

# **We Want Change**

## **Public Policy Responses to Begging in Melbourne**

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## 1. Executive Summary

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### 1.1 Overview

This Paper examines and discusses the ‘problem of begging’ and the public interest and public value in responding to that problem.

Informed by the nature, extent and causes of begging and the interests, values and views of people who beg, it discusses a range of public policy initiatives, including international initiatives, designed to respond to begging.

The Paper concludes that begging is a complex and multi-faceted problem that is most often caused by multiple and inter-related individual and structural deprivations. There are clear causal and consequential correlates between begging, homelessness, poverty, mental illness, drug dependency and inadequate access to housing, income and health support services. If the public interest in addressing the ‘problem of begging’ is to be addressed, street level public policy responses and interventions that are flexible, responsive, individualised and holistic need to be joined up and implemented with structural socio-economic reforms in the areas of housing, health, income support and social inclusion.

### 1.2 Findings

- There is a strong common public interest – shared by people who beg, retailers and traders, social service providers, law enforcement agencies and the general public – in reforming public policy to reduce the incidence of begging.
- Current public policy responses to begging, which often involve Victoria Police charging people with begging under section 6(1)(d) of the *Vagrancy Act 1966* (Vic), are not sufficiently effective in addressing begging.
- There are clear causal and consequential correlates between begging, homelessness, poverty, mental illness and drug dependency:
  - 94 per cent of people who beg are homeless, including 76 per cent who sleep rough or in squats;
  - 65 per cent of people who beg subsist on incomes below the Poverty Line;
  - 71 per cent of people who beg experience mental illness, including 12 per cent who have an intellectual disability and 12 per cent who have a physical disability; and
  - 47 per cent of people who beg experience drug dependency.
- There are also clear causal and consequential correlates between begging and inadequate access to housing, income and health support services:
  - 94 per cent of people who beg are unable to access housing or housing support services;
  - 18 per cent of people who beg have no regular income source; and
  - over 30 per cent of people who beg are unable to access adequate health care, including mental health care and drug and alcohol treatment.

- A very significant majority of people who beg do so by either sitting or standing in one place with a sign and/or receptacle entreating donations or approaching passers-by and asking them for money. The incidence of aggressive begging behaviours is extremely low.
- There is no evidence that people beg in groups or gangs.
- Begging is generally a last resort income supplementation activity; people who beg find it demeaning, degrading, frustrating and humiliating. However, people would prefer to beg than engage in other illegal income supplementation activity such as theft.
- Begging is not particularly lucrative. The average 'take' from begging is between \$5 and \$20 per hour.
- People who beg are regularly approached by law enforcement officers. In most cases, police ask people who beg to 'move on'. However, it is also very common for people to be charged with begging under the *Vagrancy Act 1966* (Vic), in which case the most likely outcome is a fine. Police only assist a person to access, or refer them to, a social service in 6 per cent of cases.
- Policy interventions most likely to address the underlying causes of begging and reduce the incidence of begging include:
  - referral of people who beg to social services by police;
  - assertive outreach and engagement with people who beg by homelessness service providers; and
  - increasing availability, adequacy and access in the areas of homelessness assistance, housing, income support, employment and health care.
- The development and implementation of holistic, long-term solutions to begging and homelessness is likely to reduce the use of other government services and substantially reduce the total cost to government. This is because, among other things, the cost of providing social services and health care to, and obtaining positive social and health outcomes for, people experiencing homelessness is considerably higher than for domiciled people.

### 1.3 Recommendations

#### ***Recommendations in relation to Zero Tolerance Policing and Dispersal Legislation***

Recognising the strong links between begging, homelessness, poverty and mental illness, and informed by the findings that zero tolerance policing strategies and 'move on' powers are likely to displace beggars and contribute to an increase in other illegal income supplementation activity, Victoria Police should not adopt a 'zero tolerance' approach to begging and the Victorian Government should not proceed with consideration of proposed 'dispersal legislation'.

#### ***Recommendations in relation to Police Training, Intervention and Referral***

Recognising that engagement of people who are begging through partnerships, early intervention and the provision of appropriate support services is a more efficient and effective policing approach than zero tolerance, Victoria Police and the Department of Justice should consult and

collaborate with people who beg, people experiencing or who have experienced homelessness, homelessness assistance services and social service providers to:

- develop and implement a policy regarding effective and coordinated engagement with people who beg or are homeless;
- develop and implement a training program for law enforcement officers regarding effective, holistic and empathetic engagement with people who beg or are homeless;
- develop and implement a range of early intervention, diversionary, referral and cautionary alternatives to arresting, summoning or issuing an infringement notice to a person for begging;
- develop and implement efficient and integrated referral relationships, protocols and procedures as between law enforcement officers and social service providers; and
- consider establishing a 'Homeless Outreach Team' to proactively engage with people who beg or are homeless. The purpose of such a program would be to refer homeless people to appropriate services. This team could comprise a police officer, a social worker and a person who is homeless or formerly homeless.

#### ***Recommendations in relation to Assertive Outreach and Social Service Intervention***

The Department of Human Services should consult and collaborate with people who beg, people experiencing homelessness, homelessness assistance services and other social service providers to:

- review, resource and enhance homelessness outreach teams to establish contact with and engage people who beg and people experiencing homelessness;
- develop and implement efficient and integrated referral relationships, protocols and procedures as between outreach teams and social service providers; and
- resource and provide holistic and sustained support and case management for people engaged through the outreach program.

#### ***Recommendations in relation to the Right to Adequate Housing***

Recognising the human right to adequate housing and the links between homelessness and begging, the Australian and Victorian Governments should:

- amend the *Supported Accommodation Assistance Act 1994* (Cth) to enshrine a right of access to crisis accommodation for homeless people;
- increase funding to the Supported Accommodation Assistance Program by 40 per cent to meet demand;
- increase funding, access and availability to various forms of supported housing and accommodation, particularly housing which meets the needs of people with disabilities, people experiencing mental illness, people with drug or alcohol disorders, and people with complex and multiple needs;
- increase funding to the Commonwealth-State Housing Agreement to meet the need for public housing; and

- develop a National Housing and Taxation Plan that includes strategies to align the supply of affordable housing with demand. The availability of affordable housing, including public housing, should be progressively increased through both direct expenditure and fiscal and taxation policy reforms.

### ***Recommendations in relation to the Right to Adequate Income***

Recognising the human right to social security and the links between lack of adequate income, homelessness and begging, the Australian Government should ensure that:

- social security payments are available to all people who experience a loss of income beyond their control or who require income support to ensure realisation of their human right to an adequate standard of living;
- social security payments are increased to levels above the Henderson Poverty Line so that recipients are able to meet their material needs and participate in society. Payments should be sufficient to ensure that recipients can afford adequate housing, health care and an adequate standard of living;
- the breach penalty regime under the *Social Security Act 1991* (Cth) is amended so that people are only penalised if they wilfully and intentionally breach their mutual obligations. Penalties should be no longer than 8 weeks duration, no greater than 25 per cent of income and recoverable on compliance or reasonable steps;
- Centrelink's 'proof of identity' requirements are changed so that homeless people can use a letter from a homelessness assistance service as proof of identity; and
- an integrated package of social security assistance to homeless people is developed that includes access to health care, adequate housing, employment assistance and personal support to ensure sustainable outcomes.

### ***Recommendations in relation to Employment Schemes***

Recognising the value of participation and the desire of many people who beg to work, Australian governments, in consultation with people who beg, people experiencing homelessness and homelessness assistance services, should collaborate to resource and develop a range of vocational and employment schemes which aim to overcome participation barriers, provide holistic personal support in the areas of health, education and housing, and create sustainable employment opportunities for people who beg or are homeless.

### ***Recommendations in relation to the Right to the Highest Attainable Standard of Health***

Recognising the human right to the highest attainable standard of health and the links between begging, homelessness, and poor mental health, the Australian and Victorian Governments should substantially increase funding to improve the availability and accessibility of targeted, specialist health care services for homeless people. These services should be holistic and multi-disciplinary, and coordinated and integrated with housing and other support services, to achieve positive housing and health outcomes.



## 2. Introduction

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### 2.1 Overview

Although begging has recently become a 'hot topic' for public debate and media commentary,<sup>1</sup> it has received relatively little attention as a subject of public or social policy research, analysis or design. That this is so is perhaps surprising given that the occurrence, persistence and incidence of begging itself represents a failure of public and social policy.<sup>2</sup>

This Paper begins at Part 2 by defining and discussing 'begging', the 'problem' constituted by begging and the common public interest in responding to that problem, with particular reference to the Victorian and Melbournian context. Part 2 also discusses what is meant by 'public interest' and 'public value' and introduces a human rights framework for the definition of these terms and their application to the design and delivery of public policy responses to the problem of begging.

Recognising the importance of consultative, participatory, evidence-based policy analysis and development, Part 3 of the Paper includes a literature survey and a summary of primary research conducted to understand the nature, extent and causes of begging, including the demographic profile of people who beg, the reasons for which people beg and the ways in which people beg.

Part 4 of the Paper discusses the interests, values and views of people who beg. It reports on the impacts and effects of begging on people who beg, and the views of such people with respect to current and alternative public policy responses to begging.

Part 5 of the Paper discusses a range of public policy initiatives, including international initiatives, designed to respond to begging. Each initiative is analysed in the context of its public value and interest (as defined at Part 2), its responsiveness to the research findings as to the nature, extent and causes of begging (as discussed at Part 3) and its likely impact and success having regard to the views, values and needs of people who beg themselves (as reported at Part 4).

Part 6 of the Paper concludes that, in order to respond to the complex, multiple and joined up needs of which begging is a manifestation, public policy responses need to be similarly complex, multi-faceted and joined up, while remaining concrete, targeted, efficient and capable of implementation and operationalisation.

### 2.2 The 'Problem' of Begging

Begging, or gathering alms, can be defined as the solicitation of a voluntary unilateral gift – most often money – in a public place.<sup>3</sup> This definition of begging covers various begging categories or 'techniques', including 'passive begging' (that is, sitting or standing in one place with a sign and/or a receptacle entreating donations), 'active begging' (that is, approaching people in a public place

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<sup>1</sup> See, for example, Geoff Wilkinson, 'Outrage at Plan to Allow Begging' *Herald Sun* (Melbourne) 16 February 2005, 3; Farrah Tomazin and Jewel Topsfield, 'Doyle Wants Beggars Off Streets in Time for Games' *The Age* (Melbourne) 17 February 2005.

<sup>2</sup> See generally, Hartley Dean (ed), *Begging Questions: Street-Level Economic Activity and Social Policy Failure* (1999).

<sup>3</sup> Hartley Dean and Keir Gale, 'Begging and the Contradictions of Citizenship' in Hartley Dean (ed), *Begging Questions: Street-Level Economic Activity and Social Policy Failure* (1999) 14.

and asking them for money or other gift) and 'aggressive begging' (that is, following or asking a person threateningly or repeatedly for money or other gift).<sup>4</sup>

The notion that begging is 'offensive' or constitutes a 'problem' has persisted since at least the 1800s. Begging remains a criminal offence in England and Wales under the *Vagrancy Act 1824* (UK) and continues to constitute a criminal offence in most Australian jurisdictions under legislation based on that 1824 Act.<sup>5</sup> In Victoria, begging or gathering alms remains a criminal offence pursuant to section 6(1)(d) of the *Vagrancy Act 1966* (Vic), which provides that any person who begs or gathers alms, or causes or procures a child to beg or gather alms, is guilty of an offence. The maximum penalty for begging or gathering alms is imprisonment for one year for a first offence and imprisonment for two years for a second or subsequent offence. Begging also constitutes a criminal offence in Victoria under regulation 325(d) of the *Transport (Passengers and Rail Freight) Regulations 1994* (Vic) and under the *City of Melbourne Activities Local Law 1999*.

The continued relevance of begging as both a political and a public policy problem is evidenced by extensive media coverage of the issue in recent years, together with governmental consideration of the regulation and governance of begging.

Following a review of the *Vagrancy Act 1966* (Vic) in 2002 to consider the content and relevance of that Act, the Victorian Parliament Scrutiny of Acts and Regulations Committee recommended in September 2002 that the act of begging be retained as a criminal offence.<sup>6</sup> The Committee also recommended, however, that a 'comprehensive investigation into the causes of begging, and the linkages between begging, homelessness, poverty, drugs and crime, be given to the appropriate parliamentary committee'.<sup>7</sup>

Although the Victorian Government indicated its initial support for the Committee's recommendations in 2003,<sup>8</sup> an article in the *Herald Sun* on 16 February 2005 that suggested that the Government was considering the decriminalisation of begging elicited widespread public and political responses.

According to the State Opposition Leader, Robert Doyle, the decriminalisation of begging would lead to a significant increase in the incidence of begging ahead of the Commonwealth Games in 2006: 'The last thing we would want is to get a name in Melbourne as the "begging city" when we're on the world stage... This is not something that we tolerate in our streets'.<sup>9</sup>

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<sup>4</sup> These categories were first defined in Michael Horn and Michelle Cooke, *A Question of Begging: A Study of the Extent and Nature of Begging in the City of Melbourne* (2001) 9.

<sup>5</sup> See, for example, *Vagrancy Act 1966* (Vic) section 6(1)(d); *Transport (Passengers and Rail Freight) Regulations 1994* (Vic) reg 325(d); *Police Offences Act 1935* (Tas) section 8(1)(a); *Police Act 1892* (WA) section 65(3); *Summary Offences Act 1953* (SA) section 12; *Summary Offences Act* (NT) section 56(1)(c).

<sup>6</sup> Scrutiny of Acts and Regulations Committee, *Review of the Vagrancy Act 1966: Final Report* (2002) 16.

<sup>7</sup> Scrutiny of Acts and Regulations Committee, *Review of the Vagrancy Act 1966: Final Report* (2002) 16.

<sup>8</sup> Fergus Shiel, 'Begging to Remain a Criminal Offence' *The Age* (Melbourne) 23 April 2003.

<sup>9</sup> Farrah Tomazin and Jewel Topsfield, 'Doyle Wants Beggars Off Streets in Time for Games' *The Age* (Melbourne) 17 February 2005.

The Australian Retailers Association provided a similar response, stating that 'the last thing we want is to encourage people to be having a free-for-all and be able to walk up and harass visitors and city shoppers because police have their powers taken away from them'.<sup>10</sup>

Victoria Police strongly objected to the proposed decriminalisation of begging, arguing that 'the force would be powerless to control beggars if begging was decriminalised' and stating that the law is used as a 'deterrent and a means of moving on beggars who intimidate and harass people'.<sup>11</sup>

While welfare agencies and social service providers generally supported the decriminalisation of begging, they also recognised that it constitutes a problem. Anglicare stated its position that 'begging is a complex social issue',<sup>12</sup> while Hanover Welfare Services wrote that we should 'not tolerate the injustices of poverty, homelessness and begging'.<sup>13</sup>

People engaged in begging themselves also recognised begging to be a 'problem': 'Begging up money is very embarrassing but I've got to live too,' said Kenny, a 32 year old homeless beggar.<sup>14</sup> Brian, another homeless man, similarly stated that 'If you're living on the street, you don't have an address, so you can't get on the dole, and so basically that's the only way to get money'.<sup>15</sup>

On 17 February 2005, seemingly responding to public pressure, the Victorian Government announced that it had no intention of decriminalising begging but would instead re-enact it as a criminal offence punishable by imprisonment in the *Summary Offences Act 1966* (Vic) following the repeal of the *Vagrancy Act*.<sup>16</sup> The Government also announced its intention to undertake further research to ascertain and understand the links between begging, poverty, drugs and crime. To date, the Government has not released any details of the conduct, scope or timing of this research.

Also in February 2005, the Government, through Crime Prevention Victoria, released a discussion paper entitled, '*A Good Night for All*', regarding options for 'improving safety and amenity' in the inner city.<sup>17</sup> In that paper, 'homelessness' and 'begging' are identified as potential 'antisocial behaviour issues' in the inner city. Having regard to this, the paper proposes consideration of the enactment of 'dispersal legislation' to enable police to direct people 'engaged' in such behaviour to 'move on'.<sup>18</sup>

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<sup>10</sup> Brian Donegan, Executive Officer of the Australian Retailers Association, quoted in Geoff Wilkinson, 'Outrage at Plan to Allow Begging' *Herald Sun* (Melbourne) 16 February 2005, 3.

