights and freedoms protected by the New Zealand Bill of Rights Act 1990, and international obligations?• Is the option consistent with criminal justice principles? Including the presumption of innocence, proportionate penalties, and an effective and efficient justice system.
Certainty of the law	<ul style="list-style-type: none">• To what extent is the law clear for the public and those creating public disorder?• To what extent is the law enforceable by Police?• How certain are the consequences of the public disorder behaviours?
Feasibility	<ul style="list-style-type: none">• Will the option increase pressure on the courts, prosecutors, legal aid system, or Corrections?• Are there any operational challenges to implementing the option?

What scope will options be considered within?

30. The Ministry has had limited timeframes to develop policy options. The scope of options considered has largely been limited to the options recommended by the MAG. Wider

options, including those related to mental health and social services, have not been considered in this analysis.

31. Comparable jurisdictions have been considered in developing options, namely Australia and the United Kingdom. We also considered prohibitions on certain forms of begging in Canada, Denmark, France, and Italy.
32. The MAG recommended five options in its report, *Addressing Anti-Social Behaviour in Retail*, which we considered but ruled out due to a variety of reasons. This is discussed at **Appendix A**.

What options are being considered?

33. In addition to the status quo, we have identified three options for consideration:
 - a. Option Two: Move-on orders (with infringement offence for non-compliance)
 - b. Option Three: Move-on orders (with criminal offence for non-compliance)
 - c. Option Four: Move-on orders capturing a broader range of behaviours (with criminal offence for non-compliance).
34. There are several key elements of move-on orders that differ between Options Two, Three, and Four. These include:
 - a. the level of certainty that an officer must have before issuing a move-on order
 - b. the breadth of behaviours move-on orders can apply to
 - c. the age ranges move-on orders can apply to
 - d. the distance a person could be moved on, and
 - e. the penalty for breaching a move-on order.
35. The remaining features of move-on orders (described in Option Two below) are consistent across the three options.

Option One – Status Quo

Option One is the status quo, which provides existing responses to disorderly behaviour including general Police powers, criminal and infringement offences, Council bylaws, alternative resolutions, and referral arrangements. There are limited opportunities for Police to intervene where disorderly behaviour falls below the criminal threshold.

Option Two – Move-on orders (with infringement offence for non-compliance)

36. Option Two would create move-on orders in the Summary Offences Act 1981, which can be issued to people behaving in a disorderly manner. Move-on orders would be available to Police to quickly de-escalate public disorder situations where the behaviour is either below the threshold of criminal offending or where it reaches offending, but Police determine that move-on orders are an appropriate response in the circumstances.
37. Key elements of move-on orders unique to Option Two include:
 - a. An officer must have reasonable grounds to believe that a person is or has been engaging in one of the behaviours described in paragraph 38 below.

- b. Orders may be issued to adults aged 18 years or older.
 - c. The penalty for non-compliance with an order is an infringement offence with a fee of \$500.
 - d. Police generally do not have arrest powers for infringement offences. To ensure that officers are able to enforce breaches of move-on orders, this option would also empower Police to use reasonable force, as necessary, to move a person on from an area where the person fails or refuses to leave.
38. Police could issue a move-on order where an officer has reasonable grounds to believe that, in a public place:
- a. the person is or has been behaving in a disorderly, intimidating, offensive, threatening, or disturbing manner;
 - b. the person is or has been interfering with trade or business by unnecessarily obstructing, hindering, or impeding someone entering or leaving a place; or
 - c. a breach of the peace has occurred or is occurring.
39. Move-on orders are intended to capture behaviour that is below the criminal threshold, to de-escalate behaviour before offending occurs. Police could also use discretion to issue a move-on order for low-level public disorder offending, in lieu of laying charges. For example, Police would have discretion to lay charges for crimes that may be covered by the behaviours above, or issue a move-on order where the officer deems it an appropriate response in the circumstances.
40. For example, under Option Two move-on orders could apply to the following behaviours:

Below the criminal threshold:	Public disorder crimes in the Summary Offences Act:
Shouting or swearing around people on the street	Offensive behaviour or language (s 4) or intimidation (s 21)
Unruly congregations outside of retail premises	Disorderly behaviour (s 3) or disorderly assembly (s 5A)

41. Move-on orders would have the following features under Options Two, Three, and Four:
- a. Orders may be issued by Police on the spot, requiring the individual subject to the order to “move-on” a reasonable distance from a place (or part of a place), as specified by Police (and no longer than 24 hours).
 - b. Move-on orders would be issued in writing by Police and served on-the-spot to the person subject to the order.
 - c. Police must inform the person subject to the order of the order’s conditions and the penalty for non-compliance without reasonable excuse.
 - d. Orders would not apply to lawful protests or pickets.

- e. Police would be empowered to temporarily detain a person for the time reasonably necessary to issue the order and to obtain the person's identifying particulars.
- f. Given that move-on orders are only in place for a maximum of 24 hours, an immediate appeal or review process would not be feasible. Where a person considers a move-on order was issued unfairly, they could submit a complaint via existing Police processes.

