

STREET

RIGHTS



In Victoria, begging is a crime under s49A of the *Summary Offences Act* 1966. The maximum penalty for a first offence for begging is one year's jail. People who beg are regularly approached by law enforcement officers. In most cases, police will ask you to 'move on'. However if you are convicted of begging you can be fined \$50 for a first offence, \$100 for a second and up to \$300 for subsequent offences. In 2005, Police only assisted a person to access, or referred them to a social service (rather than fining them) in 6 per cent of cases.

Provisions which criminalise begging have been struck down by the courts in the US and Canada, on the basis that the laws breach basic human rights, such as the right to freedom of expression. Unfortunately however, begging remains a criminal offence in most states in Australia. It is not an offence in New South Wales, except in the Sydney Foreshore Area, where people who beg can be fined. The Clinic has spoken to, and assisted a lot of people who have begged in the past. From these conversations, we understand that begging is generally a last resort income supplementation activity; people who beg find it demeaning, degrading, frustrating and humiliating. However, many people prefer to beg than engage in other illegal income raising activities, such as theft. Begging is not very lucrative. The average 'take' from begging is between \$5 and \$20 per hour.

In 2005, the Clinic published a [report](#) entitled *Begging: We want change*. In the report, Phil Lynch, former Clinic Coordinator made a number of recommendations, including:

- changing the law so that begging is no longer a criminal offence;
- 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.

If you or someone you know has been charged with a begging offence, please contact the Clinic on 1800 606 313.

## beggar on the street of love

by Tanya Unger  
CAG Member

*On my own I'm standing, so patiently  
And my heart keeps calling, calling out for you to see  
You look right through me and you pass me by*  
Paul Kelly

**The Truth:** Begging as a means of survival is treated with distrust and disdain, as a pursuit beyond the pale of acceptability. Begging is condemned far and wide, and in our society we are more inclined to ignore, take offence, avoid, pity, abuse or despise those that beg, for we see only the concept of the 'beggar' rather than the actual human being. Begging is a **PRECARIOUS** and **HAZARDOUS** existence and a choice made when there is no other acceptable choice.

**Untruths:** Begging is a lucrative pursuit. Those that beg only have themselves to blame. Beggars are undeserving. Those that beg are really just fulltime con artists who make hundreds of thousands of dollars a year, live in mansions and drive a Lexus.

**Unhappy Truths:** Some people use the money they get from *begging* to buy drugs, booze and cigarettes. Some people use the money they get from *working* to buy drugs, booze and cigarettes.

**Happy Truths:** Most people spend the money they get from begging to buy food, met tickets, clothes, accommodation or make the minimum deposit needed to open a bank account so Centrelink will finally approve benefit payments. There are many of us who are working to help improve the quality of life for those living in desperate situations.

**My Truth:** I can't tell you what it feels like to beg on the streets in order to survive because I couldn't bring myself to do it even though I had no where to live, no food to eat and not a cent to my name to support myself and my dog. I can tell you why I couldn't do it though. I was too ashamed and embarrassed that someone I knew would see how far from grace I had fallen and would judge or pity me. I was too fearful that passers-by would harass and abuse me or I'd get arrested. I knew it was something I would never be able to get over, because for me it would have been a symbol of my ultimate defeat, the selling of my soul for a few coins a day, my last straw; my point of no return. If I hadn't found a way to get out of the situation I was in, begging would have been just a matter of time. So like many of you I am extremely fortunate and privileged that I found another way to heal and move on. I grieve for those who continue to suffer in this, the lucky country and am committed like I know many of you are to 'spare some change' and fight the injustice of poverty.

# Rudd Government gets an A on homelessness homework

**by Caroline Adler**  
Manager and Principal Lawyer  
of the HPLC

Prime Minister Rudd recently announced an official White Paper to tackle the issue of homelessness in Australia. In committing itself to producing a White Paper, the Government has rightly recognized homelessness as a debilitating and complex social issue affecting an increasing number of Australians every year. The community has been waiting for over a decade for such a display of national leadership.

***“We don't believe it is something which a country as wealthy as ours in the 21st century can just ignore... I don't want to live in a country where we simply discard people.”*** Prime Minister Kevin Rudd, 28/1/08

The Government has convened a high-level steering group, headed by Tony Nicholson of the Brotherhood of St Laurence, to produce the White Paper, which will explore long-term responses to reduce homelessness in Australia. The Government will also fulfil its pre-election promise to spend \$150 million on crisis accommodation. This short-term funding boost is particularly important in light of recent disturbing data indicating that crisis services turn away over 350 people a day, the majority of whom are women and children.

It is important that as a longer term policy document, the White Paper takes a whole-of-government approach, which recognises the interrelated and complex causes of homelessness. Homelessness is not just about affordable housing supply, it is also caused by poverty, unemployment, family violence and breakdown, mental health issues and substance abuse. I am hopeful that this multi-faceted approach will go a long way to ensuring that the human rights of homeless people, particularly in respect of adequate housing and health care, decent employment, and education are protected and fulfilled.

Finally, despite the expertise of the White Paper's steering committee, it is imperative that the Government recognise and consult with the 'real experts' – people who have experienced homelessness. Active participation of homeless people in decision making processes that affect them is a fundamental human right. Direct consultation is also far more likely to result in the development and implementation of policies and programs that are targeted, efficient, effective and meet long-term needs.