<sup>11</sup> Geoff Wilkinson, 'Outrage at Plan to Allow Begging' *Herald Sun* (Melbourne) 16 February 2005, 3.

<sup>12</sup> Dr Ray Cleary (Chief Executive Officer of Anglicare), Letter to the Editor, *Herald Sun* (Melbourne) 18 February 2005.

<sup>13</sup> Chris Middendorp, 'Begging: A Problem We Cannot Hide' *The Age* (Melbourne) 19 February 2005, 9.

<sup>14</sup> Quoted in Chris Middendorp, 'Begging: A Problem We Cannot Hide' *The Age* (Melbourne) 19 February 2005, 9.

<sup>15</sup> Brian Maher quoted in *The Law Report*, ABC Radio National, 22 February 2005 available at <<http://www.abc.net.au/rn/talks/8.30/lawrpt/stories/s1307425.htm>>.

<sup>16</sup> Farrah Tomazin and Jewel Topsfield, 'Doyle Wants Beggars Off Streets in Time for Games' *The Age* (Melbourne) 17 February 2005.

<sup>17</sup> Inner City Entertainment Precincts Taskforce, Crime Prevention Victoria, '*A Good Night for All: Options for Improving Safety and Amenity in Inner City Entertainment Precincts*' (2005).

<sup>18</sup> Inner City Entertainment Precincts Taskforce, Crime Prevention Victoria, '*A Good Night for All: Options for Improving Safety and Amenity in Inner City Entertainment Precincts*' (2005) 39. The paper also recognises, however,

As can be surmised from the discussion above, begging is recognised and cast as a ‘problem’ by diverse stakeholders, including the media, politicians, retailers and traders, law enforcement officers and agencies, welfare and social service providers, the general public and people who beg themselves. Each of these stakeholders has a common interest in reducing the incidence of begging. The remainder of this Paper is concerned with the design and delivery of public policy that will most effectively and efficiently realise this common public interest.

### 2.3 The ‘Public Value’ and ‘Public Interest’ in Responding to Begging

Sound public policy is founded on strong evidence and is responsive to public (particularly, key stakeholder) preferences, interests and values.<sup>19</sup>

This Paper adopts a ‘human rights approach’ to defining and articulating public interests and values.<sup>20</sup> According to this approach, ‘public interest’ refers to the public’s interest in the realisation of various fundamental human rights,<sup>21</sup> while ‘public values’ refers to the values associated with human rights-focused policy design and service delivery; namely fairness, equality and non-discrimination, participation and empowerment, progressive realisation, holism and accountability.<sup>22</sup> This framework for analysis has been chosen because, as asserted by the United Nations Office of the High Commissioner for Human Rights:

The human rights approach offers an explicit normative framework – that of international human rights. Underpinned by universally recognized moral values and reinforced by legal obligations, international human rights provide a compelling normative framework for the formulation of national and international policies, including poverty reduction strategies.<sup>23</sup>

As discussed above, there is a strong common interest in reducing the incidence of begging through regulation and governance. This is an interest shared by such diverse stakeholders as retailers and traders, law enforcement officers and agencies, welfare and social service providers, politicians, the general public and people who beg themselves. This common interest arises because, in various ways, begging constitutes an infraction of the human rights and interests of each of the various stakeholders: the right to dignity and respect and to appear in public without

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that the most effective policy responses to people who are socially disadvantaged involve connecting them with appropriate support services.

<sup>19</sup> See generally, Geoff Mulgan and Andrea Lee, *Better Policy Delivery and Design: A Discussion Paper* (2001) and Mark Moore, *Creating Public Value: Strategic Management in Governance* (1995); Gerry Stoker, *Public Value Management (PVM): A New Resolution of the Democracy/Efficiency Tradeoff* (2003) at <<http://www.ipeg.org.uk/Paper%20Series/PVM.pdf>>.

<sup>20</sup> See generally, Eugene Bardach, *A Practical Guide for Policy Analysis: The Eightfold Path to More Effective Problem Solving* (2000) for a discussion as to the importance of selecting and defining evaluative criteria to analyse and assess policy alternatives and outcomes.

<sup>21</sup> The Productivity Commission similarly adopts a ‘public interest’ test in relation to development and reform of competition policy. This enables the Commission to value not only ‘efficiency’, but also other interests such as social and environmental issues: Productivity Commission, *Review of National Competition Policy Arrangements: Productivity Commission Issues Paper* (2004) 9.

<sup>22</sup> See generally, UN Office of the High Commissioner for Human Rights, *Draft Guidelines: A Human Rights Approach to Poverty Reduction Strategies* (2002).

<sup>23</sup> UN Office of the High Commissioner for Human Rights, *Human Rights and Poverty Reduction: A Conceptual Framework* (2004) 33.

shame in the case of the beggar,<sup>24</sup> the right to privacy and non-interference in the case of the general member of the public,<sup>25</sup> and arguably the right to decent work in the case of the retailer or trader.<sup>26</sup> A human rights approach to policy analysis, design and implementation then, requires consideration of how best to realise the common interest in reducing the incidence of begging, while developing and delivering a policy that is:

1. cognisant of other human rights and interests;<sup>27</sup> and
2. reflects and is responsive to public values such as efficiency, accountability, equity and fairness.<sup>28</sup>

A zero tolerance policing approach to begging that results in the incarceration of beggars may act on the public interest to reduce the incidence of begging but would probably fail operationally due to its incongruence with fundamental human rights (such as the right of beggars to be treated with dignity and respect) and fundamental public values (such as the public value in developing a response that is 'fair'). The development and implementation of a 'diverted giving scheme' (discussed further at Part 5 below), on the other hand, may well accord with public values of fairness and equality and may not violate any other human rights, but may fail with respect to the common public interest in actually delivering outcomes.

Having regard to the above, in the discussion and analysis of current and alternative public policy responses to begging (Part 5), this Paper will seek to consider in relation to each policy:

1. the extent to which the policy is likely to deliver on the desired public interest outcome; namely reducing the incidence of begging;
2. the extent to which the policy either enhances or diminishes other public interests; namely the human rights of stakeholders; and
3. the extent to which the policy adds public value; namely whether the policy is consonant with the principles of human rights-based policy design and delivery in that it is:
  - (i) fair and non-discriminatory – this requires that the policy be targeted at the alleviation of disadvantage and the elimination of discrimination;<sup>29</sup>

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<sup>24</sup> *International Covenant on Civil and Political Rights*, opened for signature 19 December 1966, 999 UNTS 171 (entered into force generally 23 March 1976 and for Australia 13 November 1980) arts 7, 10 and 17; *International Covenant on Economic, Social and Cultural Rights*, opened for signature 19 December 1966, 999 UNTS 3 (entered into force generally 3 January 1976 and for Australia 10 March 1976) arts 11 and 15; see also Office of the High Commissioner for Human Rights, *Draft Guidelines: A Human Rights Approach to Poverty Reduction Strategies* (2002) 42-4.

<sup>25</sup> *International Covenant on Civil and Political Rights* art 17.

<sup>26</sup> *International Covenant on Economic, Social and Cultural Rights* arts 6 and 7.

<sup>27</sup> See generally, Eugene Bardach, *A Practical Guide for Policy Analysis: The Eightfold Path to More Effective Problem Solving* (2000) for a discussion as to the importance of projecting outcomes and anticipating indirect consequences of a particular policy or program. A human rights approach to policy analysis, design and delivery requires that explicit attention be given to the impacts and outcomes of that policy on the various civil, political, economic, social and cultural determinants of wellbeing. See also Gerry Stoker, *Public Value Management (PVM): A New Resolution of the Democracy/Efficiency Tradeoff* (2003) 9 at <<http://www.ipeg.org.uk/Paper%20Series/PVM.pdf>>.

<sup>28</sup> See generally, Gavin Kelly, Geoff Mulgan and Stephen Muers, *Creating Public Value: An Analytical Framework for Public Service Reform* (2002). See also, David Weimer and Aidan Vining, *Policy Analysis: Concepts and Practice* (1999) 59.

- (ii) participatory and empowering – this requires that the policy be informed by the active participation of key stakeholders and expands their range of choice and freedoms;<sup>30</sup>
- (iii) holistic – this requires that the policy have regard to the civil, political, economic, social and cultural determinants of wellbeing of affected persons;<sup>31</sup> and
- (iv) transparent and accountable – this requires that the policy identify the persons or entities responsible for implementation, sets targets and indicators to measure progress, and establishes mechanisms to ensure accountability.<sup>32</sup>

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<sup>29</sup> UN Office of the High Commissioner for Human Rights, *Draft Guidelines: A Human Rights Approach to Poverty Reduction Strategies* (2002) 2.

<sup>30</sup> UN Office of the High Commissioner for Human Rights, *Draft Guidelines: A Human Rights Approach to Poverty Reduction Strategies* (2002) 2 and 4. See also Gerry Stoker, *Public Value Management (PVM): A New Resolution of the Democracy/Efficiency Tradeoff* (2003) 9 at <<http://www.ipeg.org.uk/Paper%20Series/PVM.pdf>>.

<sup>31</sup> UN Office of the High Commissioner for Human Rights, *Draft Guidelines: A Human Rights Approach to Poverty Reduction Strategies* (2002) 2-3.

<sup>32</sup> UN Office of the High Commissioner for Human Rights, *Draft Guidelines: A Human Rights Approach to Poverty Reduction Strategies* (2002) 2, 4-5. See also Geoff Mulgan and Andrea Lee, *Better Policy Delivery and Design: A Discussion Paper* (2001) and Mark Moore, *Creating Public Value: Strategic Management in Governance* (1995) 10.

### 3. Understanding the Nature, Extent and Causes of Begging

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#### 3.1 Overview

Recognising the importance of consultative, participatory, evidence-based policy analysis and development,<sup>33</sup> Part 3 of the Paper includes a comparative literature survey regarding the nature, extent and causes of begging.

This Part also summarises primary research conducted by the author in relation to begging, including with respect to the demographic profile of people who beg, the reasons for which people beg and the ways in which people beg.

#### 3.2 Literature Survey

Despite its relevance and salience as an issue of political and public policy concern, relatively little research has been conducted in Australia or internationally regarding the nature, extent, causes and consequences of begging.<sup>34</sup>

An action research project undertaken in 1999-2001 by Hanover Welfare Services, in collaboration with Melbourne City Council and Victoria Police, regarding the issue of begging within Melbourne's central business district, remains the only comprehensive research on the topic in Australia.<sup>35</sup> In relation to the nature and extent of begging in Melbourne, Hanover's research revealed that:

- an average of 10 people are likely to be begging on any given day;
- most people beg alone for relatively short periods – there is no evidence to support the proposition that people systematically beg in 'gangs' or groups;
- 43 per cent of persons who beg adopt 'passive' begging techniques (that is, sit or stand in one spot with a sign alerting passers-by that they need money) while 57 per cent adopt 'active' begging techniques (that is, follow passers-by and ask for money);
- no persons charged with begging between January 1999 and December 2000 adopted 'aggressive' begging techniques (that is, used stand-over tactics or threatening speech or behaviour); and
- no persons charged with begging between January 1999 and December 2000 were charged with causing or procuring a child to beg.

In relation to the demographic profile of people who beg and the causes and consequences of begging, Hanover's research indicates that people who beg are among the most marginalised,

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<sup>33</sup> See, for example, Gerry Stoker, *Public Value Management (PVM): A New Resolution of the Democracy/Efficiency Tradeoff* (2003) at <<http://www.ipeg.org.uk/Paper%20Series/PVM.pdf>>.

<sup>34</sup> Scrutiny of Acts and Regulations Committee, *Review of the Vagrancy Act 1966: Final Report* (2002) 16. See also Michael Adler, 'Public Attitudes to Begging: Theory in Search of Data' in Hartley Dean (ed), *Begging Questions: Street-Level Economic Activity and Social Policy Failure* (1999).

<sup>35</sup> Michael Horn and Michelle Cooke, *A Question of Begging: A Study of the Extent and Nature of Begging in the City of Melbourne* (2001).

disadvantaged and disenfranchised in society. Hanover's study found that, of the persons observed to be engaged in begging behaviours over a four month period in 2000:

- 93 per cent were long-term unemployed;
- 71 per cent were sleeping rough or in squats and a further 28 per cent were living in crisis accommodation or with family or friends;
- 43 per cent were long-term homeless;
- 71 per cent suffered from substance addictions; and
- 93 per cent were receiving social security payments (although 28 per cent of persons had payments reduced or terminated as a result of Centrelink 'breaches').

The main reasons given for begging included:

- the inadequacy of social security payments having regard to the costs of housing, clothing, food and medical treatment;
- psychiatric disabilities and disorders; and
- heroin, alcohol and gambling dependencies.

Hanover found that begging is generally a last resort activity – a more acceptable means of satisfying immediate needs than resorting to other criminal activity such as theft, drug dealing or prostitution. Those engaged in begging reported it to be a harsh necessity that was humiliating, demeaning, degrading, frustrating and time consuming. The notion that people who beg are 'frauds' or commonly misrepresent their circumstances was found to be a myth.<sup>36</sup>

As Hanover concludes, each of these indicators support the conclusion that begging is an income supplement necessary for survival at some level, related to the need for food, accommodation, health or addictive behaviours. There are clear associations between begging, substance abuse, homelessness, mental health issues, unemployment and poverty.

The conclusions of Hanover are corroborated by Driscoll and Wood, who conducted a study regarding the incidence of homelessness and chronic disadvantage on behalf of the RMIT Centre for Applied Social Research and which was commissioned by the City of Melbourne in 1998.<sup>37</sup> Their research found that a complex relationship exists between poverty, begging, drug use, psychiatric and physical disability and homelessness.<sup>38</sup> According to Driscoll and Wood, many homeless and poverty-stricken individuals use begging as a last resort means through which they can supplement their income for basic survival needs.

The findings of both Hanover and Driscoll and Wood regarding the underlying causes of begging and the associations between begging, homelessness, poverty and disability are supported by recent research conducted in the United States,<sup>39</sup> Canada<sup>40</sup> and, in particular, the United

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<sup>36</sup> See also Suzanne Fitzpatrick and Catherine Kennedy, 'The Links between Begging and Rough Sleeping: A Question of Legitimacy?' (2001) 16(5) *Housing Studies* 549, 560.

<sup>37</sup> Kate Driscoll and Liz Wood, *A Public Life: Disadvantage and Homelessness in the Capital City* (1998).

<sup>38</sup> Kate Driscoll and Liz Wood, *A Public Life: Disadvantage and Homelessness in the Capital City* (1998) 4-5, 7.

<sup>39</sup> See, for example, D B Taylor, 'Begging for Change: A Social Ecological Study of Aggressive Panhandling and Social Control in Los Angeles' in *Abstracts International* (1999).

<sup>40</sup> See, for example, A Schafer, *Down and Out in Winnipeg and Toronto: The Ethics of Legislating Against Panhandling* (1998) 3, 12; *Federated Anti-Poverty Groups of British Columbia v City of Vancouver* [2002] BCSC 105,



Kingdom. In the United Kingdom, research undertaken by non-governmental organisation 'Crisis'<sup>41</sup> and also work conducted by Luton University on behalf of the Rough Sleepers Unit within the Office of the Deputy Prime Minister,<sup>42</sup> has confirmed strong links between begging, poverty, social exclusion and marginalisation. According to those studies:

- at least 80 per cent of people who beg are homeless;<sup>43</sup>
- between 45<sup>44</sup> and 57<sup>45</sup> per cent of people who beg experience drug dependency;
- between 33 and 54 per cent of people who beg experience problematic alcohol use;<sup>46</sup> and
- over 50 per cent of people who beg have a physical, intellectual or psychiatric disability.<sup>47</sup>

Having regard to the issues discussed above, Hanover, Crisis and the Rough Sleepers Unit all conclude that begging is a complex and multi-faceted social issue that requires a coordinated, holistic, integrated, multi-agency approach, at both local and national levels, that provides both individualised and flexible support and also addresses systemic and structural issues of disadvantage and social exclusion.<sup>48</sup>

### 3.3 Research Methodology

In light of the relatively scant research on begging in Australia, particularly with regard to appropriate interventions to address the underlying causes of begging and thereby reduce its incidence, the author conducted a quantitative and qualitative study of begging in Melbourne.

The study involved interviewing the 17 people observed to be begging in Melbourne's central business district during randomly selected times in March and April 2005. The study targeted only those people actually observed to be begging; that is, soliciting in a public space a unilateral donation of money, apparently for personal use.

