

asking for change

Calling for a more effective response to begging in Victoria



It is a crime to beg in Victoria.¹

Evidence and research over a 15 year period – including reports by Hanover Welfare Services (now Launch Housing), the Salvation Army and PILCH (now Justice Connect) – has consistently shown that people who beg experience high levels of hardship, including homelessness, mental illness, substance dependence, trauma, family violence and poverty.² *Image 1* captures evidence from recent consultations with 30 people who beg or have begged.

Despite this consistent evidence, media coverage and public commentary focus on questioning the vulnerability of people who beg, including persistent reports of professional begging. The small minority of people who beg aggressively also dominate conversations regarding begging and have shaped the response to begging in Victoria.

We all want to reduce the number of people begging in Victoria. However, as a community, we continue to rely on the police and courts to tackle what is ultimately an issue of homelessness and poverty.³ *Image 2* shows just how complex, costly and ineffective this legal process is.

Through using the justice system to respond to begging, we:

1. Impose a significant burden on police and the courts;
2. Cause highly vulnerable people to be caught up in the justice system as a result of homelessness and poverty; and
3. Fail to reduce the number of people who beg.

Informed by the evidence, consumer perspectives and direct work with people who have begged, seven leading organisations are calling for a more effective response to begging in Victoria.

Here are seven steps that – if embraced by specialist homelessness and health services, Victoria Police, local councils, local businesses and the Victorian Government – will help Victoria move toward a fairer, more sensible and more effective approach to begging and the acute hardship that underpins it:

1 *Summary Offences Act 1966* (Vic) s 49 provides: (1) A person must not beg or gather alms; (2) A person must not cause, procure or encourage a child to beg or gather alms. This offence is punishable by a maximum penalty of 12 months imprisonment.

2 See, eg, Michael Horn and Michelle Cooke, *A Question of Begging: A study of the extent and nature of begging in the City of Melbourne* (Hanover Welfare Services, June 2001); Philip Lynch, *Begging for Change: Homelessness and the Law* [2002] *Melbourne University Law Review* 35; Philip Lynch, *Understanding and Responding to Begging* [2005] *Melbourne University Law Review* 16; PILCH Homeless Persons' Legal Clinic, *We Want Change: Public Policy Responses to Begging in Melbourne* (June 2005); PILCH Homeless Persons' Legal Clinic, *We Want Change! Calling for the abolition of the criminal offence of begging* (November 2010); City of Melbourne, *Begging Engagement Pathways and Support Program Evaluation Report* (June 2015); Justice Connect Homeless Law, *Asking for Change: Understanding and Responding to Begging in Melbourne* (forthcoming).

3 In the last 5 years, 841 charges have been laid against people for begging (statistics obtained from the Crime Statistics Agency for the period January 2011 – December 2015).

1. Accept that the current response is not working.
2. Acknowledge that the vast majority of people who beg are experiencing high levels of vulnerability, including one or more of homelessness, mental illness, substance dependence, family violence, trauma and poverty.
3. Commit to effectively tackling the underlying causes of begging by investing in a service-based response to begging, which focusses on access to housing and support (while not everyone who begs is experiencing homelessness, the significant majority are and access to housing with support is a critical component of an effective response to begging).⁴
4. Repeal the offence of begging alms to prevent reliance on a costly and ineffective enforcement-based response to begging.
5. Resist the temptation to implement or encourage responses that focus on a minority of people begging aggressively – this small number of people can be dealt with by existing justice mechanisms (e.g. using threatening words in a public place).⁵
6. Present evidence-based messages to the public on begging and its causes to provide leadership rather than fuel knee-jerk reactions.
7. Evaluate the effectiveness of the new response, compared to the well-worn path of cycling people through our courts.

Victoria can do better than an old fashioned law and a dated response to homelessness and poverty.

Let's genuinely address the underlying causes of begging: poverty and homelessness.

Let's strengthen what works: long-term housing and access to services.

It's time for change.

