

DRAFT FOR CONSULTATION

Policing (Direction to Move On) Amendment Bill

Member's Bill

Explanatory note

General policy statement

Communities across New Zealand have expressed growing concern about persistent anti-social behaviour, intimidation, and public disturbances in key community spaces, including town centres, transport hubs, parks, and near schools. Current enforcement tools can be either too limited or overly formal for early intervention. There is a need for a proportionate, flexible mechanism that empowers Police to take swift, preventative action before more serious offences occur and can be useful to proactively prevent events and harm escalating.

This Bill would give constables a power to direct a person or group to move on, that is, to leave a specified area and not return for a defined period (which can be for up to 24 hours), where their presence or behaviour is causing, or is likely to cause:

- harassment, alarm, or distress to members of the public
- a public nuisance
- disorder or anti-social behaviour.

A direction may be issued verbally or in writing, and failure to comply would be an offence, unless the person had a reasonable excuse for their non-compliance.

Key features of the Bill are:

- *preventative focus*: aimed at early intervention before escalation
- *targeted and time-bound*: limited to specific areas and timeframes
- *proportionate enforcement*: balances the need for order with individual rights
- *community confidence*: designed to respond to local priorities and visible concerns.

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 is the commencement clause, which provides for the Bill to come into force 3 months after Royal assent. The delay in commencement is intended to provide the Police time to implement the changes made in this Bill.

Clause 3 states that the Bill amends the Policing Act 2008.

Clause 4 inserts *new section 35A*, which provides constables with a new power to direct members of the public to leave a public place, and not to return for up to 24 hours, in certain circumstances.

Clause 5 inserts *new section 51A*, which provides for a new offence of failing to comply with a direction given under *new section 35A*.

Ryan Hamilton

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Contents

	Page
1 Title	1
2 Commencement	1
3 Principal Act	1
4 New section 35A inserted (Direction to move on)	1
35A Direction to move on	2
5 New section 51A inserted (Failing to comply with direction to leave public place)	2
51A Failing to comply with direction to leave public place	2

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Policing (Direction to Move On) Amendment Act **2025**.

2 Commencement

This Act comes into force 3 months after Royal assent.

3 Principal Act

This Act amends the Policing Act 2008.

4 New section 35A inserted (Direction to move on)

After section 35, insert:

35A Direction to move on

- (1) A constable may give to a person in a public place a direction to leave the public place, or part of the public place, if the constable has reasonable cause to suspect that the person is:
 - (a) behaving in a manner that is likely to cause injury to a person or damage to property or is otherwise a risk to public safety:
 - (b) behaving in a manner that is disorderly, offensive, threatening, or violent:
 - (c) endangering, or may endanger, the safety of any other person:
 - (d) breaching, or may breach, the peace:
 - (e) interfering with trade or business at the place by unreasonably obstructing, hindering, or impeding someone entering, at, or leaving the place:
 - (f) disrupting the peaceful and orderly conduct of any event, entertainment, or gathering at the place.
- (2) A direction may be given only while the person is in the public place.
- (3) A direction may be given orally or by notice in writing served personally on the person.
- (4) A direction may direct the person not to return to, or not to be in, the public place or part of a public place for a specified period of not more than 24 hours.
- (5) A constable who gives a direction must, to the extent that it is reasonably practicable to do so in the circumstances, explain to the person to whom the notice is issued—
 - (a) the effect and duration of the direction; and
 - (b) the consequences that may follow if the person does not comply with the direction.

5 New section 51A inserted (Failing to comply with direction to leave public place)

After section 51, insert:

51A Failing to comply with direction to leave public place

- (1) A person commits an offence who, without reasonable excuse, fails to comply with a direction given to the person under **section 35A**.
- (2) A person who commits an offence against **subsection (1)** is liable on conviction to a fine not exceeding \$2,000.