

2016/07: Should fines and/or imprisonment be imposed on those who beg in the streets of Australian cities?

What they said...

'We're certainly not the sort of city...who gathers those who are homeless and those who are begging and simply buses them out of sight and out of mind'

Melbourne's Lord Mayor, Robert Doyle

'Anyone who sees such behaviour [from violent or aggressive beggars] should contact police. It is not illegal to be homeless but it is also reasonable to expect to be able to walk through the world's most liveable city without being threatened, abused or harassed'

Melbourne's Lord Mayor, Robert Doyle

The issue at a glance

In the second week of May, 2016, Victoria Police focused their attention on areas of the Melbourne CBD, possibly partially in response to a series of Herald Sun reports suggesting that aggressive street beggars were becoming a problem.

The police action was followed by a protest taken by some twenty homeless people who established a camp in Melbourne's City Square, demanding long-term accommodation. The protestors, who were ultimately dispersed, rejected an offer of up to three months' housing and health services, as they wanted a more permanent solution.

This interaction is only the most recent in a series of policy shifts on the part of the Melbourne City Council around how best to deal with Melbourne's street beggars.

The problem is one found in most Australian states and capital cities. Recent reports have indicated that begging offences in South Australia have reached a five-year high.

Various cities in Western Australia, where street begging is generally not illegal, are considering whether harsher measures should be introduced. The Western Australian city of Fremantle has now banned street beggars and instead is installing 'change points', which are collection depots that look like parking metres. All money raised will be redirected to local welfare agencies to assist homeless people.

Background

(The general information on begging reprinted below has been abbreviated from the Wikipedia entry titled 'Begging'. The full text can be accessed at <https://en.wikipedia.org/wiki/Begging>)

The information supplied on begging and the law in Australia is taken from an opinion piece published in The Conversation on January 25, 2012, and written by James Farrell, Lecturer in Law at Deakin University. The full text can be accessed at <http://downingcentrecourt.com.au/blog/begging-as-a-criminal-offence-why-is-this-being-reintroduced-in-australia/>

The information relevant to New South Wales is taken from the Sydney Criminal lawyers Internet site and can be accessed at <http://downingcentrecourt.com.au/blog/begging-as-a-criminal-offence-why-is-this-being-reintroduced-in-australia/>

Begging is the practice of imploring others to grant a favour, often a gift of money, with little or no expectation of repayment. Beggars may be found in public places such as transport routes, urban parks, and near busy markets. Besides money, they may also ask for food, drink, cigarettes or other small items.

According to a study in the journal of the Canadian Medical Association, '(70%) [of beggars] stated that they would prefer a minimum-wage job, typically citing a desire for a "steady income" or "getting off the street". However, many felt they could not handle conventional jobs because of mental illness, physical disability or lack of skills.'

History

Beggars have existed in human society since before the dawn of recorded history. Begging has happened in most societies around the world, though its prevalence and exact form vary.

Greece

Ancient Greeks distinguished between the ptochos, the "passive poor" or "beggars" and the penes, the "active poor", with the latter being accorded a higher social status. The New Testament contains several references to Jesus' status as the saviour of the ptochos, usually translated as "the poor", considered the most wretched portion of society.

Britain

The British Poor Laws, dating from the Renaissance, placed a variety of restrictions on begging. At various times, only the disabled were allowed to beg. These Poor Laws developed into the workhouse system, a series of parish-operated institutions where those unable to obtain other employment were forced to work in exchange for a small amount of food. The welfare state of the 20th century greatly reduced the number of beggars by directly providing for the basic necessities of the poor from state funds.

India

Begging is an ancient phenomenon in India. In medieval and earlier times begging was considered to be an acceptable occupation which was embraced within the traditional social structure. This system of begging and alms-giving to mendicants and the poor is still widely practised by India's over 400,000 beggars in 2015. In contemporary India, beggars are often stigmatised as undeserving. People often believe that beggars are not destitute and instead call them professional beggars. There is a wide perception of begging scams. This view is refuted by grass root research organisations such as Aashray Adhikar Abhiyan, which claim that beggars and other homeless are overwhelmingly destitute and vulnerable. Their studies indicate that 99 percent men and 97 percent women resort to beggary due to abject poverty, distress migration from rural villages and the unavailability of employment.

Begging and the law in Australia

Begging is a criminal offence in Victoria under s 49A of the Summary Offences Act and is also prohibited by various local laws made by local councils under the Local Government Act. Section 49A states that a 'person must not beg or gather alms' or 'cause, procure or encourage a child to beg or gather alms' with a penalty of up to 12 months imprisonment. The range of penalties imposed range from fines, community-based orders through to imprisonment.