The research aimed to:

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[67] where the intimate links between begging, homelessness and poverty were accepted as fact by the Supreme Court of British Columbia.

<sup>41</sup> Simon Danczuk (Crisis), *Walk on By: Begging, Street Drinking and the Giving Age* (2000).

<sup>42</sup> Rough Sleepers Unit, Office of the Deputy Prime Minister (UK), *Looking for Change: The Role and Impact of Begging on the Lives of People who Beg* (2001).

<sup>43</sup> Rough Sleepers Unit, Office of the Deputy Prime Minister (UK), *Looking for Change: The Role and Impact of Begging on the Lives of People who Beg* (2001) 2; Simon Danczuk (Crisis), *Walk on By: Begging, Street Drinking and the Giving Age* (2000).

<sup>44</sup> Simon Danczuk (Crisis), *Walk on By: Begging, Street Drinking and the Giving Age* (2000).

<sup>45</sup> Rough Sleepers Unit, Office of the Deputy Prime Minister (UK), *Looking for Change: The Role and Impact of Begging on the Lives of People who Beg* (2001) 1.

<sup>46</sup> Rough Sleepers Unit, Office of the Deputy Prime Minister (UK), *Looking for Change: The Role and Impact of Begging on the Lives of People who Beg* (2001) 2.

<sup>47</sup> Simon Danczuk (Crisis), *Walk on By: Begging, Street Drinking and the Giving Age* (2000).

<sup>48</sup> Michael Horn and Michelle Cooke, *A Question of Begging: A Study of the Extent and Nature of Begging in the City of Melbourne* (2001) 25; Simon Danczuk (Crisis), *Walk on By: Begging, Street Drinking and the Giving Age* (2000); Rough Sleepers Unit, Office of the Deputy Prime Minister (UK), *Looking for Change: The Role and Impact of Begging on the Lives of People who Beg* (2001) 1. See also Suzanne Fitzpatrick and Catherine Kennedy, *Getting By: Begging, Rough Sleeping and The Big Issue in Glasgow and Edinburgh* (2000); Bob Coles and Gary Craig, 'Excluded Youth and the Growth of Begging' in Hartley Dean (ed), *Begging Questions: Street-Level Economic Activity and Social Policy Failure* (1999) 76-7.

- ascertain the demographic profile of people who beg, including in relation to age, gender, primary income source, housing status, and overall wellbeing having regard to such issues as disability, illness, drug or alcohol dependency, family fragmentation and other forms of dysfunction;
- obtain information about the nature, extent and causes of begging, including in relation to the reasons for which people beg, the frequency and duration of begging, and the modes or techniques of begging adopted;
- determine the nature and extent of law enforcement and criminal justice interventions in relation to begging;
- elicit information regarding the impacts and effects of begging on people who beg; and
- consult people who beg about their needs and the actions or interventions that may be appropriate and successful in addressing these needs and thereby in reducing the incidence of begging.

Interviews took the form of a structured questionnaire and a discursive interview. Attachment A is a copy of the structured questionnaire.

Respondents were paid \$15 each for their time, expertise and contributions.

### 3.4 Demographic Profile of People who Beg

Information was collected in relation to the age, gender, income source, housing status, wellbeing, welfare and health of respondents.

#### (a) Age

The age profile of people observed begging was as follows:

AGE	NUMBER	PERCENT
Less than 18	1	6
18-24	3	17
25-34	4	24
35-44	6	35
45-54	2	12
55-64	1	6
65 or older	0	0
<b>Total</b>	<b>17</b>	<b>100</b>

**Table 1: Age of People Observed Begging in Melbourne**

Thus, 23 per cent of respondents were children or young people aged 24 or under, while 59 per cent were aged 25 to 44.

**(b) Gender**

A total of 3 respondents (18 per cent) were female.

The remaining 14 respondents (82 per cent) were male.

**(c) Source of Income**

The primary income sources of respondents included:

<b>SOURCE OF INCOME</b>	<b>NUMBER</b>	<b>PERCENT</b>
No income	3	18
Newstart Allowance	5	29
Youth Allowance	2	12
Disability Support Pension	6	35
Sickness Benefit	1	6
Employment (including casual, part-time and full-time)	0	0
<b>Total</b>	<b>17</b>	<b>100</b>

**Table 2: Income Source of People Observed Begging in Melbourne**

As can be observed in Table 2, 18 per cent of respondents received no income or income support, while 82 per cent were in receipt of a social security payment. No respondents were in employment, with 82 per cent reporting that they were long-term unemployed (that is, unemployed on a continuing basis for more than one year).

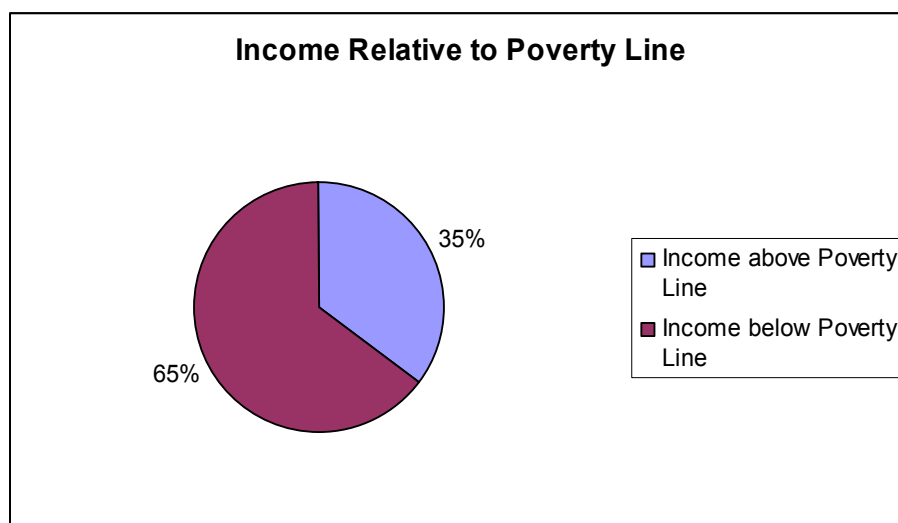
Of those in receipt of a social security payment, 50 per cent received Newstart Allowance or Youth Allowance which, at the base rate of \$194.60 per week for a single unemployed adult, is 39 per cent below the Henderson Poverty Line (24 per cent below the Poverty Line if the person also receives the highest payable rate of Rent Assistance).<sup>49</sup> Forty three per cent of social security recipients received the Disability Support Pension which, at its base rate, is paid 10 per cent below the Poverty Line for a single adult (rising to 9 per cent above the Poverty Line if that person is also paid Rent Assistance at the highest rate).

A total of 10 respondents were, or had been, obliged to comply with activity test requirements under the *Social Security Act 1991* (Cth) (commonly known as 'mutual obligations') in order to obtain and maintain income support payments. Newstart Allowance and Youth Allowance are both activity tested payments. Of these 10 respondents, a total of 6 respondents (60 per cent) had their payments suspended (in which case they were recorded as having 'No income') or reduced at the time of interview for inability or failure to comply with activity test requirements, such as failure to provide Centrelink with requested documentation, failure to notify a change of address or circumstances, and failure to attend a scheduled job interview.

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<sup>49</sup> See generally, Melbourne Institute of Applied Economic and Social Research, *Poverty Lines: Australia* (September Quarter 2004).

Figure 1 below represents the proportion of respondents surviving on incomes either above or below the Henderson Poverty Line:



**Figure 1: Income Level of People Observed Begging in Melbourne Relative to Henderson Poverty Line**

100 per cent of respondents identified that they 'needed' to beg in order to survive or meet basic subsistence needs.

The research clearly establishes that there are strong connections between begging, poverty and lack of an adequate income.

#### **(d) Housing Status**

Respondents were asked to indicate their housing status. Categories of housing status included:

- sleeping rough;
- squatting;
- crisis or emergency accommodation;
- women's shelter or domestic violence refuge;
- private hotel or backpackers;
- staying with friends or relatives;
- rooming house;
- caravan park;
- transitional housing;
- public housing;
- private rental; or
- other (in which case details were sought).

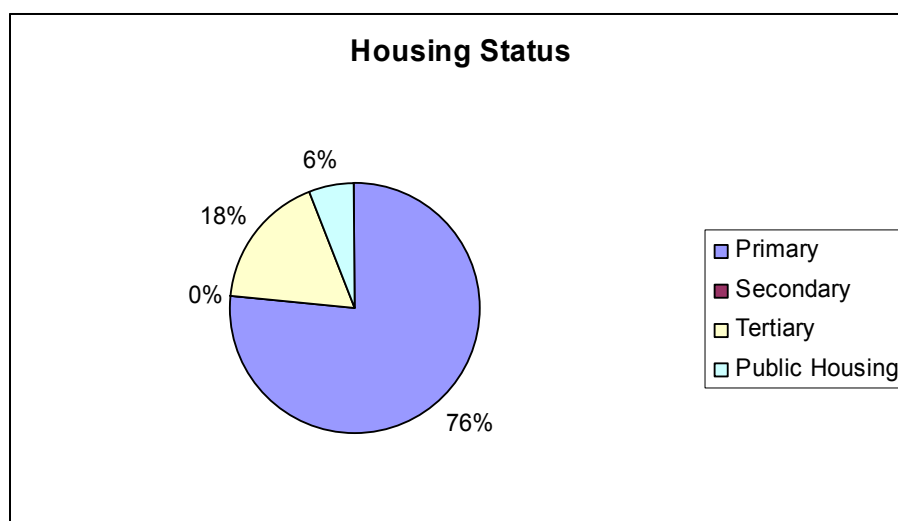
Based on this status, and in accordance with the definitions of 'housed' and 'homeless' adopted by the Australian Bureau of Statistics, respondents were then categorised as either 'housed' or as experiencing 'primary', 'secondary' or 'tertiary' homelessness.<sup>50</sup>

'Primary homelessness' refers to those people with no form of conventional accommodation. This includes people living in the streets, squatting in derelict buildings or using cars or railway carriages for temporary shelter.

'Secondary homelessness' refers to those people who are staying in or moving frequently between temporary accommodations. This includes people staying in crisis or emergency accommodation, refuges or shelters and also includes people staying temporarily with friends or relatives because they have no accommodation of their own.

'Tertiary homelessness' refers to those people who live in boarding houses or rooming houses on a medium- to long-term basis. They are categorised as homeless because such accommodation is below the minimum community standard and does not provide security of tenure.

The housing status of respondents is depicted in Figure 2 below.



**Figure 2: Housing Status of People Observed Begging in Melbourne**

A total of 16 respondents (94 per cent) were homeless, with 76 per cent experiencing primary homelessness (that is, sleeping rough or squatting) and 18 per cent experiencing tertiary homelessness (that is, living in a rooming house). No respondents were experiencing secondary homelessness. One respondent (6 per cent) lived in public housing.

The research clearly demonstrates that there are strong associations between begging and homelessness, particularly primary homelessness.

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<sup>50</sup> Australian Bureau of Statistics, *Counting the Homeless 2001* (2003) 1-2.

**(e) Wellbeing and Health**

Respondents were asked to indicate whether they experienced any of the following indicators which may impact on health, welfare and wellbeing:

- mental illness;
- physical disability;
- intellectual disability;
- drug dependence;
- alcohol dependence;
- problem gambling;
- recent past history of domestic or family violence; and
- any other factors contributing to or diminishing wellbeing (in which case an explanation was requested).

Every respondent reported that they experienced at least one of the wellbeing indicators, with 11 respondents (65 per cent) reporting two or more, and 6 respondents (35 per cent) reporting three or more. This suggests strong associations between begging and complex and multiple needs.

WELLBEING INDICATORS	NUMBER	PERCENT
Mental illness	12	71
Drug dependency	8	47
Alcohol dependency	6	35
Domestic/family violence	7	41
Problem gambling	3	18
Physical disability	2	12
Intellectual disability	2	12
Other (pregnant)	1	6

**Table 3: Wellbeing of People Observed Begging in Melbourne**

As Table 3 above suggests, there are particularly strong associations between begging and mental illness (71 per cent), begging and drug dependency (47 per cent) and begging and a recent past history of domestic or family violence (41 per cent).

**3.5 Access to Services for People who Beg**

Every respondent had sought but been unable to access some form of social service in the previous month. As can be seen in Table 4 below, 94 per cent of respondents had been denied access to accommodation or housing services, 18 per cent to drug or alcohol treatment, and 12 per cent to health care services.

<b>DENIED ACCESS TO:</b>	<b>NUMBER</b>	<b>PERCENT</b>
Accommodation	16	94
Food	2	12
General health care	1	6
Mental health care	1	6
Drug or alcohol treatment	3	18
Gambling counselling	1	6

**Table 4: Number and Percentage of People Observed Begging in Melbourne who had Experienced Denial of Access to, or Exclusion from, a Social Service**

There are two primary reasons for this lack of access.

First, the demand for social services generally significantly exceeds the supply of those services. For example, in the area of homelessness assistance, more than 700 homeless people per day are turned away from services across Australia due to capacity and resource constraints.<sup>51</sup> It is estimated that, in Victoria alone, over 22,000 people are unable to access homelessness assistance services each year due to lack of capacity and resources.<sup>52</sup> Similarly, in the area of drug treatment, there is a significant gap between demand for drug treatment services and the supply of such services, resulting in extensive waiting lists.<sup>53</sup>

Second, homeless people experiencing mental disorders, particularly co-morbid people experiencing both mental illness and drug or alcohol dependency, are especially susceptible to being unable to access, or being actively denied access to, housing and homelessness services.<sup>54</sup> According to a recent report by the NSW Ombudsman, the following homeless client groups find it particularly difficult to access homelessness assistance services:

- people with drug and alcohol disorders (61.0 per cent);
- people with mental illness (53.7 per cent);
- people with intellectual disabilities (33.3 per cent); and
- people with acquired brain injury (19.5 per cent).<sup>55</sup>

There are clear correlates between these groups and the demographic profile of people who beg (discussed above at Part 3.4). Thus, even a substantial increase in social service capacity is

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<sup>51</sup> Australian Institute of Health and Welfare, *Homeless People in SAAP: SAAP National Data Collection Annual Report 2002-03* (2003).

<sup>52</sup> See generally, Australian Council of Social Service, 'National Survey of Services Under Strain', Media Release, 4 April 2005.

<sup>53</sup> Senate Legal and Constitutional Legislation Committee, Parliament of Australia, *Provisions of the Disability Discrimination Amendment Bill 2003* (2004) 31.

<sup>54</sup> See generally, NSW Ombudsman, *Assisting Homeless People: The Need to Improve their Access to Accommodation and Support Services* (2004). See also S Tsemberis and R F Eisenberg, 'Pathways to Housing: Supported Housing for Street-Dwelling Homeless Individuals with Psychiatric Disabilities' (2000) 51 *Psychiatry Services – American Psychiatric Association* 487.

<sup>55</sup> Monica Wolf, 'Assisting Homeless People: The Need to Improve their Access to Accommodation and Support Services' (2005) 18(1) *Parity* 25, 26.

unlikely to increase the access of these groups to services without a range of other supports and interventions.

### 3.6 Why do People Beg?

Respondents in the author's study reported that they beg primarily to meet immediate subsistence needs, particularly in relation to accommodation (53 per cent), adequate nutrition (88 per cent) and health care (29 per cent). Respondents also indicated that they beg in connection with addictive disorders such as alcohol dependency (41 per cent) and drug dependency (24 per cent).

PURPOSE OF BEGGING	NUMBER	PERCENT
Accommodation	9	53
Food	15	88
Transport	3	18
Drugs	4	24
Alcohol	7	41
Gambling	2	12
Health care	5	29
Essential services (gas, electricity, telephone and water)	1	6
Child support	2	12
Debts	1	6
'Easy money'	0	0
Cigarettes	2	12

**Table 5: Purpose of Begging Disclosed by People Observed Begging in Melbourne**

No respondents indicated that they begged because it was lucrative or 'easy money'.

### 3.7 Frequency of Begging

Begging was found to be engaged in by the respondents so regularly as to be deemed frequent. A significant majority of respondents (65 per cent) reported that they beg every day. The remaining respondents indicated that they beg, on average, between every second day (24 per cent) and once per week (12 per cent).

### 3.8 Duration of Begging

The average duration of begging episodes varied significantly among respondents.



