



**Scrutiny of Acts and  
Regulations Committee**

# Review of the Vagrancy Act 1966

## **Final Report**



September 2002



SCRUTINY OF ACTS AND  
REGULATIONS COMMITTEE

---

**54<sup>th</sup> Parliament**

**Inquiry into the  
Vagrancy Act 1966**

*Ordered to be Printed*

By Authority. Government Printer for the State of Victoria.  
**N° 170 Session 1999-2002**

**Parliament of Victoria, Australia  
Scrutiny of Acts and Regulations  
Committee  
Inquiry into the Vagrancy Act 1966  
Bibliography  
ISBN 0 7311 3043 X**



## SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

---

### Members

Ms Mary Gillett MLA (Chair)  
The Hon. Andrew Olexander MLC\* (Deputy Chair)  
Mrs Liz Beattie MLA\*  
The Hon. Mark Birrell MLC  
Mr Carlo Carli MLA\*  
The Hon. Robert Maclellan MLA\*  
The Hon. Jenny Mikakos MLC  
Mr Tony Robinson MLA  
The Hon. Chris Strong MLC\*

\* **Members Redundant Legislation Subcommittee**  
**The Hon. Chris Strong MLC (Subcommittee Chair)**

### Staff

Mr Andrew Homer Senior Legal Adviser  
Dr David Blumenthal Consultant, Redundant Legislation  
Mr Simon Dinsbergs Assistant Executive Officer

### Address

Level 8, 35 Spring Street  
MELBOURNE VIC 3000

### Telephone

(03) 9651 4008

### Facsimile

(03) 9651 3674

### Email

simon.dinsberg@parliament.vic.gov.au

### Internet

www.parliament.vic.gov.au/sarc



# TABLE OF CONTENTS

---

Final Report	7
Table of Proposals and Recommendations	21
Appendices	
Offences Charged Under the Vagrancy Act 1966 (for cases completed 01/07/1999 to 30/06/2000)	39
Magistrates' Court Statistics 1998/99	41
List of Written Submissions	45
List of Witnesses	47



# INQUIRY INTO THE VAGRANCY ACT 1966

## FINAL REPORT

---

### **Inquiry**

The Scrutiny of Acts and Regulations Committee (“SARC”) has been requested to review the *Vagrancy Act 1966* (Vic) (“the *Vagrancy Act*”). This inquiry was referred to SARC by the Legislative Assembly on 14 March 2000. The purpose of the review is to consider the content and relevance of the Act, and whether it contains provisions that are unclear, redundant or ambiguous that require repeal, amendment or revision. SARC is required to report to Parliament by the Autumn Session of Parliament 2002.

### **The Conduct of the Inquiry**

The Committee undertook research into the history and purpose of the *Vagrancy Act*, and reviewed the earlier work done by the Victorian Law Reform Commission in 1992. Following a review of this research, the Committee resolved to publish a Discussion Paper outlining the Committee’s general approach, reasoning, and preliminary recommendations with respect to reform of the *Vagrancy Act*. The purpose of this Discussion Paper was to seek input from the public and interested organisations on the Committee’s preliminary recommendations in order to assist the Committee in reaching its final recommendations. To this end, the Discussion Paper contained a table explaining the Committee’s proposals concerning the *Vagrancy Act* on a clause-by-clause basis.

The Discussion Paper was published in April 2002, and was sent directly to approximately 180 persons and organisations that the Committee considered might have an interest in its recommendations. In late April 2002 the Committee placed newspaper advertisements in *The Age*, *The Herald Sun*, and primary Victorian regional newspapers, advising of the publication of the Discussion Paper and public hearings, and seeking submissions on the inquiry from interested organisations and members of the public.

Twenty-eight written submissions were received commenting on the proposals contained in the Discussion Paper. Many of these submissions have been extremely helpful to the Committee in its deliberations on the *Vagrancy Act*, and the Committee thanks all those who made submissions for their contribution. Some written submissions also contained recommendations for legislative and social reform that were beyond the scope of this Committee’s Terms of Reference. A list of written submissions received is contained in Appendix 3.

In addition to receiving written submissions, the Committee also conducted informal consultations with a number of interested parties.

On 31 May 2002 the Committee held public hearings on the *Vagrancy Act*. Six organisations appeared as witnesses at these public hearings. A list of those organisations is contained in Appendix 4. Once again, the Committee found the evidence presented to it at these public hearings to be extremely useful, and thanks the witnesses for their valuable input.

## **Background to the *Vagrancy Act***

### **(a) Vagrants and the Law of Vagrancy**

It was once said that ‘vagrants’ are persons that “wake on the night and sleep on the day, and haunt customable taverns and ale-houses, and routs about; and no man wot from whence they come, ne wither they go.”<sup>1</sup>

Traditionally, ‘vagrants’ were divided into three classes: idle and disorderly persons, rogues and vagabonds, and incorrigible rogues.<sup>2</sup> These terms operated as part of the criminal law in Victoria for many years, and were only abandoned with the enactment of the *Vagrancy Act* in 1966.<sup>3</sup>

Taking into account the historical background in relation to vagrants and the law of vagrancy, the *Vagrancy Act* was enacted to regulate the same type of behaviour described as ‘vagrancy’, through creating substantive offences out of acts of vagrancy.<sup>4</sup>

### **(b) Vagrancy Act**

The *Vagrancy Act* commenced operation on 21 December 1966. The *Vagrancy Act* repealed Part III of the *Police Offences Act 1958* (Vic), which until then had regulated acts of vagrancy in Victoria.

While the *Vagrancy Act* no longer refers to idle and disorderly persons, rogues and vagabonds and incorrigible rogues, it nevertheless continues to regulate and punish persons considered to be ‘vagrants’ (through, for example, prohibiting begging under s.6(1)(d) and witchcraft under section 13) and conduct amounting to acts of vagrancy (such as habitually consorting with reputed thieves under s.6(1)(c), and loitering with intent to commit an indictable offence, under s.7(1)(f)). In this respect, the *Vagrancy Act 1966* is similar to general criminal law statutes in other states in Australia, as well as the English *Vagrancy Act* which was enacted as long ago as 1824.<sup>5</sup>

The actual need for separate ‘general’ legislation covering acts of vagrancy, such as the *Vagrancy Act*, is questionable, considering that many of the offences covered by such legislation could sit comfortably in other ‘general’ criminal law statutes. In Victoria, for example, there is the *Summary Offences Act 1966* which deals with a variety of minor offences, and the *Crimes Act 1958* which covers a broad range of more serious ‘indictable’ offences. Indeed, in both the

---

<sup>1</sup> 4 Blac. Com. 170.

<sup>2</sup> See A J Goran and R P Vine-Hall, *Bignold’s Police Offences and Vagrancy Acts*, ninth edition (1962), p. 245.

<sup>3</sup> See *Vagrancy Act 1966* (Vic), s.23.

<sup>4</sup> See H Storey et al, *Paul’s Summary and Traffic Offences*, fifth edition (loose-leaf service), p. 905.

<sup>5</sup> See Great Britain Home Office, *Working Party on Vagrancy and Street Offences Working Paper*, London, 1974, pp 100-101; also J S Adler, ‘A historical analysis of the law of vagrancy’ (1989) 27(2) *Criminology* 209.

*Summary Offences Act 1966* and the *Crimes Act 1958*, there already exist a number of offences that are very similar to, and could arguably act as a sufficient substitute for, certain offences under the *Vagrancy Act*.

Moreover, contemporary legislation regulating the law of vagrancy is based on antiquated English legislation dating back hundreds of years, formulated when societal attitudes and the nature of criminal law was very different.<sup>6</sup>

## The Committee's Approach

When considering the submissions and evidence received in response to the Committee's Discussion Paper and its final recommendations in relation to the *Vagrancy Act*, the Committee was guided by the four general principles noted in the Discussion Paper, and which are outlined again below. This approach was commended in several submissions.

### **i. Where applicable, subject-specific legislation should operate**

A number of offences presently contained in the *Vagrancy Act* are now also regulated by other legislation, some of which is subject-specific. For example, the *Control of Weapons Act 1990* (Vic) and the *Firearms Act 1996* (Vic) are subject-specific legislation dealing with firearms and other weapons. Both already provide for offences relating to the use of firearms and other weapons,<sup>7</sup> and are a more appropriate location for such offences than s.8(a) of the *Vagrancy Act* which also establishes offences relating to firearms.

In dealing with situations where a provision in the *Vagrancy Act* duplicates, or significantly overlaps with, a provision existing in subject-specific legislation, the Committee recommends that the *Vagrancy Act* provision should be considered redundant, and repealed.

### **ii. Certain offences may no longer be desirable in a modern society**

Many of the offences created by the *Vagrancy Act* are based on anachronistic notions derived from archaic English law of what constitutes acts of vagrancy. The table in Appendix 1 reveals that a number of provisions in the Act were not invoked during the period 1999/2000. Further examination confirms that many of the provisions are rarely, if ever used. For example, during the period 1999/2000 there was only one charge for the offence of fortune-telling under s.13. The Committee considers that the frequency of utilisation of a provision is an important factor to consider in making any recommendations as to the continuing relevance of a provision. However, at the same time, the Committee recognises that other factors must also be considered in making such decisions.

### **iii. Procedural provisions follow substantive provisions.**

It follows that if the substantive offences under the *Vagrancy Act* are to be repealed, then the corresponding procedural provisions under the Act become redundant and therefore must also be repealed.