Similar provisions exist in Queensland, South Australia, Tasmania and the Northern Territory.

Victoria Police statistics show that in 2008/09, 242 people were processed by the police for the alleged offence of begging. 24 of these people were arrested, one was cautioned and 212 were issued with summons.

This was an increase from 2007/2008 in which 188 people were processed, with 27 arrested and 153 issued summonses. More recent data about outcomes is not yet available, but the total number of persons processed in 2009/10 increased to 298, and then on initial figures, this has reduced to 206 in 2010/11.

Though begging is not illegal in New South Wales there are a number of laws under which police can take action against those who live on the streets and beg.

New South Wales's 'drunk and disorderly' rules, introduced in 2011, empower police to tell a person to 'move on' if their conduct is:

1. likely to cause injury to any other person;
2. likely to cause damage to property;
3. likely to give rise to a risk in public safety, or is disorderly.

Internet information

On April 7, 2016, Stuff Nation, an online New Zealand news site carried a report on some of the more radical proposals that have been made to deal with Wellington's street beggar problem. One of these is that those who give to beggars should be fined.

The full text of this report can be accessed at <http://www.stuff.co.nz/stuff-nation/assignments/11283957/Will-fining-those-who-give-to-beggars-work>

In March, 2016, The Ethics Centre published a comment by James Farrell OAM, a lecturer at Deakin University School of Law, and the Director of the Queensland Association of Independent Legal Services Inc.

The comment is titled 'The Criminalisation of Poverty is Begging for Change'

The comment argues that begging should not be made illegal and argues that other steps are needed to support the poor.

The full text can be accessed at [http://www.ethics.org.au/on-ethics/blog/march-2015-\(1\)/criminalisation-of-poverty-is-begging-for-change](http://www.ethics.org.au/on-ethics/blog/march-2015-(1)/criminalisation-of-poverty-is-begging-for-change)

On March 31, 2016, Sydney Criminal Lawyers Internet site posted an opinion piece titled 'Fining the Homeless for Begging'

The piece looks at homeless figures in South Australia and legal penalties applied in South Australia and Victoria. It argues that a reduction in federal government support for the disadvantaged has worsened the situation.

The full text can be accessed at <http://www.sydneycriminallawyers.com.au/blog/fining-the-homeless-for-begging/>

On March 27, 2016, Adelaide Now carried a news report titled 'Police reporting and arresting more people for begging in Adelaide as economic hardship bites'

The report treats the five year high in begging offences reported in South Australia.

The full text of this report can be found at <http://www.adelaidenow.com.au/news/south-australia/police-reporting-and-arresting-more-people-for-begging-in-adelaide-as-economic-hardship-bites/news-story/ad6b8f8c1e712c90b971c05399217497>

On November 2, 2015, The West Australian published a news report titled 'Big rise in beggars on Perth streets'

The report details increasing numbers of beggars in the Western Australian capital.

The full text can be accessed at <https://au.news.yahoo.com/thewest/wa/a/29966424/beggar-boom-in-perth-cbd/>

On July 15, 2015, ABC News ran a report titled 'Professional beggars earning up to \$400 a day and intimidating women, tourists in Melbourne CBD, Salvation Army report finds'

The report considers a recent finding that a small number of aggressive beggars are intimidating some of Melbourne's pedestrians.

The full text can be accessed at <http://www.abc.net.au/news/2015-07-15/professional-beggars-intimidate-women-tourists-melbourne/6621824>

On June 3, 2015, The Guardian published an opinion piece titled 'Councils should help rough sleepers, not fine them' The comment looks at the situation of beggars in London and argues that fining them is counterproductive.

The full text can be accessed at <http://www.theguardian.com/housing-network/2015/jun/03/councils-help-rough-sleepers-not-fine-them-hackney>

On October 14, 2014, the ABC ran a news report titled 'Begging fines making matters worse for Melbourne's homeless, youth service says'

The report quotes spokespeople for the homeless support agency Youth Projects who argue that fining street beggars worsens their situation in a number of ways.

The full report can be accessed at <http://www.abc.net.au/news/2014-08-18/begging-to-pay-for-begging-fines/5678214>

On December 6, 2013, The Guardian carried a report titled 'Don't give money to beggars - help them instead'

The report focuses on the situation of beggars in Great Britain and argues that giving them money actually worsens their situation.

The full text can be accessed at <http://www.theguardian.com/commentisfree/2013/dec/06/dont-give-money-beggars-help-them>

On January 25, 2012, The Conversation published an opinion piece by James Farrell, Lecturer in Law at Deakin University. The comment is titled 'Forget your coins, we want change: begging should not be a crime'

The comment argues against begging being treated as a crime.