A total of 4 respondents (24 per cent) reported begging for, on average, 30-60 minutes per episode; 7 respondents (41 per cent) reported begging for, on average, 1-3 hours per episode; 5 respondents (29 per cent) reported begging for, on average, 3-6 hours per episode; and 1 respondent (6 per cent) reported begging for 6 or more hours per episode on average.

A significant number of respondents indicated that they generally beg only for the duration necessary to solicit the money necessary to meet the needs for which they were begging, after which they stopped. For these respondents, the duration of any given begging episode was therefore contingent on their rate of success and level of remuneration.

### **3.9 Mode of Begging**

Consistent with the definitions adopted by Hanover and also researchers in the United States, the United Kingdom and Canada, people observed begging were classified as engaged in either 'passive begging' (that is, sitting or standing in one place with a sign and/or a receptacle entreating donations), 'active begging' (that is, approaching people in a public place and asking them for money or other gift) or 'aggressive begging' (that is, following or asking a person threateningly or repeatedly for money or other gift).<sup>56</sup>

A total of 8 respondents (47 per cent) were observed to be engaged in 'passive begging'.

A total of 9 respondents (53 per cent) were observed to be adopting 'active begging' techniques.

No respondents were observed to be begging aggressively.

The extremely low incidence of aggressive begging disclosed both in the research conducted for this Paper and the earlier research undertaken by Hanover can be explained by the fact that aggressive or intimidatory begging techniques tend to be unsuccessful; a 'self-defeating strategy'.<sup>57</sup> Many beggars emphasise the importance of being 'polite' and affording respect to passers-by.<sup>58</sup> Generally speaking, people who adopt passive begging techniques tend to obtain more donations than people who adopt active begging techniques, while people who adopt aggressive techniques tend to be the least successful. Commenting on similar findings in the UK, Hopkins Burke observes:

The particularly rough... beggar was usually far less successful in obtaining donations from passers-by over the longer term than their more placid contemporaries... Moreover, the former group were far more likely to be the target of a police intervention.<sup>59</sup>

### **3.10 Income from Begging**

Respondents were asked to report on their average hourly income from begging. All respondents reported that hourly income is contingent and variable. Despite this, a very significant majority of

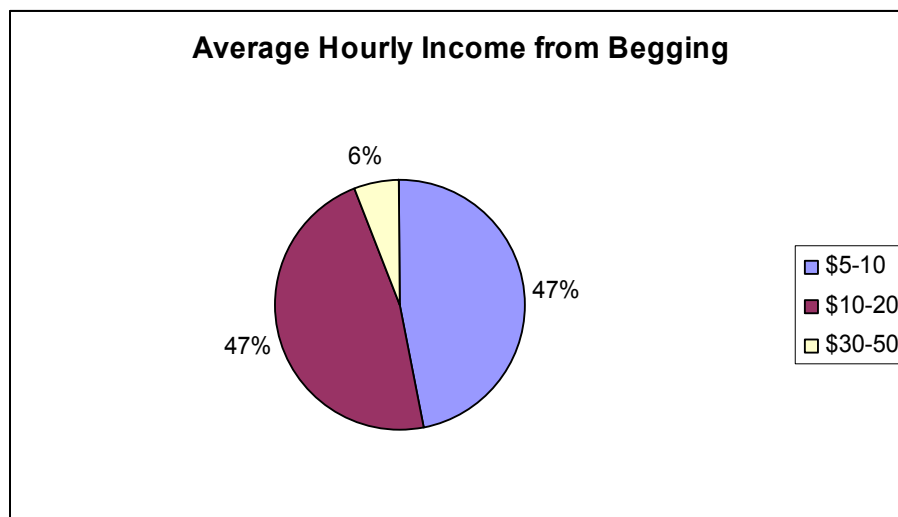
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<sup>56</sup> These categories were first defined in Michael Horn and Michelle Cooke, *A Question of Begging: A Study of the Extent and Nature of Begging in the City of Melbourne* (2001) 9.

<sup>57</sup> Roger Hopkins Burke, 'Tolerance or Intolerance? The Policing of Begging in the Urban Context' in Hartley Dean (ed), *Begging Questions: Street-Level Economic Activity and Social Policy Failure* (1999) 230.

<sup>58</sup> Hartley Dean and Margaret Melrose, 'Easy Pickings or Hard Profession? Begging as an Economic Activity' in Hartley Dean (ed), *Begging Questions: Street-Level Economic Activity and Social Policy Failure* (1999) 86-7.

beggars, 94 per cent, reported that their average hourly take is between \$5 and 20, with 47 per cent stating that, on average, they derive \$5-10 from begging and 47 per cent indicating that they average \$10-20. One respondent reported that they received, on average, \$30-50 per hour.



**Figure 3: Average Hourly Income Reported by People Observed Begging in Melbourne**

### 3.11 Law Enforcement Interventions

In Victoria, begging is a criminal offence under section 6(1)(d) of the *Vagrancy Act 1966* (Vic). The Act is policed and enforced by Victoria Police.

Although Victoria Police often maintain that section 6(1)(d) of the Act is principally used as a preventative tool or as a 'deterrent and a means of moving on beggars who intimidate and harass people',<sup>60</sup> criminal charges for begging are common, as illustrated in the Table 6 below.

Year	1998	1999	2000	2001
Number of Charges	107	274	293	241

**Table 6: Number of Begging Charges in Victoria by Year**

Source: Statistical Services Division, Victoria Police

Reflecting this, every respondent reported that they had experienced some engagement with police officers in connection with begging. However, a positive counter-finding was that no respondents indicated that they were regularly threatened or harassed by law enforcement officers.

<sup>59</sup> Roger Hopkins Burke, 'Tolerance or Intolerance? The Policing of Begging in the Urban Context' in Hartley Dean (ed), *Begging Questions: Street-Level Economic Activity and Social Policy Failure* (1999) 230.

<sup>60</sup> Geoff Wilkinson, 'Outrage at Plan to Allow Begging' *Herald Sun* (Melbourne) 16 February 2005, 3.

LAW ENFORCEMENT OFFICER INTERVENTIONS	NUMBER	PERCENT
No action	3	18
Referred to social service	1	6
'Moved on'	12	71
Issued with summons	7	41
Arrested	4	24
Threatened/Harassed	0	0
Made to tear up sign	2	12
Confiscated money	2	12

**Table 7: Law Enforcement Interventions Reported by People Observed Begging in Melbourne**

By far the most common law enforcement intervention involved police officers asking the respondent to 'move on'. Further common interventions involved issuing the beggar with a summons requiring attendance in the Magistrates' Court (41 per cent) and arresting the beggar and taking him or her into custody (24 per cent).

Respondents were not asked whether police officers had made them tear up or destroy their signs or 'confiscated' their takings. Disturbingly, however, 12 per cent of respondents reported that they were compelled to tear up their signs and a further 12 per cent reported that police officers had 'confiscated' their money but not taken any other action (such as issued a summons). Although the respondents in each of these cases were not required to attend court, the money was not returned.

Only one respondent (6 per cent) reported that police officers had referred them to, or assisted them to access, a social service. This 'on the ground reality' contrasts starkly with the claim by Crime Prevention Victoria that 'the police play a key role in diverting such people to appropriate services'.<sup>61</sup>

The potential positive roles that Victoria Police and law enforcement officers could play in reducing the incidence of begging are discussed in detail at Part 5.3 below.

### **3.12 Court Proceedings**

Charges laid under section 6(1)(d) of the *Vagrancy Act* are heard and determined in the Magistrates' Court. On a finding of guilt, the Magistrate is entitled to dispose of the matter in accordance with the principles and provisions of the *Sentencing Act 1991* (Vic), with the maximum disposition being imprisonment for one year for a first offence and imprisonment for two years for a second or subsequent offence. Previous research undertaken by Hanover indicates that the majority of persons charged with begging are convicted and sentenced to a fine averaging \$50 for a first offence, \$100 for a second offence and \$300 for a third or subsequent

offence.<sup>62</sup> Approximately 13 per cent of offenders incur no penalty, with the matter either being dismissed or discharged, while approximately 9 per cent of offenders receive a community based order.<sup>63</sup>

As can be seen in Table 8 below, the primary research conducted for this Paper in large part confirms Hanover's findings.

OUTCOME OF COURT APPEARANCES	NUMBER	PERCENT
Not required to appear in court	9	53
Not guilty	0	0
Dismissed	2	12
Adjournment with undertaking of good behaviour	0	0
Fine	6	35
Community based order	0	0
Gaol	0	0
<b>Total</b>	<b>17</b>	<b>100</b>

**Table 8: Outcomes of Court Appearances in Connection with Begging Reported by People Observed Begging in Melbourne**

A total of 8 respondents reported that they had been required to attend court in connection with begging. Of these people, 25 per cent had the charges against them dismissed. None received an adjournment on an undertaking of good behaviour, a community based order or diversion to a support service. A very significant majority, 75 per cent, were sentenced to a fine. As one beggar put it, 'we end up having to beg just to pay off the begging fine'.<sup>64</sup>

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<sup>61</sup> Inner City Entertainment Precincts Taskforce, Crime Prevention Victoria, *A Good Night for All: Options for Improving Safety and Amenity in Inner City Entertainment Precincts* (2005) 40.

<sup>62</sup> Michael Horn and Michelle Cooke, *A Question of Begging: A Study of the Extent and Nature of Begging in the City of Melbourne* (2001) 4.

<sup>63</sup> Michael Horn and Michelle Cooke, *A Question of Begging: A Study of the Extent and Nature of Begging in the City of Melbourne* (2001) 5.

<sup>64</sup> Brian Maher quoted in *The Law Report*, ABC Radio National, 22 February 2005, available at <<http://www.abc.net.au/rn/talks/8.30/lawrpt/stories/s1307425.htm>>.

## 4. What Do People Who Beg Say About Begging?

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### 4.1 Introduction

A human rights approach to poverty reduction and addressing manifestations of poverty, such as homelessness and begging, requires active and informed participation of poor people in the development, implementation and assessment of poverty reduction strategies.<sup>65</sup> The standards of international human rights law require the participation of poor people in decision-making and policy formulation processes. In addition to this, participation of these constituencies is also both instrumentally and substantively important and intimately linked to meaningful social inclusion.<sup>66</sup>

An important component of the research conducted for this Paper therefore involved actively consulting people who beg about their views on begging, including its impacts and effects, and appropriate responses and interventions.

### 4.2 The Impacts and Effects of Begging

As discussed above at Part 3.2, it is well reported that people who beg generally do so as a last resort income supplementation activity and consider it to be a degrading and demeaning experience.

This evidence was strongly supported by research respondents to this Paper. Every respondent stated that they ‘needed’ to beg and would not beg if they had a choice. Respondents’ experiences of begging included a sense of social exclusion, vulnerability, disadvantage and humiliation.

In response to the question as to how begging makes you feel, respondents variously replied:

‘I hate it, but I’ve got no choice. It’s very embarrassing.’ (Male, aged 40, Swanston Street, 17 March 2005)

‘Begging is demeaning. It makes you feel like a “nobody” and a “second class citizen”.’ (Male, aged 56, Swanston Street, 2 March 2005)

‘I feel “shitful” and embarrassed. You’d never do it if you didn’t have to.’ (Male, aged 38, Elizabeth Street, 1 March 2005)

‘I don’t like asking for help or feeling like a bludger, but I’ve got no choice’ (Male, aged 25, Swanston Street, 7 April 2005)

‘I feel depressed and ashamed. I’ve hit rock bottom, but I’ve got to survive.’ (Male, aged 37, Bourke Street Mall, 31 March 2005)

‘I feel poor. It’s a big “shame job”.’ (Female, aged 16, Elizabeth Street, 4 April 2005)

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<sup>65</sup> UN Office of the High Commissioner for Human Rights, *Draft Guidelines: A Human Rights Approach to Poverty Reduction Strategies* (2002) 2.

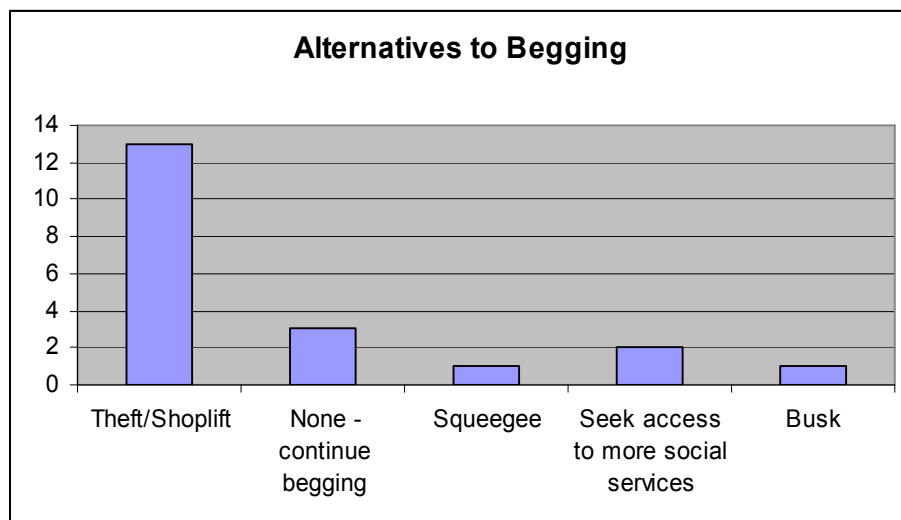
<sup>66</sup> See, for example, Gerry Stoker, *Public Value Management (PVM): A New Resolution of the Democracy/Efficiency Tradeoff* (2003) 13-20 at <<http://www.ipeg.org.uk/Paper%20Series/PVM.pdf>> for a discussion of the role that active and informed stakeholder consultation and ongoing assessment and participation can play in promoting allocative and technical efficiency, accountability, effective governance, responsiveness to values and needs, and realisation of rights.

The feeling of humiliation and being regarded as a 'low life' were recurring themes.

### 4.3 Alternatives to Begging

Recognising that, generally speaking, begging is a necessary income supplementation activity, respondents were asked what they would do to survive if there was a major 'crackdown' on begging or the police adopted a 'zero tolerance' enforcement approach to beggars.

Overwhelmingly, respondents indicated that if they were unable to beg they would resort to other illegal income supplementation activity (82 per cent). By far the most common form of such activity was theft or shoplifting, with a total of 76 per cent indicating that they would resort to such conduct. Eighteen per cent of respondents indicated that, in order to survive, they would continue to beg regardless of the existence and enforcement of anti-begging legislation. Two respondents (12 per cent), stated that they would attempt to access more social services and material aid, although they recognised the marginal efficacy of such an approach given the limited availability, capacity and resources of services and the difficulties associated with accessing services, particularly for people with complex and multiple needs (discussed at Part 3.5 above).



**Figure 4: Alternative Income Supplementation Activities Identified by People Observed Begging in the Event of a Zero Tolerance Enforcement Approach**

### 4.4 Actions and Interventions to Prevent Begging

Respondents were asked to consider the legal, social, political and economic actions or interventions that could be taken to prevent them from begging. This question was asked in an open-ended fashion and the research questionnaire did not provide any examples or choices of interventions.

Despite this, there was considerable consensus among respondents regarding necessary interventions, particularly in relation to access to adequate housing (59 per cent), access to adequate income support (47 per cent) and access to employment (41 per cent).

INTERVENTIONS TO PREVENT BEGGING	NUMBER	PERCENT
Access to adequate income support	8	47
Access to employment	7	41
Access to adequate housing	10	59
Access to health/medical care	3	18
Access to drug and alcohol services	2	12
Access to gambling counselling and support	1	6
Prohibition on discrimination	1	6
Lump sum loan	1	6

**Table 9: Interventions that Would Assist People to Stop Begging as Reported by People Observed Begging in Melbourne**

These results are substantially similar to results obtained in the United Kingdom, with interventions supported by people who beg including access to adequate housing (55 per cent), reasonable employment (41 per cent) and drug and alcohol treatment (39 per cent).<sup>67</sup>

As can be seen from the table above, access to health care services, including medical care (18 per cent), drug and alcohol treatment and services (12 per cent) and access to gambling counselling and support (6 per cent), also featured prominently.

Having regard to these issues, the public and social policy interventions suggested to reduce the incidence of begging, discussed below at Part 5, include interventions to improve access to adequate housing, income support and health care.

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<sup>67</sup> Rough Sleepers Unit, Office of the Deputy Prime Minister (UK), *Looking for Change: The Role and Impact of Begging on the Lives of People who Beg* (2001) 3.

