

## DRAFT SECOND READING SPEECH

HON MARK SHELTON MP

### *Police Offences Amendment (Repeal of Begging) Bill 2019*

*\*check Hansard for delivery\**

Madam Speaker, I move that the Bill now be read a second time.

The purpose of the Bill is to amend the *Police Offences Act 1935* to repeal the offence of begging, while still providing police the power to move beggars on, in the rare instance that their behaviour extends to include activities that rightly cause community concern.

Begging often stems from homelessness, chronic poverty and disadvantage. In these situations, it is usually a last resort to meet immediate needs, and the criminal law is not the appropriate response.

Madam Speaker, recognising this, the Bill amends section 8 of the *Police Offences Act 1935* by repealing subsections (1) and (IAA), which currently set out the offence of begging and the associated penalty.

The repeal of the offence, and the associated move on powers I will speak to shortly, effectively reflect what Tasmania Police has been doing in practice. The number of instances where persons were charged with begging was extremely small — 7 in the 2018/19 financial year. However, the number of complaints received by police were more significant — 61 over the same period.

The nature of the complaints varied. They generally reflected circumstances where beggars intimidated or harassed people or adversely impacted business. Reviewing the calls to police, over 47 of the calls were complaints by businesses. In a minority of cases, yelling, spitting or other abuse was described by the caller.

It was in a small subset of these problematic instances that police charged people with the offence of begging, and in most instances the problematic behaviour was resolved by the police directing the person to leave the immediate area.

Madam Speaker, with the repeal of the offence of begging, police will no longer have the power to move beggars on in response to these complaints. To address this, the Bill inserts new grounds into the dispersal of persons power in section 15B of the *Police Offences Act 1935*.

The expansion of the dispersal of persons power enables a police officer to direct a person to leave a public place for a specified period, of not less than 4 hours, if the police officer believes on reasonable grounds the person is begging in that public place and has:

- intimidated or harassed a person;
- prevented or deterred persons from patronising a business, or the conduct of the business;
- or
- prevented or deterred persons from using a public facility.

The Bill further provides a non-exhaustive list of public facilities to make clear the nature of the facilities it refers to. Public facilities do not extend to business or shopping districts, pedestrian malls, or to parks and gardens. Instead, they are limited to facilities such as public toilets, parenting rooms, playground equipment, and bus shelters.

Further, by calling out this behaviour in the context of begging, the Bill does not prohibit begging by an alternative means. Instead, it constrains the move on power so that it does not apply more broadly to other classes of persons – for example the homeless, skateboarders, or youth generally.

Where a person is begging in a public place, and also engaging in one of these behaviours, they do not commit an offence. Instead the circumstance only give police the power to direct them to leave the area. It is only where the person fails or refuses to comply with this direction that they commit an offence and may be arrested – the offence being a failure to comply with the direction.

Under the amendments proposed by the Bill, there is no power to move a person on simply because they are begging, including when they are located in a business or shopping district. In such circumstances, the power to move a beggar on would only exist where they are situated so closely to the entrance of a business that customers are deterred from patronising it.

Madam Speaker, the Bill will become law on the day on which it receives Royal Assent.

I commend the Bill to the House.