The full text can be accessed at <https://theconversation.com/forget-your-coins-we-want-change-begging-should-not-be-a-crime-4658>

On August 25, 2009, news.com.au carried a report titled 'Sydney homeless man makes \$50,000 a year begging'

The report details the situation of a man who misrepresents his circumstances in order to make money begging on Sydney streets.

The full text can be accessed at <http://www.news.com.au/national/sydney-homeless-man-makes-50000-a-year-begging/story-e6frfkvr-1225765153392>

In June 2001 'A study of the extent and nature of begging in the City of Melbourne' by Michael Horn & Michelle Cooke of Hanover Welfare Services was released.

The report outlines the then extent of begging in Melbourne and the state and council initiatives that had been taken to deal with it.

The full text can be accessed at <http://www.hanover.org.au/wp-content/uploads/2014/10/A-Question-of-Begging-June-2001.pdf>

Arguments against fines and/or imprisonment being imposed on those who beg in the streets

1. Those who beg are usually suffering from severe social, economic or mental disadvantage

Those who oppose the criminalisation of begging in Australian cities argue that this merely punishes people who are the victims of a complex mesh of social, economic and mental disadvantage.

Dr Sarah Russell, the principal researcher of the Melbourne-based research group, Research Matters, has stated regarding the causes of homelessness and begging, 'Contributing circumstances include poverty, gaps in the social security safety net, high levels of unemployment, a poor supply of affordable housing for people on low incomes, problem gambling, family breakdown and domestic violence.'

Numerous studies have demonstrated that a majority of those who beg on the streets of Australia's cities are homeless and thus often without ready means of accessing either employment or the formal supports that state and federal governments provide. Homelessness has been described as part of a vicious circle that it is difficult for people to escape. Poverty and disadvantage lead to further poverty and disadvantage.

An important sub-group among homeless beggars are the young. Dr Russell states, 'Homelessness among young people is strongly linked to relationship and family breakdown, domestic violence, physical and emotional abuse, sexual assault, unemployment, and substance abuse.'

Mental instability is an additional major contributor to homelessness and begging. Further it is compounded by these circumstances as many who are homeless then succumb to a mental disorder. A 2009 study by social researchers at RMIT in Melbourne found that 15 per cent of people living on the streets had a mental illness before becoming homeless. The study further found that 16 per cent developed a mental illness following homelessness. In total, therefore, over 30% of the homeless are likely to be suffering from a mental disorder.

Critics of imposing fines and imprisonment on those who beg argue that it is unjust to impose such penalties on those

who are unlikely to be able to control their behaviour or alter their life circumstances.

In an opinion piece published in *The Conversation* on January 25, 2012, James Farrell, Lecturer in Law at Deakin University, stated, 'Criminalising begging is tantamount to criminalising poverty. It perpetuates, rather than alleviates, the marginalisation and disadvantage experienced by people who beg. It also violates the fundamental human rights of some of the most vulnerable in our society.'

Farrell further argues, 'The current approach disproportionately affects those whose circumstances have already denied them basic necessities such as food, shelter and health care, and then adds to their disadvantage by denying them even the basic right to communicate and seek to deal with their plight.'

2. Imposing fines on beggars is unjust and counterproductive

It has been claimed that it is unjust and ineffective to fine those who beg. It has been suggested that it is unjust because it effectively criminalises poverty. It has been condemned as ineffective because the majority of those fined will not be able to pay and may well have to beg further in order to attempt to meet these fines.

University of Queensland community law expert, Associate Professor Tamara Walsh, has stated, 'It is really becoming an untenable situation, and it is expensive for the Government. These are offences that really do criminalise poverty. When we see increases, and we have seen massive increase in these types of street offences, we see massive increases in fines and therefore massive increases in debt.'

Queensland Law Society president, Bill Potts, has similarly claimed that criminalising poverty 'is not a solution to what in essence is a whole-of-society problem'.

Potts has further noted, 'What's the point of [the fines], it merely adds to their misery - and effectively ends up in a cycle of poverty, and unfortunately incarceration.'

A Melbourne clinic for the homeless, Youth Projects, has stated that Melbourne's homelessness problem is being made worse by police issuing fines for people begging for money.

The chair of Youth Projects, Melanie Raymond, has stated, 'The fact that it's illegal doesn't play any part in real life on the streets for homeless people.'

'They're trying to get a foothold into employment and having a mountain of fines on their back isn't helping. It's preventing them from moving on.'