## 5. Alternative Public Policy Responses to Begging

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### 5.1 Overview

This Part of the Paper discusses a range of public policy initiatives, including international initiatives, designed to respond to begging. Each initiative is analysed in the context of its contribution to achieving public interest goals and promotion of public values (as defined at Part 2.3), its responsiveness to the research findings as to the nature, extent and causes of begging (as discussed at Part 3), and its likely impact and outcomes having regard to the views, values and need of people who beg (as reported at Part 4).

### 5.2 'Zero Tolerance' Policing and Dispersal Legislation

In recent months, there have been numerous calls for an 'absolute ban'<sup>68</sup> on begging and a 'zero tolerance'<sup>69</sup> approach with respect to policing begging. 'Zero tolerance policing' generally refers to 'comprehensive and aggressive law enforcement' in which petty offenders are 'targeted directly and fed into the criminal justice system by arrest or summons'.<sup>70</sup> Due to resource constraints, however, 'zero tolerance policing' in practice generally involves the 'selective intolerance of a targeted crime problem';<sup>71</sup> in this case, begging.

Some respondents suggested that such an approach has already been adopted in the central business district of Melbourne. In a similar vein, Crime Prevention Victoria has very recently proposed consideration of enactment of 'dispersal legislation' to empower police to 'move on' people engaged in 'antisocial behaviour' (including being homeless or begging) in the inner city.<sup>72</sup>

#### (a) *Will the Policy Promote the Public Interest and Add Public Value by Reducing the Incidence of Begging?*

There is evidence to suggest that zero tolerance policing methods are effective in reducing the incidence of the targeted offence within the geographical area in which law enforcement resources are concentrated.<sup>73</sup>

In the context of begging, however, there is also evidence suggesting that zero tolerance policing methods tend to either divert beggars to other geographical locations with a lesser police

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<sup>68</sup> See, for example, Royce Millar, 'Mayoral Hopeful to "Rid City of Beggars"' *The Age* (Melbourne), 15 November 2004.

<sup>69</sup> See, for example, Philip Lynch and Deb Tsorbaris, 'Zero Tolerance Beggars the Question' *Herald Sun* (Melbourne), 7 December 2004, 19.

<sup>70</sup> Gareth Griffith, *Zero Tolerance Policing* (Parliament of New South Wales Briefing Paper 14/1999) (1999) 8-11.

<sup>71</sup> Roger Hopkins Burke, 'Tolerance or Intolerance? The Policing of Begging in the Urban Context' in Hartley Dean (ed), *Begging Questions: Street-Level Economic Activity and Social Policy Failure* (1999) 231.

<sup>72</sup> Inner City Entertainment Precincts Taskforce, Crime Prevention Victoria, *'A Good Night for All': Options for Improving Safety and Amenity in Inner City Entertainment Precincts* (2005) 39.

<sup>73</sup> See, for example, Gareth Griffith, *Zero Tolerance Policing* (Parliament of New South Wales Briefing Paper 14/1999) (1999) 16.



presence or divert such people into the commission of more serious criminal activity.<sup>74</sup> This evidence is strongly supported both by the research undertaken by Hanover (which found that many people beg as a more acceptable means of satisfying immediate subsistence needs than resorting to other criminal activity such as theft, drug dealing or prostitution)<sup>75</sup> and the research undertaken for this Paper which found that 100 per cent of beggars consider that they 'need to beg' in order to survive and that 82 per cent would resort to income-generating petty crime (such as theft) if they were unable to beg due to a 'crackdown' or a 'zero tolerance policing approach'.

Having regard to the above, while it is likely that a zero tolerance policing approach to begging would result in a short-term decrease in the incidence of begging in the targeted area, it is also likely that such an approach would result in the displacement of beggars to other areas and other criminal activities. As Jeremy Waldron analogises, a 'broken window' is not fixed by knocking down the whole building or moving it to just outside the edge of town.<sup>76</sup>

**(b) Will the Policy Promote the Public Interest and Add Public Value by being Fair and Non-Discriminatory, Participatory and Empowering, Holistic and Transparent?**

During 2001 and 2002, the Monash University Faculty of Law and the Enforcement Management and Crime Prevention Unit of the Department of Justice undertook a cooperative study to ascertain community perceptions of Victoria's summary offence laws and infringement notice system.<sup>77</sup> The study also sought to identify factors that contribute to the community's preparedness to comply with summary offence laws and the administrative arrangements for their enforcement — that is, factors contributing to 'civic compliance'. Instructively, the joint study found that the most significant factor contributing to 'civic compliance' in respect of summary offence laws is the perception that those laws and the administrative arrangements for their enforcement are 'fair' and 'legitimate'. People are less likely to comply with summary offences laws or the procedures for their enforcement if they consider them to be 'unfair'.

The joint study identified a number of factors contributing to community perceptions of 'unfairness' and, by extension, lack of 'civic compliance in relation to summary offences laws. Those factors relevant to the issue of begging included:

- the lack of 'cautions' or other alternatives to arrest, summons, or issuing an infringement notice; and
- the failure of law enforcement officers to take into account an alleged offender's 'special circumstances' and means.

The study also found that the community is more likely to regard laws and law enforcement as 'fair', 'equitable' and 'legitimate', and that financially and socially disadvantaged people are more likely to comply with summary laws and enforcement procedures, if:

- they are informed and appraised of their rights;

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<sup>74</sup> Roger Hopkins Burke, 'Tolerance or Intolerance? The Policing of Begging in the Urban Context' in Hartley Dean (ed), *Begging Questions: Street-Level Economic Activity and Social Policy Failure* (1999) 231.

<sup>75</sup> Michael Horn and Michelle Cooke, *A Question of Begging: A Study of the Extent and Nature of Begging in the City of Melbourne* (2001). See also, Michael Horn, 'Understanding Begging in Our Public Places' (2002) 15(1) *Parity* 10.

<sup>76</sup> Jeremy Waldron, 'Homelessness and Community' (2000) 50 *University of Toronto Law Journal* 371, 387.

<sup>77</sup> Monash University and the Department of Justice Victoria, *On-the-Spot Fines and Civic Compliance: Final Report – Executive Summary* (2003).

- the law and law enforcement officers take account of any 'special circumstances' they may have; and
- they are treated with dignity and respect.<sup>78</sup>

By definition, zero tolerance policing strategies in relation to begging involve the targeted, comprehensive and punitive application of anti-begging laws to people who, according to all of the available research, are generally marginalised, disadvantaged, vulnerable and homeless. As such, zero tolerance policing may be regarded by both people who beg and the broader community as unfair and discriminatory.<sup>79</sup>

In addition to contributing to perceptions of unfairness, zero tolerance policing strategies are likely to be ineffective in resolving any of the underlying causes of begging behaviours and may result in the wasted expenditure of significant policing and enforcement costs and resources.<sup>80</sup>

According to Major Bob Pusins of Fort Lauderdale Police Department in the US:

Strict enforcement strategies are not effective and do not provide long-term resolutions to problems. Strict enforcement and arrests are a short-term resolution of the growing social problem of homelessness. The residential and business communities demand immediate and forceful police action believing that the problem will be resolved with the arrest. In reality, the homeless spend a day or two in jail before being discharged back into the community with a 'time served' sentence and the cycle starts again.<sup>81</sup>

### ***Recommendations in relation to Zero Tolerance Policing and Dispersal Legislation***

Recognising the strong links between begging, homelessness, poverty and poor mental health, and informed by the findings that zero tolerance policing strategies and 'move on' powers are likely to displace beggars and contribute to an increase in other illegal income supplementation activity, Victoria Police should not adopt a 'zero tolerance' approach to begging and the Victorian Government should not proceed with consideration of proposed 'dispersal legislation'.

## **5.3 Police Training, Intervention and Referral**

The rejection of a zero tolerance policing strategy as an effective public policy response to begging should not be seen or regarded as a wholesale rejection of the role of laws and law enforcement in the regulation of begging.

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<sup>78</sup> See also Gavin Kelly, Geoff Mulgan and Stephen Muers, *Creating Public Value: An Analytical Framework for Public Service Reform* (2002) 14-15 and Department of Premier and Cabinet (Victoria), *Challenges in Addressing Disadvantage in Victoria* (2005) 23 for a discussion of the notion that both procedural and distributive fairness are valued and create value.

<sup>79</sup> Roger Hopkins Burke, 'Tolerance or Intolerance? The Policing of Begging in the Urban Context' in Hartley Dean (ed), *Begging Questions: Street-Level Economic Activity and Social Policy Failure* (1999) 232.

<sup>80</sup> See, for example, Fiona Hudson, '\$50,000 Blown on Hounding Vagrant' *Herald Sun* (Melbourne), 7 August 2003, 9; Fiona Hudson, 'Getting Out of Fine Mess' *Herald Sun* (Melbourne), 9; Matthew Pinkney, 'Better Way to Deal with This' *Herald Sun* (Melbourne), 11 August 2003, 18; Editorial, 'Bureaucratic No-Brainer' *Herald Sun* (Melbourne), 8 August 2003, 20.

<sup>81</sup> Major Bob Pusins, 'The Fort Lauderdale Model: Police Response to Homelessness' at <<http://ci.ftlaud.fl.us/police/homeless5.html>>. See also Charles Pollard, 'Zero Tolerance: Short-Term Fix, Long-Term Liability' in N Dennis (ed), *Zero Tolerance: Policing a Free Society* (1997) 139.

With 100 per cent of people interviewed for this Paper having had some engagement with the police in relation to begging, law enforcement officers potentially have a very significant role in the development and implementation of early intervention, diversionary and cautionary strategies to respond to begging.<sup>82</sup> Unfortunately, this potential is currently unrealised in Victoria, with only 6 per cent of people who beg reporting that they have ever been referred to, or assisted to access, a social service by law enforcement officers.

This potential has, however, been recognised and harnessed through a number of innovative policing policies and partnership both internationally and interstate. A number of examples are set out below.

### **'Policy 511 – Homeless Persons'**<sup>83</sup>

'Policy 511 – Homeless Persons' was developed collaboratively between Fort Lauderdale Police Department and the Florida Coalition for the Homeless in the United States. The policy's purpose was to 'ensure that personnel are sensitive to the needs and rights of the homeless population, to establish procedures to guide police officers during casual and arrest situation contacts with the homeless and to reaffirm that homelessness is not a crime.'

The policy encourages officers to refer homeless 'offenders' to appropriate social service providers in lieu of citation or arrest. It also encourages officers to proactively engage with homeless people to inform them of available social services and, if requested, assist them with transportation and admission to such services. The policy provides that citation or arrest should only proceed if a person continues to offend and refuses to engage with a social service.

Policy 511 is implemented through, among other things, the requirement that officers undertake a 'Homelessness 101' training program to raise awareness as to the nature, extent and causes of homelessness and to equip officers to respond sensitively and effectively to people experiencing homelessness.

The implementation of Policy 511 results in the successful referral of, on average, over 750 homeless people to social services per year.

### **Fort Lauderdale Homeless Outreach Unit**<sup>84</sup>

The Fort Lauderdale Police Department in Florida has also founded a Homeless Outreach Unit, comprising a police officer and member of the local Coalition for the Homeless. The worker from the Coalition is formerly homeless and known to many of the people on the street. The Unit aims to engage with the 'hardcore' or 'chronic' homeless and inform them about available supports and services.

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<sup>82</sup> Research in the UK suggests that people who are homeless and have mental illnesses have more contact, on average, with law enforcement officers than with social services: Revolving Doors, *Mental Health, Multiple Needs and the Police: Findings from the Revolving Doors Agency Link Worker Scheme* (2000).

<sup>83</sup> Fort Lauderdale Police Department, *FLPD Policy 511, Homeless Persons* (1999) at <<http://ci.ftlaud.fl.us/police/homeless4.html>>.

<sup>84</sup> Major Bob Pusins, 'The Fort Lauderdale Model: Police Response to Homelessness' at <<http://ci.ftlaud.fl.us/police/homeless5.html>>.

The Homeless Outreach Unit engaged with 2,787 homeless people and placed over 1,300 homeless people in homelessness assistance services between 1999 and 2003.<sup>85</sup> It has been recognised by homeless advocates as a 'model program'.

### ***Juvenile Justice Act 1992 (Qld)***

The *Juvenile Justice Act 1992* (Qld) establishes a mechanism for diverting young offenders away from the criminal justice system. Section 11, a key provision of the Act, provides that before commencing proceedings against a child, a police officer must first consider whether in the circumstances it would be more appropriate to:

- take no action;
- issue a caution;
- refer the matter to a 'conference' (that is, an alternative forum for disposition, where the conduct may be dealt with in a more informal and restorative way); or
- if the offence is a minor drug offence, provide the young person with an opportunity to attend drug treatment.

### **(a) *Will the Policy Promote the Public Interest and Add Public Value by Reducing the Incidence of Begging?***

There is strong evidence to suggest that an active policy of assertive police contact with people who beg, including referral to appropriate services, treatment and support, can be successful in reducing the incidence of begging.<sup>86</sup> According to the Fort Lauderdale Police Department, recognised by both homelessness services and homeless people as engaging in 'best practice', the following elements are central to the implementation of an effective and responsive policy in this regard:

- close consultation with homeless people and homelessness service providers regarding the design and delivery of the policy;
- documentation of the policy;
- institutionalisation of the policy;
- provision of adequate training to law enforcement officers about homelessness, begging, the homelessness service system, empathetic engagement and the employment of early intervention, diversionary, referral and cautionary strategies;<sup>87</sup>
- availability and capacity to accept referrals within the homelessness service system; and

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<sup>85</sup> Chief Bruce G Roberts, 'A Message to the Fort Lauderdale Police Department and Community' (2003) 2(2) *Sierra One: The Newsletter of the Chief of Police* 1, 2 at <<http://www.flpd.org/sierraone22.html>>.

<sup>86</sup> Fooks and Pantazis, 'Criminalisation of Homelessness, Begging and Street Living' in P Kennett and A Marsh (eds), *Homelessness: Exploring New Terrain* (1999).

<sup>87</sup> Programs for the 'education of the police, as well as the public at large, aimed at fostering tolerance and respect for the poor' are identified as 'Key Features' of a human rights-based poverty reduction strategy: UN Office of the High Commissioner for Human Rights, *Draft Guidelines: A Human Rights Approach to Poverty Reduction Strategies* (2002) 44.

- development of efficient and integrated referral protocols and relationships between police and the homelessness service system.<sup>88</sup>

**(b) Will the Policy Promote the Public Interest and Add Public Value by being Fair and Non-Discriminatory, Participatory and Empowering, Holistic and Transparent?**

Research from the United Kingdom indicates strong support among people experiencing homelessness for the training, resourcing and involvement of police in social service interventions, with two in three considering that police should change their approach to dealing with begging, one in five considering that police officers should receive specialised training with respect to homelessness and begging, and one in seven considering that the police should establish a specialist homelessness outreach unit.<sup>89</sup> Partnerships with social services, including through the establishment of multi-agency outreach teams, are also strongly supported by members of the police force in the United Kingdom.<sup>90</sup>

***Recommendations in relation to Police Training, Intervention and Referral***

Recognising that engagement of people who are begging through partnerships, early intervention and the provision of appropriate support services is a more efficient and effective policing approach than zero tolerance, Victoria Police and the Department of Justice should consult and collaborate with people who beg, people experiencing homelessness, homelessness assistance services and social service providers to:

- develop and implement a policy regarding effective and coordinated engagement with people who beg or are homeless;
- develop and implement a training program for law enforcement officers regarding effective, holistic and empathetic engagement with people who beg or are homeless;
- develop and implement a range of early intervention, diversionary, referral and cautionary alternatives to arresting, summoning or issuing an infringement notice to a person for begging;
- develop and implement efficient and integrated referral relationships, protocols and procedures as between law enforcement officers and social service providers; and
- consider establishing a 'Homeless Outreach Team' to proactively engage with people who beg or are homeless. The purpose of such a program would be to refer homeless people to appropriate services. This team could comprise a police officer, a social worker and a person who is homeless or formerly homeless.

#### **5.4 Assertive Outreach and Social Service Intervention**

In both Scotland and the United Kingdom, homelessness services have developed and implemented assertive outreach, engagement, intervention and referral strategies to assist rough

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<sup>88</sup> See generally, Major Bob Pusins, 'The Fort Lauderdale Model: Police Response to Homelessness' at <<http://ci.ftlaud.fl.us/police/homeless5.html>>.