Option Three – Move-on orders (with criminal offence for non-compliance)

- 42. Option Three would create move-on orders that can be issued to people behaving in a disorderly manner, as well as providing criminal sanctions for non-compliance with an order.
- 43. Move-on orders under Option Three differ to those under Option Two in the following ways:
 - a. An officer need only have reasonable grounds to suspect that a person is or has been engaging in one of the behaviours described in paragraph 44 below.
 - b. Orders may apply to a broader range of behaviours.
 - c. Orders may be issued to young people aged 14 years and older.
 - d. Non-compliance with an order would be a criminal offence, punishable by a maximum fine of \$2,000 or up to three months' imprisonment.
- 44. Under Option Three, Police may issue a move-on order where an officer has reasonable grounds to suspect that, in a public place:
 - a. the person is or has been behaving in a disorderly, disruptive, intimidating, offensive, or threatening manner;
 - b. the person is or has been interfering with trade or business by unnecessarily obstructing, hindering, or impeding someone entering or leaving a place;
 - c. a breach of the peace has occurred or is occurring; or
 - d. a person is or has been causing anxiety to another person.⁴⁰

Option Four – Move-on orders capturing a broader range of behaviours (with criminal offence for non-compliance) (Minister's preferred option)

- 45. Option Four would also create move-on orders with a criminal offence for non-compliance.
- 46. As with Option Three, this option contains the following features:
 - a. An officer need only have reasonable grounds to suspect that a person is or has been engaging in one of the behaviours described in paragraph 47 below.

⁴⁰ Courts will apply an objective test to determine whether the anxiety caused by the behaviour was reasonable in the circumstances. This means that an ordinary person would have felt anxiety in the same circumstances.

- b. Orders may be issued to young people aged 14 years and older.
 - c. Non-compliance with an order would be a criminal offence, punishable by a maximum fine of \$2,000 or up to three months' imprisonment.
47. Under Option Four, move-on orders would apply to a broader range of behaviours. Police would be able to issue move-on orders where an officer has reasonable grounds to suspect that, in a public place:
- a. a person is or has been behaving in a disorderly, disruptive, intimidating, offensive, or threatening manner;
 - b. a person is or has been interfering with trade or business by unnecessarily obstructing, hindering, or impeding someone entering or leaving a place;
 - c. a breach of the peace has occurred or is occurring;
 - d. a person is or has been causing anxiety to another person;⁴¹ or
 - e. a person is or has been begging, rough sleeping, or setting up personal possessions, encampments, makeshift dwellings, or other structures indicating an intent to inhabit a public place.
48. Under this option, move-on orders would apply to all forms of begging, which includes unsolicited requests for money or goods. This could include begging behaviour where a person is passively sitting in a public place with a cup or sign out, without directly engaging with people to ask for help.
49. Begging would not include actions where there is a clear transaction (e.g. where a person is directly or indirectly asking for money or goods in exchange for something of value in return). For example, busking and roadside stalls selling goods or services would not constitute begging.
50. Other behaviours not captured by this option include protests and pickets, charitable or not-for-profit fundraising, and mere passive presence (e.g. sitting outside a shop).

⁴¹ As with Option Three, courts would apply an objective test to determine whether the anxiety caused by the behaviour was reasonable in the circumstances. This means that an ordinary person would have felt anxiety in the same circumstances.

How do the options compare to the status quo/counterfactual?

	Option 1 – [Status Quo]	Option 2 – Infringement offence for move-on orders	Option 3 – Criminal offence for move-on orders	Option 4 – move on orders capturing a broader range of behaviours
Proportionality	0	0 Broadly proportional, given the orders apply for a limited time period and non-compliance does not carry a criminal sanction. However, it is not generally appropriate to apply a law enforcement response to behaviours that are not criminal.	- Involves potential criminal prosecution for non-compliance with a move-on order. This is not proportionate given that move-on orders are likely to be applied to conduct that is below the criminal threshold.	-- Criminal prosecution for non-compliance with a move-on order is neither appropriate nor proportionate given that move-on orders are likely to be applied to conduct that is below the criminal threshold. Effectively criminalises all forms of begging (even where no aggression or intimidation is involved), rough sleeping, and creating makeshift dwellings in all public places.
Effectiveness	0	0 Addresses a current gap in the tools available to Police to respond to disorderly behaviour below the level of criminality. May reduce the incidence of public disorder by creating a deterrent effect. Questions about the effectiveness of move-on orders – displacing behaviour to a different location rather than addressing/resolving it, and lack of empirical evidence that move-on orders result in reductions in crime.	- Addresses a current gap in the tools available to Police to respond to disorderly behaviour below the level of criminality. May reduce the incidence of public disorder by creating a deterrent effect or by prosecuting repeat offenders. Questions about the effectiveness of move-on orders – displacing behaviour to a different location rather than addressing/resolving it, and lack of	-- Addresses a current gap in the tools available to Police to respond to disorderly behaviour below the level of criminality. Move-on orders may merely displace behaviour rather than addressing/resolving it. This is particularly relevant to begging, rough sleeping, and creating makeshift dwellings, which are driven by need. This means that move-on orders are highly likely to shift these behaviours

