



Darren Hine
Secretary
Department of Police, Fire and Emergency Management
By email: strategy.support@dpfem.tas.gov.au

26 September 2019

Re: Consultation on Draft Bill to Repeal the Offence of Begging.

Dear Mr Hine

Shelter Tas appreciates the opportunity to provide comment on the *Draft Bill to Repeal the Offence of Begging*.

Shelter Tas is the peak body for housing and homelessness services in Tasmania. Our response is based on consultation with our members, who include all the funded Specialist Homelessness Services in Tasmania.

We see the amendment as positive. The changes seem balanced and reasonable. With increasing rates of poverty and homelessness in our community, asking for money should not be a crime.

Members have noted that members of the community may have different perspectives and experiences of what they find intimidating or harassing, and so the impacts of this change may not be determined until some cases go before a court. One possible clarification could be to include a distance from premises or public facilities (as it is for smoking being 3m away from an entrance) such that a person who is outside that distance is not held to be disturbing potential customers.

We also note that any additional demand for people needing legal services will need to be monitored and if need be that appropriate funding for Community Legal Services would be made available.

We also had feedback from members that a definition of 'deter' would be helpful. We assume that it is not the intention of the Bill that the mere presence of a person seeking funds to alleviate poverty could be seen as a deterring people from approaching a business, but this could be clearer. We would welcome a specific and narrow definition of 'deter' as it should not be the intention of the Bill to have people kept out of the CBD which is the area they are most likely to find assistance.

Shelter Tas would echo the recommendation we made to the Hobart City Council By-law on Public Spaces to ensure that people experiencing homelessness and other vulnerable persons would not be subjected to penalties:

A person cannot be issued an infringement for an offence where that person is homeless, in need of secure accommodation, has complex needs or is in need of additional assistance because of a mental or physical disability or illness.

In these circumstances, a penalty is not appropriate, but there is an opportunity for police officers to provide referrals for appropriate legal and support services.

We would welcome a review of the impact of the Act at the end of its first year of operation to ensure there have been no unintended consequences.

Again, thank you for including Shelter Tas and our members in this consultation.

For any further information on this submission, please contact

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