<sup>89</sup> Scott Ballintyne, *Unsafe Streets: Street Homelessness and Crime* (1999) 67.

sleepers to access housing and other support services. There is strong evidence to suggest that these initiatives have been successful in reducing the incidence of both begging and primary homelessness.<sup>91</sup> In Brisbane, the City Council employs an Indigenous Public Space Liaison Officer who liaises with public space users, police and social service providers to minimise coercive interference in the lives of homeless people. The Public Space Liaison Officer explains local laws to public space users in an effort to bring about compliance without criminal charges or penalties being imposed. Where necessary, the Officer links homeless people with appropriate support services. Brisbane City Council reports that, between 2000 and 2002, outcomes for homeless people included 'improved safety, reduction in alcohol consumption, 17 per cent of people accessing rehabilitation services and 33 per cent moving to and maintaining long-term accommodation'.<sup>92</sup>

**(a) Will the Policy Promote the Public Interest and Add Public Value by Reducing the Incidence of Begging?**

Given the strong correlates between homelessness and begging (94 per cent of people who beg being homeless), the establishment of assertive outreach, engagement, intervention and referral strategies to assist beggars to access housing and other support services has the potential to significantly reduce the incidence of begging. Key determinants of the success of such a strategy would include:

- close consultation with people who beg and homelessness service providers regarding the design and delivery of the strategy;
- provision of adequate training and resources to outreach workers;
- availability and capacity to accept referrals within the homelessness service system, the drug and alcohol treatment system, the health care system, and other social and welfare services;
- development of efficient and integrated referral protocols and relationships between outreach workers and the various service systems; and
- ongoing support and case management for people engaged through the strategy.<sup>93</sup>

**(b) Will the Policy Promote the Public Interest and Add Public Value by being Fair and Non-Discriminatory, Participatory and Empowering, Holistic and Transparent?**

Street outreach teams in the United Kingdom have been strongly supported and endorsed by homelessness agencies, local and law enforcement authorities and, importantly, homeless

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<sup>90</sup> Scott Ballintyne, *Unsafe Streets: Street Homelessness and Crime* (1999) 69.

<sup>91</sup> See, for example, Geoffrey Randall and Susan Brown, *Helping Rough Sleepers Off the Streets: Report to the Homelessness Directorate* (2002); Suzanne Fitzpatrick, Nicholas Pleace and Mark Bevan, *Final Evaluation of the Rough Sleepers Initiative* (2005).

<sup>92</sup> Suzanne Lawson (Brisbane City Council), *Response to Homelessness: Strategy 2002-06* (2002) at <[http://www.brisbane.qld.gov.au/bccwr/plans\\_and\\_strategies/documents/plans\\_strategies\\_homelessness\\_strategy\\_full\\_strategy\\_document.pdf](http://www.brisbane.qld.gov.au/bccwr/plans_and_strategies/documents/plans_strategies_homelessness_strategy_full_strategy_document.pdf)>.

<sup>93</sup> See, for example, Geoffrey Randall and Susan Brown, *Helping Rough Sleepers Off the Streets: Report to the Homelessness Directorate* (2002) 16.

people themselves.<sup>94</sup> In the United Kingdom, at least two-thirds of rough sleepers report that they would appreciate positive interventions to assist them to access housing and other support services. A significant majority of beggars would be more likely to engage with and respond to such interventions if they occurred through social service outreach teams rather than police outreach and referral teams.<sup>95</sup>

On the other hand, two-thirds of rough sleepers also report, however, that they have been excluded or barred from accommodation and other services.<sup>96</sup> The effectiveness, sustainability, impact and appropriateness of assertive outreach to people who beg would be significantly contingent, therefore, upon service system expansion and enhancement, particularly with respect to capacity to meet the needs of, and deliver services to, people with mental illnesses or drug dependencies.<sup>97</sup>

### ***Recommendations in relation to Assertive Outreach and Social Service Intervention***

The Department of Human Services should consult and collaborate with people who beg, people experiencing homelessness, homelessness assistance services and other social service providers to:

- review, resource and enhance homelessness outreach teams to establish contact with and engage people who beg and people experiencing homelessness;
- develop and implement efficient and integrated referral relationships, protocols and procedures as between outreach teams and social service providers; and
- resource and provide holistic and sustained support and case management for people engaged through the outreach program.

## **5.5 Diverted Giving Schemes**

‘Diverted giving schemes’ seek to encourage people to place money in strategically located charity boxes (or ‘begging boxes’) rather than in the hands or hats of beggars.<sup>98</sup> Monies donated in this way are then directed to homelessness assistance services, crisis accommodation and welfare agencies to increase capacity and resources.

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<sup>94</sup> See generally, Geoffrey Randall and Susan Brown, *Helping Rough Sleepers Off the Streets: Report to the Homelessness Directorate* (2002).

<sup>95</sup> Shaks Ghosh (Crisis), *Compassion Not Coercion: Addressing the Question of Begging* (2004) 5.

<sup>96</sup> Geoffrey Randall and Susan Brown, *Helping Rough Sleepers Off the Streets: Report to the Homelessness Directorate* (2002) 15.

<sup>97</sup> See generally, Suzanne Fitzpatrick, Nicholas Pleace and Mark Bevan, *Final Evaluation of the Rough Sleepers Initiative* (2005).

<sup>98</sup> See generally, Joe Hermer, ‘Policing Compassion: “Diverted Giving” on the Winchester High Street’ in Hartley Dean (ed), *Begging Questions: Street-Level Economic Activity and Social Policy Failure* (1999) 203.

**(a) Will the Policy Promote the Public Interest and Add Public Value by Reducing the Incidence of Begging?**

Diverted giving schemes have been established in a number of cities in the United Kingdom, including Winchester, Liverpool, Brighton and Manchester. They have been broadly supported by the public, law enforcement officers and retailers.

Unfortunately, however, there is no evidence that the instalment of begging boxes has resulted in an overall decrease in the incidence of begging in any of these cities. Research suggests that there are three primary reasons for this lack of success.

First, diverted giving schemes have not been particularly successful in soliciting substantial donations or, by extension, expanding the resources or capacity of homelessness services.<sup>99</sup>

Second, many people who beg are unable to access services or have been excluded from services due to problematic behaviours or complex and multiple needs. As discussed at Part 3.5, 100 per cent of people surveyed for this Paper had been recently unable to access, or denied access to, accommodation, health care services or drug or alcohol treatment services. Even a substantial increase in capacity through diverted giving schemes is unlikely to increase the access of these groups to services without a range of other supports and interventions.

Third, many people beg to obtain money for drugs or alcohol. Diverted giving schemes and supported services do not meet people's needs to support these addictive disorders or provide sufficient funds to fill the significant gap between the demand for drug treatment services and the supply of such services.<sup>100</sup>

**(b) Will the Policy Promote the Public Interest and Add Public Value by being Fair and Non-Discriminatory, Participatory and Empowering, Holistic and Transparent?**

As discussed above, the concept of diverted giving schemes has been supported by the general public, retailers and police. However, evidence suggests that some of the outcomes of diverted giving schemes are particularly problematic. The United Kingdom experience of such consequences include:

- increases in the demand for homelessness assistance services associated with the publicity accompanying diverted giving schemes that are incommensurate with increases in the capacity of such services associated with monies received from such schemes;<sup>101</sup>
- the accompaniment of diverted giving schemes with zero tolerance policing strategies that have simply displaced beggars to other parts of the city;<sup>102</sup> and
- evidence of some increase in other low-level, income-generating crime, such as shoplifting and theft.

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<sup>99</sup> Joe Hermer, 'Policing Compassion: "Diverted Giving" on the Winchester High Street' in Hartley Dean (ed), *Begging Questions: Street-Level Economic Activity and Social Policy Failure* (1999) 212.

<sup>100</sup> Senate Legal and Constitutional Legislation Committee, Parliament of Australia, *Provisions of the Disability Discrimination Amendment Bill 2003* (2004) 31.

<sup>101</sup> Joe Hermer, 'Policing Compassion: "Diverted Giving" on the Winchester High Street' in Hartley Dean (ed), *Begging Questions: Street-Level Economic Activity and Social Policy Failure* (1999) 212.

<sup>102</sup> Joe Hermer, 'Policing Compassion: "Diverted Giving" on the Winchester High Street' in Hartley Dean (ed), *Begging Questions: Street-Level Economic Activity and Social Policy Failure* (1999) 213.



Recognising these consequences, diverted giving schemes are unlikely to provide an effective, fair or holistic response to begging.

## 5.6 Access to Adequate Housing

There are very strong and clear associations between begging and homelessness. As discussed at Part 3.4 above, 94 per cent of people surveyed for this Paper were homeless, including 76 per cent who were experiencing primary homelessness.<sup>103</sup> Fifty three per cent of respondents reported that their primary purposes for begging included obtaining money for accommodation.

Fiscal and public policy measures to increase access to adequate housing – that is, housing that enables people to live in security, peace and dignity<sup>104</sup> – constitute integral components of a holistic and sustainable policy response to begging and to poverty reduction more generally.

### (a) *Will the Policy Promote the Public Interest and Add Public Value by Reducing the Incidence of Begging?*

Although homelessness is not the only cause of begging, lack of access to adequate housing is a critical issue for many beggars.<sup>105</sup> Ninety four per cent of respondents to the survey for this Paper indicated that, despite attempts, they had been unable to access accommodation, including crisis or emergency accommodation. A significant majority of respondents, 59 per cent, stated that the provision of access to adequate housing would obviate the need for them to beg.<sup>106</sup> This is consistent with recent research regarding people with complex and multiple needs which demonstrates that the provision of adequate, supported accommodation is the single most important factor contributing to reducing the incidence of criminal re-offending.<sup>107</sup>

Notwithstanding the critical role of housing in ensuring the conditions necessary for social inclusion and both participation in and contribution to civil, political, economic and cultural activity, every night, almost 100,000 people experience homelessness across Australia.<sup>108</sup> Over 20,000 people are homeless in Victoria on any given night. Only one in seven of these people finds a bed in the homelessness service system. Funding for the homelessness service system (that is, the Supported Accommodation Assistance Program) is manifestly inadequate to meet demand. More than 700 homeless people per day are turned away from homelessness services across

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<sup>103</sup> Similarly, 100 per cent of people surveyed for Hanover's research were homeless (Michael Horn and Michelle Cooke, *A Question of Begging: A Study of the Extent and Nature of Begging in the City of Melbourne* (2001)) while 80-90 per cent of beggars in the UK are reported to be homeless, including 60-80 per cent who sleep rough (Simon Danczuk (Crisis), *Walk on By: Begging, Street Drinking and the Giving Age* (2000) and Suzanne Fitzpatrick and Catherine Kennedy, *Getting By: Begging, Rough Sleeping and The Big Issue in Glasgow and Edinburgh* (2000)).

<sup>104</sup> UN Committee on Economic, Social and Cultural Rights, *General Comment 4: The Right to Adequate Housing*, UN Doc HRI/GEN/1/Rev.5 (2001) 22.

<sup>105</sup> Hartley Dean and Margaret Melrose, 'Easy Pickings or Hard Profession? Begging as an Economic Activity' in Hartley Dean (ed), *Begging Questions: Street-Level Economic Activity and Social Policy Failure* (1999) 97.

<sup>106</sup> These results are substantially similar to results obtained in the UK — interventions supported by people who beg include access to adequate housing (55 per cent), reasonable employment (41 per cent) and drug and alcohol treatment (39 per cent): Rough Sleepers Unit, Office of the Deputy Prime Minister (UK), *Looking for Change: The Role and Impact of Begging on the Lives of People who Beg* (2001) 3.

<sup>107</sup> Revolving Doors, *Snakes and Ladders: Findings from the Revolving Doors Agency Link Workers Schemes* (2003).

<sup>108</sup> Chris Chamberlain and David MacKenzie, *Counting the Homeless 2001* (2003).

Australia.<sup>109</sup> In 2003-04, almost 35,000 requests for assistance were not met or referred.<sup>110</sup> It is estimated that, in Victoria alone, over 22,000 people are unable to access homelessness assistance services each year due to lack of capacity and resources.<sup>111</sup> Homeless people experiencing mental disorders, particularly co-morbid people experiencing both mental illness and drug or alcohol dependency, are especially susceptible to being unable to access, or being actively excluded from access to, housing and homelessness services.<sup>112</sup>

In addition to those experiencing homelessness, it is estimated that up to 35 per cent of low income people experience 'housing stress', meaning that their housing costs are so great relative to their income as to jeopardise their ability to meet other basic needs.<sup>113</sup> Almost 10 per cent of low income people experience 'extreme housing stress', meaning that they are required to spend more than 50 per cent of their income on rent to avoid homelessness.<sup>114</sup> In Victoria alone, the waiting list for public housing includes over 35,000 families, including over 21,000 families who have been on the list for two years or longer.<sup>115</sup>

Access to adequate housing, a critical determinant of both health and wellbeing<sup>116</sup> and social inclusion and participation, is likely to reduce both the need to and the incidence of begging.

**(b) Will the Policy Promote the Public Interest and Add Public Value by being Fair and Non-Discriminatory, Participatory and Empowering, Holistic and Transparent?**

In addition to influencing and enhancing health, wellbeing, participation and social inclusion, the provision of access to adequate housing is also likely to be a cost effective and efficient policy response to prevent and reduce the incidence of homelessness and associated begging behaviours.<sup>117</sup>

In terms of effectiveness, as discussed above, recent research demonstrates that the provision of adequate, supported accommodation can contribute to the reduction of criminal offending by over 20 per cent.<sup>118</sup>

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<sup>109</sup> Australian Institute of Health and Welfare, *Homeless People in SAAP: SAAP National Data Collection Annual Report 2002-03* (2003).

<sup>110</sup> Australian Institute of Health and Welfare, *Homeless People in SAAP: SAAP National Data Collection Annual Report 2003-04* (2005) 60.

<sup>111</sup> See generally, Australian Council of Social Service, 'National Survey of Services Under Strain', Media Release, 4 April 2005.

<sup>112</sup> See generally, NSW Ombudsman, *Assisting Homeless People: The Need to Improve their Access to Accommodation and Support Services* (2004). See also S Tsemberis and R F Eisenberg, 'Pathways to Housing: Supported Housing for Street-Dwelling Homeless Individuals with Psychiatric Disabilities' (2000) 51 *Psychiatry Services – American Psychiatric Association* 487.

<sup>113</sup> Recent research suggests that over 200,000 low income households in Victoria have housing costs in excess of 30 per cent of household income: Department of Premier and Cabinet (Victoria), *Challenges in Addressing Disadvantage in Victoria* (2005) 18.

<sup>114</sup> Senate Community Affairs References Committee, *A Hand Up Not a Hand Out: Renewing the Fight Against Poverty* (2004) 123-4.

<sup>115</sup> Tanya Giles, 'Public Housing Goes to Waste' *Herald Sun* (Melbourne), 21 March 2005.

<sup>116</sup> National Health Care for the Homeless Council (US), *Homelessness and Health: Policy Statement* (2004) 1.

<sup>117</sup> Suzanne Zerger, *Chronic Medical Illness and Homeless Individuals* (2002) 16.

<sup>118</sup> Revolving Doors, *Snakes and Ladders: Findings from the Revolving Doors Agency Link Workers Schemes* (2003).

In terms of efficiency, studies conducted in the United States and Canada demonstrate that establishing long-term solutions to homelessness reduces the use of other government services and substantially reduces the total cost to government. This is because, among other things, the cost of providing social services and health care to, and obtaining positive social and health outcomes for, people experiencing homelessness is considerably higher than for domiciled people.

For example, a Canadian study found that the cost of providing health care, criminal justice and social services (excluding housing) to homeless people costs, on average, 33 per cent more than the cost of providing those services to housed people.<sup>119</sup> According to the study, the service and shelter costs of homeless people range from \$30,000 to \$40,000 per annum, while the cost of providing services and supported housing to the same group range from \$22,000 to \$28,000.

A similar study in New York study monitored 4679 homeless people suffering psychiatric disabilities over a seven-year period who were placed in affordable housing and provided with clinical and social support.<sup>120</sup> The study found that placement of a homeless person in supported accommodation resulted in an average reduction in service use of USD\$16,281 per year. According to the cost study, the reduction in service usage overall would pay for an average of 95 per cent of the costs of building, operating and providing accommodation and related support services to the homeless.