		<p>Also, many of the behaviours potentially covered by move-on orders are already dealt with by other offences.</p>	<p>empirical evidence that move-on orders result in reductions in crime. Also, many of the behaviours potentially covered by move-on orders are already dealt with by other offences.</p> <p>Inferior to existing levers for dealing with disorderly behaviour by young people including referring them to Youth Aid.</p>	<p>to different locations rather than resolving them. Also lack of empirical evidence that move-on orders result in reductions in crime.</p> <p>Inferior to existing levers for dealing with disorderly behaviour by young people including referring them to Youth Aid.</p> <p>Applying fines for non-compliance with a move-on order that was issued for begging rough sleeping, or creating makeshift dwellings are not effective responses to these behaviours.</p>
<p>Consistency</p>		<p>Engages the rights to freedom of expression and freedom of movement (s 14 and s 18 of NZBORA). Powers to temporarily detain and obtain personal information may engage rights to be free from arbitrary detention and other detention-related rights (s 22 and s 23).</p> <p>Guilt does not have to be proven for a move-on order to be issued, and non-compliance with the order is treated as an infringement.</p> <p>Creates a power to temporarily detain people for the purposes of issuing the move-on order. Infringement offences</p>	<p>---</p> <p>Likely an unjustified limitation on the rights to freedom of expression and freedom of movement (s 14 and s 18 of NZBORA). Engages rights to be free from arbitrary detention and other detention-related rights (s 22 and s 23). May also engage the right to be free from discrimination on the basis of employment status (s 19), as applying move-on orders to begging (and possibly other behaviours associated with homelessness) is likely to disproportionately affect those who are unemployed. Applying move-on orders to begging, regardless of whether it is threatening or</p>	<p>---</p> <p>Likely an unjustified limitation on the rights to freedom of expression and freedom of movement (s 14 and s 18 of NZBORA). Engages rights to be free from arbitrary detention and other detention-related rights (s 22 and s 23). May also engage the right to be free from discrimination on the basis of employment status (s 19), as applying move-on orders to begging (and possibly other behaviours associated with homelessness) is likely to disproportionately affect those who are unemployed. Applying move-on orders to begging, regardless of whether it is threatening or</p>

		<p>are generally not accompanied by powers to arrest or detain.</p> <p>Criminal offences are already available for more serious behaviour, for example violence towards retail workers or members of the public.</p> <p>The \$500 infringement fee for non-compliance is broadly proportional, but still high given the orders could apply to non-criminal behaviour.</p>	<p>severe offences across the statute that carry the same penalty.</p> <p>Has implications for young people as move-on orders can be applied to people 14 years and older.</p> <p>Inconsistent with general approach to youth justice which is to avoid criminalising young people.</p> <p>Maximum fine on conviction of \$2000 or up to three months imprisonment is disproportionate to the conduct (breaching a move on order) and not an appropriate penalty for the behaviour.</p>	<p>aggressive, represents a considerable intrusion into people's rights to use public spaces.</p> <p>Guilt does not have to be proven for a move-on order to be issued. The offence for non-compliance is strict liability, meaning no knowledge or intent to breach an order would need to be proven.</p> <p>The penalty for breaching a move-on order is inconsistent with other more severe offences across the statute that carry the same penalty.</p> <p>Has implications for young people as move-on orders can be applied to people 14 years and older.</p> <p>Inconsistent with general approach to youth justice which is to avoid criminalising young people.</p> <p>Maximum fine on conviction of \$2000 or up to three months imprisonment is disproportionate to the conduct (breaching an order) and not an appropriate penalty for the behaviour.</p> <p>Applying such significant fines to people who were issued an order for begging, rough sleeping, or creating makeshift dwellings (suggesting little to no income) is neither appropriate nor proportionate.</p>
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<p>Certainty of the law</p>	<p>0</p>	<p>Requires Police discretion to impose move-on orders. Move-on orders capture a broad range of behaviours which could result in inconsistent application of the law. May be unclear to the public what behaviours move-on orders apply to.</p> <p>The law should be enforceable by Police provided resources are available.</p>	<p>Requires Police discretion to impose move-on orders. Move-on orders capture a broad range of behaviours which could result in inconsistent application of the law. May be unclear to the public (and especially young people) what behaviours move-on orders apply to.</p> <p>The law should be enforceable by Police provided resources are available. May be more operationally difficult to apply move-on orders to young people.</p>	<p>Requires Police discretion to impose move-on orders. Move-on orders capture a broad range of behaviours which could result in inconsistent application of the law. May be unclear to the public what behaviours move-on orders apply to. Particularly for young people and people with mental health conditions.</p> <p>A clear definition of what constitutes begging and activities indicating an intent to inhabit a public place will be necessary to enable Police to enforce move-on orders for these behaviours. This will also be necessary so the public and those engaged in these behaviours know what to expect.</p>
<p>Feasibility</p>	<p>0</p>	<p>Police will apply discretion when deciding when to dedicate resources to respond to disorderly/antisocial behaviour. May require diversion of resources from other tasks and make it more difficult to achieve other objectives.</p> <p>Ability to issue infringements is also contingent on Police completing implementation of its new infringement system.</p>	<p>We do not have a clear picture on how frequently the move-on orders will be used by Police, therefore we are working with a wide estimate.</p> <p>Modelling estimates that assuming 6,000 to 10,000 people per annum receive move on orders and 12% to 20% breach the order, it may result in up to 138 to 545 additional court cases per annum.</p>	<p>We do not have a clear picture of how frequently move-on orders will be used by Police, therefore we are working with a wide estimate.</p> <p>Modelling estimates that assuming 9,000 to 15,000 people per annum receive move on orders and 12% to 20% breach the order, it may result in 207 to 818 additional court cases per annum.</p>

IN CONFIDENCE

		<p>Unlikely to impose any significant burden on the justice system because it relies on infringement fees. May be some impact if infringement fees are challenged in court.</p> <p>It is unlikely that a person who receives a \$500 fee, who has no or very low income, will be able to pay a fine, even over a long period.</p> <p>No impacts on Corrections system because no new imprisonable offences being created.</p>	<p>It is unlikely that a person with no or very low income who receives a court ordered fine (up to \$2,000) will be able to pay the fine, even over a long period.</p> <p>If the high estimate was realised, the prison population is projected to increase by 2 per annum</p>	<p>It is unlikely that a person with no or very low income who receives a court ordered fine (up to \$2,000) will be able to pay the fine, even over a long period.</p> <p>If the high estimate was realised, the prison population is projected to increase by 6 per annum</p>
<p>Overall assessment</p>	<p>0</p>	<p>-</p>	<p>-</p>	<p>--</p>

IN CONFIDENCE

What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?