---

<sup>6</sup> See generally C J Ribton-Turner, *A History of Vagrants and Vagrancy and Beggars and Begging* (1972). Consider, for example, the offence of using witchcraft under s.13 of the *Vagrancy Act 1966* (Vic). According to research undertaken by the Committee, there has not been a conviction for witchcraft since 1712 in England.

<sup>7</sup> See *Control of Weapons Act 1990* (Vic), s. 5; *Firearms Act 1996* (Vic), ss. 5 and 6.

#### **iv. One ‘general’ statute should deal with minor offences in Victoria**

In its Final Report on its inquiry into the *Summary Offences Act 1966*, the Committee recognised the utility and importance of having a single piece of legislation that comprehensively dealt with most minor criminal offences in Victoria.<sup>8</sup> For this reason the Committee recommended that the *Summary Offences Act 1966* be retained, though in a substantially reduced form.<sup>9</sup>

The Committee continues to support the above principle, and for this reason believes that the *Vagrancy Act* should be repealed, and that any useful provisions contained in that act be re-located to the *Summary Offences Act 1966*.

### **Repeal of the Vagrancy Act 1966**

The Committee considers that the *Vagrancy Act* should be repealed in its entirety, and that any useful provisions in the *Vagrancy Act* that are not otherwise covered by subject specific legislation, or by generic, broader provisions in the *Crimes Act 1958*, should be housed in the *Summary Offences Act 1966* and remain minor offences.

For example, the Committee recommends in this Report that the offence of wilful and obscene exposure, which is presently proscribed by s.7(1)(c) of the *Vagrancy Act* and for which the fourth largest number of charges under the *Vagrancy Act* were made in 1999/2000<sup>10</sup>, should be relocated to the *Summary Offences Act 1966*.

There was a general consensus from all who made submissions and provided evidence to the Committee that the *Vagrancy Act* should be repealed, subject to certain key provisions being re-enacted, possibly in amended form, in more appropriate legislation. In most cases it was suggested that useful provisions of the *Vagrancy Act* be re-enacted in the *Summary Offences Act 1966*.

### **Key findings of the Report**

#### **Consorting, begging and loitering provisions**

Much of the evidence received by the Committee indicated a reasonably broad consensus in favour of most of the preliminary recommendations contained in its Discussion Paper. However, the following three provisions were contentious, and attracted a diverse range of responses from the public:

- Section 6(1)(a) – (c) Consorting offences
- Section 6(1)(d) – Begging offences
- Section 7(1)(f) – Loitering offences

---

<sup>8</sup> To this extent, the Committee departs somewhat from the opinion expressed by the Victorian Law Reform Commission in its 1992 Discussion Paper that the *Summary Offences Act 1966* should be reduced to near “vanishing point”: see Law Reform Commission of Victoria, Discussion Paper No. 26: *Inquiry into Summary Offences Act 1966 and Vagrancy Act 1966*, 1992, p. 9.

<sup>9</sup> See generally Victorian Scrutiny of Acts of Regulations Committee, *Final Report: Inquiry into the Summary Offences Act 1966*, November 2001.

<sup>10</sup> See Appendix 1 to this Discussion Paper.

A discussion of the issues relating to these provisions, and of the Committee's reasons for its final recommendations in relation to each provision, appears below.

### **Section 6(1)(a) - (c) – Consorting offences**

Section 6(1)(c) makes it an offence to “habitually consort with reputed thieves unless such person, on being thereto required by the court, gives to the satisfaction of the court a good account of his so consorting.” Section 6(1)(a) and (b) create similar offences based on consorting (see Table).

In its Discussion Paper, the Committee recommended that these provisions be repealed.

#### *Arguments in favour of retention of consorting offences*

Victoria Police and the Police Association strongly disagreed with the Committee's preliminary recommendation that the consorting provisions be repealed. Their submissions argued in favour of retention of at least section 6(1)(c) (habitually consorting with reputed thieves) on the basis that this provision was useful as a ‘strategic’ tool for crime prevention.

Victoria Police also recommended the broadening of this offence to apply to drug trafficking, in addition to property offences.

Victoria Police also submitted that internal police procedures ensured that persons were only charged with consorting if formally reported on numerous occasions within a defined time-frame, and that while rare, such prosecutions were generally successful.

The Police Association argued in favour of retention of section 6(1)(c) only, and in contrast to the Victoria Police, suggested that the internal police procedure requiring multiple reports of consorting before charging an individual for this offence was unnecessary and was responsible for the under-utilisation of the provision.

Victoria Police and the Police Association gave evidence to the Committee that the consorting provisions are used by police to intervene in situations where known criminals are meeting in a public environment for the purpose of planning criminal activities.

The following are extracts from the evidence presented to the Committee by the Police Association in relation to consorting:

**Snr Sgt MULLETT** — ... From a personal point of view, when I was in the armed robbery squad, there was a certain hotel in North Fitzroy where every armed robber known to police at that time would frequent consistently. With this provision — again from a preventative perspective — you can stop those types of people meeting. There is only one purpose for their meeting on a regular basis, and that is, in our view, to plan and ultimately commit crimes — most of them serious.

**The CHAIRMAN** — There is an argument mounted that says if you do that, then they will just meet somewhere else. So to what extent is this just harassment, as it were? You have mounted the case, and the police I think likewise, that this is a good tool because it allows them to identify where criminals are meeting, to plan their operations, but if you arrest half of them for consorting, next time they do it in someone's cellar or somewhere less obvious. I am wondering, in real terms, what does it achieve for you?

**Snr Sgt MULLETT** — It is a real preventative tool. In terms of harassment, our members are more accountable — and rightly so — than they ever have been. They have to act professionally. It is not a matter of arresting people for consorting. It is about criminals habitually consorting with each other; it is about going through a proper professional process. At present we have no problem in the retention of certain policy accountabilities from a management perspective within the Victoria Police Force. We would like to think our members these days act extremely professionally and are absolutely accountable.

The following is an extract of the evidence presented to the Committee by Victoria Police in relation to the consorting provision:

**Acting Cmdr DITCHBURN** — ... we see it as a proactive and preventative tool. In order to take consorting bookings pre collation stage at the booking level it means police are going to be seen as being very active in speaking to these sorts of people, especially in public places. And it can only aid and improve community perception of safety to see police interacting with these sorts of people. But it is primarily about prevention and interaction.

Evidence was then given by the Police as to the type of persons who were generally dealt with under the consorting provisions:

**Det. Insp SITLINGTON** — Some of these people we deal with — without going into the names of people — maybe if I could just use a factual case without using the name of the person. This is the type of person who has been charged with consorting. This person has prior offences going back to 1983, and right up to March this year. There are 11 pages of them, but they are things such as receiving stolen goods — and they are all-rounders ...

...

**The CHAIRMAN** — So it is fair to say that most of the people who you charge under habitual consorting are people with very extensive criminal records; is that true?

**Det. Insp SITLINGTON** — Sometimes they are the very key person for causing crime in specific areas.

**Det. Sr Sgt CHIDGEY** — In real terms, to say that we are going to be consorting, following up a person who has a cigarette or a latte with another person who has a prior conviction for shoplifting is just a nonsense. Practically it does not work like that.

### ***Arguments in favour of repeal of consorting offences***

The Criminal Bar Association, the Law Institute of Victoria, Victoria Legal Aid, and the Public Interest Law Clearing House all agreed strongly with the Committee's recommendation to repeal the consorting provisions. The reasons for repeal given by these organisations include that the consorting provisions:

- Are predicated on the principle of guilt by association (in breach of community belief in the principle of freedom of association);
- Confer an undesirably wide power to charge individuals in the absence of a substantive offence;
- Apply a reverse onus of proof in breach of modern legislative practice and the right to remain silent;
- May require an inappropriate allocation of police resources to enforce;
- Very rarely forms the basis of a charge;
- May have a negative impact on police/community relations;
- May unfairly discriminate against certain already marginalised individuals, in that the provisions are most likely to be used against young persons and petty criminals that are forced to congregate in public spaces where they may be observed to be 'consorting'; and

- Are based on spurious logic that is generally at odds with contemporary principles of jurisprudence and criminal justice.<sup>11</sup>

In contrast to the evidence regarding use of consorting provisions given by Victoria Police and the Police Association, following is an extract of the evidence in relation to consorting presented to the Committee by Victoria Legal Aid:

**Mr STOJCEVSKI** — ... On 13 May 2002 a police prosecution under subsection 6(1)(c) of the *Vagrancy Act*, which is a consorting provision, commenced in the Bendigo Magistrates Court. The defendant was 17 years and 3 months old at the commencement of the four-month period of the alleged consorting, which finished on 2 June 2001. The charge was laid on 4 July 2001 and the first mention heard was on 10 August 2001... there was a year between the actual charge and the court hearing.

At the conclusion of the three-day case which involved the calling of some 10 police officers, the defendant was found guilty of the one charge of consorting ... and fined \$600, with \$35 in court costs.

Further evidence was then provided as to the types of person against whom the consorting provisions appeared to be used:

**Mr STOJCEVSKI** — It seems there has been a concerted effort by police to enforce the consorting provisions of the *Vagrancy Act* in Bendigo by ‘booking’ young people for consorting over the past 12 to 18 months. One clear target group is the young so-called ‘undesirables’ in the local mall and CBD areas who, so it is said, hang around together doing nothing but cause trouble and bring the area into disrepute.

It seems unlikely to the Committee that the consorting provisions would have great utility as a measure to prevent persons with extensive criminal records from meeting to plan further crimes, in part because such meetings must be ‘habitual’ in nature and documented by police on numerous occasions to constitute an actionable offence.