Sydney Criminal Lawyers, who oppose the fining of beggars, state on their Internet site, 'If a homeless person is caught begging in South Australia, they'll face an on-the-spot fine of \$250, regardless of circumstances. In Melbourne, some advocacy services have reported homeless clients racking up fines as large as \$50,000 for begging.'

A Melbourne man who has begged during his twenty years of intermittent homelessness has commented on the police practice of confiscating the money he had collected and on the fines he received. He has stated, 'Police made me put it [the money collected] in - it was Christmas Eve and I had about \$40 and they made me put it all in the church poor box. Other times you'd have to go to court for begging and get a \$100 fine, then I'd have to go begging to pay that back.'

In a comment published in *The Guardian* on June 3, 2015, criticising similar measures imposing fines on street beggars in London, Jon Sparkes stated, 'Picture the scene: you've lost your job and your home, your life has fallen apart and you're sleeping on the streets. You're desperate. But instead of getting the support you need to get back on your feet, you're treated like a criminal and punished with a fine you cannot afford to pay.'

3. Those who beg need assistance rather than punishment

It has been claimed that the solution to discouraging begging is to improve access to assistance rather than to punish beggars.

It has been noted, for example, that the incidence of both begging and prosecution for begging has increased in Adelaide. Commentators have noted that this is a consequence of increasing disadvantage and reduced funding to assist those suffering disadvantage.

A March 27, 2016, report published in *The Adelaide Advertiser* claimed that official figures reveal that begging offences in South Australia have reached a five-year high at the same time as welfare agencies report more people struggling to access welfare services.

Police in South Australia made 72 arrests or reports during the 2015/15 financial year for the offence of begging alms - up from 52 in 2013/14. Offenders face a maximum \$250 fine.

Anglicare South Australia chief executive, Reverend Peter Sandeman, has stated, 'It (begging) certainly has been building up ... Demand for our food and meals and emergency assistance just keeps increasing. It seems to keep on going up, in part, due to the economic conditions; we know it's going to get worse with Holden closing.'

A number of welfare agencies have claimed that they are not able to address the needs of all those coming to them for assistance.

Last financial year Anglicare, which operates five sites in Adelaide, assisted 2300 new 'clients', in these South Australian centres. However, as many as 100 people a week were turned away because services could not meet demand.

Reverend Sandeman, has stated, 'Unfortunately, our turnaway data is getting higher which means people have to resort to things such as begging.'

Critics have claimed that the increase in homelessness and begging may be the result of reduced federal funding to assist the disadvantaged.

Baptist Care South Australia Central's senior manager, Ian Townsend, has suggested that the increase in people begging and sleeping rough may be linked to a \$500,000 federal funding cut last year to South Australian agencies providing emergency relief services such as money for bills, rent, medicines and public transport costs.

Ian Townsend has stated, 'There's more pressure on services, and there's less money that's been allocated to emergency relief. We're seeing the flow-on effect from this (funding cut) - there are fewer resources to help those who are on the streets and they're in a situation where they feel they have to do that (beg).'

One homeless man, whom the Adelaide Advertiser interviewed, indicated the cycle of disadvantage which afflicts those who are not given adequate assistance. He stated, 'The only problem with services here is accommodation because services can't find you a place to live...I just need to find a place - without a place you've got no home base and you can't find a job if you're on the street.'

4. Those who beg do not usually pose a threat to pedestrians

Supporters of the right to beg without legal penalty claim that the majority of beggars are passive and not aggressive or menacing.

A report by the Salvation Army and the City of Melbourne, released in July, 2015, has been used by those who claim that beggars are potentially violent. Critics of this use of the report note that of the 135 beggars who were interviewed only nine were found to be aggressive.

The Salvation Army has expressed concern that the small number of menacing beggars may discourage people from helping the many who simply need assistance.

Major Brendan Nottle from the Salvation Army has stated, 'They [aggressive beggars] frighten people and people can assume all beggars are like that, but the reality is they're not all like that at all, the vast majority deserve our pity not our fear.'

Nottle has referred to 'That small, hard-core minority [who] are actually breaking the law.'

In an opinion piece focusing on the small number of aggressive beggars on Melbourne's streets, Herald Sun commentator Rita Panahi nonetheless noted, '[T]he overwhelming majority of ...beggars are considered passive...'

The same point was made in The Age in a comment on the Salvation Army and City of Melbourne report. The Age article stated, 'They discovered the majority of beggars were homeless and considered no threat to the public.'

A sixty-two year old man interviewed by The Herald Sun, who has been sleeping rough for twenty years, claimed, 'Most people are pretty placid and even with their [drug] usage they just want to find a place to live.'