51. The Ministry's preferred option is Option One (status quo).
52. There is limited evidence that Options Two through Four would meet the policy objectives to:
- a. ensure the law can adequately and fairly deal with disorderly behaviour;
 - b. reduced the sense of vulnerability of the public, in public areas; and
 - c. support thriving urban economies.
53. Given the lack of evidence that these options would address the policy objectives, and the risks and implications of these options outlined below, we conclude that the existing powers (at paragraph 14), in combination with the recent initiatives underway (described in paragraphs 15 and 16), is likely to best meet the policy objectives and deliver the highest net benefits. We acknowledge the reports of increased public disorder around retail and city centres, particularly in central Auckland, but assess that Option One is likely to best address the problem of the options considered.
54. Our overall assessment of the options against the criteria above is that Option One best meets the criteria. We set out notable issues relating to the options below, to demonstrate how Option One delivers the highest net benefit.

Notable points that relate to Options Two, Three, and Four

55. We assess that formal law enforcement responses are neither appropriate nor effective responses for public disorder that falls below the criminal threshold. We do not consider move-on orders to be necessary to respond to such behaviours, and consider that other responses may be more appropriate.
56. Existing criminal offences are more suitable for addressing disorderly, aggressive, and violent behaviour towards workers or members of the public. In addition to Police's current powers to maintain public order, the other initiatives described in this RIS are intended to assist with managing disorderly behaviour, including:
- a. Increasing frontline Police numbers by 500 officers to help reduce crime and improve public safety.⁴²
 - b. The establishment of new Police Community Beat Teams in major cities across New Zealand.⁴³
 - c. Ongoing support for crime-prevention programmes, including Neighbourhood Watch and Community Patrols.⁴⁴
 - d. Enhancing funding for safety measures in central Auckland, such as increased CCTV, improved lighting, and increased security patrols.⁴⁵

⁴² <https://www.beehive.govt.nz/release/500-more-police-improve-public-safety>

⁴³ [More cops on the beat | New Zealand Police](#)

⁴⁴ [Police axed 'non-core' crime-prevention funding to stay in their financial lane - NZ Herald](#)

⁴⁵ <https://www.beehive.govt.nz/release/proceeds-crime-fund-safety-measures-central-auckland>

- e. Changing sentencing laws to restore real consequences for crime, such as capping sentence discounts and preventing repeat discounts for remorse and youth.⁴⁶
57. It is unclear whether move-on orders will achieve the objective of supporting thriving urban economies as there is limited evidence of the efficacy of move-on orders. Studies have found that there is no empirical evidence that move-on orders in Australia and the United Kingdom have resulted in reductions in crime rates.⁴⁷
58. Move-on orders have also been shown to be applied in a discriminatory manner. For example, reports in Australia show disproportionate application of move-on powers against persons who are homeless, indigenous, young, or mentally ill.⁴⁸
59. Move-on orders bypass formal mechanisms of the criminal justice system, including judicial intervention, through the application of Police-administered justice. This form of Police-imposed discretionary action risks:
- a. denying recipients the right to conduct a defence and undermining the presumption of innocence;
 - b. conflating notions of pre-emption and punishment by requiring a person to leave a public area where no offence has been committed; and
 - c. diluting the burden of proof as there is no requirement for Police to offer proof that an act of public disorder was committed.
60. These concerns are particularly relevant as move-on orders are discretionary in their application and apply to a broad range of behaviours, that are neither uniform nor narrowly defined. This could create uncertainty in the law for the public.
61. There is also risk that move-on orders will merely shift concerning behaviours to other areas and displace the people to whom they are applied. This could result in people being shifted to areas with less oversight and visibility (e.g. areas lacking infrastructure, essential services, CCTV, and Police presence). This may escalate safety issues for both the person who was moved on, and for suburbs surrounding city centres. Vulnerable individuals such as young people, disabled people, and people experiencing mental health issues, could experience a greater risk of safety from being moved out of city centres.
62. Options Two, Three, and Four would require a person to move on a “reasonable distance” from the specified area. The Police officer would determine in the circumstances what is reasonable. Without any further constraint on the geographic parameters that a person could be moved to, there is risk that arbitrary and inconsistent distances will be applied, beyond that which is necessary to resolve the disorderly behaviour.
63. Options Two, Three, and Four may present unjustified limitations on the rights to freedom of expression and freedom of movement (s 14 and s 18 NZBORA). Move-on orders will temporarily limit a person’s ability to utilise specified public spaces.

⁴⁶ <https://www.beehive.govt.nz/release/government-restores-real-consequences-crime>

⁴⁷ [All the right moves? Police 'move-on' powers in Victoria](#), 2009.

⁴⁸ [Police move-on powers: A CMC review of their use](#), 2010.

64. Options Two, Three, and Four may put pressure on the justice system (Police, Corrections and Justice).⁴⁹ Option Two has a slightly smaller impact than Options Three and Four – Police may be diverted from other matters to issue move-on orders and there may be an increase in court cases if infringement fees are not paid.
65. Due to time constraints, we have been unable to consider the full implications of the move-on order proposals, which has resulted in limited mitigation of unintended consequences and inequities, and no consideration of alternative options to achieve the policy objective.