In addition, Police evidence suggested that the consorting provisions were generally used to respond to consorting in public, and it appears likely to the Committee that groups of persons planning criminal activities could avoid being observed consorting by simply choosing to meet in private.

The Committee is concerned that the consorting provisions may be used to put pressure on individuals and groups which the police want to ‘move along’, rather than as a tool for preventing the planning of serious crimes.

After considering the submissions of all parties on this matter, the Committee is persuaded that while the consorting offences may have some limited utility in crime prevention, this benefit is outweighed by the numerous problems with these provisions noted above.

The Committee also notes that the police have access to a broad range of tools to deter or prevent criminal activity other than the offence of consorting. For example, in its evidence Victoria Police said that:

---

<sup>11</sup> In regard to this last general point, extracted below is part of the commentary on these sections contained in *Bourke’s Criminal Law*:

The rationale underlying such [consorting] offences has a highly disputable place in a supposedly modern and civilised society. The offences assume that people who have certain prior convictions or reputations have such a strong propensity to commit criminal offences and are so able to influence the actions of others that any association with such people is likely to lead to wrongdoing. This line of reasoning involves a number of highly speculative and absurd assumptions, none of which are supportable by any empirical evidence.

- *Bourke’s Criminal Law Victoria*, p. 92,033.

**Det. Insp. SITLINGTON** — Predominantly the offences of habitual consorting are usually with operations such as Operation Leader in the Melbourne central business district where people are consorting together and we believe it is a preliminary step before the crime... It is those types of street offences.

In such circumstances, the Committee believes that the offence of 'loitering with intent to commit an indictable offence' (as amended) may form a more appropriate basis for police to take action against groups which police suspect are likely to engage in criminal conduct.

Accordingly, the Committee reiterates in this Final Report its recommendation for repeal of sections 6(1)(a) - (c).

### **Section 6(1)(d) – Begging offences**

Section 6(1)(d) relevantly makes it an offence for a person to 'beg or gather alms'.

In its Discussion Paper, the Committee made a preliminary recommendation in favour of repeal of this provision, but called for submissions on this recommendation in particular. A large number of submissions were received on this issue, many of which were of an extremely high standard.

Many submissions received by the Committee were opposed to the decriminalisation of begging, largely on the basis that begging continues to be a serious problem in many communities, and that local councils are not equipped to deal with this problem.

Those agreeing with the Committee's preliminary recommendation in favour of the decriminalisation of begging include Mildura Prosecutions Unit, Hanover Welfare Services, the Criminal Bar Association, West Heidelberg Legal Centre, the Law Institute of Victoria and the Public Interest Law Clearing House. The reasons given include that:

- Begging is a complex social and economic problem, and that the criminal law is not the appropriate means to deal with it;
- Begging is usually carried out by those in chronic poverty, and imposing a fine on those in a desperate financial position is likely to exacerbate their poverty and may lead them toward committing serious crime, such as shoplifting and prostitution;
- Begging is closely linked to long-term unemployment, homelessness, mental illness, and substance addictions;
- The real number of people begging is much less than media reports would indicate;
- The overwhelming majority of beggars are not aggressive toward members of the public;
- Improved welfare services and police training is the appropriate means to deal with begging;
- Begging (of a passive kind) has been decriminalised in many overseas common law jurisdictions.

Evidence was submitted by the Public Interest Law Clearing House (PILCH) and Hanover Welfare Services of a study conducted by Michael Horn and Michelle Cooke (of Hanover) which found that of the persons observed to be engaged in begging behaviours in Melbourne's CBD 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;
- 93 per cent were receiving social security payments. However, 29 per cent of persons had payments reduced or terminated as a result of Centrelink 'breaches'.

The main reasons given for engaging in begging behaviours 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 addictions.<sup>12</sup>

It was also found that:

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)

In conclusion, PILCH submitted that "a complex relationship exists between poverty, begging, drug use, psychiatric and physical disability and homelessness", and noted that the research and its conclusions were supported by studies conducted in England and the United States.

The Chairman of the Subcommittee noted in evidence of his research conducted in England that with respect of relationship between begging and drugs:

Estimates by police in London are that the number of rough sleepers and beggars using class A drugs range from 75 per cent to 90 per cent. It is usually heroin, but significant numbers are using crack as a top up or a bit of a treat.

...

Some research was done on what sort of drugs they used. The majority had used cannabis — 86 per cent; amphetamines — 75 per cent; crack — 73 per cent; heroin — 73 per cent; cocaine — 67 per cent; LSD and other hallucinogenic drugs — 65 per cent; and nearly half had used solvents.

Regarding the relationship between begging and crime, the Chairman gave the following evidence of his research in England:

The Westminster police gave a quite interesting statistic. In the UK — as is the case here, no doubt — all the police forces have to put out a sort of performance plan which states that they are going to reduce house thefts by X per cent, car thefts by Y per cent and so on... The Metropolitan Police said that when they came in very hard on the beggars in the area ... without any work at all and as if by magic their stats on car thefts, for instance, where they were looking for a 5 per cent reduction, were reduced by 60 per cent, and they got a huge reduction in low-level larceny, simply because these people were off the streets. When you have been begging and you need a little bit of extra money for your hit of cocaine or your rough sleeping, you break a car window and steal something. So they said that cleaning these people off the streets has had a quite dramatic effect on all their other crime stats.

By way of reinforcing that, I spoke to the Oxford council and the police there... In the six months from July to December 2001 they had 347 arrests for rough sleeping and begging. Of those arrested, 36 per cent were found to be wanted for other offences — murder, fraud, drugs possession, theft, indecent assault — and 26 per cent were found to be come under what they call their *Mental Health Act* requirements, which deal with people who have mental problems.

---

<sup>12</sup> Information extracted by PILCH from: Michael Horn and Michelle Cooke, *A Question of Begging: A Study of the Extent and Nature of Begging in the City of Melbourne* (Hanover Welfare Services, Melbourne, June 2001).

The Committee notes that the United Kingdom *Vagrancy Act 1824*, as distinct from the Victorian Act, deals with a broader range of conduct related to homelessness, including what is now generally described as ‘sleeping rough’. Evidence presented to this Committee showed clearly that a relationship exists between begging, homelessness and drug addiction.

### ***Conclusions***

The Committee notes that there has been relatively little research conducted into the issue of begging in Victoria,<sup>13</sup> and believes that further research is necessary before a just and comprehensive solution to the problem of begging can be formulated that deals with the complex relationship between begging and homelessness, drug and alcohol dependence, long term unemployment, gambling, crime, and psychiatric and physical disability.

Although the Committee is cognisant of the arguments in favour of the decriminalisation of begging, the complexity of the issues involved and the lack of research conducted in relation to begging in Victoria have led the Committee to conclude that it does not have sufficient evidence before it to make a properly informed recommendation in relation to the decriminalisation of begging.

Accordingly, the Committee recommends:

1. That a reference for 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.
2. That pending the outcome of such investigations, the offence of begging (as it relates to adults) be re-enacted in the *Summary Offences Act 1966* (Vic).

The Committee also notes that it considered an amended offence of begging that would criminalise only what would be defined in legislation as ‘aggressive’ begging. In this way, ‘passive’ begging would no longer be a criminal offence, but the public would continue to be protected from harassment or threatening behaviour by beggars.

Although the Committee saw some merit in this proposal, the lack of research noted above led the Committee to conclude that it did not have sufficient evidence before it to make such a recommendation for statutory reform.

### **Section 7(1)(f) – Loitering offences**

Section 7(1)(f) makes it an offence for “a suspected person or a known or reputed thief or cheat” to “loiter in or about or frequent... a public place... with intent to commit an indictable offence.”

The Committee recommended in its Discussion Paper that the offence of loitering be retained in the *Summary Offences Act 1966*, and that this new loitering provision should define the offence to require, in addition to loitering, the performance of an act with the intent to commit, and in furtherance of, an indictable offence.

The Committee has received a wide range of responses to this recommendation. While a number of organisations agreed with the Committee’s proposal, others suggested that amending the

---

<sup>13</sup> The Committee found the research conducted by Hanover Welfare Services, in conjunction with the City of Melbourne and the Victoria Police, to be very useful, and notes that further research by these organisations is planned for later this year.

provision to require the prosecution to show some overt act in addition to loitering would blur the line between this offence and attempt offences.

Victoria Police made no comment in relation to the requiring of an overt act in addition to loitering, and the Police Association submitted that:

There is case law to suggest that in addition to loitering, the performance of an act with intent to commit and in furtherance of an indictable offence is already a requirement before charges can be made under this section.

The Committee acknowledges the potential difficulty of re-drafting section 7(1)(f) in a manner that does not create a confusing degree of overlap with the law of attempt. However, the Committee is nevertheless convinced that in its present form the loitering provision may be open to misuse. Evidence was presented to the Committee that in its present form, the loitering provision may be used disproportionately against the homeless because of their need to use public space, and that this application is incompatible with certain fundamental human rights, such as the presumption of innocence.

The Committee also notes that it was submitted by some organisations that the loitering offence should be broadened to apply explicitly to drug trafficking offences. The Committee strongly supports this position.

After much deliberation, the Committee recommends that:

1. Section 7(1)(f) should be re-enacted in the *Summary Offences Act 1966*;
2. The new loitering with intent provision should be simplified with respect to defining the areas in which the offence may occur;
3. The new offence of loitering with intent should require, in addition to loitering, the performance of an act with the intent to commit, and in furtherance of, an indictable offence;
4. The new offence should refer explicitly to loitering in relation to drug trafficking offences.

