1 December 2025

The Hon Sonya Kilkenny MP
Attorney-General for Victoria
By email: attorney-general@justice.vic.gov.au

Open letter in support of repeal of anti-begging law - s 49A *Summary Offences Act 1966* (Vic)

Dear Attorney-General,

We, the undersigned, are a collection of community legal centres and human rights advocates providing frontline services and advocacy for Victoria's most vulnerable community members.

We call for the removal of the offence of begging or gathering alms from Victoria's criminal law by repealing s49A of the *Summary Offences Act 1966* (Vic). We urge the Government to end the criminalisation of begging in Victoria and to align the state's approach with the majority of other Australian states and territories, noting in particular the recent decriminalisation of begging in Queensland and Tasmania in 2024.

Laws which criminalise begging:

- Punish and vilify highly vulnerable members of our community;
- Are ineffective and fail to address the underlying causes of begging. In fact, they exacerbate hardship;
- Impose needless burden on state resources, particularly the courts and the fines enforcement system.

In the current housing and cost of living crises, we urge the government to respond to hardship within our community through investment in frontline support services and housing, and not by punishing poverty.

Punishing our community's most vulnerable

Criminalisation of begging punishes vulnerable community members who are driven by desperation and unable to access adequate supports. The use of law enforcement to respond to begging also risks over-policing and traumatisation of particular groups, including First Nations community members.

Evidence and research has consistently shown that people who beg experience high levels of hardship and intersecting complex needs, including homelessness, family violence, mental illness and acute financial hardship.[1] Begging is committed out of necessity and is a shameful

[1] Horn M and Cooke M 2001 *'A Question of Begging: A Study of the Extent and Nature of Begging in the City of Melbourne'*, Hanover Welfare Services; Lynch P 2005 'Understanding and Responding to Begging' *Melbourne University Law Review*, vol.29, no.2, pp.518–555; Farrell J and Povey C 2010 *'We Want Change!*

experience for those who undertake it. Survey data collected by Justice Connect Homeless Law in 2016 found that:

- 87% of respondents reported having mental health issues;
- 77% identified as experiencing homelessness (including 63% sleeping rough);
- 60% reported suffering family or relationship breakdown; and
- 33% identified as victim-survivors of family violence.[2]

In addition to individual circumstances, there are also structural factors which contribute to the incidence of begging, particularly inaccessible or inadequately funded support services, healthcare, and housing. Previous research suggests that 100 percent of people engaging in begging have recently been unable to access some form of social support.[3] In Victoria, every day an average of 71 requests for assistance by specialist homelessness services go unattended, a figure which continues to rise.[4]

Begging laws are ineffective

There is no evidence that criminalisation reduces the incidence of begging in Victoria. Use of the criminal law fails to address the underlying causes of begging. In fact, it draws people into the criminal justice system and exacerbates their hardship further.

The criminal law currently prescribes a maximum penalty of 12 months imprisonment for the offence of begging. The most recent publicly available data indicates that fines and imprisonment continue to be imposed for this offence.[5] Through our services, we regularly assist clients with unaddressed fines which have been imposed for begging but which our clients are in no position to pay.

It has previously been argued that this law enables those charged to be referred to diversionary programs. Criminalisation is not an effective means of connecting people with supports. The results of Operation Minta outlined that begging prosecutions most commonly involve failures to appear, followed by warrants and arrests.[6]

Victoria Police have previously suggested that retaining the offence is justified, citing fringe examples of fraudulent or aggressive begging. There is no evidence that this extends beyond a small minority of begging cases, which could be adequately dealt with by alternative charges. Retaining a broad offence of begging to deal with outlier cases only harms large numbers of vulnerable people while adding little to the state's capacity to prosecute genuinely criminal conduct.

Calling for the Abolition of the Criminal Offence of Begging', PILCH Homeless Persons' Legal Clinic Asking For Change: Calling for a More Effective Response to Begging in Victoria (Public Briefing Note, 2016), (available at: https___justiceconnect.org.au_wp-content_uploads_2018_08_Asking-for-change-a-better-response-to-begging.pdf).

[2] PILCH Homeless Persons' Legal Clinic 2016.

[3] Lynch P 2005; Farrell J and Povey C 2010.

[4] https://www.aihw.gov.au/reports/homelessness-services/specialist-homelessness-services-annual-report/data

[5] https://www.sacstat.vic.gov.au/mc-vic/beg-gather-alms-7405-49a-1-mc.html

[6] PILCH Homeless Persons' Legal Clinic 2016.

A burden on state resources

For the offence of begging to be prosecuted, it requires significant state resourcing particularly by police, the courts, and the fines enforcement system.[7] Typically, prosecution involves protracted proceedings, only for dismissal to be the most common ultimate outcome.[8]

Based on our experience in frontline service delivery, fines enforcement against those in acute financial hardship is both protracted and unlikely to result in payment. It also exacerbates existing distress and hardship.

The state resources allocated to the enforcement of begging as an offence should be diverted to frontline supports and services better placed to support vulnerable community members.

Our request

We respectfully ask that you support and facilitate the passage of a bill to repeal s 49A of the *Summary Offences Act 1966* (Vic). We further urge the government to strengthen its investment in housing and support services which address the root causes of hardship in our community.

Ending the criminalisation of begging is a necessary step toward a fairer, safer and more effective response to homelessness and disadvantage in Victoria. We welcome the opportunity to work with the Government to ensure successful implementation of this reform.

Yours sincerely,

justice connect

FEDERATION OF COMMUNITY LEGAL CENTRES VIC

Victorian Aboriginal Legal Service

Fitzroy Legal Service

SOUTH-EAST MONASH LEGAL SERVICE INC.

INNER MELBOURNE COMMUNITY LEGAL

pclc Peninsula Community Legal Centre

Southside Justice

FIRST STEP LEGAL

youthlaw YOUNG PEOPLE'S LEGAL RIGHTS CENTRE INC

[7] Ibid.

[8] Ibid. SACStat Beg or Gather Alms sentencing outcomes: https://www.sacstat.vic.gov.au/mc-vic/beg-gather-alms-7405-49a-1-mc.html