

# Begging as a Criminal Offence: Why is this being Reintroduced in Australia?

Historically, begging and vagrancy were crimes, and homeless people who begged for money were seen as a form of social parasite.

In some periods throughout history, begging was only acceptable for disabled people – while for able bodied paupers, societies answer was the dreaded workhouse, still alive in popular consciousness largely thanks to the tale of Oliver Twist.

And while the oppression of homeless beggars is something that may seem more suited to Dickens' dark tale set in 19<sup>th</sup> century Britain, did you know that begging is illegal in some parts of 21<sup>st</sup> Century Australia?

Begging is a crime in the Victoria; and police have actually seized the coins of beggars in Melbourne.

According to Victorian law, "[begging or gathering alms](#)" is a criminal offence punishable by 12 months imprisonment.

And since profiting from ill-gotten gain is also prohibited, beggars have had their cash confiscated as 'proceeds of crime'.

Some Victorian homeless have been issued fines for not only begging, but travelling on trains without tickets.

Unbelievably, some had fines adding up to amounts well into the tens of thousands of dollars – a disincentive for many to ever settle into more stable accommodation, [explains Kristen Hilton](#) from the Legal Clinic in Melbourne.

To do so may mean becoming vulnerable to a sheriff turning up on their door to seize their property or have them [ordered before a court](#).

By contrast, begging is not illegal in NSW.

Even though it is not against the law here, beggars are amongst the most vulnerable groups in society, often living on the streets with drug addictions and/or mental illnesses.

The homeless can be discriminated against in other ways by the law, even if begging in states like NSW is not illegal.

Police can also take advantage of '[drunk and disorderly](#)' rules [introduced in 2011](#), ostensibly brought in to deal with alcohol-fuelled violence.

Under these laws, police can tell a person to 'move on' if their conduct is:

- Likely to cause injury to any other person
- Likely to cause damage to property
- Likely to give rise to a risk in public safety, or
- Is disorderly

The laws tend to be more heavily enforced against Aborigines, youth, mentally ill and the homeless.

Over 40% of all fines issued for the offence were for people fitting into one or more of those categories, despite only making up a small proportion of the population.

Drunk and disorderly orders allow police to direct intoxicated people to leave an area – and they also make it an offence to be in any other public area within the next six hours.

Such laws present particular problems for homeless people, who don't have anywhere but the street to go.

So why has there been a recent push to further penalise the

vulnerable?

Although begging has been legal in Western Australia since 2004, councillors in Perth have been pushing the state government to outlaw begging once again.

Councillors argued that criminalising begging would act as a disincentive as well as address the aggressive behaviour of a minority of beggars.

Police have even claimed a link between beggars and drug cartels, and that their power to regulate such conduct has been hampered since the legalisation of begging in the state.

Social commentators have chimed into the debate, stating that charity workers are just as annoying and aggressive, and expressing a preference for walk-up NGOs to be banned instead.

Earlier this year, the Victorian police were upset about tap and go card frauds leading to a drain on police resources, but surely it is an even more questionable use of police powers to be confiscating a few coins from a homeless person under the guise of 'proceeds of crime.'

What do you think: should begging be considered a crime?