The Committee also acknowledges that section 9 of the *Vagrancy Act 1966* will need to be retained and re-enacted if the loitering offence is transferred to the *Summary Offences Act 1966*, as this procedural provision is necessary to proving the offence.

## Structure of this Report

### TABLE OF RECOMMENDATIONS

In preparing this Report, the Committee has adopted the approach of producing a Table of Recommendations and Comments. The Table is divided according to the sections and sub-sections of the Act, with each given particular consideration. The Table is structured as follows:

#### Vagrancy Act 1966

This column of the Table reproduces the provisions of the Act as enacted at the time when this Report went to print.

### **Proposals**

This column contains the recommendations of the Committee for each provision of the Act. The recommendation is expressed as either “Repeal” or “Repeal and re-enact” (in some cases, in amended form). A recommendation for the repeal or repeal and re-enactment of a provision may have been given for a number of reasons. The reasoning behind each particular recommendation is provided in the corresponding column.

### **Reasons for Proposal**

This column contains the reasons for the Committee’s recommendation to repeal, and at times to re-enact and relocate a provision. There are a number of reasons why the Committee may have recommended the repeal of a provision, including: the conduct penalised by the provision is such that it no longer warrants criminal penalty; there is a suitable provision in another Act to regulate the conduct; the provision is under-utilised and no longer necessary; the provision is based on principles at odds with contemporary jurisprudence; and the provision is procedural in nature and thus unnecessary if the substantive provisions under the Act are to be repealed.

There are a number of substantive provisions that the Committee recommends should be retained through re-enactment, possibly in amended form, in another Act. These are:

- Section 6(1)(d) – Begging
- Section 6(1)(f) – Has without lawful excuse any article of disguise
- Section 7(1)(c) – Wilful obscene exposure
- Section 7(1)(f) – Loitering with intent to commit an indictable offence
- Section 7(1)(g) – In custody or possession of implements of housebreaking
- Section 7(1)(h) – Disguised or face blackened with unlawful intent
- Section 8(a) – Firearms offences (armed with criminal intent)
- Section 8(b) – Escape from lawful custody

In all cases except section 8(a), the Committee recommends re-enactment of the provision in the *Summary Offences Act 1966* (Vic). In some cases the procedural provisions relevant to these offences will also need to be re-enacted.

### **Other/Proposed Legislation**

This column lists Acts and/or provisions of Acts that are considered to either adequately cover the subject matter of a provision in the *Vagrancy Act*, or that have the potential to do so if amended.

### **Comments**

This column contains additional comments by the Committee relevant to the particular provision.

## Appendices

This Final Report contains the following appendices:

1. Statistics from the Magistrates' Court of Victoria detailing the number of charges for each particular provision of the *Vagrancy Act 1966* in the period between 1/7/1999 and 30/6/2000.
2. Statistics from the Magistrates' Court of Victoria detailing the number of offences under the *Vagrancy Act 1966* which were in the Top 100 most common offences (on a charge-based count) for 1998/99.
3. List of written submissions received.
4. List of witnesses appearing at the public hearings held on 31 May 2002.

## What is the role of the Redundant Legislation Subcommittee?

The Scrutiny of Acts and Regulations Committee is a joint investigatory Committee of the Parliament of Victoria with members drawn from both houses and from the Government and Opposition. The role of SARC is primarily to scrutinise bills and regulations and to review redundant, unclear or ambiguous legislation. SARC also examines matters specifically referred to it by reference from Parliament or by the Governor-in-Council.

While all members of SARC are involved in the scrutiny of bills, other SARC functions are carried out by subcommittees consisting of various members of the Full Committee. All Parliamentary Committees have power to appoint subcommittees of not less than four members. As such, SARC has appointed a subcommittee of five members to review redundant, unclear and ambiguous legislation – the **Redundant Legislation Subcommittee**, who will be responsible for this inquiry.

The additional scrutiny responsibility of reviewing redundant, unclear and ambiguous legislation was given to SARC in 1994 by Governor-in-Council Order. At the expiration of each Parliament the responsibility for reviewing redundant legislation ceases and these terms of reference must be renewed with the commencement of each new Parliament. The renewed terms of reference for the 54<sup>th</sup> Parliament are as follows–

1. The Committee is requested, in conjunction with the Chief Parliamentary Counsel, to inquire into, to consider and make recommendations as to:
  - Acts of Parliament and provisions of Acts of Parliament which are unnecessary or redundant;
  - Legislative instruments made under an Act of Parliament and provisions of legislative instruments made under an Act of Parliament which are unnecessary or redundant.
2. The Committee is requested, in conjunction with the Chief Parliamentary Counsel, to inquire into, consider and make recommendations as to:
  - Acts of Parliament and provisions of Acts of Parliament which are unclear, ambiguous or should be re-drafted;

Legislative instruments made under an Act of Parliament and provisions of legislative instruments made under an Act of Parliament which are unclear, ambiguous or should be re-drafted;

3. In the conduct of this reference, the Committee is requested to pursue the primary objects of reducing the number and complexity of Victorian Acts and legislative instruments, and ensuring that Acts and instruments are clearly expressed in accordance with modern drafting practices.
4. This reference shall continue unless revoked by the Governor-in-Council.

## **Terms of Reference**

The specific terms of reference for this inquiry are as follows:

**8 PARLIAMENTARY COMMITTEES REFERENCES** — *Motion made and question — That under the powers found in s 4F of the **Parliamentary Committees Act 1968**, the following matters are referred to the following Joint Investigatory Committees:*

...

*8 To the Scrutiny of Acts and Regulations Committee -- for inquiry, consideration and report by 31 December 2000 on:*

...

*(b) the Vagrancy Act 1966, giving recommendations as to:*

- (i) the content of the Act;*
- (ii) its relevance;*
- (iii) whether it contains provisions that are unclear, redundant or ambiguous that require repeal, amendment or revision.*

## TABLE OF PROPOSALS AND RECOMMENDATIONS

Vagrancy Act 1966	Proposals	Reasons for Proposal	Other/Proposed Legislation	Comments
<p>2. Repeal</p> <p>(1) Part III of the <i>Police Offences Act 1958</i> and section 45 of the <i>Children's Court Act 1958</i> are hereby repealed.</p> <p>(2) Except as in this Act expressly or by necessary implication provided—</p> <p>(a) all persons things and circumstances appointed or created by or under the repealed provisions or existing or continuing under the repealed provisions immediately before the commencement of this Act shall under and subject to this Act continue to have the same status operation and effect as they respectively would have had if the said provisions had not been repealed; and</p>	<p><b>Repeal</b></p>	<p>These provisions are no longer needed because of the passage of time.</p>		
<p>(b) in particular and without affecting the generality of the foregoing paragraph such repeal shall not disturb the continuity of status operation or effect of any order information warrant commitment liability limitation saving or right made laid issued accrued incurred or acquired or existing or continuing by or under the said provisions before the commencement of this Act.</p>				

Vagrancy Act 1966	Proposals	Reasons for Proposal	Other/ Proposed Legislation	Comments
<p>(3) Any reference in any other Act to any of the provisions of Part 3 of the <i>Police Offences Act 1958</i> shall be deemed to be a reference to the corresponding provisions of this Act.</p>	<p><b>Repeal</b></p>	<p>This provision will not be necessary if the <i>Vagrancy Act 1966</i> is repealed.</p>		<p>Where the Committee has recommended that a provision of the <i>Vagrancy Act 1966</i> should be retained through re-enactment in another Act, a new reference provision similar to s. 2(3) may need to be enacted in the relevant Act.</p>
<p>4. Definitions In this Act unless inconsistent with the context or subject-matter— “court” means the Magistrates’ Court; “public place” includes and applies to— (a) any public highway road street bridge footway footpath court alley passage or thoroughfare notwithstanding that it may be formed on private property; (b) any park garden reserve or other place of public recreation or resort; (c) any railway station platform or carriage; (d) any wharf pier or jetty; (e) any passenger ship or boat plying for hire; (f) any public vehicle plying for hire; (g) any church or chapel open to the public or any other building where divine service is being publicly held; (h) any State school or the land or premises used in connection therewith; (i) any public hall theatre or room while members of the public are in attendance at, or are assembling for or departing from, any public entertainment or meeting therein;</p>	<p><b>Repeal</b></p>	<p>This provision will not be necessary if the <i>Vagrancy Act 1966</i> is repealed.</p>		<p>Where a provision of the <i>Vagrancy Act 1966</i> has been retained through re-enactment in another Act, then any relevant definitions may also need to be retained through re-enactment in that Act.</p>

Vagrancy Act 1966	Proposals	Reasons for Proposal	Other/ Proposed Legislation	Comments
<p>(j) any market;</p> <p>(k) any auction room or mart or place while a sale by auction is there proceeding;</p> <p>(l) any licensed premises or authorised premises within the meaning of the Liquor Control Act 1987;</p> <p>(m) any race-course cricket ground football ground or other such place while members of the public are present or are permitted to have access thereto whether with or without payment for admission;</p> <p>(n) any place of public resort;</p> <p>(o) any open place to which the public whether upon or without payment for admittance have or are permitted to have access; and</p> <p>(p) any public place within the meaning of the words "public place" whether by virtue of this Act or otherwise.</p>	<p><b>Repeal</b></p>			

