

16 October 2018

The Honourable Will Hodgman  
Premier  
Parliament House  
Hobart TAS 7000

**via email:** [will.hodgman@parliament.tas.gov.au](mailto:will.hodgman@parliament.tas.gov.au)

Dear Will,

**Re: *Police Offences Amendment (Begging) Bill 2018***

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Community Legal Centres Tasmania (CLC Tas) is writing to urge all members of the House of Assembly to support the *Police Offences Amendment (Begging) Bill 2018* (Tas). We strongly believe that homelessness and poverty cannot be addressed through the criminal justice system and call for the adoption of a more humane approach.

**- *Police Offences Act 1935* (Tas)**

Currently, section 8 of the *Police Offences Act 1935* (Tas) ('the Act') makes it an offence to beg, relevantly providing:

**8. Begging, imposition, &c.**

(1) A person shall not –

(a) in a public place beg or expose wounds or deformities, or place himself or herself or otherwise act so as to induce, or attempt to induce, the giving of money or other financial advantage, or instigate or incite another person to do any of those things;

...

The penalty for begging is a fine up to \$815.00 or imprisonment for a term not exceeding 6 months.<sup>1</sup>

**The case for abolition**

The use of fines and imprisonment as a response to begging fails to address the underlying cause or causes of the behaviour. Research carried out by a number of Australian organisations indicates that people who beg are among the most marginalised, disadvantaged and disenfranchised in society. For example, Justice

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<sup>1</sup> Section 8(1AA) of the *Police Offences Act 1935* (Tas) provides for a penalty not exceeding five penalty units or to imprisonment not exceeding a term of six months. Currently, the value of a 'penalty unit' in the *Penalty Units and Other Penalties Act 1987* (Tas) is \$163.00.

Connect interviewed 30 persons over 2016-18 who beg or have begged and published the following results:<sup>2</sup>

- 77 per cent were experiencing homelessness;
- 87 per cent had a mental illness;
- 80 per cent had been unemployed for 12 months or more;
- 33 per cent had experienced family violence;
- 37 per cent reported childhood trauma or abuse.

Importantly, the research points to begging being an action of last resort, meaning that people beg rather than resorting to more serious criminal offences such as stealing, drug dealing or prostitution.<sup>3</sup>

Finally, an argument often raised for the criminalisation of begging is the need for public safety, namely that some persons that beg engage in standover tactics or threatening speech or behaviour. However, the research finds that the incidence of aggressive begging is very low.<sup>4</sup> It should also be noted that there are other offences currently provided in the Act that could address violent or abusive conduct.<sup>5</sup>

Our current criminal justice approach disproportionately impacts on persons who are without adequate food, shelter and health care. In criminalising begging we are also denying them the right to communicate their need for assistance.


We urge you to support the passing of the *Police Offences Amendment (Begging) Bill 2018* (Tas) which will also bring us into line with Western Australia, New South Wales and the Australian Capital Territory who have all decriminalised begging.

If you have any queries, please do not hesitate to contact us.

Yours faithfully,



Benedict Bartl  
Policy Officer  
**Community Legal Centres Tasmania**



Dr Chris Jones  
CEO  
**Anglicare Tasmania Inc**

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<sup>2</sup> Justice Connect, *Asking for Change – calling for a more effective response to begging in Victoria* (August 2018). Also see Philip Lynch, *Understanding and responding to Begging* (2005) 29(2) *Melbourne University Law Review* 518.

<sup>3</sup> Michael Horn and Michelle Cooke, *A Question of Begging: A Study of the Extent and Nature of Begging in the City of Melbourne* (2001) 9 at 24.

<sup>4</sup> *Ibid.* at 15.

<sup>5</sup> Examples include sections 12, 13 and 35 of the *Police Offences Act 1935* (Tas) which are concerned with prohibited language and behaviour, public annoyance and common assault.