Melbourne's mayor, Robert Doyle, has similarly conceded that the number of potentially violent beggars is not large. Mr Doyle has stated, 'There is a small group that can be aggressive and dangerous and they are a matter for police.'

Doyle has further stated, '[N]o one benefits from locking up people who are genuinely homeless. We have an obligation as a society to help them so they can get on the way to a better life, a life off the streets. But the police should, and do, deal with professional, aggressive beggars.'

Critics of the fining and imprisonment of beggars argue that the small number of beggars who are aggressive or violent can be dealt with under assault laws. Australian states do not need laws that target beggars simply for begging as the vast majority do not pose a threat.

5. Charity collectors are not fined or otherwise penalised

It has been claimed that beggars are treated inequitably as charity collectors can make insistent demands legally. Herald Sun commentator Rita Panahi, who is generally opposed to street beggars, has also noted the inappropriate conduct of many charity collectors.

In an opinion piece published on July 27, 2015, Panahi stated, 'Something else that should be made illegal is the predatory tactics of some charity workers which is seriously testing the goodwill of many Australians.'

Panahi went on to describe the offensive behaviour of some collectors. She stated, 'Some of those paid collectors refuse a one-off donation insisting that we provide bank or credit details to become a monthly donor.'

Even the most charitable among us will rethink the spirit of giving after encountering an aggressive young worker collecting for charity in city streets, supermarkets, outside train stations or anywhere else that's busy with foot traffic.'

On February 4, 2014, Mumbrella published a comment by Tim Burrowes in which he also noted the aggressive behaviour of many of those who collect for registered charities.

Burrowes wrote, 'The other day I watched an overly aggressive Save The Children ambassador almost knock a cup of coffee from a man's hand on Sydney's George Street.'

A couple of days after that, I felt thoroughly patronised by an Amnesty International representative during an awkward social exchange in Martin Place.

And last Thursday, a Cancer Council worker rudely interrupted my phone conversation as I walked up Queen Street in Brisbane.'

Defenders of street beggars argue that it is unjust to allow charity collectors legally to behave in this manner, while criminalising the behaviour of those who beg to support themselves. Similar complaints have been made about buskers, pamphlet distributors and street hawkers and spruikers. All of these people are able to get permits to allow them to operate legally, while beggars cannot.

Arguments in favour of fines and/or imprisonment being imposed on those who beg in the streets

1. There are generally other options available to those who beg in the streets

It has been claimed that many of those who beg in the streets are not without other means of support. Many are not homeless and the majority would be able to access government support services which should mean they have no necessity to beg for money in the streets.

In an opinion piece published in The Herald Sun on July 27, 2015, Rita Panahi stated, 'Anyone who has travelled has

likely encountered beggars in countries - without our comprehensive safety net - which experience the type of poverty that is thankfully unknown in Australia.

Australia has one of the most generous welfare systems in the world as well as a plethora of programs and welfare agencies devoted to helping the most impoverished get their lives back on track.'

Rita Panahi made the same claim in an opinion piece published in The Herald Sun on May 17, 2016. Panahi stated, 'There is no shortage of government-funded agencies and charitable organisations that can assist people in not only getting the benefits they're entitled to but also help in finding crisis and transitional housing.'

The commentator focused on the services provided by the Salvation Army. She stated, 'The list of services on offer from The Salvation Army include a "Streets to Home" program under which the homeless receive intensive support and long-term housing as well as other Community Outreach Services, including programs aimed at women and young adults.

The charity also provides Mental Health Services programs for homeless men and women struggling with mental health issues as well as community reintegration and drug dependency programs.

The Salvation Army also has a Housing Pathways initiative that provides "case management support to address underlying issues contributing to homelessness" to help men exiting temporary accommodation into permanent housing.' Referring specifically to a group of homeless men and women who have been protesting in Melbourne's Federation Square, Rita Panahi stated, 'Melbourne City Council and welfare agencies have offered the City Square squatters three months' accommodation and a plethora of services to assist them in overcoming their various issues but the protesters have refused the offers of help, insisting on long-term accommodation.'

It has also been noted that a significant percentage of those currently begging on Melbourne streets are not Australian nationals. They are overseas tourists, generally backpackers, who are using begging as a way of augmenting their travelling money.

In December, 2014, Melbourne Mayor, Robert Doyle, told Business Insider, 'Service providers tell me that international tourists make up around a third of the people begging on Melbourne's streets at the moment. Tourists may not be aware that begging is illegal in Victoria and it's important that we communicate with them and put them in contact with the services they need.'