Vagrancy Act 1966	Proposals	Reasons for Proposal	Other/ Proposed Legislation	Comments
<p>6. Consorting and like offences</p> <p>(1) Any person who—</p> <p>(a) is the occupier of a house or place that is frequented by reputed thieves;</p> <p>(b) is found in a house or place in company with reputed thieves who, on being thereto required by the court, does not give to the satisfaction of the court a good account of his being in such house or place upon some lawful occasion;</p> <p>(c) habitually consorts with reputed thieves unless such person, on being thereto required by the court, gives to the satisfaction of the court a good account of his so consorting;</p>	<p><b>Repeal</b></p>	<p>The Committee believes that these provisions are no longer appropriate because:</p> <ol style="list-style-type: none"> <li>1. There are other provisions that provide a basis for dealing with conduct of this nature, such as section 7(1)(f) which proscribes 'loitering with intent to commit an indictable offence';</li> <li>2. The consorting provisions are under-utilised;</li> <li>3. The consorting provisions confer an undesirably wide discretion to charge individuals in the absence of a substantive offence;</li> <li>4. The offence of consorting is predicated on guilt by association, a principle at odds with contemporary standards of justice;</li> <li>5. The consorting provisions apply a reverse onus of proof in breach of modern legislative practice and the right to remain silent.</li> </ol>		<p>The Committee received a large number of written submissions and heard a substantial amount of evidence in relation to the consorting provisions. Aspects of this evidence, and the Committee's deliberations and recommendations in relation to it, are discussed in more detail on pages 11 to 14 of this Report.</p>

Vagrancy Act 1966	Proposals	Reasons for Proposal	Other/ Proposed Legislation	Comments
<p>(d) begs or gathers alms or causes or procures or encourages a child to beg or gather alms;</p>	<p><b>1 Repeal</b>  <b>2. Re-enact in amended form in the Summary Offence Act 1966 (in relation to begging by adults)</b></p>	<ol style="list-style-type: none"> <li>1. With respect to offences relating to child begging, the Committee considers that this is covered by a suitable provision in another Act.</li> <li>2. Additional research is required on the issue of begging.</li> <li>3. Pending the conduct of further research, begging by adults should continue to be a summary offence.</li> </ol>	<p>In relation to child begging, see <i>Community Services Act 1970</i>, s.78(a).</p> <p><i>Summary Offences Act 1966</i>.</p>	<p>After reviewing the many responses to the proposal to decriminalise begging contained in its Discussion Paper of April 2002, the Committee has decided against recommending this course.</p> <p>Although the Committee is cognisant of the arguments in favour of the decriminalisation of begging, the complexity of the issues involved and the lack of research conducted in relation to begging in Victoria have led the Committee to conclude that it does not have sufficient evidence before it to make a properly informed recommendation in relation to the decriminalisation of begging.</p> <p>The Committee received a large number of written submissions and heard a substantial amount of evidence in relation to the offence of begging. Aspects of this evidence, and the Committee's deliberations and recommendations in relation to it, are discussed in more detail on pages 14 to 16 of this Report.</p>

Vagrancy Act 1966	Proposals	Reasons for Proposal	Other/ Proposed Legislation	Comments
<p>(f) has on or about his person without lawful excuse (the proof of which excuse shall be on such person) any article of disguise— shall be guilty of an offence. Penalty: For a first offence—imprisonment for one year; For a second or subsequent offence against this section (whether under the same paragraph or not)—imprisonment for two years.</p>	<p><b>1. Repeal</b> <b>2. Re-enact in amended form in the Summary Offences Act 1966</b></p>	<p>1. The Committee is of the view that there is a continued need for an offence of this nature. 2. The Committee recommends that a new offence be inserted in the <i>Summary Offences Act 1966</i> that modernises and consolidates section 6(1)(f) and section 7(1)(h) of the <i>Vagrancy Act 1966</i> into a single offence. 3. The Committee believes that it is not appropriate to maintain a reverse onus of proof in relation to this offence, and in this regard recommends that the new provision make it a summary offence to “be disguised with unlawful intent.”</p>	<p><i>Summary Offences Act 1966.</i></p>	<p>In its Discussion Paper the Committee proposed that this section be repealed because conduct of this kind related directly to the commission of a criminal offence is adequately covered by the law of attempt. Having reviewed submissions on this provision, the Committee accepts that the law of attempt does not adequately cover the use of disguises for criminal purposes in some important circumstances.</p>
<p>(2) Proceedings against any person under paragraph (c) of the last preceding sub-section shall not be taken except by a member of the police force.</p>	<p><b>Repeal</b></p>	<p>This provision will not be required if section 6(1)(c) is repealed as the Committee recommends.</p>		
<p>7. Soliciting alms, cheating etc. (1) Any person who— (a) solicits gathers or collects alms subscriptions or contributions under a false pretence;</p>	<p><b>Repeal</b></p>	<p>Suitable provisions already exist in other Acts.</p>	<p><i>Fundraising Appeals Act 1998, s.7;</i> <i>Crimes Act 1958, ss.81 and 82.</i></p>	
<p>(b) imposes or endeavours to impose upon any person or charitable institution by a false or fraudulent representation either verbally or in writing with a view to obtaining money or any other benefit or advantage;</p>	<p><b>Repeal</b></p>	<p>Suitable provisions already exist in other Acts.</p>	<p><i>Fundraising Appeals Act 1998, s.7;</i> <i>Crimes Act 1958, ss.81 and 82.</i></p>	

Vagrancy Act 1966	Proposals	Reasons for Proposal	Other/ Proposed Legislation	Comments
(c) wilfully and obscenely exposes his person in a public place or in the view thereof;	<b>1. Repeal</b> <b>2. Re-enact in the <i>Summary Offences Act 1966</i></b>	The Committee believes that the offence of wilful and obscene exposure should be retained through re-enactment in the <i>Summary Offences Act 1966</i> .	<i>Summary Offences Act 1966</i> .	In its Discussion Paper the Committee suggested that the offence of wilful and obscene exposure might be subsumed into a re-worded general offence of 'offensive conduct' in the <i>Summary Offences Act 1966</i> . Having reviewed submissions on this point, the Committee acknowledges that wilful and obscene exposure should be retained as a specific offence in the <i>Summary Offences Act 1966</i> . This is because section 7(1)(c) is defined as a sexual offence, and so a prior conviction for this offence may be relevant to sentencing for subsequent sexual offences, and to existing provisions that relate to protecting the community from sexual offenders. (See for example section 60B of <i>Crimes Act 1958</i> , which relates to loitering by a sexual offender.)

Vagrancy Act 1966	Proposals	Reasons for Proposal	Other/ Proposed Legislation	Comments
<p>(d) in or near a public place or within the view or hearing of any person being or passing therein or thereon or in or near any house or premises licensed for the sale of liquors plays or bets or solicits or encourages any other person to play or bet—</p> <p>(i) at or with an instrument of gaming at any game or pretended game of chance;</p> <p>(ii) at or on a game or trick of sleight of hand;</p> <p>(iii) at or on a game or trick played with an instrument which in the opinion of the court is constructed or kept as a means of cheating;</p>	<b>Repeal</b>	<ol style="list-style-type: none"> <li>1. Suitable provisions already exist in other Acts.</li> <li>2. This offence is under-utilised.</li> </ol>	<p><i>Lotteries, Gaming and Betting Act 1966</i> ss. 11, 13;</p> <p><i>Gaming and Betting Act 1994</i>, s.114.</p>	
<p>(e) being a known or reputed cheat loiters in or near a public place or in or near a house or premises licensed for the sale of liquors and has in his possession an instrument of gaming or an instrument which in the opinion of the court is constructed or kept as a means of cheating, unless such person accounts for his having such instrument in his possession to the satisfaction of the court;</p>	<b>Repeal</b>	<ol style="list-style-type: none"> <li>1. With respect to possession of an instrument of cheating, a suitable provision already exists in another Act.</li> <li>2. The Committee believes that possession of an instrument of gaming that is not related directly to the commission of a criminal offence should no longer be an offence.</li> <li>3. This offence is under-utilised.</li> </ol>	<p><i>Crimes Act 1958</i>, ss. 91.</p>	

Vagrancy Act 1966	Proposals	Reasons for Proposal	Other/ Proposed Legislation	Comments
<p>(f) being a suspected person or a known or reputed thief or cheat loiters in or about or frequents—</p> <p>(i) any river canal navigable stream dock or basin or a quay wharf or warehouse near or adjoining thereto or a street highway or avenue leading thereto;</p> <p>(ii) a public place; or</p> <p>(iii) a place adjacent to a street or highway—</p> <p>with intent to commit an indictable offence;</p>	<p><b>1. Repeal</b>  <b>2. Re-enact in amended form in the Summary Offences Act 1966</b></p>	<p>The Committee believes that this offence should be retained, and that:</p> <ol style="list-style-type: none"> <li>1. This offence should be re-located to the <i>Summary Offences Act 1966</i>;</li> <li>2. This section is unduly specific and prescriptive in defining where loitering offences may occur. The section should be amended to define in simplified, general terms the locations in which the offence may occur;</li> <li>3. The amended form of this offence should refer specifically to loitering by persons known or reputed to have committed drug-related offences, in addition to those known or reputed to have committed property offences;</li> <li>4. To overcome concerns that this provision may be used inappropriately, the provision should be amended to require, in addition to loitering, “the performance of an act with the intent to commit, and in furtherance of, an indictable offence.”</li> </ol>	<p><i>Summary Offences Act 1966.</i></p>	<p>See pages 16 and 17 of this report.</p>
<p>(g) has in his custody or possession without lawful excuse (the proof of which excuse shall be on such person) any picklock-key crow jack bit or other implement of housebreaking;</p>	<p><b>1. Repeal</b>  <b>2. Re-enact in the Summary Offences Act 1966</b></p>	<p>The Committee believes that a provision of this kind should be retained through re-enactment in the <i>Summary Offences Act 1966</i>.</p>	<p><i>Crimes Act 1958</i>, s. 91;  <i>Summary Offences Act 1966</i>.</p>	<p>In its Discussion Paper the Committee recommended that this provision be repealed on the basis that its subject matter was adequately covered by section 91 of the <i>Crimes Act 1958</i>. Having reviewed submissions on this provision, the Committee acknowledges that s.91 of the <i>Crimes Act 1958</i> does not adequately cover the offences presently proscribed by section 7(1)(g), and hence the Committee recommends retention of this provision.</p>