Notable points that relate to Options Three and Four

66. In addition to the rights under NZBORA discussed above, Options Three and Four engage the right to be free from arbitrary detention (s 22) and other detention-related rights (s 23), as Police would be empowered to detain people to take their biographical information and serve them with orders.
67. Options Three and Four also contain criminal offences for non-compliance with move-on orders. Potential criminal prosecution for non-compliance is not a proportionate response to such behaviours, even if that would only occur in rare circumstances.
68. The offence for non-compliance with a move-on order in these options has a disproportionately high penalty attached to it. The Ministry and the Legislation Design and Advisory Committee recommend that terms of imprisonment should be reserved for the severest offending where the person intentionally, knowingly, or recklessly committed the act. The proposed offence in Options Three and Four would effectively remove one of the requirements on the prosecution, and therefore a key protection for the defendant.
69. The proposed penalty for breaching a move-on order in Options Three and Four is disproportionate with other offences that carry the same penalty but penalise much more severe behaviour (e.g. careless driving resulting in death, supplying or dealing in a Class C controlled drug, wilful damage, indecent exposure, and resisting Police). Setting the penalty for non-compliance with a move-on order at the same level to these offences signals to the public that breach of a move-on order is similarly serious.
70. Move-on orders in Options Three and Four could apply where a person's behaviour is causing anxiety to another person (and that anxiety is reasonable in the circumstances).
s9(2)(h)
71. Options Three and Four would apply move-on orders to young people aged 14 and older. There are existing justice and social sector responses for young people who engage in disorderly behaviour that are more appropriate and tailored to the specific needs of young

⁴⁹ [Move on to Where? Legal and Moral Implications of Moving People Experiencing Homelessness From the Public Realm](#) (detailing the impacts of Western Australian move-on orders on Police and the wider justice system).

people. For example, where there is ongoing public disorder by a young person, a referral can be made to a Police Youth Aid or a report of concern to Oranga Tamariki.

72. Young people also have special protections under the Oranga Tamariki Act and it will be important to ensure that young (and other vulnerable people) are not placed in greater harm by moving them from a specified area. Section 48 of the Oranga Tamariki Act is a care and protection response enabling Police to deliver a young person into the custody of a parent or guardian where the young person's physical or mental health is or is likely to be impaired.
73. Options Three and Four will likely lead to a small increase in the volume of criminal cases being dealt with by the courts and a very small increase in the prison population.

Notable points that relate to Option Four

74. We assess that law enforcement responses are neither appropriate nor effective responses to behaviours that fall below the criminal threshold, particularly such behaviours involving begging, rough sleeping, and setting up personal possessions, encampments, makeshift dwellings, or other structures in public places. As discussed above, potential criminal prosecution for non-compliance is not a proportionate response to such behaviours, even if that would only occur in rare circumstances. Having a criminal record can also make it more difficult to find lawful employment and to obtain suitable housing (worsening housing accessibility).
75. In addition to the reasons above, the Ministry does not recommend Option Four as applying move-on orders to begging, rough sleeping, and creating makeshift dwellings in all public places represents a considerable intrusion into people's rights to freedom of movement, freedom of expression, and freedom from discrimination (based on employment status), and may overly penalise people who are experiencing poverty.⁵⁰ We do not see evidence of a problem associated with these behaviours that justifies the changes envisioned in Option Four, particularly where a person is sitting passively on the footpath and is not directly engaging, pressuring, intimidating, interfering with, or harassing people. There is little material difference to the public between sitting passively with a cup or sign, but not directly asking people for a contribution, and the passive presence of a person (i.e. sitting on the footpath without a cup or sign). The impact that this type of passive behaviour has on other people, including the harm it causes, is negligible.
76. We assess the significant intrusion into people's rights under NZBORA under this option are not substantially justified and risk being subject to a report under section 7 NZBORA.
77. There are also safety concerns associated with applying move-on orders to these behaviours, which can be linked to homelessness. People who are homeless and people who beg are drawn to cities as there are often more services and support located in urban areas, and because populated areas make it safer for those vulnerable groups. The visibility and community these areas provide offer a level of protection for these people. Moving these groups out of these areas, especially young people, may cause risks to their safety.

⁵⁰ In *Lacatus v. Switzerland* ECHR 14065/15, 19 January 2021, the European Court of Human Rights held that any restriction on the right to respect for private and family life (which included the right to call on others for assistance) must be reasonable and proportionate in the circumstances, and that a general ban on begging falls outside any acceptable margin of appreciation. The margin of appreciation is where the European Court respects that different countries may have different understandings on certain issues, with different legal and cultural traditions.

78. s9(2)(g)(i)

Is the Minister’s preferred option in the Cabinet paper the same as the agency’s preferred option in the RIS?

79. The Ministry’s preferred option (Option One) differs from the Minister of Justice’s preferred option (Option Four). The key differences between the options is the Ministry’s preference to maintain the status quo and not introduce move-on powers to address public disorder that includes a broad range of behaviours.

What are the marginal costs and benefits of the preferred option in the Cabinet paper?