The Clinic plans to get involved in the development of the White Paper and will work to ensure that as many consumers as possible are heard throughout this process. More information about the White Paper is available on our [website](#).

## The CAG Chronicle January 2008

The Consumer Advisory Group (CAG) is off to a great start for the year with many exciting new projects on the horizon.

Our first task for the year is drafting a letter to the Hon. Tanya Plibersek, Federal Minister for Housing about CAG; our role within PILCH and the contribution we have made in raising awareness of the issues of homelessness within the community. While we wish to encourage Federal and State leaderships to consult with and encourage consumer participation, we also want to support and provide more opportunities for other consumers to give voice to both their hopes and concerns for the future. With this in mind, we have a number of speaking engagements at various universities and community organizations through out Victoria and we are planning a consumer forum for later in the year.

Perhaps our most significant endeavour will be to make the conversation about access to safe, affordable and adequate housing as a human right an informed, responsible, accountable and accessible conversation that includes both consumers and the community alike.

We look forward to the next 12 months and hopefully we will get a chance to work with or talk to you throughout the year.  
*Tanya Unger, Consumer Advisory Group*

## HPLC good news stories

**Fines:** Mark came to the clinic with a public transport fine which was already at enforcement order stage. When Clinic lawyers contacted the infringements court they were advised that Mark also had 4 outstanding fines at enforcement order stage and an outstanding warrant. A special circumstances application was made on Mark's behalf and the infringements court decided to revoke the 5 enforcement orders and the issuing agencies requested non-prosecution of the offences.

**Phone Bills:** Colleen had queries in relation to a number of charges on her phone bills. After some investigations Clinic lawyers drafted a letter to the phone company outlining Colleen's concerns and offering a compromised price for payment of her phone bill. The company agreed to this and removed \$69 from Colleen's bill.

**Office of Housing Debt:** Lawyers assisted John who had incurred maintenance debts for two Office of Housing (OoH) properties amounting to \$3726. The OoH had sought compensation from John, which was ordered in favour of the OoH by the VCAT in June 2000 in relation to \$2910 and in February 2004 in relation to \$816.47. The unpaid maintenance debts were preventing John being eligible for an offer of public housing. Clinic lawyers pursued two courses of action: 1) filed an application in VCAT for re hearing of the VCAT orders under s120 of VCAT Act and 2) sought an internal review of the decisions of the OoH to pursue the debts. The latter was successful and both debts were waived by OoH. Lawyers subsequently withdrew the VCAT application.

\* Names have been changed

## Feedback Wanted

*What do you think of our new look StreetRights?*

*Is there something you would like to contribute?*

Please contact Helen Arblaster on 1800 606 313 or [hplc@pilch.org.au](mailto:hplc@pilch.org.au) to have your say.

Click [here](#) to subscribe to our mailing list.

## THE CLINIC PROVIDES FREE LEGAL ADVICE AT THESE LOCATIONS AND TIMES:

### The Big Issue

148 Lonsdale Street  
Melbourne 3000

**Mon: 10:00am - 11:00am**

### Melbourne Citymission

214 Nicholson Street  
Footscray 3011

**Mon: 10:30am - 1:00pm**

*Footscray train station - Tram 82 (Droop St)*

### Ozanam House

179 Flemington Rd  
North Melbourne 3051

**Tues: 10:00am - 12:00pm**

*Flemington Bridge train station  
Trams 55, 59, 68 (Flemington Rd)*

### Urban Seed (Credo Café)

174 Collins St, Melbourne 3000

*(Approach via Baptist Pl, off Little Collins)*

**Tues: 12:00pm - 1:00pm**

### Flagstaff Crisis Accommodation

9 Roden St,  
West Melbourne 3003

**Tues: 1:00pm - 2:30pm**

*North Melbourne train station - Tram 57  
(Victoria St)*

### Salvation Army Life Centre

69 Bourke Street  
Melbourne 3000

**Tues: 12:30pm - 2:00pm**

### The Lazarus Centre

203 Flinders Lane  
Melbourne 3000

*By appointment - call 9639 8510*

### St Peter's Eastern Hill

15 Gisborne Street  
East Melbourne 3002

**Wed: 7:30am - 9:00am**

*Parliament train station - Trams 24, 42, 109  
(Victoria Pde)*

### Hanover Southbank

52 Haig St, Southbank 3205

**Wed: 1:15pm - 3:00pm**

*Spencer Street train station - Tram 112  
(Clarendon St)*

### HomeGround Housing

1A/68 Oxford Street  
Collingwood 3066

**Thurs: 12:00pm - 2:00pm**

*Collingwood train station - Tram 86 (Smith St)*

### VACRO

116 Hardware Street  
Melbourne 3000

**Thurs: 1.00 - 3.00pm**

*Melbourne central station - Tram 19, 57 and 59  
(Elizabeth St)*

### Koonung Mental Health Clinic

**Friday 1pm - 3pm**

Level 1, 43 Carrington Rd  
Box Hill 3128

Ph: (03) 9843 5800

### PILCH

Level 1, 550 Lonsdale st.  
Melbourne, VIC 3000

(03) 9225 6684 or 1800 606 313

[www.pilch.org.au](http://www.pilch.org.au)