Vagrancy Act 1966	Proposals	Reasons for Proposal	Other/ Proposed Legislation	Comments
(h) is found disguised or has his face blackened with an unlawful intent;	<b>1. Repeal</b> <b>2. Re-enact in amended form in the <i>Summary Offences Act 1966</i></b>	<ol style="list-style-type: none"> <li>1. The Committee is of the view that there is a continued need for an offence of this nature.</li> <li>2. The Committee recommends that a new offence be inserted in the <i>Summary Offences Act 1966</i> that modernises and consolidates section 7(1)(h) and section 6(1)(f) of the <i>Vagrancy Act 1966</i> into a single offence.</li> <li>3. The Committee recommends that the new provision should make it a summary offence to “be disguised with unlawful intent.”</li> </ol>	<i>Summary Offences Act 1966</i>	In its Discussion Paper the Committee proposed that this section be repealed because conduct of this kind related directly to the commission of a criminal offence is adequately covered by the law of attempt. Having reviewed submissions on this provision, the Committee accepts that the law of attempt may not adequately cover conduct of this kind in some circumstances. Accordingly, the Committee recommends that a new offence be inserted in the <i>Summary Offences Act 1966</i> that modernises and consolidates section 6(1)(f) and section 7(1)(h) into a single offence (and removes from section 6(1)(f) the reverse onus of proof.)
(i) is found without lawful excuse (the proof of which excuse shall be on such person) in or upon or within the precincts of a building or structure or in a garden or enclosure or in or on board a ship or other vessel in any port harbor or place within Victoria or in a mine within the meaning of the <i>Mineral Resources Development Act 1990</i> ;	<b>Repeal</b>	Suitable provisions already exist in another Act.	<i>Summary Offences Act 1966</i> , ss.9(1)(d) and (e) .	

Vagrancy Act 1966	Proposals	Reasons for Proposal	Other/ Proposed Legislation	Comments
<p>(j) fraudulently manufactures or aids in the manufacture of any spurious or mixed metal or substance or fraudulently sells or offers for sale as unmanufactured gold or as gold in its natural state any metal or mixed or adulterated metal or other substance whether partly composed of gold or not— shall be guilty of an offence. Penalty: For a first offence—imprisonment for two years; For a second or subsequent offence against this section (whether under the same paragraph or not)—imprisonment for three years.</p>	<b>Repeal</b>	<ol style="list-style-type: none"> <li>1. This provision appears to be archaic in many respects, and the subject matter is adequately covered by various codes and regulations dealing with the quality of materials.</li> <li>2. With respect to criminal activity in this context, a suitable provision already exists in another Act.</li> <li>3. This offence is under-utilised.</li> </ol>	<i>Crimes Act 1958</i> , ss.81 and 82.	
<p>(2) In proving intent to commit an indictable offence for the purposes of paragraph (f) of the last preceding subsection it shall not be necessary to show that the person charged was guilty of any particular act or acts tending to show his intent, and he may be convicted if from the circumstances of the case and from his known character as proved to the court before which he is charged it appears to such court that his intent was to commit an indictable offence.</p>	<b>Repeal</b>	This provision will no longer be necessary if the amended form of section 7(1)(f) is re-enacted, requiring an overt act, as recommended by the Committee.		
<p>8. Offences relating to firearms etc. Any person who— (a) is armed, with criminal intent, with— (i) a firearm or an imitation firearm within the meaning of section 29 (3) of the <i>Crimes Act 1958</i>; or (ii) a prohibited weapon or controlled weapon within the meaning of section 3 of the <i>Control of Weapons Act 1990</i>;</p>	<b>1. Repeal 2. Re-enact in alternative legislation.</b>	<p>The Committee believes that this offence should be retained through re-enactment in alternative legislation because:</p> <ol style="list-style-type: none"> <li>1. Firearms legislation does not adequately deal with situations in which a person is armed with an unlicensed, prohibited, or controlled weapon with 'criminal intent';</li> <li>2. Being armed with criminal intent should be an indictable, rather than a summary offence.</li> </ol>	<p><i>Control of Weapons Act 1990</i>, ss.5 and 6; <i>Firearms Act 1996</i>, ss.5 and 6. <i>Crimes Act 1958</i>.</p>	

Vagrancy Act 1966	Proposals	Reasons for Proposal	Other/ Proposed Legislation	Comments
<p>(b) escapes or attempts to escape from a lock-up watch-house or like place wherein he is lawfully detained or from any person in whose legal custody he is or by whom he is lawfully detained— shall be guilty of an offence.</p> <p>Penalty: 50 penalty units or imprisonment for 5 years.</p>	<p><b>1. Repeal</b>  <b>2. Re-enact in the Summary Offences Act 1966</b></p>	<p>The Committee believes that this offence should be retained through re-enactment in the <i>Summary Offences Act 1966</i> because:</p> <ol style="list-style-type: none"> <li>1. A broad offence dealing with escape from lawful custody is necessary to deal with escapes not covered by section 479C of the <i>Crimes Act 1958</i>;</li> <li>2. A summary form of this offence should be retained.</li> </ol>	<p><i>Crimes Act 1958</i>, s.479C</p> <p><i>Summary Offences Act 1966</i>.</p>	<p>In its Discussion Paper the Committee proposed that this section be repealed because escape from lawful custody was adequately dealt with by section 479C of the <i>Crimes Act 1958</i>. Having reviewed submissions on this provision, the Committee accepts that section 8(b) should be retained through re-enactment in the <i>Summary Offences Act 1958</i>, because section 479C of the <i>Crimes Act 1958</i> deals only with escape from the custody of police and certain other officers. A broader provision dealing with escape from any form of lawful custody is necessary because a number of persons other than police officers may lawfully detain another in certain circumstances, including citizens conducting a citizen's arrest, sheriffs carrying out their duties, and authorised officers of certain government departments.</p> <p>It is also important that a summary form of this offence be retained.</p>

Vagrancy Act 1966	Proposals	Reasons for Proposal	Other/ Proposed Legislation	Comments
<p>9. Evidence of bad character</p> <p>In any proceedings under any of the foregoing provisions of this Act except paragraph (c) of sub-section (1) of section 6 the informant may—</p> <p>(a) give or produce evidence in support of the information to prove that the person charged is a known or reputed thief or cheat or was found in company with reputed thieves or persons having no visible lawful means of support; or</p> <p>(b) give or produce evidence to rebut any evidence (including evidence as to general character) given by or on behalf of the person charged.</p>	<p><b>1. Repeal</b>  <b>2. Re-enact in amended form in the Summary Offences Act 1966</b></p>	<p>The Committee believes that an amended form of this provision should be retained through re-enactment in the <i>Summary Offences Act 1966</i> because this is a procedural provision relevant to proving a loitering charge under section 7(1)(f) (which the Committee also recommends be retained through re-enactment in amended form.)</p>	<p><i>Summary Offences Act 1966.</i></p>	
<p>Fortune Telling etc.</p> <p>13. Fortune telling and pretending to exercise witchcraft etc.</p> <p>Any person who pretends or professes to tell fortunes or uses any subtle craft means or device by palmistry or otherwise to defraud or impose on any other person or pretends to exercise or use any kind of witchcraft sorcery enchantment or conjuration or pretends from his skill or knowledge in any occult or crafty science to discover where or in what manner any goods or chattels stolen or lost may be found shall be guilty of an offence.</p> <p>Penalty: 5 penalty units.</p>	<p><b>Repeal</b></p>	<ol style="list-style-type: none"> <li>1. The Committee notes that Section 13 is in many respects anachronistic, and is only rarely used today.</li> <li>2. The Committee considers that ss.81 and 82 of the <i>Crimes Act 1958</i>, as well as certain provisions of the <i>Fair Trading Act 1999</i>, are sufficiently broad to cover predatory behaviour of a serious nature in the context of fortune telling, and other conduct that might otherwise fall within the ambit of Section 13.</li> </ol>	<p><i>Crimes Act 1958</i>, ss. 81 and 82.  <i>Fair Trading Act 1999</i></p>	<p>The Committee notes that the <i>Crimes Act</i> provisions appropriately require proof of a dishonest intention and of a deception for the purpose of gaining property or a financial advantage.</p>

Vagrancy Act 1966	Proposals	Reasons for Proposal	Other/ Proposed Legislation	Comments
<p>15. Information</p> <p>(1) Unless otherwise expressly provided any member of the police force or any member of the staff of a council concerned may file a charge for an offence against this Act.</p> <p>(2) No fee shall be payable on the issue of any summons to answer to a charge for an offence against this Act.</p>	<b>Repeal</b>	This provision will no longer be needed if the <i>Vagrancy Act 1966</i> is repealed.		
<p>16. Neglect to prosecute</p> <p>If any person who has filed a charge in respect of an alleged offence against this Act does not appear at the hearing or declines or neglects to proceed upon or prosecute the charge the court may authorize some other person to proceed upon or prosecute the charge or may authorize any other person to take proceedings.</p>	<b>Repeal</b>	<ol style="list-style-type: none"> <li>1. A suitable provision already exists in another Act.</li> <li>2. This provision will no longer be needed if the <i>Vagrancy Act 1966</i> is repealed.</li> </ol>	<i>Magistrates' Court Act 1989</i> , s.38.	
<p>17. Accomplice</p> <p>No member of the police force or person if such member or person is acting under instructions given in writing in relation to a particular case by a member of the police force not below the rank of senior sergeant shall be deemed to be an offender or accomplice in the commission of an offence against this Act although such member or person might, but for this section, have been deemed to be such an offender or accomplice.</p>	<b>Repeal</b>	A suitable provision already exists in another Act.	<i>Summary Offences Act 1966</i> , s. 58.	