Affected groups <i>(identify)</i>	Comment <i>nature of cost or benefit (eg, ongoing, one-off), evidence and assumption (eg, compliance rates), risks.</i>	Impact <i>\$m present value where appropriate, for monetised impacts; high, medium or low for non-monetised impacts.</i>	Evidence Certainty <i>High, medium, or low, and explain reasoning in comment column.</i>
Additional costs of the preferred option compared to taking no action			
People exhibiting disorderly behaviour	Ongoing – Direct financial costs from fines for not complying with move on orders. Potential costs associated with prosecutions.	High – potential high financial impact for people with limited resources. Very high impact for any person that receives a prison sentence.	Medium – can draw similarities with impacts of comparable offences.
Māori	Ongoing - Risk that move-on orders will disproportionately impact Māori, who are already over-represented in the justice system. Māori are more likely to experience poverty and make up a large proportion of the current homeless population.	Medium/High – potential high financial and social impact for individuals.	Medium – can draw on existing evidence about relationship between Māori and justice system. Can draw on similarities of the treatment of indigenous people in other countries.
Pacific people	Ongoing – Risk that move-on orders will disproportionately impact Pacific people, who are overrepresented in the justice system and in rates of housing deprivation.	Medium/High – potential high financial and social impact for individuals.	Medium - Can draw on similarities in comparable jurisdictions.

Affected groups <i>(identify)</i>	Comment <i>nature of cost or benefit (eg, ongoing, one-off), evidence and assumption (eg, compliance rates), risks.</i>	Impact <i>\$m present value where appropriate, for monetised impacts; high, medium or low for non-monetised impacts.</i>	Evidence Certainty <i>High, medium, or low, and explain reasoning in comment column.</i>
Young people	Ongoing - Risk that breaching orders will result in more young people entering the justice system. Move-on orders may move young people into less safe areas, increasing risk of victimisation.	Medium/High – potential high financial and social impact on young people from increased justice system exposure.	Medium – can draw on evidence from comparable jurisdictions.
People experiencing mental health distress	Ongoing – Risk that move-on orders will disproportionately impact people experiencing mental health episodes as episodes may be perceived as disorderly or disruptive conduct.	Medium/High - potential high financial, social, and mental health impacts from increased justice system exposure for this population.	Medium – can draw on evidence from comparable jurisdictions, and comparable offences.
Disabled people	Ongoing – Risk that move-on orders will disproportionately impact disabled people, who are overrepresented in rates of income and housing deprivation.	Medium/High - potential high financial, social, and mental health impacts from increased justice system exposure for this population.	Medium - Can draw on similarities in comparable jurisdictions.
Retailers and businesses	No additional costs compared to the status quo.	N/A	N/A
Public	Ongoing – Diversion of Police resource to move-on orders may mean that other incidents are not addressed, leading to costs for the victims. Move-on orders may simply displace rather than address disorderly behaviour, meaning that there is concentration of these behaviours in areas outside the boundaries of the move-on orders.	Low – cannot accurately determine the magnitude until it becomes clear how many move-on orders are being issued and the impact on resourcing.	Low – Police exercise of discretion on the application of move-on orders is not yet clear.
NZ Police	One-off – Initial costs for Police will include creating a	High – Police likely to issue many move-on	Low – estimated impacts are indicative

Affected groups <i>(identify)</i>	Comment <i>nature of cost or benefit (eg, ongoing, one-off), evidence and assumption (eg, compliance rates), risks.</i>	Impact <i>\$m present value where appropriate, for monetised impacts; high, medium or low for non-monetised impacts.</i>	Evidence Certainty <i>High, medium, or low, and explain reasoning in comment column.</i>
	<p>mechanism to issue move-on orders (we expect this will be from within the mobile application and issued in much the same way as infringements) there will likely be NIA impacts, to record the order against individuals, and a robust training package will need to be developed.</p> <p>Ongoing - Police resource will be needed to issue move-on orders and prosecute offences relating to non-compliance. Likely ongoing costs (time): training (including refresher training), reporting/NIA/case file management, acting as a witness in some cases etc.</p>	<p>orders; resource required for prosecutions is high.</p>	<p>and will depend on Police application of move-on orders.</p>
<p>Department of Corrections</p>	<p>Ongoing – Introducing imprisonment penalties will have an impact on the prison population (including remand).</p>	<p>High – This option would result in an increase to the prison population of up to 6 people per year, at a cost of \$120,000 for each additional prisoner. However, the prison system has very limited capacity and low resilience and even a policy change with a small projected population increase, collectively with other policy changes, could trigger the need for additional infrastructure investment.</p>	<p>Low – estimated impacts of the prison population increase are indicative and will depend on Police application of move-on orders. However, certainty of the cost implication is high.</p>

Affected groups <i>(identify)</i>	Comment <i>nature of cost or benefit (eg, ongoing, one-off), evidence and assumption (eg, compliance rates), risks.</i>	Impact <i>\$m present value where appropriate, for monetised impacts; high, medium or low for non-monetised impacts.</i>	Evidence Certainty <i>High, medium, or low, and explain reasoning in comment column.</i>
Courts	<p>One-off - Designing and implementing system changes to CMS and creating supporting material will have marginal costs.</p> <p>Ongoing – New prosecutions for non-compliance with move-on orders.</p>	Medium – Additional judge-alone trials. If person pleads guilty without trial, will still require sentencing by a District Court judge.	Low – estimated impacts are indicative and will depend on how Police apply move-on orders.
Non-monetised costs	<i>Ongoing costs and impacts for implementation. Direct and indirect costs for people issued move-on orders.</i>	<i>Medium/High</i>	<i>Low</i>
Additional benefits of the preferred option compared to taking no action			
People exhibiting disorderly behaviour	Ongoing - May enable more people to be referred to social services for support. Police already refer as appropriate but it may happen more often alongside the issuing of a move-on order.	Low – will depend on how many move-on orders are issued.	Low - lack of evidence
Retailers and businesses	Ongoing – Potential for additional customers and additional revenue if location is safer or perceived to be safer.	Low/Medium – Benefits likely to be concentrated in areas where disorderly behaviour is common or perceived to be common.	Low - lack of evidence
Public	Ongoing – Fewer instances of public disorder, which may lead people to feel safer in public places.	Low/Medium – need more evidence.	Low - lack of evidence
Disabled people	Ongoing – Possibility that disabled people, who are more likely to feel unsafe in public spaces, may feel safer because Police can move-on	Low/Medium – Benefit may arise from a perceived increase in safety, but more evidence is required to	Low - lack of evidence