2. Those who beg in the streets can collect large amounts of money

It has been claimed that many of those who beg in Australia's city streets are merely supplementing welfare payments and that many of them manage to collect substantial sums of money.

A Salvation Army report released in July, 2015, found that nine of those interviewed because they were begging on the streets were professional beggars. Major Brendan Nottle from the Salvation Army stated, 'We had one person indicate to us that he was raising in the vicinity of \$300 to \$400 a day or an evening and he was doing that on a regular basis.' Major Nottle said that this particular individual had permanent accommodation and other forms of income besides begging.

Major Nottle further stated, 'He said to the worker that was working with him that he was involved with drugs, so the money was going towards supporting his habit.'

Major Nottle noted that the professional beggars were financially secure enough not to need help with food or shelter. He stated, 'They indicated to us that they were not interested in any way in the services that we were offering.'

In August, 2014, clients of the welfare group Youth Projects told ABC reporters that they are able to collect between \$40 and \$200 a day.

In August, 2009, The Courier Mail published a news report on a Sydney man who collected some \$50,000 a year through begging outside the Myer store in Sydney's CBD. He claimed he had been begging since the late 1990s. He claimed that on a good day he could be given up to \$400 and that even on a bad day he typically received between \$75 and \$100.

He claimed that he enjoyed his life, saying, 'I knock off when I feel like it, or if I've done brilliantly. But on those good days, you might be on such a high that you go for a few more hours and get a bit more money.'

In June, 2013, The Daily Mail reported the situation of a British man who collected \$50,000 a year. The Daily Mail described him as, 'Dressed in tatty clothes and accompanied by the obligatory dog-on-a-string, he would take up position on a busy street in one of London's most affluent suburbs.' The news report also revealed that despite claiming to be homeless, the man had been living for the last two years at taxpayers' expense in a \$300,000 housing association flat.

3. Those who beg in the street frequently harass pedestrians and other passers-by.

It has also been noted that a substantial number of those who beg in the streets are aggressive and harass pedestrians and others.

In an opinion piece published in The Herald Sun on July 27, 2015, Rita Panahi stated, 'A report by the Salvation Army and the City of Melbourne, released this month, revealed that not only were aggressive beggars using intimidatory tactics, but some were faking terminal illnesses or pregnancy to generate an income.'

The Salvation Army report released in July, 2015, on begging in the Melbourne CBD noted that aggressive beggars working in tandem are verbally abusing and spitting on people in the inner city. The report claims that members of a small group of professional beggars routinely meet on the fringes of the CBD and then break into pairs or groups of three to work in certain streets.

The Salvation Army and the City of Melbourne report stated, 'They tend to target females and international visitors, blocking the path of the person they are targeting until they extract money. If the person does not comply by giving

money, they are verbally abused and, in some instances, have been spat on or physically assaulted.'

In May, 2016, The Herald Sun reported that traders on the Melbourne CBD were concerned about the violent behaviour of some beggars. It has been claimed that Elizabeth Street has become a particular problem area.

On May 10, 2016, the Mayor of Melbourne, Robert Doyle, was reported as stating, 'We don't want to lose control of Elizabeth St, which is a major city thoroughfare. The council, the State Government and relevant welfare agencies need to intervene when there is inappropriate behaviour.

Innocent members of the public going about their business shouldn't have to find themselves at risk of being threatened or feel afraid.'

The Minister for Mental Health and Housing, Martin Foley, has said that violent behaviour would not be tolerated.

Mr Foley stated, 'If people are acting on the street violently it is not appropriate. But the cause of the behaviour has to be dealt with.

Victoria police do have powers when it comes to assault and they have to make a decision.'

4. Street beggars impede the operation of local businesses and discourage tourism

In a Perth Now report published on January 17, 2016, it was claimed that shop owners and managers had complained to Sunday Times reporters about the impact that the behaviour of beggars was having on their businesses. They were reported as saying that 'beggars had spat on and verbally abused staff, had frequent turf wars over begging spots, and intimidated staff, shoppers and passers-by. Beggars also urinated and defecated in front of their stores.'

A news report published in The Herald Sun on May 10, 2016, noted, 'The city's homeless problem has become a growing concern for CBD traders and shoppers, who are regularly confronted by people sleeping in doorways or blocking the footpath.'

The news report claims that Melbourne traders fear 'aggressive beggars picking fights with pedestrians on one of Melbourne's busiest streets are jeopardising our reputation as the world's most liveable city.'

The report focused on the arrest of a 47-year-old man accused of aggressive begging and assaulting passers-by in a major city thoroughfare. The man was charged with property damage and being drunk in a public place.