Vagrancy Act 1966	Proposals	Reasons for Proposal	Other/ Proposed Legislation	Comments
<p>18. Procedure</p> <p>Unless otherwise expressly provided all charges for or in respect of an offence against this Act shall be heard and determined by the Magistrates' Court.</p>	<b>Repeal</b>	A similar provision already exists in another Act.	<i>Magistrates' Court Act 1989, s.25</i>	Section 25 of the <i>Magistrates' Court Act 1989</i> provides that the Magistrates' Court has the jurisdiction to hear and determine all summary offences, and to hear and determine all indictable offences which may be heard and determined summarily.
<p>19. Offences of a serious nature not to be dealt with under this Act</p> <p>If the court is of opinion that the offence charged does not properly come within the meaning and intention of this Act but that an offence of a more serious or heinous kind has been committed the court may refuse to entertain or to further entertain the charge and may proceed as if the more serious or more heinous offence had been alleged in the charge before the court whether the person charged has or has not pleaded thereto.</p>	<b>Repeal</b>	This provision will not be needed if the <i>Vagrancy Act 1966</i> is repealed.		
<p>20. Forfeiture of offensive weapons etc.</p> <p>(1) When any person is convicted of an offence against any of the provisions of this Act any firearm sword dirk dagger bludgeon or other offensive weapon or instrument and any instrument of gaming or of cheating picklock-key crow jack bit or other implement of housebreaking and any metal or substance or spurious mixed or adulterated metal or substance such as is referred to in paragraph (j) of subsection (1) of section 7 found in his possession or control when arrested may by order of the court be forfeited to Her Majesty.</p>	<b>Repeal</b>	Suitable provisions already exist in other Acts.	<i>Control of Weapons Act 1990, s.9;</i> <i>Gaming No.2 Act 1997, s.102;</i> <i>Firearms Act 1996, s.151.</i>	

Vagrancy Act 1966	Proposals	Reasons for Proposal	Other/ Proposed Legislation	Comments
<p>(2) All property forfeited to Her Majesty under this Act shall by order of the court be sold, or in its discretion destroyed, and the proceeds of any such sale shall be paid to the Consolidated Fund.</p> <p>(3) This section shall be read and construed as in aid of, and not in derogation of, the provisions of any other Act relating to firearms or any other offensive weapons or things.</p>	<b>Repeal</b>	A suitable provision already exists in another Act.	<i>Magistrates' Court Act 1989</i> , s.137.	
<p>22. Entry of member of police force</p> <p>In the execution of this Act any member of the police force is authorized to enter and be and remain upon or in any public place notwithstanding that such place be upon private property and no such entry shall in any way be deemed a trespass.</p>	<b>Repeal</b>	<ol style="list-style-type: none"> <li>1. A suitable provision exists in another Act.</li> <li>2. This provision will be unnecessary if the <i>Vagrancy Act 1966</i> is repealed.</li> </ol>	<i>Summary Offences Act 1966</i> , s. 22.	
<p>23. Construction of references</p> <p>Unless the context otherwise requires any reference in any other Act to "an idle and disorderly person" or to "a rogue and vagabond" or to "an incorrigible rogue" or to a person convicted of an offence against Part 3 of the <i>Police Offences Act 1958</i> or any corresponding previous enactment shall be deemed and taken to refer to and mean persons convicted pursuant to the provisions of sections 6, 7 and 8 respectively of this Act.</p>	<b>Repeal</b>	This provision will not be necessary if the <i>Vagrancy Act 1966</i> is repealed.		

Vagrancy Act 1966	Proposals	Reasons for Proposal	Other/ Proposed Legislation	Comments
<p>24. Tender of amends No plaintiff shall recover in any action for any irregularity trespass or other wrongful proceeding made or committed in the execution of or under the authority of this Act if tender of sufficient amends is made to the plaintiff before such action is commenced; and in case no tender is made the defendant in any such action may, by leave of the court in which the action is pending and at any time before issue is joined in the action, pay into court such sum of money as he thinks fit and thereupon the action shall proceed as an action in which the defendant is allowed to pay money into court.</p>	<p><b>Repeal</b></p>	<ol style="list-style-type: none"> <li>1. This is a procedural provision that will not be necessary if the <i>Vagrancy Act 1966</i> is repealed.</li> <li>2. This provision is under-utilised.</li> </ol>		



## APPENDIX 1

### OFFENCES CHARGED UNDER THE VAGRANCY ACT 1966

(FOR CASES COMPLETED 01/07/1999 TO 30/06/2000)

---

Section	Offence	Total Charges
6(1)(a)	Occupier of house frequented by reputed thieves	0
6(1)(b)	Found in house or place in company with reputed thieves	0
6(1)(c)	Habitually consort with reputed thieves	1
6(1)(d)	Beg Alms	306
6(1)(e)	Found armed with an offensive weapon	1
6(1)(f)	Possess article of disguise	34
7(1)(a)	Solicit alms under false pretences	6
7(1)(b)	Impose upon charity for gain	1
	Impose upon person for gain	24
7(1)(c)	Willful and obscene exposure in public	282
7(1)(d)	Playing or betting in relation to a game	0
7(1)(e)	Reputed cheat loitering in or near a public place	0
7(1)(f)	Loiter with intent to commit indictable offence	611
7(1)(f)(i)	Reputed thief loiter at wharf etc.	1
7(1)(f)(ii)	Known thief loiter in public place	51
	Reputed thief loiter in public place	35
	Suspected person loiter in public place	99
7(1)(f)(iii)	Reputed thief loiter adjacent to street	1
7(1)(g)	Possess house breaking implements	53
7(1)(h)	Found disguised with unlawful intent	3
	Found face blackened for unlawful intent	15
7(1)(i)	Unlawfully on board a vessel	3
	Unlawfully on premises	3
	Unlawfully on premises/precinct	1068
7(1)(j)	Fraudulent manufacture or sale of substances	0
8(a)	Armed- offensive weapon with criminal intent	9
	Armed- regulated weapon with criminal intent	1
	Armed- imitation firearm with criminal intent	1
	Armed- offensive instrument with criminal intent	3
	Armed- prescribed weapon with criminal intent	5
	Armed with firearm with criminal intent	3

<b>Section</b>	<b>Offence</b>	<b>Total Charges</b>
8(b)	Aid and abet an escape	4
	Attempt to escape from lawful custody	10
	Escape from lawful custody	112
10(1)	Live on earnings of prostitution	1
13	Fortune telling etc	1

*Source: Table CR 4.4- Expanded Codes Disposition of Offences and Type of Penalty Imposed for Each Charged Offence, Magistrates' Court, Victoria, Australia, 1999-2000.*

APPENDIX 2  
MAGISTRATES' COURT STATISTICS  
1998/99

---

**The hundred most common offences (charge based count) by Act, Magistrates' Court, 1998/99**

\*denotes *Vagrancy Act 1966*

Rank	Act-Section	Description	Number	Percentage
1	6231.74	Theft	35,654	12.0
2	6231.81.1	Obtain property by deception	23,056	7.8
3	7405.13*	Drunk in a public place	17,414	5.9
4	9719.73.1	Possess drug of dependence (not named)	8,888	3.0
5	86/127.65	Careless driving	7,598	2.6
6	7405.23*	Unlawful assault	7,092	2.4
7	86/127.49.1.B	Drive whilst exceeding p.c.a. (.05 per cent)	7,077	2.4
8	9719.75	Use drug of dependence (not named)	6,957	2.4
9	86/127.49.1.F	Ex. Prescribed concentration 3hrs-breath	6,671	2.3
10	6231.76.1	Burglary	6,406	2.2
11	86/127.30.1	Drive whilst disqualified	6,101	2.1
12	7405.52.1	Assault police/person assisting police	5,030	1.7
13	6231.88.1	Handle/receive/dispose of stolen goods	4,911	1.7
14	86/127.18.1.A	Unlicensed driving	4,717	1.6
15	86/127.7.1.A	Use unregistered motor vehicle - highway	4,609	1.6
16	6231.197.1	Criminal damage (intent damage/destroy)	4,604	1.6
17	9008.30.1	Fail to answer bail	4,552	1.5
18	6231.321M	Att. Commit an indictable offence	3,847	1.3
19	87/19.22	Breach intervention order	3,808	1.3
20	SR88/30.1001.1C	Exceed speed limit - speed zone	3,766	1.3
21	SR88/28.225.1 SR87/24.225.1	Drive with no 'p' plates displayed Fail to conspicuously display plates	3,544	1.2
23	6231.91.1	Go equipped to steal/cheat	3,513	1.2
24	7405.24.2*	Assault in company	3,285	1.1
25	6231.82.1	Obtain financial advantage by deception	3,258	1.1
26	9719.71.1	Traffick drug of dependence (not named)	3,186	1.1
27	6231.83A.1	Make a false doc. To prejudice of other	3,040	1.0
28	6231.18	Recklessly cause injury	2,823	1.0

