

**Inquiry into the Decriminalisation of Certain Public Offences, and Health and Welfare Responses**

**Submission No:** 3  
**Submitted by:** [REDACTED]  
**Publication:** Make the submission public but withhold your name  
**Attachments:** No attachment

**Submitter Comments:**

I think the issue of whether or not to decriminalise certain public order offences cannot be made as a general rule - they need to be based on the individual circumstances. (1) Public urination by homeless people who are not drunk due to a lack of access to toilets is one thing - public drunkenness and urination due to excessive drinking is completely different. There's a reason why public urination is a crime. The penalties under these conditions (i.e. where a person has consumed excessive alcohol) should be increased - not lessened! I'm somewhat bewildered by this enquiry - but can only wonder if its more about inadequate police resources and/or a lack of political will to curb the drinking culture that seems to be getting worse. (2) Begging - aggressive versus passive begging - there can be instances where a person becomes aggressive and will target individuals they feel they can bully into handing over money. So passive begging (e.g. using a sign only) may not be an offence but begging with 'menace' should be.

**Submitter Recommendations:**

(1) Public urination - Provide better access to public toilets for the homeless 24/7 - perhaps locate these where there is a larger congregation of homeless people. Ensure adequate security for those using these facilities (e.g. CCTV, call alarms, lighting). Ensure these facilities are well-maintained.(2) Decriminalise passive begging but ensure begging with menace is an offence - determined by the behaviours associated with the begging - such as actively requesting money/or goods which are unsolicited and initiated by a person. In contrast, the passive beggar allows the person to come to them to offer money/goods and therefore the decision to offer or not offer money/goods is made without undue coercion.