Having regard to the impact of adequate housing on reducing the need to beg and the incidence of begging, contributing to the conditions necessary for inclusion and participation, and decreasing social service costs to governments, the following recommendations are made.

### ***Recommendations in relation to the Right to Adequate Housing***

Recognising the human right to adequate housing and the links between homelessness and begging, the Australian and Victorian Governments should:

- amend the *Supported Accommodation Assistance Act 1994* (Cth) to enshrine a right of access to crisis accommodation for homeless people;
- increase funding to the Supported Accommodation Assistance Program by 40 per cent to meet demand;
- increase funding, access and availability to various forms of supported housing and accommodation, particularly housing which meets the needs of people with disabilities, people experiencing mental illness, people with drug or alcohol disorders, and people with complex and multiple needs;
- increase funding to the Commonwealth-State Housing Agreement to meet the need for public housing; and

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<sup>119</sup> Margaret Eberle et al, *Homelessness: Causes and Effects – The Costs of Homelessness in British Columbia* (2001) 2-3.

<sup>120</sup> Dennis Culhane, Stephen Metraux and Trevor Hadley, 'Public Service Reductions Associated with Placement of Homeless Persons with Severe Mental Illness in Supportive Housing' (2002) 13(1) *Housing Policy Debate* 107. See also Ted Houghton, *The New York/New York Agreement Cost Study: The Impact of Supportive Housing on Services Use for Homeless Mentally Ill Individuals* (2001).

- develop a National Housing and Taxation Plan that includes strategies to align the supply of affordable housing with demand. The availability of affordable housing, including public housing, should be progressively increased through both direct expenditure and fiscal and taxation policy reforms.

## 5.7 Access to Adequate Income

According to Amartya Sen, Nobel Prize Winner for Economics, ‘inadequate income is a strong predisposing condition for an impoverished life’.<sup>121</sup> An adequate income is necessary to ensure an adequate standard of living and to facilitate participation in the civil, political, economic, social and cultural aspects of community life.

Lack of access, or inadequate access, to income support is a clear causal contributor to begging.<sup>122</sup> Having regard to this association, sophisticated public policy responses to begging should include fiscal and public policy measures to increase access to adequate and secure income support.

### (a) *Will the Policy Promote the Public Interest and Add Public Value by Reducing the Incidence of Begging?*

There are very strong correlates between begging and lack of adequate income, with 18 per cent of people surveyed for this Paper receiving no income or income support and 65 per cent subsisting on incomes below the Henderson Poverty Line (with the remaining 35 per cent subsisting on incomes which were, at most, nine per cent above the Poverty Line). Many respondents in receipt of a social security payment had their payments reduced or terminated for ‘breaching’ the Centrelink activity test (or mutual obligation) requirements.

It is unsurprising then that 100 per cent of respondents identified that they needed to beg to survive and a significant proportion of respondents (47 per cent) stated that the provision of access to an adequate income would obviate the need for them to beg.<sup>123</sup>

### (b) *Will the Policy Promote the Public Interest and Add Public Value by being Fair and Non-Discriminatory, Participatory and Empowering, Holistic and Transparent?*

Access to a secure and adequate income is necessary to ensure a dignified human existence and social and economic inclusion, integration, participation and contribution. Recognising this, article 9 of the *International Covenant on Economic, Social and Cultural Rights* (‘ICESCR’) provides that all people have the right to social security.

Although international human rights law does not prescribe social security payment levels, it does stipulate that benefits must not be reduced below a minimum threshold. Social security must be

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<sup>121</sup> Amartya Sen, *Development as Freedom* (1999) 87.

<sup>122</sup> Hartley Dean and Margaret Melrose, ‘Easy Pickings or Hard Profession? Begging as an Economic Activity’ in Hartley Dean (ed), *Begging Questions: Street-Level Economic Activity and Social Policy Failure* (1999) 97.

<sup>123</sup> These results are substantially similar to results obtained in the UK, with interventions supported by people who beg including access to adequate housing (55 per cent), reasonable employment (41 per cent) and drug and alcohol treatment (39 per cent): Rough Sleepers Unit, Office of the Deputy Prime Minister (UK), *Looking for Change: The Role and Impact of Begging on the Lives of People who Beg* (2001) 3.

sufficient to ensure a dignified human existence and to meet people's needs, particularly in relation to housing and health. A person's needs vary based on factors including housing status, age, health, cultural background, family responsibilities, and other factors. Social security must be available to cover all the risks involved in the loss of means of subsistence beyond a person's control.<sup>124</sup>

Australia's current social security regime, administered by Centrelink under the *Social Security Act 1991* (Cth), does not meet human rights standards. For example:

- not all people who require social security are able to access it, including newly arrived migrants (many of whom become homeless), people unable to provide adequate proof of identity, and marginalised and disadvantaged people unable to satisfy mutual obligation requirements;<sup>125</sup>
- the level of income support paid is inadequate to meet needs or guarantee a dignified human life;<sup>126</sup> and
- the breach penalty regime can result in a loss of income beyond a person's control and to an extent that violates the right to an adequate living standard.

The difficulties faced by many marginalised people, particularly homeless people in obtaining and maintaining social security payments, together with the inadequate levels of such payments, breach the right to social security and contribute significantly to begging behaviours.

Having regard to the impact of income support on reducing the need to beg and the incidence of begging, contributing to the conditions necessary for inclusion and participation, and discharging Australia's obligations under international human rights law, the following recommendations are made.

### ***Recommendations in relation to the Right to Adequate Income***

Recognising the human right to social security and the links between lack of adequate income, homelessness and begging, the Australian Government should ensure that:

- social security payments are available to all people who experience a loss of income beyond their control or who require income support to ensure realisation of their human right to an adequate standard of living;
- social security payments are increased to levels above the Henderson Poverty Line so that recipients are able to meet their material needs and participate in society. Payments should be sufficient to ensure that recipients can afford adequate housing, health care and an adequate standard of living;

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<sup>124</sup> Committee on Economic, Social and Cultural Rights, *General Comment 5: Persons with Disabilities*, UN Doc HRI/GEN/1/Rev.5 (2001) 28.

<sup>125</sup> According to the Australian Institute of Health and Welfare, 8 per cent of homeless people have no form of income or income support: Australian Institute of Health and Welfare, *Homeless People in SAAP: SAAP National Data Collection Annual Report 2003-04* (2005) 63.

<sup>126</sup> 86 per cent of people accessing homelessness assistance services in 2003-04 received a social security payment, indicating that such payments are inadequate to access or maintain housing: Australian Institute of Health and Welfare, *Homeless People in SAAP: SAAP National Data Collection Annual Report 2003-04* (2005) 63.

- the breach penalty regime under the *Social Security Act 1991* (Cth) is amended so that people are only penalised if they wilfully and intentionally breach their mutual obligations.<sup>127</sup> Penalties should be no longer than 8 weeks duration, no greater than 25 per cent of income and recoverable on compliance or reasonable steps;
- Centrelink's 'proof of identity' requirements are changed so that homeless people can use a letter from a homelessness assistance service as proof of identity; and
- an integrated package of social security assistance to homeless people is developed that includes access to health care, adequate housing, employment assistance and personal support to ensure sustainable outcomes.

## 5.8 Employment Schemes

There are clear correlates between begging and unemployment. One hundred per cent of survey respondents for this Paper were unemployed, while a total of 82 per cent were long-term unemployed (that is, unemployed on a continuing basis for at least one year). While 41 per cent identified access to employment and vocational opportunities as an important policy intervention to reduce the incidence of begging, only 6 per cent stated that they considered employment to be a viable alternative to begging in terms of income generation and supplementation. This suggests that, although a significant proportion of people who beg want to work, they are not provided with adequate or appropriate employment or vocational opportunities or pathways.

It is well recognised that employment is a critical pathway out of homelessness and poverty. It is also well understood that traditional housing and employment assistance programs deliver poor outcomes for homeless people 'because they are too fragmented, one-dimensional and consequential'.<sup>128</sup> More recent programs, including those discussed below, are designed having regard to the importance of integrated, joined-up programs that operate 'across the domains of housing, employment assistance and personal support' with a view to 'improved sustainable outcomes for homeless jobseekers as well as significant efficiencies within specific programs'.<sup>129</sup>

Recognising the strong associations between begging, homelessness and unemployment, targeted training and employment schemes have the potential to contribute to social inclusion and participation and significantly reduce the incidence of begging.<sup>130</sup>

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<sup>127</sup> Two survey respondents in this study indicated that, although they had been recipients of Newstart Allowance, which purports to 'prepare people for work', they had opted instead to rely on begging as a principal income source because their inability to comply with onerous activity test and mutual obligation requirements regularly resulted in payment reductions, suspensions and terminations.

<sup>128</sup> Hanover Welfare Services, 'Current Research' at <[http://www.hanover.org.au/index\\_general.asp?menuid=070.040](http://www.hanover.org.au/index_general.asp?menuid=070.040)>.

<sup>129</sup> Hanover Welfare Services, 'Current Research' at <[http://www.hanover.org.au/index\\_general.asp?menuid=070.040](http://www.hanover.org.au/index_general.asp?menuid=070.040)>.

<sup>130</sup> See generally, Bob Coles and Gary Craig, 'Excluded Youth and the Growth of Begging' in Hartley Dean (ed), *Begging Questions: Street-Level Economic Activity and Social Policy Failure* (1999) 77.

**(a) Will the Policy Promote the Public Interest and Add Public Value by Reducing the Incidence of Begging?**

As discussed above at Parts 3 and 4, research demonstrates that begging is generally a last resort activity engaged in by people who are poor and disadvantaged to obtain the income necessary to meet immediate and subsistence needs. Most beggars would prefer to work. However, barriers to workforce participation among the beggars surveyed for this Paper include homelessness (94 per cent), long-term unemployment (82 per cent), mental illness (71 per cent), drug dependency (47 per cent) and disability (24 per cent).

Targeted training and employment schemes which address workforce participation barriers and create and enhance employment (and, by extension, income generating) opportunities for poor and homeless people have the potential to displace the need for many people to beg.<sup>131</sup> An example of such an employment scheme is *The Big Issue*, an independent street magazine which is sold by vendors who are homeless or long-term unemployed. The purpose of the magazine is to provide a 'mechanism to assist homeless, ex-homeless and long-term unemployed people to participate in society as independently as possible'.<sup>132</sup> Vendors keep \$2 from every magazine that they sell. Barriers to workforce participation for vendors are addressed by 'vendor support workers', who seek to 'support and assist homeless and other disadvantaged people make positive changes to their lives through their work selling the magazine on the streets'.<sup>133</sup> The vendor support program offers training and support, motivation, referral to other services, counselling, peer support, legal advice and social development opportunities.

Another example of a targeted, holistic employment scheme is the YP4 program (previously known as the Young Homeless Job Seekers Trial). YP4 is a collaborative partnership between the Brotherhood of St Laurence, Hanover Welfare Services, Melbourne Citymission and Loddon Mallee Housing and is funded through both state and federal government funds. It seeks to join-up service delivery and programs in the areas of housing, health, employment and personal support to provide a holistic, integrated, individualised and flexible response to the multi-faceted needs of young homeless job seekers.<sup>134</sup>

Although employment schemes and community enterprises such as YP4 and *The Big Issue* do not meet the needs of all beggars, anecdotal evidence suggests that they have displaced begging as a necessary income generating activity for at least some marginalised and disadvantaged people.<sup>135</sup> Formal evaluations of programs such as YP4 are anticipated to demonstrate strong links between an increase in employment and a diminution in activities such as begging and disadvantages such as homelessness.

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<sup>131</sup> See generally, Geoffrey Randall and Susan Brown, *Ending Exclusion: Employment and Training Schemes for Homeless Young People* (1999). See also, Homeless Link (UK), *Do You Want to End Homelessness?* (2005).

<sup>132</sup> <<http://www.bigissue.org.au/>>.

<sup>133</sup> <<http://www.bigissue.org.au/>>.

<sup>134</sup> Michael Horn, *A New Approach to Assisting Young Homeless Job Seekers: Trial Proposal* (2004) at <<http://www.hanover.org.au/>>.

<sup>135</sup> Interview by the author with *Big Issue* vendors, Paul S and John B, in Melbourne on 31 March 2005. See also Hartley Dean and Margaret Melrose, 'Easy Pickings or Hard Profession? Begging as an Economic Activity' in Hartley Dean (ed), *Begging Questions: Street-Level Economic Activity and Social Policy Failure* (1999) 98-9.

**(b) Will the Policy Promote the Public Interest and Add Public Value by being Fair and Non-Discriminatory, Participatory and Empowering, Holistic and Transparent?**

The purpose of targeted employment schemes and programs is to develop and enhance opportunities for workforce, social and economic participation and contribution in a sustainable and empowering way.

The value of such initiatives is recognised by many participants in *The Big Issue* program.

It is indeed an utmost pleasure to be out of retirement, selling *The Big Issue* again at my old pitch outside Melbourne Central in Melbourne. The interaction with my customers is great because I groove as I sell. It's great to be back. – David M, *Big Issue* vendor, Melbourne<sup>136</sup>

All the best to everyone in *The Big Issue* world. I'm grateful for the support I've received through the mag. – David L, *Big Issue* vendor, Melbourne<sup>137</sup>

This value is also recognised by consumers and the broader public:

Fortunately homelessness is something I do not have first-hand knowledge of. I applaud what *The Big Issue* is doing to assist those in need of some support to get their lives together. – Jane Bolding, reader<sup>138</sup>

By providing access to training, support, secure income, opportunities for interaction and engagement, and the establishment of more inclusive, participatory communities, targeted employment schemes, such as *The Big Issue* and YP4, are likely to attract broad support and both reflect and add public value.

**Recommendations in relation to Employment Schemes**

Recognising the value of participation and the desire of many people who beg to work, Australian governments, in consultation with people who beg, people experiencing homelessness and homelessness assistance services, should collaborate to resource and develop a range of vocational and employment schemes which aim to overcome participation barriers, provide holistic personal support in the areas of health, education and housing, and create sustainable employment opportunities for people who beg or are homeless.

## **5.9 Access to Adequate Health Care**

As discussed at Part 3.4 above, there are clear associations between begging and poor health, including mental illness (71 per cent), drug dependency (47 per cent), alcohol dependency (35 per cent), physical disability (12 per cent) and intellectual disability (12 per cent). There are also strong correlates between begging and inability to access health care (29 per cent). At least 30 per cent of beggars report that they would not need to beg if they had adequate access to health care. These findings are consistent with research demonstrating that poor health is a cause of, a contributor to, and consequence of homelessness.<sup>139</sup> As the US Institute of Medicine states in a

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<sup>136</sup> 'Street Sheet' (2004) 213 *The Big Issue* 45.

<sup>137</sup> 'Street Sheet' (2004) 206 *The Big Issue* 45.

<sup>138</sup> 'Letters' (2004) 206 *The Big Issue* 44.

<sup>139</sup> Adrienne Lucy, 'South Eastern Sydney Area Health Service Homelessness Health Strategic Plan 2004-09' (2004) 17(8) *Parity* 6.



report entitled *Homelessness, Health and Human Needs*, there are three types of interactions between homelessness and poor health:

1. some health problems precede and causally contribute to homelessness;
2. some health problems are consequences of homelessness; and
3. homelessness exacerbates and complicates the treatment of many health problems.<sup>140</sup>

**(a) Will the Policy Promote the Public Interest and Add Public Value by Reducing the Incidence of Begging?**

Pursuant to article 12 of the *ICESCR*, all people have the right to the highest attainable standard of physical and mental health.

The right to health does not necessarily translate as a right to 'be healthy' — the United Nations Committee on Economic, Social and Cultural Rights ('the Committee') acknowledges that health is relative to an individual's biological conditions and a state's available resources.<sup>141</sup> However, the right does impose important substantive obligations on Australian governments to establish conditions designed to ensure that people have the best possible chance of being healthy, including through the adoption of legislative measures.

According to the Committee, these conditions should mean that people are able to access the full variety of facilities, goods, services and conditions necessary to ensure an individual's health.<sup>142</sup>

This includes access to appropriate health care and also access to safe water, adequate sanitation, an adequate supply of safe food, adequate nutrition, adequate housing, occupational health, a healthy environment and access to health-related information.<sup>143</sup> Services must be provided in a culturally appropriate<sup>144</sup> and non-discriminatory manner.<sup>145</sup> Health care services must be particularly targeted towards and accessible to the poor.<sup>146</sup>

Pursuant to article 2(1) of the *ICESCR*, Australian governments are obliged to take steps, using the maximum available resources, to progressively achieve the full realisation of the right to the highest attainable standard of health. As discussed above, this includes particularly the adoption of legislative measures.

