

Legislative Council

Hansard

Tuesday 6 August 2024

The President, Mr Farrell, took the Chair at 11 a.m., acknowledged the Traditional People and read prayers.

[excerpt...]

POLICE OFFENCES AMENDMENT (BEGGING REPEAL) BILL 2024 (No. 16)

Second Reading

[4.44 p.m.]

Ms WEBB (Nelson) – Mr President, I am very pleased to speak on the Police Offences Amendment (Begging Repeal) Bill brought to the parliament by the Tasmanian Greens. I thank the Greens for persistently progressing the bill over an extended period of time, and the member for Hobart, who has had carriage of it here today.

Like others, I rise with a very strong sense of *deja vu*, because we are revisiting the effort made in this parliament in 2019-20 across the two Chambers to legislate the very thing we are now advancing: the decriminalisation of begging.

Four years ago, our state, via this Chamber, demonstrated its compassion and commitment to evidence-based policy and legislation when the government's legislation to repeal begging was passed, appropriately amended to ensure that the hypocritical, unnecessary, unwarranted and discriminatory expansion of police move-on powers was removed from that bill. Four years ago, Tasmania could have been at the head of the pack nationally and we have missed that opportunity.

Happily, although delayed, we now have a chance to bring Tasmania into line with Western Australia, New South Wales, and the ACT. We know that Queensland and Victoria are also actively moving in that same direction with reviews in those jurisdictions recommending similar decriminalisation of begging and similar sorts of public space offences that are now regarded as inappropriate and out of date.

When we dealt with the government's bill in 2020, I spoke in detail on this same topic. No doubt today, speaking on this Greens bill, I will be echoing similar sentiments, although I intend to make a fairly succinct contribution.

Put simply, there is no-one in a modern context, with a modern understanding of effective criminal justice policy and social policy, who would make the case to criminalise the act of begging. That is because to criminalise begging is to criminalise poverty and those who experience it. It is a straightforward matter that it should not be criminal for one person to ask another person for money in a time of need. The fact that members of our community engage in begging is an indication of social exclusion that merits attention.

Those who work with people experiencing poverty and homelessness around Australia - and in that I include NGOs, charities, researchers, legal practitioners, academics and the like - all agree that criminalising the act of begging does nothing to address the underlying causes

of disadvantage. In fact, it compounds them. Instead, it perpetuates the stigmatisation of poverty, of homelessness and of disadvantage.

Causes of begging are complex and include systemic societal issues that are beyond the control of an individual. Many who find themselves in situations where they need to beg never planned nor expected to be there and would prefer not to be in that situation. People who beg are frequently victims of past trauma, crime, economic deprivation, and social exclusion more broadly.

It is often assumed that those who beg must be homeless. However, research in this and other states in recent times has been examining the circumstances of people who are engaging in begging, and it shows that begging is most often borne of necessity rather than just homelessness.

As described in the briefing paper provided by the Community Legal Centres, Anglicare Tasmania, Saint Vincent de Paul, Shelter Tasmania, Tasmanian Aboriginal Centre, TasCOSS, Australian Lawyers Alliance and the Prisoners Legal Service, begging is an action of last resort, meaning that people beg out of necessity rather than resorting to more serious criminal offences such as stealing, drug dealing or prostitution.

With this bill we are removing an offence from our statute books that targets and criminalises some of the most deprived and most disadvantaged members of our society, who are in a position of desperation and should receive not criminalisation but support. That support should include affordable, secure housing, a social safety net that is adequate, accessible medical and mental health services, alcohol and drug services where necessary, and social support.

On these measures in this state, we are falling well short. Criminalising people in circumstances, punishing them with fines while failing to meet their needs, is perverse. It does nothing to make our community safer, more cohesive, kinder, more successful or more prosperous. Whenever we act to increase social polarisation and socioeconomic divides, we act against the interests of the whole community. Even those who are most privileged amongst us do worse when divisions are made greater. This bill is an opportunity to remove one clear example from our legal framework which increases division in our community, while doing nothing to make our community stronger.

Evidence tells us the activity of begging is substantially carried out in a way that is relatively passive and is not generally accompanied by problematic or aggressive behaviours. That being said, my observation is that it is common for people to feel uncomfortable about the presence of begging, even when it is a simple non-invasive action. Many people would prefer not to have to see or encounter people experiencing destitution in public. I acknowledge those feelings are there in the community and believe it is our job to ensure those feelings are addressed effectively, based on evidence, fairness and compassion. It appears there may be an amendment brought by the government to this bill should we progress to the Committee stage.

As other members have commented, we do not necessarily need to go into detail on that amendment now. If it is brought, and, frankly, I hope it is not, we can address it then.

I will make a couple of brief comments on that. One part of that amendment, which I would like to see brought, is a review of this after a period of time. Potentially, that would be

useful and it would disprove the need for the other aspects of that proposed amendment, which is to expand police powers in a way that is not necessarily pegged to begging, which is problematic.

We should have a full and comprehensive conversation and public consultation anytime there is a proposition to expand police powers. Tacking an abrupt amendment onto this bill that broadly applies to all members of the public by expanding police powers to move people on is not appropriate. It is not appropriate to do it without proper consultation with stakeholders. That is why I hope that we do not have to deal with it in the Committee stage of this bill, should we get there.

It makes no sense to me to decriminalise begging, which is something we apparently all agree on, with one hand, then provide police with powers to move on people who are begging with the other, even when they are doing so in a passive way that is stationary and causing no problem. That is, of course, hypocritical. There is no doubt there will be more to say on that should it come to us as an amendment.

As I said, I hope we only see the part of the amendment that relates to review. That would be informative, going forward, if the government ever wants to progress the other elements of that expansion of police powers in terms of the move-on powers in our Police Offences Act.

I am going to leave it there for this contribution, knowing that, should that amendment appear, there will be plenty more to say on it from many in the Chamber here. I thank the member for Hobart and the Tasmanian Greens for persisting with this bill. It is a good bill to be doing. It will be one that should have passed this place unamended. It will be one we can feel good about when going home tonight and feel that we have done a positive thing today in this Chamber and in this parliament. I commend the bill.