Shop manager, Este Bloem, was interviewed about a homeless man who had camped outside her store. Ms Bloem stated, 'I usually ask people to move but because this person has set up camp I'm reluctant to talk to him because I don't know how he will react.'

I did call the police yesterday who said legally I'm not allowed to ask them to move even though I explained that it's affecting our business.

I've had incidents before with people camped outside Woolies getting into fights. It's not the best image to give tourists of Melbourne.'

Another store operator further claimed, 'They do drive customers away, I just complained to the council this morning and am waiting to hear back.'

There are those who have claimed that street beggars are a particular disincentive for tourism, disturbing foreigner visitors' enjoyment of trips for which they have paid substantial amounts of money.

In an opinion piece published on July 27, 2015, in The Herald Sun, Rita Panahi stated, 'Can you imagine what a tourist who has paid through the nose to visit our fine city would think about being abused on the street?'

5. Allowing street beggars to beg worsens their situation

Those who support legal penalties being imposed on street beggars argue that street begging typically supports a dangerous way of life and that those who beg would be safer if they were not enabled in maintaining hazardous ways of living.

Opponents of sanctioning street begging claim that many beggars are supporting a drug habit. Recent European research suggests that most beggars in first-world welfare-states are neither homeless nor without resources. They are likely to be on the street because of a serious drug or alcohol addiction. Critics of begging claim that the practice only encourages addicts to continue their harmful lifestyles.

In an opinion piece published in the Adelaide Advertiser on August 7, 2014, Craig Cook stated, 'During a crackdown on begging in Birmingham in September last year, police found all of the 40 people it detained failed a drugs test, with over 80 per cent testing positive to Class A substances. Fewer than 40 per cent of those caught begging said they were homeless.'

In an opinion piece published in The Herald Sun on July 27, 2015, Rita Panahi stated, 'Giving to beggars is not only enabling criminality but it's akin to watching "Keeping up with the Kardashians". It only encourages them and prevents them doing something useful with their lives... Giving to a beggar is no different to buying them the drugs or alcohol that is helping to keep them on the street.'

The same point has been made by Thames Reach. Thames Reach is a London-based charity that works with the homeless and the vulnerable. The organisation is opposed to members of the public giving money to beggars as its research has indicated that a majority use this money to support a drug habit. The charity has stated, 'Giving to people who beg is not a benign act without consequences. As an organisation that has worked with people on the street for early thirty years, we have seen many lives damaged by hard drugs and alcohol misuse. We have even lost people through overdoses in situations where a significant portion of the money they spent on drugs came from members of the public giving loose change.'

The same point has been made by John Bird, who instituted The Big Issue, an initiative designed to give gainful employment to the homeless. In November 2014, Bird said of sanctioning begging, 'Such an approach amounts to a

collusion with criminality... it is often accompanied ...by other law-breaking, like drug possession, theft, disorderly conduct, and even violence.'

Further implications

(The 2015 report, from the Australian Council of Social Services, titled 'Inequality in Australia: A Nation Divided', referred to below, can be accessed at http://www.acoss.org.au/wp-content/uploads/2015/06/Inequality_in_Australia_FINAL.pdf)

Street beggars appear an indictment of the system within which they are found. They can be seen as an indication of the economic system's failure to generate sufficient jobs and build sufficient affordable housing. They can also be seen as an indictment of the Western welfare state which carries with it the ideal that the vulnerable within society will be looked after. Thus beggars can be seen as an indication of the inability of health services to support adequately the mentally ill, of unemployment benefits to reach and sustain the most vulnerable of the unemployed and of private charities to assist those most in need of food, clothing and shelter. Governments of different political persuasions tend to react differently to beggars; however, none are comfortable with their existence.

The prevalence of beggars can also be seen as a law and order issue, which is ultimately the position of a majority of Australian states and territories within whose jurisdictions begging is illegal and punishable by fines and/or terms of imprisonment.

For the individual citizen confronted by someone seeking an immediate financial contribution to his or her support, begging is personally confronting. It is either an appeal to compassion or a call to indignation, depending largely on the extent to which the person from whom money is being sought blames the beggar for his or her predicament.

Individual attitudes to begging reveal a great deal about a person's value system. Are we all essentially autonomous individuals who make or mar our own life success? Or are we all potential victims of forces larger than ourselves and therefore entitled to call on the support of our society when things go awry? The modern welfare state appears to have decided essentially on the latter; however, in different jurisdictions this position is taken up with different degrees of enthusiasm. Further, individuals in all societies, including Australia, present with an even more diverse range of opinions on this question than their political leaders.

