

Brainwave Trust Submission on Summary Offences (Move-on Orders) Amendment Bill.

June 2026

At Brainwave Trust, we want every child to have the best start in life. We share research-based information with policy and decision makers to support positive health and development for all pēpi, tamariki and taiohi in Aotearoa/New Zealand.

We believe every child deserves to grow up safe, loved and supported, and this proposed bill will punish vulnerable whānau, who are in most need of support rather than punishment.

We oppose this bill because it **criminalises poverty, lacks compassion, displaces homeless whānau and mokopuna**, and will **punish vulnerable people when they most need support**. A move-on order requires someone to move on to, and this bill will **criminalise people who have no money and nowhere to sleep**.

If we want to help children and young people thrive, we must do more to support families and whānau at the community level rather than criminalising people who have already been let down by the system.

Giving Police the power to arbitrarily issue move-on orders to people as young as 14 years, with no system of oversight or chance to appeal, is unacceptable. This bill is inconsistent with the UNCRC, NZBORA and with the values of our country.

This could potentially affect a large number of people as in the 2023 Census, there were 112,496 people experiencing homelessness (Stats NZ, 2024). More than half of those experiencing homelessness in New Zealand are women, and often mothers of young children.

This bill is not supported in reports by the Ministry of Justice (2025) and Ministry of Housing (2025), the Police Association (2026), and opposed by social services (e.g., Child Action Poverty Group, 2026) and businesses. The Police Association has said it will drain resources and be ineffective, and the Attorney General (2026) concludes that this bill appears inconsistent with the Bill of Rights Act.

Our key concerns:

1. Greater effects on young people

This proposal will have a greater effect on children and young people, who are already experiencing homelessness at higher rates than any other age group in Aotearoa (Stats NZ, 2024). Many young people have left unsafe homes, experienced family breakdown, have become too old for state care or have nowhere else to go. Furthermore, emergency, transitional and public housing can be difficult for young people to access as they are too young.

Not having a safe, stable, permanent home is associated with higher rates of hospitalisation, struggles with mental health, reduced attendance at school, and higher involvement with the justice system as both perpetrator and victim.

The creation of a new offence for failing to comply with a move-on order will also introduce another pathway into the justice system for vulnerable young people. Fines, detention or criminal convictions will make it much more difficult to secure housing, employment and other forms of support in the future. This will also greatly increase the stress and marginalisation for those who are already homeless.

2. We need to address child poverty

The way we live as children strongly influences not only our early health and development, but also our long-term outcomes – things like our adult health, employment, and relationships (Brainwave, 2025). Living in poverty can have profound and long-term effects not only for children and their families, future generations and wider society. This Bill will further increase child poverty as whānau are criminalised and fined for being homeless.

3. We should be tackling the issue of homelessness rather than homeless people.

This needs to be through evidence-based responses centred on permanent housing, sufficient income for all and wrap-around support, rather than pushing vulnerable people further into poverty and imprisonment.

4. Greater effects on Māori

This bill will also have a greater effect on who Māori make up more than half of those experiencing homelessness (Stats NZ, 2024). This disparity is the result

of systems failure, systemic discrimination and ongoing colonisation. It will also surely lead to even more discriminatory behaviour against Māori (Understanding Policing Delivery, 2024).

5. Need to focus on solutions to address poverty & homelessness

We should be focussed on real solutions through creating safe, suitable and supported housing environments for young people to live in. Rather than spending money on policing and incarceration, we should be funding addiction, health, mental health and outreach services that work with those that are homeless. **We need to view homelessness as a housing and support issue rather than a criminal issue.**

To address homelessness, we need to look at international approaches such as the "**duty to assist**" in Wales outlined in Part 2 of the Housing (Wales) Act 2014. In Wales, local authorities are legally required to assess the housing needs of anyone threatened with or experiencing homelessness and secure accommodation if you have a priority need.

To support our people, we need better policies to prevent poverty and homelessness in the first place, alongside increased and targeted funding for successful models such as Housing First. For example, **The People's Project** uses the internationally proven Housing First approach to support people experiencing homelessness in Hamilton and Tauranga (The People's Project, 2021). Evidence from over 5 years have demonstrated improvements in health & wellbeing, increased income and a decrease in police offenses and charges

Our Recommendations:

- 1. Withdraw the Bill as it is inconsistent with Te Tiriti o Waitangi, UNCRC, NZBORA, and the Universal Declaration of Human Rights.**
- 2. Focus on strategies to address child poverty and homelessness such as the Homelessness Prevention Bill.**

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