Affected groups <i>(identify)</i>	Comment <i>nature of cost or benefit (eg, ongoing, one-off), evidence and assumption (eg, compliance rates), risks.</i>	Impact <i>\$m present value where appropriate, for monetised impacts; high, medium or low for non-monetised impacts.</i>	Evidence Certainty <i>High, medium, or low, and explain reasoning in comment column.</i>
	people exhibiting antisocial behaviour. ⁵¹	determine magnitude.	
NZ Police	Ongoing – Additional powers and tools to fulfil public safety and crime prevention functions by addressing disorderly behaviours.	Low/Medium – Need more evidence to determine magnitude.	Low - lack of evidence
Department of Corrections	No additional benefits compared to the status quo.	N/A	Low - lack of evidence
Courts	No additional benefits compared to the status quo.	N/A	Low - lack of evidence
Total monetised benefits	N/A	N/A	N/A
Non-monetised benefits	<i>Low</i>	<i>Low-Medium</i>	<i>Low</i>

Costs, risks, and mitigations

80. Due to progressing the work at pace, the evidence in relation to marginal costs and benefits is limited.

81. **Impact on populations:**

- a. **People exhibiting disorderly behaviour:** There may be indirect costs to people issued with move-on orders, particularly those who are convicted of breaching an order. Financial impacts may include debt to government, and social impacts may include increased difficulties in accessing suitable housing. It may also discourage people from engaging with government and/or community services.
- b. **Māori:** There is a risk that move-on orders will disproportionately impact Māori, who are already over-represented in the justice system, as well as among those living without shelter, in emergency housing, and on the social housing register. Māori are more likely to experience inter-generational poverty and multiple types of deprivation and material hardship, and therefore more likely to engage in survival behaviours. Māori make up 46 percent of people proceeded against by Police for public disorder, health and safety related offence in the 2024/25 year, and make up 26.3 percent of people living without shelter (according to

⁵¹ Stats New Zealand (February 2025) *Disability statistics: 2023*.

Retrieved from: <https://www.stats.govt.nz/information-releases/disability-statistics-2023/>

2023 census data).⁵² According to the 2023 census, 17.8% of New Zealand's population identify as Māori.

- c. **Pacific Peoples:** There is also a risk that move-on orders will disproportionately impact Pacific Peoples, who are overrepresented in rates of housing deprivation. At the time of the 2023 Census, 28,779 Pacific peoples were estimated to be severely housing deprived.⁵³ Pacific peoples also make up 8 percent of people proceeded against by Police for public disorder, health and safety related offences in the 2024/25 year.
 - d. **Young people:** In the Minister's preferred option, move-on orders would apply to young people 14 years and older. Approximately 92% of all offending behaviour by young people is addressed through Police alternative action. These approaches are highly effective at addressing the underlying causes of anti-social and disorderly behaviour. There is a possibility that breaching orders will result in more young people entering into the justice system. Move-on orders also have the potential to move young people into areas that are less safe, increasing the possibility of their victimisation.
 - e. **People experiencing mental health distress** are likely to be disproportionately impacted by the proposal. People experiencing mental health episodes may be perceived as disorderly, disruptive, or intimidating.
 - f. **Disabled people:** There is a risk that disabled people may be disproportionately impacted by move-on orders. Disabled people are more likely to experience severe housing deprivation, and experience higher rates of income inadequacy compared to non-disabled people (according to 2023 census data).⁵⁴
82. **Impact on rights:** The changes will negatively impact people's rights to freedom of movement, expression, and to be free from arbitrary detention and discrimination based on employment status, as it would likely disproportionately affect people who are unemployed (particularly where move-on orders are applied to begging behaviour).
83. **Upfront costs:** The changes may involve upfront costs for implementation agencies (Police, Justice, Corrections, and Crown Law). We note that initial one-off implementation costs for Justice and Corrections are minor. **s9(2)(f)(iv)**
84. **Ongoing impact on Police:** Further analysis is required to understand the full implications and associated costs of the proposals for Police.

⁵² Stats New Zealand (December 2024) *Census severe housing deprivation (homelessness) estimates*. Retrieved from: <https://www.stats.govt.nz/information-releases/2023-census-severe-housing-deprivation-homelessness-estimates/>

⁵³ Stats New Zealand (December 2024) *Census severe housing deprivation (homelessness) estimates*. Retrieved from: <https://www.stats.govt.nz/information-releases/2023-census-severe-housing-deprivation-homelessness-estimates/>

⁵⁴ Stats New Zealand (December 2024) *Census severe housing deprivation (homelessness) estimates*. Retrieved from: <https://www.stats.govt.nz/information-releases/2023-census-severe-housing-deprivation-homelessness-estimates/>