It should be noted that the gap between the wealthiest and the least wealthy in Australia is widening. An ACOSS (Australian Council of Social Services) report released in 2015 stated, 'Australia's level of income inequality is above the OECD average, but below countries such as the United States or the United Kingdom, which have very high levels of inequality. While inequality in Australia is not extreme by international comparison, it is growing.'

The report continues, 'In the past, a strong set of institutions in Australia have kept income and wealth inequality in check while still making room for steady economic growth. This

"Australian economic model" included full employment policies, universal access to public education, a unique system of wage regulation, progressive income taxes, and a well-targeted social security safety net. As a result we were able to place limits on inequality within an open economy with relatively low taxes and public expenditures, and a flexible labour market.'

This pattern is apparently in the process of changing. The report states, 'Over the past two decades, this social compact appears to be unravelling. The benefits of our world-leading economic growth have been shared much more unequally than in the past.'

The ACOSS report was written in the shadow of the resources boom, which has now apparently reached its end.

Growing social and economic tensions are likely to be made worse as Australia struggles to find a new model on which to build national prosperity. It is interesting to note, for example, the dramatic increase in begging offences in South Australia which have occurred at the same time as the state's industrial base has been in decline.

Adequate provision for the least well-off within a society is not only a matter of social decency; it is also a crime prevention issue. Without adequate support, those whose needs have not been met may well turn to crime of one sort or another. Criminalising begging, however, appears premature and inadequate.

Newspaper items used in the compilation of this issue outline

The Age: May 14, 2016, page 21, news item (photo) by Mannix and Butt, 'City Square homeless camp grows'.

<http://www.theage.com.au/victoria/were-going-nowhere-say-homeless-as-city-square-protest-camp-grows-20160513-goumrv.html>

Herald-Sun: May 13, 2016, page 34, editorial, 'Faine gets a reality check'.

<http://www.heraldsun.com.au/news/opinion/faine-gets-a-reality-check/news-story/7c3bf85c027babe2ddfdc3898bbd7bd5>

Herald-Sun: May 13, 2016, page 13, news item (photos) by Jefferson and Paynter, 'Back on the footpath'.

<http://www.heraldsun.com.au/news/homeless-return-to-melbournes-elizabeth-street-despite-police-crackdown/news-story/33396870c760168dc1ac6a09f6f8f6c2>

Herald-Sun: May 11, 2016, page 1, news item (photos) by Jefferson and Painter, 'World's most liveable Skid Row / Aggressive beggar harasses pedestrians on Melbournes Elizabeth St'.

<http://www.heraldsun.com.au/news/aggressive-beggar-harasses-pedestrians-on-melbournes-elizabeth-st/news-story/45f4b29407e77e41f5c3febaf1438ee1>

Herald-Sun: May 12, 2016, page 24, comment by Lord Mayor Robert Doyle, 'We won't accept this here'.
<http://www.heraldsun.com.au/news/opinion/we-wont-accept-aggression-or-harassment-on-city-streets-says-lord-mayor-robert-doyle/news-story/a8f089253b9aff9a19e6a95c3e2299aa>

The Age: May 19, 2016, page 13, news item by Preiss and Mannix, 'City Square homeless protest decamps'.
<http://www.theage.com.au/victoria/eviction-looming-for-homeless-protesters-in-city-square-20160518-goxwjo.html>

Herald-Sun: May 18, 2016, page 28, comment by Rita Panahi, 'City camp looks like a political protest'.
<http://www.heraldsun.com.au/news/opinion/rita-panahi/city-square-homeless-camp-looks-like-a-political-protest-rather-than-a-demand-for-help/news-story/1d6ff95fd0dd29de95cb5b0a28bfb2d1>

The Age: May 18, 2016, page 8, news item by C Lucas, 'City homeless won't be moved'.
<http://www.theage.com.au/victoria/city-square-homeless-campers-750000-cant-convince-them-to-go-20160517-gox2wv.html>

Herald-Sun: May 17, 2016, page 20, editorial, 'Homeless say no to a home'.
<http://www.heraldsun.com.au/news/opinion/melbournes-homeless-say-no-to-a-home/news-story/f54effc4cf3010b51ae503c90c2c4a77>

The Age: May 22, 2016, page 30, comment by Michael Short, 'No place like home' (with related comment by David Allegretti, 'When a conversation is worth its weight in gold coins').
<http://www.theage.com.au/comment/no-place-like-home-20160520-gp024r.html>

(... with related comment by David Allegretti, 'When a conversation is worth its weight in gold coins').
<http://www.smh.com.au/comment/when-a-conversation-is-worth-its-weight-in-gold-coins-20160520-gozzep.html>