



June 2026

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

From: Te Kāhui Mātai Arotamariki o Aotearoa | Paediatric Society of New Zealand (PSNZ)

PSNZ is the national professional body representing paediatricians and child health professionals across Aotearoa. Our multidisciplinary membership works directly with tamariki, rangatahi, and their whānau every day. It is from this frontline child health perspective that we offer our feedback.

The PSNZ strongly opposes the Summary Offences (Move-on Orders) Amendment Bill and calls on the Justice Select Committee to recommend that it be rejected, or at a minimum that all persons under 18 years be explicitly excluded from its scope.

Our position is grounded in three areas of evidence:

- **Children on the street are victims of systemic failure, not sources of disorder.** The bill treats a child health and welfare crisis as a policing problem.
- **The bill will initiate young people into the criminal justice system.** New Zealand research demonstrates this causes severe and lasting harm to health, educational, and social outcomes.
- **The solution to rough sleeping is stable housing, not criminal sanctions.** New Zealand evidence demonstrates that housing reduces youth offending, hospitalisation, and justice system contact.

Young people do not choose to sleep rough

The evidence is consistent:

- 89% of adults registered with a Housing First service had experienced at least four adverse childhood experiences (ACEs) before age 18; 100% had left school permanently by age 15; and 47% had been in state care.²
- On Census night 2018, 19.4% of all people severely housing deprived in New Zealand were aged under 15, and a further 28.9% were aged 15-24. Nearly half of all those experiencing severe housing deprivation were under 25.³
- Oranga Tamariki has only 154 supported accommodation placements for approximately 1,618 eligible young people aged 18-21 leaving care each year, two-thirds of whom are Māori.⁵

These children are already known to multiple government sectors, health, welfare, child protection, and justice, yet remain inadequately supported by them. The proposed bill risks compounding these existing systemic failures by introducing criminal sanctions.

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The Hidden Population: Young Children With Homeless Parents

The bill's scope is not limited to unaccompanied youth and adults. Section 8A(1)(f) applies to anyone aged 14 or over who is sleeping rough or displaying the intent to inhabit a public place. However, the bill provides no provisions requiring constables to consider the welfare of accompanying infants, toddlers, and primary-school-aged children accompanying homeless parents before issuing or enforcing an order.

The evidence on this population demonstrates:

- In a study of 8,028 children under 15 identified as severely housing-deprived, the large majority were living with parents in mobile dwellings (cars, vans), improvised dwellings, or severely crowded shared accommodation, not alone on the street.³
- 84% of women in New Zealand Housing First cohorts have dependent children, and more than half of those experiencing homelessness in Aotearoa are women.¹² A move-on order to a homeless mother is simultaneously a move-on order to every child in her care.
- New Zealand research shows that each additional residential move for a preschool-aged child is independently associated with increased socioemotional and behavioural difficulties from age four,¹³ and with increased rates of potentially avoidable hospitalisation.¹⁴ Children in cars and temporary accommodation experience this instability most acutely.

For families or caregivers with young children, the bill creates two harms with no remedy for either. Complying with a move-on order means moving into less safe, less visible areas. Non-compliance means risking detention, and the detention of a primary caregiver risks family separation. The bill is silent on both.

We do not dispute that families experiencing a housing crisis require support and, at times, intervention. However, criminalising the most vulnerable children and families in Aotearoa is not intervention; it is a systemic failure.

How the Bill Will Further Harm Young People

A new pathway into the criminal justice system

Justice system contact during adolescence is a potent predictor of ongoing justice involvement across the life course. The bill creates a criminal offence for failure to comply with a move-on order. For a child aged 14-17 with no safe destination, non-compliance is not a choice; it is a matter of circumstance. Emergency, transitional, and public housing are largely inaccessible to young people under 18.⁴

Displacement into less safe environments

People sleeping rough seek well-lit, visible, populated locations because these places are safer. Move-on orders will displace young people into darker, more isolated spaces where the risk of assault, exploitation, and victimisation is increased.⁶

Compounding serious health harms

Homelessness is already associated with profound premature mortality. New Zealand Housing First data show that formerly homeless adults had an average age of death 18 years younger than the

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general population, with 73% of those who died being Māori.⁷ Criminal records and fines following non-compliance will restrict future access to housing, employment, and welfare, deepening the disadvantage that drives these outcomes.

Compounding inequity for tamariki Māori

Māori experience severe housing deprivation at four times the rate of European New Zealanders,³ and are overrepresented in emergency housing at 2.68 times the rate of the general youth population.⁸ The Waitangi Tribunal concurs with the Crown's admission to ongoing breaches of the Treaty of Waitangi regarding Māori homelessness, specifically naming the lack of support for homeless rangatahi.⁹ The bill deepens these acknowledged breaches.

Obligations Under the UN Convention on the Rights of the Child

New Zealand has ratified UNCROC. The UN Committee on the Rights of the Child's General Comment No.21 (2017) on children in street situations is explicit:

- States must “abolish where appropriate offences that criminalise and disproportionately affect children in street situations, such as begging, breach of curfews, loitering, vagrancy and running away from home.” (para 14)¹¹
- “Rounding up or arbitrarily moving children on” constitutes police misconduct that should be “criminalised as a matter of urgency.” (para 60)¹¹
- Criminalising begging “can result in worse forms of survival behaviours, such as commercial sexual exploitation.” (para 59)¹¹

New Zealand's Children's Act 2014 defines anyone under 18 as a child. The bill's application of criminal penalties to 14-17 year olds for begging or sleeping rough is irreconcilable with New Zealand's UNCROC obligations.

Recommendations

PSNZ recommends that the Justice Select Committee:

- Rejects the bill in its current form. The begging and rough sleeping provisions are inconsistent with UNCROC¹¹, with the Bill of Rights Act as confirmed by the Attorney-General¹, and with the weight of New Zealand clinical and public health evidence on child and youth homelessness.
- If the bill proceeds, explicitly exclude all persons under 18 from move-on orders on begging and rough sleeping grounds, consistent with New Zealand's definition of a child under the Children's Act 2014.
- Direct investment toward evidence-based housing responses, including expansion of stable supported housing for young people^{8, 10}, a youth-specific Housing First programme⁶, and adequate transitional support for those leaving state care.⁵

Children sleeping rough are among the most medically and socially vulnerable in Aotearoa. They are there because of prior harm and systemic failure, not by choice. This bill proposes criminal sanctions

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instead. PSNZ urges the Committee to reject it and to redirect government effort toward evidence-based interventions that create lasting support and recovery.

Ngā mihi,

Dr Sonja Crone, President of PSNZ and Consultant Paediatrician

Executive Team, Te Kāhui Mātai Arotamariki o Aotearoa | The Paediatric Society of New Zealand

Media contact:

Ruth Dryfhout, Communications Manager | Paediatric Society of New Zealand

Email: communications@paediatrics.org.nz

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