Rank	Act-Section	Description	Number	Percentage
29	CSOC.1350	Contravene section of act	2,593	0.9
30	6231.76.1.A	Burglary - intent to steal	2,239	0.8
31	CTAX.8C.A	Refuse to furnish return	2,097	0.7
32	6231.18	Intentionally cause injury	2,055	0.7
33	7405.17.1.C	Use indecent language in public place	2,004	0.7
34	9719.72.1	Cultivate a narcotic plant-cannabis	1,829	0.6
35	7405.17.1.D*	Behave in riotous manner in public place	1,797	0.6
36	6231.83A.2	Use a false document to prejudice other	1,790	0.6
37	7405.26.1*	Unlawful possession	1,754	0.6
38	7405.9.1.C*	Wilfully injure property	1,651	0.6
39	91/49.47.1	Failure to comply with cbo	1,553	0.5
40	86/127.64.1	Drive in a manner dangerous	1,432	0.5
41	90/24.6.1	Possess regulated weapon	1,428	0.5
42	91/49.31.1	Breach of suspended sentence order	1,279	0.4
43	SR88/30.1001.1.A	Exceed 60 kph limit in a built up area	1,237	0.4
44	86/127.59.2	State false name	1,215	0.4
45	SR88/29.222.1	Fix false number plates on vehicle	1,167	0.4
46	SR88/28.224.1.B	Learner drive without full licensee	1,166	0.4
47	CCORP.335.1	Fail to lodge an annual return	1,155	0.4
48	86/127.61.1.A	Fail to stop vehicle after an accident	1,114	0.4
49	86/127.61.1.C.I	Fail to give name and address to injured	1,068	0.4
<b>50</b>	<b>7393.7.1.I</b>	<b>Unlawfully on premises/precinct</b>	<b>1,052</b>	<b>0.4</b>
51	94/81.29.1	Dog rushes person/animal	1,017	0.3
52	SR88/30.1506.1	Fail to wear proper secured seatbelt	963	0.3
53	9719.77	Forge prescription for drug dependence	960	0.3
54	6231.20	Make threat to kill	867	0.3
55	86/127.R5.1001.1.B	Exceed speed limit - 100kph	863	0.3
56	86/127.21.1A	Fail to carry probationary licence	853	0.3
57	SR88/30.401.1	Disobey traffic control signal	830	0.3
58	86/127.61.1.F	Fail to report to police owner not present	824	0.3
59	86/127.70.1	Tamper with motor vehicle	758	0.3
60	SR88/30.803.1	Fail to give appropriate signal	722	0.2
61	CCRI.85ZE.A	Use telecommunications service to menace	719	0.2
62	SR88/28.223.1	Drive without "I" plates displayed	690	0.2
63	94/81.24.1	Dog at large outside owners premises	669	0.2
64	SR88/30.1619.2	Cause undue noise while using a vehicle	644	0.2
65	6231.456AA.3.B	State false name when requested	617	0.2
66	96/66.6.1	Non-proh. Possess cat a longarm unlic.	608	0.2
67	86/127.72.1.B	Fraudulently alter registration label	589	0.2
68	6231.83.1.A	False accounting	574	0.2
69	7405.53.1	Make false report to police	568	0.2
70	97/108.123.1	Bring money to vic - proceeds of crime	568	0.2
71	6231.17	Recklessly cause serious injury	555	0.2
72	86/127.49.1.E	Refuse/fail to accompany to station for blood test	540	0.2
73	6231.21A.1	Stalk another person (crimes act)	536	0.2
74	6231.23	Reckless conduct endanger serious injury	532	0.2
75	86/127.49.1.G	Ex. Prescribed concentration 3hrs-blood	526	0.2
76	Local Law Offence	Local law offence	515	0.2
77	CCRI.85ZE	Use phone service - menace/harass/offend	503	0.2
78	86/127.59.1.A	Fail to stop motor vehicle on request	483	0.2

Rank	Act-Section	Description	Number	Percentage
<b>79</b>	<b>7393.7.1.F</b>	<b>Loiter with intent commit indict offence</b>	<b>467</b>	<b>0.2</b>
80	CHEA.128B.1	Make false statement relating to claim	439	0.1
81	SR88/28.203.4	Fail to notify change of name/address	418	0.1
82	CTAX.8H	Refuse to comply with order	417	0.1
83	CCORP.1311.1	Do forbidden act under this law	414	0.1
84	6231.83A.4	Use copy of false document	413	0.1
85	86/46.9.C	Cause unnecessary pain to an animal	407	0.1
86	9719.78.A	Obtain drug by false representation	407	0.1
87	86/127.49.1.A	Drive under influence of intoxicating liquor	398	0.1
88	7405.7.G	Throw stone to injure/danger/damage prop	386	0.1
89	90/24.7.1	Possess a dangerous article	375	0.1
90	86/127.61.1.B	Fail to render assistance after accident	361	0.1
91	6231.75	Robbery	359	0.1
<b>92</b>	<b>7393.7.1.C</b>	<b>Wilful and obscene exposure in public</b>	<b>359</b>	<b>0.1</b>
93	86/127.R5.402.10.A	Fail to stop at stop sign	341	0.1
94	6231.39.1	Indecent assault	340	0.1
95	86/127.7.1.B	Own unregistered vehicle used on highway	340	0.1
96	96/66.7	Possess unregistered handgun wo licence	339	0.1
97	94/81.10.1	Fail to apply to register a dog	337	0.1
98	6231.456AA.3.C	State false address when requested	329	0.1
99	86/127.18.1.B	Drive in breach of licence condition	325	0.1
100	86/127.61.1.C.II	Fail to give name/address to owner/rep.	324	0.1
<b>Total of Hundred Most Common Offences (charge based count)</b>			<b>253,926</b>	<b>85.8</b>
<b>Total Charges Finalised</b>			<b>296,000</b>	<b>100.0</b>

Source: Table CR 4.11, Table A11: The hundred most common offences (charge based count) by Act, Magistrates’ Court, 1998/99, Statistics of the Magistrates’ Court of Victoria, 1998/99.

**Points:**

1. Same as for the Summary Offences Act Discussion Paper (Magistrates’ Court Statistics 1998/99), except that the \* will be used to denote offences under the *Vagrancy Act 1966*, rather than the *Summary Offences Act 1966*.
2. The ‘rank number’ to be highlighted and denoted in the table are 50 (s.7(1)(i)- unlawfully on premises/precinct), 79 (s.7(1)(f) - loiter with intent to commit an indictable offence), and 92 (s.7(1)(c) - wilful and obscene exposure in public).



## APPENDIX 3

### LIST OF WRITTEN SUBMISSIONS

---

- City of Melbourne
- City of Stonnington
- Corangamite Shire Council
- Council to Homeless Persons
- Criminal Bar Association
- Department of Justice, Asset Confiscation Office Enforcement Management
- Department of Natural Resources and Environment
- Hanover Welfare Services
- Horsham Rural City Council
- Law Institute of Victoria
- Legal Aid Victoria
- Magistrates' Court of Victoria
- Ms Sonja Bertram
- Mr Craig Cunningham
- Sergeant Tim Edgeworth, Mildura Prosecutions Unit
- Mr Andrew Monaghan
- Mr Paul Mullaly QC
- Mr Paul Smith, Regional Coordinating Magistrate and Ms Denise O'Reilly, Magistrate, Ringwood – Magistrates' Court of Victoria
- Municipal Association of Victoria
- NSW Attorney Generals' Department
- Pagan Awareness Network Inc.
- Parliamentary Council of Victoria
- Public Interest Law Clearing House, Homeless Persons' Legal Clinic
- Supporters for Disability & Psychiatric Sufferers Action Group
- Swan Hill Rural City Council
- The Police Association – Victoria

- Victoria Police
- West Heidelberg Community Legal Service

## APPENDIX 4 – LIST OF WITNESSES

---

### **Public Hearing, 13 February 2002**

- Mr C. A. Strong, Chairman,  
Redundant Legislation Subcommittee, Scrutiny of Acts and Regulations Committee

### **Public Hearing, 31 May 2002**

- Acting Commander P. Ditchburn, Corporate Policy Division;  
Detective Inspector B. Sitlington, Tactical Response Squad;  
Detective Senior Sergeant P. Chidgey, Tactical Response Squad; and  
Acting Inspector A. O'Connor, Legislative Review and Proposals  
Victoria Police
- Senior Sergeant P. R. Mullett, Secretary; and  
Inspector B. I. McKenzie, Assistant Secretary,  
The Police Association – Victoria
- Mr P. Lynch, Coordinator, Homeless Persons Legal Clinic,  
Public Interest Law Clearing House
- Mr V. Stojcevski, Senior Policy and Research Officer,  
Victoria Legal Aid
- Mr M. Horn, Research and Development Manager,  
Hanover Welfare Services
- Mr E. Lorkin, Secretary,  
Criminal Bar Association