



Speech by

**Hon. M. FOLEY**

**MEMBER FOR YERONGA**

---

Hansard 21 October 1998

**MINISTERIAL STATEMENT**

**Stalking Legislation**

**Hon. M. J. FOLEY** (Yeronga—ALP) (Attorney-General and Minister for Justice and Minister for The Arts) (9.37 a.m.), by leave: On 30 June this year the Honourable Judy Spence, Minister for Women's Policy, and I started the process of reforming Queensland's laws in relation to stalking, to ensure that victims of this crime received a fair go, by releasing a discussion paper on how our legislation could be improved. The consultation period for the discussion paper on this important reform ended on 10 August and all submissions received by my department before and after that date have been considered in the preparation of the draft Criminal Code (Stalking) Amendment Bill 1998.

As part of the comprehensive consultation process undertaken in relation to these reforms, the draft Bill has been sent to about 450 interested parties for comment. It also is available on the Internet. In addition, advertisements were placed in newspapers in Brisbane and major regional centres on Saturday inviting members of the public to have their say. I wish today to encourage Queenslanders to take this opportunity to have their say on the proposed amendments before the second round of consultation ends on 9 November.

Victims of stalking will receive better protection under the proposed new laws. Once it was thought that the crime of stalking was a problem only for celebrities, but now we know it can be a serious problem for many people, particularly women. Stalking is a crime which causes great distress to its victims and the criminal law needs to be more effective in protecting victims of stalking and in deterring would-be offenders. The key changes proposed in the draft Bill include clarifying the language dealing with the reasonableness of an alleged stalker's behaviour. The current requirement that a reasonable person would be caused to believe a "concerning offensive act" was likely to happen as a result of the offender's course of action would be removed and replaced by a simpler and clearer test. Currently, the term "concerning offensive act" is limited to an unlawful act of violence against a person or property.

The draft Bill recognises that stalking may cause victims serious mental, psychological or emotional harm, not just physical harm. The new Bill also proposes to give the courts the power to order a convicted offender to refrain from contact with a victim of stalking. And the current requirements for two or more instances of stalking to occur for an offence to be proved would be removed, allowing the courts to find that a course of conduct constituted an offence.

These reforms, and others contained in the draft Bill, would improve greatly the current legislation by taking into account the needs of victims. The coalition talked of reforming Queensland's stalking laws but failed to act when it had the opportunity. This failure to act is symptomatic of the coalition's approach to law and justice issues in Queensland—tough talk and simplistic proposals but very little in the way of action.

This Government, by comparison, has moved to push the issue of victims' rights to the centre of our criminal justice system through these proposed reforms and proposed reforms to the Criminal Offence Victims Act and amendments to fact finding on sentence. I urge Queenslanders to take part in this process.

---