85. **Ongoing impact on the courts:** Justice has not identified any notable one-off costs. There will be an increase in cases being prosecuted in the courts for breaches of move-on orders. Any increase in cases could impact court timeliness. Indicative estimates suggest it would cost the courts between \$243,000 and \$958,000 per year, by mid-2028 after two years of implementation.⁵⁵ There could be an increase in unpaid fines and enforcement options for individuals without an income or assets. This would increase debt with limited ability to collect.
86. **Ongoing impact on prison population:** This policy change is projected to increase the prison population by six prisoners per annum, at the high estimate, within two years of enactment. Corrections notes that this is one of a wider suite of policy proposals that could increase the prison population, which, when considered collectively could have funding implications for the Crown. This relates to both the operational costs for each additional prisoner (of \$120,000 per prisoner per annum), and the infrastructure requirements for the prison network, which already has very limited capacity and low resilience. This means that even a policy change with a small projected population increase could trigger the need for additional infrastructure investment.
87. These costs to Corrections must be considered on a network-wide basis and cannot be determined relative to one policy change alone. While Corrections would, in the first instance, consider if any marginal increase in prisoner numbers could be covered within baselines, current projections for the prison population indicate that further funding would be needed to meet future demand. This has been highlighted through Corrections' Performance Plan, and annual Budget and Specific Fiscal Risks processes.
88. There will be an operational impact for Corrections where people have significant or severe mental health need, particularly where this needs to be managed in prison.

Modelling and assumptions

89. We note that the indicative estimates for the courts and Corrections could vary depending on how Police use move-on orders, and therefore it includes the following assumptions:
- a. It is based off Trespass Act offences in the courts, as it has a similar penalty of up to 3-month imprisonment or a \$2,000 fine
 - b. The demographic/profile of the offender is similar to those committing Trespass offences
 - c. It assumes that 9,000 to 15,000 people per annum could receive move on orders and 12% to 20% breach the order
 - d. It may result in up to 207 to 818 additional court cases per annum, and up to 6 additional people in prison each year
 - e. It accounts for when the policy is fully realised, two years after the bill is implemented.

⁵⁵ The impact has been expressed in dollars. However, we understand this funding would not be sought in this financial year. Any impacts from this proposal will be to court timeliness, specifically slowing down cases progressing through the District Court.

Section 3: Delivering an option

How will the proposal be implemented?

90. The proposals in the Cabinet paper will require amendments to the Summary Offences Act 1981 through an amendment bill. The Minister of Justice intends to introduce an amendment bill to the House in 2026. The Bill will come into force upon Royal Assent.
91. Implementation activities will be required by the following agencies:
- a. Ministry of Justice:
 - i. administering the legislation containing the new offences;
 - ii. providing communications to the judiciary and legal profession;
 - iii. providing communications and training to court staff;
 - iv. creating and updating relevant court processes; and
 - v. updating IT systems (such as offence codes).
 - b. New Zealand Police:
 - i. making necessary changes to operational policies, guidelines and documentation (such as for investigating and charging offences);
 - ii. providing communications and training to staff; and
 - iii. updating IT systems (such as offence codes).
 - c. Department of Corrections: Responsible for managing any persons sentenced to imprisonment or subject to a sentence or order managed by Corrections in the community. Implementation activities will include ensuring sufficient prison capacity for those sentenced to imprisonment following conviction.
 - d. Crown Law Office: Responsible for oversight of prosecution of offences (i.e. non-compliance with a move-on order). Implementation activities will include updating relevant guidelines and training staff.

How will the proposal be monitored, evaluated, and reviewed?

92. The Ministry has regulatory responsibility for the Summary Offences Act 1981, meaning the Ministry has responsibility for ongoing stewardship of the law and monitoring, evaluating and reviewing the proposals outlined in this paper. These responsibilities will be informed by:
- a. Police data relating to the use of move-on orders;
 - b. Ministry and Police data on charges, convictions, and sentencing outcomes for new offences;
 - c. Findings from the New Zealand Crime and Victim Survey;

- d. Reported case law;
 - e. Academic studies of these proposals; and
 - f. Media reporting.
93. Stakeholders, including Police, can raise any identified concerns directly with the Ministry.
94. There is currently no formal measurement of disorderly behaviour. This means that, despite the ongoing monitoring outlined above, it may be difficult to determine whether the proposals have an impact on the objectives to protect the safety of retailers and the public in public areas, ensure the law is able to adequately deal with disorderly behaviour, and support thriving urban economies. However, proxy measures, such as the New Zealand Crime and Victim Survey for perceptions of safety, may be used to assess some of the impacts. Data relating to the use of new tools and offences will also be able to be used to determine whether the law is dealing with disorderly behaviour.

Appendix A: Alternative options that were ruled out

95. The MAG recommended five options in its report, *Addressing Anti-Social Behaviour in Retail*:
- a. move-on orders – a new tool for Police in the Summary Offences Act 1981 to require a person to move-on to a different location if that person is behaving in an anti-social manner;
 - b. two bespoke criminal offences for assaulting and threatening or abusing a retail worker;
 - c. a legal framework to implement a criminal offence to ban begging within 15 metres of a ‘relevant area’;
 - d. additional powers for Councils through regulations under section 259(1)(a) of the Local Government Act 2002 to enable Councils to enforce bylaws addressing disorderly behaviour; and
 - e. the Government committing to issuing a strategy or action plan to address disorderly behaviour in retail and how the new proposals will work, alongside a strategic investment plan.
96. Option Two draws on some elements of the MAG’s proposal for **move-on orders**. In developing Option Two, we considered core criminal justice principles to bring the MAG’s proposal closer to an appropriate and proportionate tool for law enforcement to respond to public disorder.
97. The Minister decided not to progress the MAG’s remaining four options.