Summary Offences (Move-on Orders) Amendment Bill

The closing date for submissions is 11.59pm on Thursday, 02 July 2026

Summary Offences (Move-on Orders) Amendment Bill - New Zealand Parliament

Introduction

The Wayne Francis Charitable Trust (WFCT) is a family philanthropic trust settled by Deed dated 22 June 1999 and is registered under the Charities Act 2005. WFCT 's charitable purpose has an almost exclusive focus on young people. WFCT's information to be able to make this submission comes from:

- its 25 plus year history as a funder of the youth sector and opportunities for young people;
- one of several authors of an evidence based document called Positive Youth Development in Aotearoa (PYDA); and
- an organisation which has worked hard to understand the different needs of young people so that all young people have the best chance to thrive.

all of which together enable WFCT to be in a position to submit on this Bill.

The term 'young people' used in this submission includes people up to age 25.

Positive Youth Development and the PYDA

The document *Positive Youth Development in Aotearoa* (PYDA) was originally developed and published in 2011 by some of Ōtautahi's most dedicated youth workers, experts, researchers and Wayne Francis Charitable Trust (WFCT). A second edition was published in 2021. The PYDA is informed by both local and international evidence as well as grassroots experiences of young people and organisations in Ōtautahi Christchurch. It is an evidence based document. The PYDA sets out a framework in which *all people* can make decisions to contribute to the healthy development of all young people. If all people contribute to healthy development of all young people, we can achieve the vision of strong, inclusive, connected, resilient and supportive communities.

WFCT's position

WFCT acknowledges that public disorder, and homelessness, are complex issues that deserve attention. However, WFCT opposes the **Summary Offences (Move-on Orders) Amendment Bill** because it poses significant risks to the wellbeing and development of young people in Aotearoa.

The PYDA's two outcomes are **Developing the Whole Person** and **Developing Connected Communities**. It says that physical, emotional, intellectual, social and spiritual needs (in other words, holistic needs) of young people must be addressed together, and young people need healthy communities and connected support around them in order to thrive. The Bill attempts to address a person's behaviour in isolation from their reality. This is fundamentally counter to a positive youth development approach. A PYD approach is evidenced as necessary to successfully address the needs of young people (i.e. other approaches will not achieve the same). The PYDA says strengths-based approaches affirm young people's strengths, build protective factors, strengthen whānau/community support, and avoid framing young people as risky "problems to be solved". The Bill frames people, including young people as problems and a cause of disorder. This framing is inherently problematic from a youth development perspective.

The Bill's implementation may also put young people at further risk by:

- requiring them to move from relatively safe (well lit and populated areas) to less safe areas where there is a risk of harm including assault and exploitation. The Ministry of Justice Regulatory Impact Statement (RIS) for the Bill includes young people as a group particularly at risk[1]. The risk is even higher, for example, for young people who are also disabled, experiencing mental ill health, are Māori or a member of the rainbow communities.
- Criminalising behaviours that fall below the criminal threshold. The Regulatory Impact Statement notes that the Bill will effectively criminalise begging, rough sleeping and creating dwellings in public places. It states that criminal prosecution for non-compliance with a Move On Order is *neither appropriate nor proportionate* since Orders are likely to be applied to conduct that is below the criminal threshold.[2] The Bill's attempt to criminalise these behaviours has long term impact on young people (such as access to housing and employment) that restricts their ability to proactively participate in their own life (again the Regulatory Impact Statement already highlights this). The role of government and community organisations should be to empower this participation (referred to as 'agency' in the PYDA) rather than creating or maintaining dependency. Agency can be enacted through decision making, where young people influence or make decisions about issues that affect them and that are important to them (Outcome 2 and Approach 3, PYDA)

[1] Inc para 61 Regulatory Impact Statement: Strengthening responses to public disorder, 27.11.25 Public-Disorder_FINAL.pdf
[2] Para 55, 67

- Promoting a police-administered discretionary response which is not a holistic approach, and which does not centre a young person's mana, whakapapa, whānau and relationship with whenua, all of which are identified as key protective factors for rangatahi (Outcome 1, PYDA).
- The Bill is likely to disproportionately affect Māori rangatahi. Māori experience disproportionate rates of homelessness and therefore are more likely to be engaged in the activities targeted by the Bill.[3] The PYDA requires practice in Aotearoa be grounded in Te Tiriti o Waitangi and in the strength of the communities around a young person.

WFCT notes that the Attorney-General has advised Parliament through a section 7 report that aspects of the Bill are inconsistent with the New Zealand Bill of Rights Act 1990. A section 7 report is a significant constitutional safeguard. It signals that Parliament is being asked to enact legislation that limits fundamental rights in a manner that cannot be justified under the standards established by the Bill of Rights. The rights of young people should not be dismissed in this way.

WFCT urges the government to withdraw the Bill immediately and to engage with the evidence and communities of practice that already exist. This approach can provide the expertise required to address the problems of poverty and homelessness, which can drive disorder.

Notwithstanding this, if the Bill proceeds, WFCT supports Christchurch Methodist Mission's recommendation that those aged under 18 be exempt from move-on orders and Police be required to refer any person aged under 25 to a youth service before issuing an order.

Submission of Wayne Francis Charitable Trust

2.7.2026

[3] Identified by the Departmental Disclosure Statement on the Bill dated 26.4.26 bill-government-2026-310.pdf