According to the Committee, the steps and measures taken must be 'deliberate', 'concrete' and 'targeted as clearly as possible' towards full realisation of the right to the highest attainable

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<sup>140</sup> Institute of Medicine (US), *Homelessness, Health and Human Needs* (1998) 39.

<sup>141</sup> Committee on Economic, Social and Cultural Rights, *General Comment 14: The Right to the Highest Attainable Standard of Health*, [9], UN Doc E/C.12/2000/4 (2000).

<sup>142</sup> Committee on Economic, Social and Cultural Rights, *General Comment 14: The Right to the Highest Attainable Standard of Health*, [4], [9], UN Doc E/C.12/2000/4 (2000).

<sup>143</sup> Committee on Economic, Social and Cultural Rights, *General Comment 14: The Right to the Highest Attainable Standard of Health*, [11], UN Doc E/C.12/2000/4 (2000).

<sup>144</sup> Committee on Economic, Social and Cultural Rights, *General Comment 14: The Right to the Highest Attainable Standard of Health*, [12(c)], [27], [37], UN Doc E/C.12/2000/4 (2000).

<sup>145</sup> Committee on Economic, Social and Cultural Rights, *General Comment 14: The Right to the Highest Attainable Standard of Health*, [43(a)], UN Doc E/C.12/2000/4 (2000).

<sup>146</sup> UN Office of the High Commissioner for Human Rights, *Draft Guidelines: A Human Rights Approach to Poverty Reduction Strategies* (2002) 22-6 [Guideline 7: Right to Health].

standard of health.<sup>147</sup> Progress towards full realisation of the right is required to be as 'expeditious' and 'effective' as possible and requires that the maximum of available resources be directed towards public health, including by ensuring that the attainment of good mental health is a fiscal and budgetary priority.<sup>148</sup> Further, even while Australian governments are developing and implementing measures for the full realisation of the highest attainable standard of health, they are under an obligation to ensure that certain non-derogable 'core minimum standards' are met, including the provision of basic housing, nutrition and health care for marginalised or disadvantaged people.<sup>149</sup> At a minimum, health care for the poor must be 'available, accessible, acceptable and of good quality'.<sup>150</sup> Australian governments are obliged to 'reduce the financial burden of health care and health protection on the poor, for example by reducing and eliminating user fees for the poor'.<sup>151</sup>

Notwithstanding the right to the highest attainable standard of health and its associated implementation obligations and core minimum standards, recent analysis demonstrates that homeless and poor people have significantly less access to health services than the broader population.<sup>152</sup> The Senate inquiry into poverty and financial hardship found that homeless people 'miss out on a range of health services'.<sup>153</sup> As one formerly homeless person reports:

I was assaulted several years ago while having no fixed address. I was admitted to the Accident and Emergency department of a major hospital bruised and battered and with two sprained ankles. There was no avenue for effective after care. Who has ever heard of a hospital admission for sprained ankles! For somebody with a safe and secure home, limited use of both legs can be a major inconvenience. For somebody who has no secure home, limited use of their legs can be a serious threat to their continued well-being.<sup>154</sup>

Identified barriers to adequate health care for people experiencing homelessness include:

- financial barriers and hardship and associated lack of access to appropriate and affordable health care;
- lack of transportation to medical facilities;
- competing needs – basic subsistence needs in relation to food, accommodation and income take precedence over health care;
- lack of documentation;
- many homeless people do not have a Medicare Card and very few have health insurance;

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<sup>147</sup> Committee on Economic, Social and Cultural Rights, *General Comment 3: The Nature of States Parties' Obligations*, UN Doc HRI/GEN/1/Rev.5 (2001) 18.

<sup>148</sup> Committee on Economic, Social and Cultural Rights, *General Comment 3: The Nature of States Parties' Obligations*, UN Doc HRI/GEN/1/Rev.5 (2001) 18, [9].

<sup>149</sup> Committee on Economic, Social and Cultural Rights, *General Comment 3: The Nature of States Parties' Obligations*, UN Doc HRI/GEN/1/Rev.5 (2001) 18, [10].

<sup>150</sup> UN Office of the High Commissioner for Human Rights, *Draft Guidelines: A Human Rights Approach to Poverty Reduction Strategies* (2002) 23.

<sup>151</sup> UN Office of the High Commissioner for Human Rights, *Draft Guidelines: A Human Rights Approach to Poverty Reduction Strategies* (2002) 26.

<sup>152</sup> E Harris, P Sainsbury and D Nutbeam (eds), *Perspectives on Health Inequity* (2000).

<sup>153</sup> Senate Community Affairs References Committee, *A Hand Up Not a Hand Out: Renewing the Fight Against Poverty* (2004) 174.

- lack of contact details which presents difficulties in maintaining contact and, for example, communicating results;
- reluctance on the part of many homeless people to engage with services due to previous negative experiences;
- lack of insight into illness or assistance to access services – those most in need are those least likely to obtain health care;
- difficulty maintaining appointments, contact or treatment regimes; and
- disconnection from supportive social networks.<sup>155</sup>

Research and experience demonstrate that improving health outcomes for homeless people requires specifically targeted health care services, delivered together with programs to address underlying causes of homelessness.<sup>156</sup> The consequences of failing to provide adequate treatment, support services and supportive housing for people who are homeless and have mental health issues include 'poor physical health, social dysfunction, inappropriate incarceration, higher crime rates, prolonged homelessness and early death'.<sup>157</sup>

Having regard to the levels of homelessness (94 per cent) and poor health (at least 80 per cent) of people who beg, together with the fact that many people who beg are either denied access to health care (29 per cent) or beg in order to obtain health care or meet health related costs (29 per cent), targeted health care for people who are homeless or beg is likely to significantly reduce the incidence of begging.

**(b) Will the Policy Promote the Public Interest and Add Public Value by being Fair and Non-Discriminatory, Participatory and Empowering, Holistic and Transparent?**

A number of recent studies have examined the costs of homelessness to the health care system. Research in the United States, Canada and the United Kingdom has consistently demonstrated that:

- on a per capita basis, homeless people are significantly more likely to require medical care and hospitalisation than domiciled people;
- on average, homeless people require longer hospitalisation and treatment, with the cost of the additional days per stay for mental health patients exceeding \$6000 per person; and

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<sup>154</sup> Matt Gleeson, 'Obstacles to Surviving Homelessness' (2000) 13(10) *Parity* 7, 7.

<sup>155</sup> L Gelberg, L S Linn, R P Usatine and M H Smith, *Health, Homelessness and Poverty: A Study of Clinic Users* (1996) 2325-30; National Mental Health Working Group, *Homelessness and Mental Illness: Bridging the Gap – Discussion Paper* (2003) 5; Margaret Eberle et al, *Homelessness: Causes and Effects – A Review of the Literature* (2001) 16-17. See also Royal District Nursing Service Homeless Persons Program, *It Can Be Done: Health Care for People who are Homeless* (1992), cited in Department of Human Services (Victoria), *Primary and Acute Health Responses to People Who Are Homeless or at Risk of Homelessness: Information Paper* (2000) 3.

<sup>156</sup> Paula Braveman and Sofia Gruskin, 'Poverty, Equity, Human Rights and Health' (2003) 81(7) *Bulletin of the World Health Organization* 539, 540.

<sup>157</sup> National Health Care for the Homeless Council (US), *Addiction, Mental Health and Homelessness: Policy Statement* (2004) 1.

- better access to adequate housing would significantly reduce health problems and treatment needs and costs.<sup>158</sup>

Synthesising this research, Professor Paul Starr of Princeton University has commented:

Failure to deal with a social problem 'upstream' (lack of housing, education, health insurance, substance misuse prevention) leads to added costs for resources 'downstream' (police, prisons, hospital care). The downstream institutions are not only expensive, but also poorly equipped to deal with the underlying social problems. Many people conclude, therefore, that pre-emptively attacking the problems upstream would be both more efficient and more effective, but the pattern stubbornly persists. In the case at hand, we continue paying to put the homeless in hospital beds while not providing them with ordinary beds of their own.<sup>159</sup>

The provision of targeted, affordable, adequate health care services to people who beg and are homeless is likely to promote economic efficiency and equity and contribute to the conditions necessary for individuals to fully participate in and contribute to the community.

### ***Recommendations in relation to the Right to the Highest Attainable Standard of Health***

Recognising the human right to the highest attainable standard of health and the links between begging, homelessness and poor mental health, the Australian and Victorian Governments should substantially increase funding to improve the availability and accessibility of targeted, specialist health care services for homeless people. These services should be holistic and multi-disciplinary, and coordinated and integrated with housing and other support services, to achieve positive housing and health outcomes.

#### **5.10 'Do Nothing' or Laissez-Faire Approach**

An alternative public policy response to begging is to adopt a libertarian policy of non-intervention pursuant to which neither the legislative nor the executive interfere in the governance or regulation of begging.

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<sup>158</sup> Margaret Eberle et al, *Homelessness: Causes and Effects – A Review of the Literature* (2001) 20-2. See also Sharon Salit et al, 'Hospitalization Costs Associated with Homelessness in New York City' (1998) 338(24) *New England Journal of Medicine* 1734; Robert Rosenheck and Catherine Seibyl, 'Homelessness, Health, Service Use and Related Costs' (1998) 36(8) *Medical Care* 1256; Peter Molyneux and John Palmer, *Towards a Strategy for Health and Housing: Cost Drivers and Blocks that Impact on the Public's Health* available at <<http://www.vois.org.uk>>; Paul Starr, 'The Homeless and the Public Household' (1998) 338(24) *New England Journal of Medicine* 1709; Barbara Dickey et al, 'Housing Costs for Adults who are Mentally Ill and Formerly Homeless' (1997) 24(3) *Journal of Mental Health Administration* 291.

<sup>159</sup> Paul Starr, 'The Homeless and the Public Household' (1998) 338(24) *New England Journal of Medicine* 1709. See also Department of Premier and Cabinet (Victoria), *Challenges in Addressing Disadvantage in Victoria* (2005) 23.

**(a) Will the Policy Promote the Public Interest and Add Public Value by Reducing the Incidence of Begging?**

Although some commentators have suggested that the decriminalisation of begging would result in the streets becoming 'awash with beggars',<sup>160</sup> this is not supported by the research undertaken for this Paper which discloses that

- begging is generally a last resort activity engaged in by people who identify that they need to beg to survive (100 per cent);
- begging is considered to be degrading, demeaning, undignified, humiliating and shameful (100 per cent); and
- begging is not generally lucrative, the average earning being in the order of \$5-20 per hour (94 per cent).

In addition to these disincentives, people who beg are highly susceptible to violence and assault, with 68 per cent of beggars in the UK reporting that they have been subject to violence or assault while begging.<sup>161</sup>

However, while a policy of non-intervention is not likely to result in a radical increase in the incidence of begging, it is also unlikely to meet the public interest in reducing the incidence of begging. As discussed elsewhere in this Paper, begging is a complex and multi-faceted issue with both individual and structural causes requiring a coordinated, joined-up response that is both flexible and individualised but that also addresses systemic issues.

**(b) Will the Policy Promote the Public Interest and Add Public Value by being Fair and Non-Discriminatory, Participatory and Empowering, Holistic and Transparent?**

In addition to failing with respect to the public interest in reducing the incidence of begging, a policy of absolute non-intervention does not take into account or address the interests or values articulated by either the general public (who may have legitimate concerns about begging, whether those concerns relate to their own welfare or those of people who beg) or by people who beg themselves.

None of the beggars surveyed for this Paper supported a policy of absolute non-intervention, with every respondent indicating that they would like to stop begging and supporting at least some form of social or economic intervention in this regard, particularly in the areas of access to housing (59 per cent) and an adequate income (47 per cent). Surveys of public attitudes toward begging in Scotland disclose that, regardless of whether a person adopts passive, active or aggressive begging techniques, people tend to find begging encounters confronting and discomforting and support some form of intervention – whether social, economic or legal – to reduce the incidence of begging.<sup>162</sup>

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<sup>160</sup> See, for example, Robert Doyle quoted in Geoff Wilkinson, 'Outrage at Plan to Allow Begging' *Herald Sun* (Melbourne) 16 February 2005.

<sup>161</sup> Homeless Link, 'Summary of Research Findings on Begging' at <<http://www.homeless.org.uk/db/20001103133834>>.

<sup>162</sup> See generally, Ian McIntosh and Angus Erskine, "I Feel Rotten. I Do, I Feel Rotten": Exploring the Begging Encounter' in Hartley Dean (ed), *Begging Questions: Street-Level Economic Activity and Social Policy Failure* (1999) 183.

A policy of absolute non-intervention would not be in the public interest or add public value. As Hopkins Burke argues, 'some form of policing and regulation is essential for the benefit of all – beggars and the general public – alike'.<sup>163</sup>

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<sup>163</sup> Roger Hopkins Burke, 'Tolerance or Intolerance? The Policing of Begging in the Urban Context' in Hartley Dean (ed), *Begging Questions: Street-Level Economic Activity and Social Policy Failure* (1999) 221.

## 6. Conclusion

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There is a strong common public interest in reducing the incidence of begging in Melbourne; people who beg have the right to social inclusion and an adequate standard of living and the general public has the right to safe and amenable public places and cohesive communities. Public policy initiatives to achieve this policy objective should aim to promote the realisation of human rights and enhance public value by being holistic, fair and non-discriminatory, participatory and empowering, and transparent and accountable.<sup>164</sup> Zero tolerance and dispersal policing strategies are unlikely to reduce the incidence of begging without also targeting already disadvantaged and vulnerable people and contributing to a rise in alternative illegal income supplementation activities. Strategies that identify and holistically and sustainably address underlying causes of begging are more likely to realise the public interest in reducing the incidence of begging in a framework that reflects and creates public value. They are also more likely to be cost efficient and effective.

Begging is a complex and multi-faceted problem that is most often caused by multiple and inter-related individual and structural deprivations. There are clear causal and consequential correlates between begging, homelessness, poverty, mental illness, drug dependency and inadequate access to housing, income and health support services. This is demonstrated in Table 10 below which summarises the strong associations between the wellbeing of people who beg, the reasons for which people beg, the services to which people who beg are denied access or unable to access, and the interventions regarded as necessary and appropriate by people who beg to address the problem of begging.

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<sup>164</sup> See generally, Department of Premier and Cabinet (Victoria), *Challenges in Addressing Disadvantage in Victoria* (2005).

<b>Condition</b>	<b>% of people begging who experience condition</b>	<b>% of people begging to meet needs relating to condition</b>	<b>% of people begging who are unable to access/denied access to service relating to condition</b>	<b>% of people begging who propose and intervention to address needs relating to condition</b>
<b>Homeless</b>	94	53	94	59
<b>Mental illness</b>	71	18	12	18
<b>Drug dependency</b>	47	24	18	12
<b>Alcohol dependency</b>	35	41	18	12
<b>Gambling problem</b>	18	12	6	6
<b>Income below Poverty Line</b>	65	100	65	88

**Table 10: Correlations between the wellbeing of people who beg, the reasons for which people beg, the services to which people who beg are denied access or unable to access, and the interventions regarded as necessary and appropriate by people who beg to address the problem of begging**

As a complex and multi-faceted problem, begging requires a holistic, coordinated, inter-agency response that addresses both individual and structural issues.<sup>165</sup> If the public interest in addressing the 'problem of begging' is to be realised, street level public policy responses and interventions that are flexible, responsive, individualised and holistic need to be joined-up and implemented with structural socio-economic reforms in the areas of housing, health, income support and social inclusion.<sup>166</sup>

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<sup>165</sup> Catherine Kennedy and Suzanne Fitzpatrick, 'Begging, Rough Sleeping and Social Exclusion' (2001) 38(11) *Urban Studies* 2001; Bob Coles and Gary Craig, 'Excluded Youth and the Growth of Begging' in Hartley Dean (ed), *Begging Questions: Street-Level Economic Activity and Social Policy Failure* (1999) 76.

<sup>166</sup> See generally, Roger Hopkins Burke, 'Tolerance or Intolerance? The Policing of Begging in the Urban Context' in Hartley Dean (ed), *Begging Questions: Street-Level Economic Activity and Social Policy Failure* (1999) 232.



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