Watch our video and share:

justiceconnect.org.au/askingforchange

#askingforchange

cohealth
cohealth.org.au

justice connect
Homeless Law

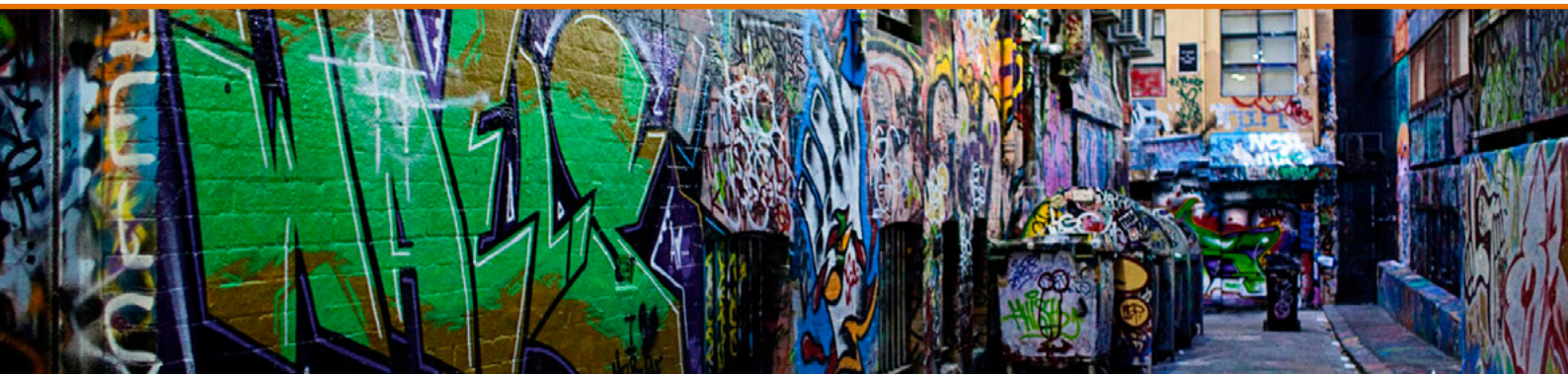
STREETSMART
ACTION AGAINST HOMELESSNESS

chp
council to homeless persons

Launch HOUSING IT'S TIME TO END HOMELESSNESS

melbourne city mission

VCOSS
Victorian Council of Social Service



⁴ See, eg. Council to Homeless Persons, *Pre-Budget Submission 2016–2017* (November 2015) and VCOSS, *State Budget Submission 2016–17: Putting people back in the picture* (2015) regarding Permanent Supportive Housing.

⁵ *Summary Offences Act 1966* (Vic) s 17.

who begs and why

In the last two years, Justice Connect Homeless Law has consulted with 30 people who beg or have begged.¹ The results showed:



