

FACT SHEET

Police Offences Amendment (Repeal of Begging) Bill 2019

The purpose of the Bill is to amend the *Police Offences Act 1935* to remove the offence of begging and to expand the dispersal of persons power to include problematic behaviours sometimes associated with begging.

The offence of begging is currently contained in section 8 of the *Police Offences Act 1935* and the repeal of subsections (1) and (1AA) will remove the offence and associated penalty.

Section 15B of the *Police Offences Act 1935* contains a dispersal of persons power that enables police to direct a person to leave a public place for a specific period, of not less than 4 hours, if a police officer believes on reasonable grounds the person has engaged in any of a number of problematic behaviours (e.g. has committed or is likely to commit an offence).

The Bill proposes to expand the list of problematic behaviours to include where a person is begging in a public place and a police officer believes on reasonable grounds they have:

- 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 (e.g. a public toilet, playground equipment, bus shelter, etc.).

By calling out this behaviour in the context of begging, the Bill does not prohibit begging by an alternative means. Instead the Bill 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 gives 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 proposed legislation, 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.