77% were experiencing homelessness²

had a mental illness

87%



77% were experiencing drug or alcohol dependence

had been unemployed for 12 months or more

80%



33% had experienced family violence

reported childhood trauma or abuse

37%



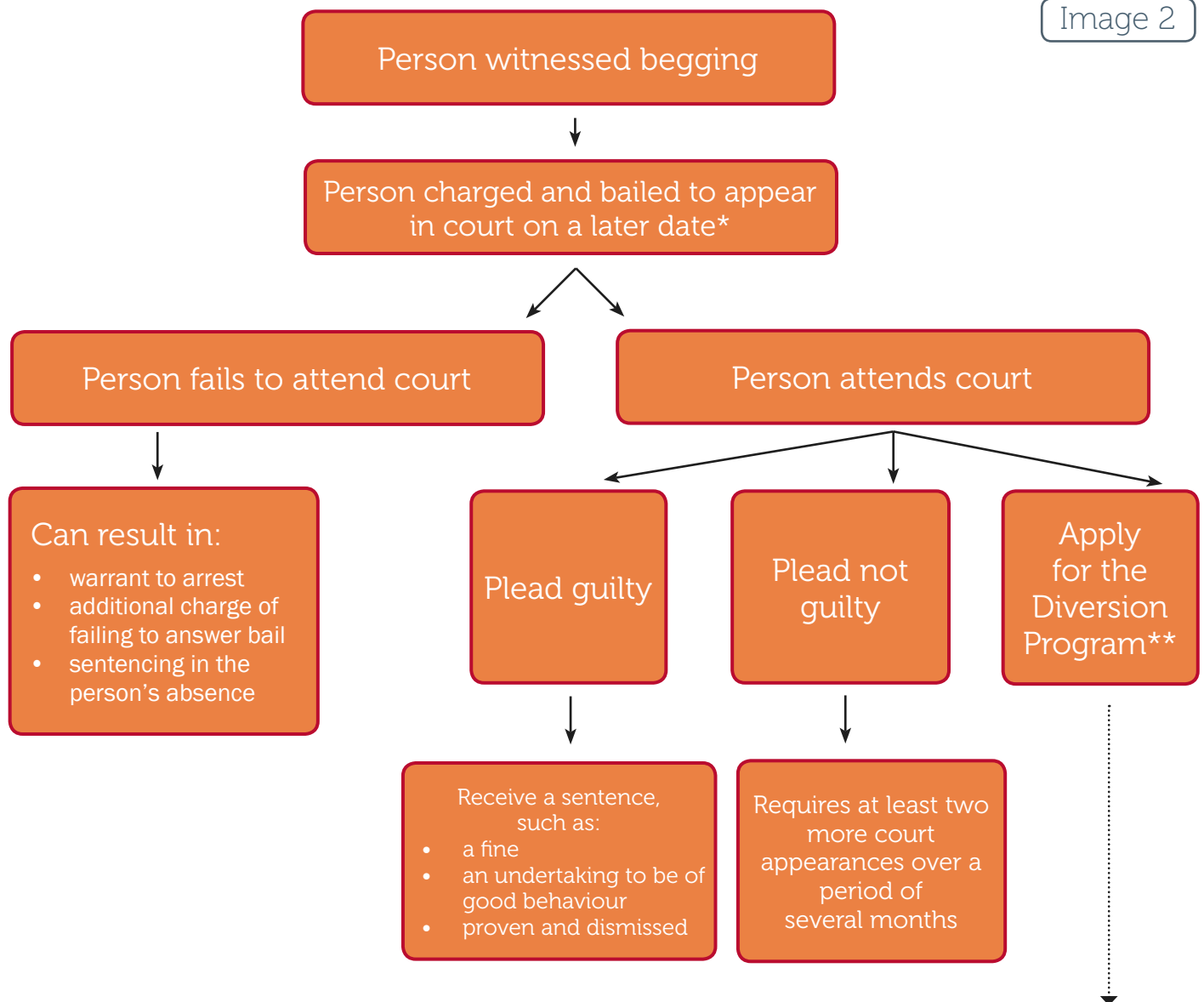
Image 1

¹ Twenty one people were clients represented by Homeless Law in the 2014 and 2016 Begging Lists at the Melbourne Magistrates' Court, after they were charged with begging during Operation Minty. The remaining nine participants were engaged through a voluntary consultation process.

² Homelessness includes where a person is without conventional accommodation (e.g. sleeping in a park or car), moving frequently between temporary accommodation (e.g. refuges/emergency housing or friends) or living in marginal accommodation on a medium to long term basis (e.g. rooming houses, transitional housing or caravan parks). 63% of study participants reported that they were sleeping rough.

Being charged for begging: the typical process

Image 2



Example: Operation Minta and the Begging List - 2016 Outcomes***:

- **26** people charged as part of Operation Minta and referred to the begging list at the Melbourne Magistrates' Court
- **8** were placed on the Diversion Program****
- **1** chose not to apply for diversion
- **17** failed to appear at the diversion hearing - their matters were adjourned to a second court date
- Of the 17, **14** failed to appear on the second court date and warrants were issued for their arrest

All of these pathways highlight the issues with using the justice system to address begging:

- It imposes a significant cost burden on the court, police and lawyers
- It is ineffective. People end up with fines, criminal records or arrest warrants for failing to appear - none of which address the person's reasons for begging
- It causes highly vulnerable people to be caught up in the justice system as a result of homelessness and poverty

* Police may also exercise their 'move-on' power under the *Summary Offences Act 1966 (Vic)* as part of the interaction.

** The Criminal Justice Diversion Program is governed by s 59 of the *Criminal Procedure Act 2009*. Only available in limited circumstances and on Police recommendation.

*** Operation Minta is a coordinated enforcement-based response to begging by the City of Melbourne, Victoria Police and the Salvation Army, with some involvement from other agencies including the Melbourne Magistrates' Court and Homeless Law. The Operation has now run for four consecutive years, with the most recent round occurring in March-April 2016. The overwhelming majority of our 2014-2016 study participants who had been charged during Operation Minta described begging passively with a hat or a sign.

**** If the person complies with their Diversion Plan, the charge is dismissed at the end of the diversion period. If the person fails to comply, the matter returns to court.