



Speech by

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CRIMINAL CODE (STALKING) AMENDMENT BILL

Mrs ATTWOOD (Mount Ommaney—ALP) (5.32 p.m.): The Criminal Code (Stalking) Amendment Bill has been preceded by wide consultation with the community, advertisements in regional newspapers and workshops conducted with key stakeholders. It was a unanimous decision by all concerned respondents to redraft or to amend the anti-stalking laws. There were, of course, different views about what should be changed and how it could be achieved.

The offence as it stands at present is made up of the following elements. The accused must have undertaken the same act on two separate occasions. Is it not enough for somebody to be stalked once? I know a number of women who have been stalked by their ex-husbands, ex-boyfriends or an unwelcome admirer. This is quite a frightening experience. To be watched and followed by someone who obviously has some emotional or behavioural problems is quite disconcerting and upsetting. The previous legislation also states that the conduct would cause a reasonable person to believe that a violent act is likely to happen.

Regardless of what the victim of a stalker thinks or believes is going to happen to them, stalking is in itself offensive and intrusive. It is very much an emotional issue. Consequently, there are elements of the existing Act which cannot be related to and do not fully reflect the situation faced by the victim. The reforms of this Bill will replace the requirement that stalking consist of a course of conduct involving doing a defined concerning act and that the same act be done on at least two separate occasions. Instead, the new legislation will have a simple requirement that the conduct engaged in consist of the carrying out of the same or different acts on one protracted occasion or on different occasions. This makes allowances for such circumstances where the stalker acts differently and makes it easier for the victim in the reporting of the offence.

One real-life situation, relayed to me by a resident of my electorate, involved the ex-husband of a woman with three small children. Each time he stalked her, he would act differently, sometimes following the children and other times writing letters or going to the extreme of breaking into the family home. Removing the requirement that the course of conduct would cause a reasonable person to believe that an act of violence is likely to happen is a sound decision. This will redefine the offence to require that the conduct would cause the victim apprehension or fear, reasonably arising in all the circumstances, of violence to a person or property or, alternatively, that it does cause such apprehension or fear or other detriment reasonably arising in all the circumstances to any person.

It is interesting to note that "detriment" will be defined to include any serious, mental, psychological or emotional form. Stalking carries with it the threat of physical violence, but in a lot of cases it is the intention of the stalker to cause their victim emotional stress. I was recently advised of a situation in which a male victim was being stalked by his ex-wife, and this was causing him so much psychological stress that he packed up his family and moved overseas just to get away from her and to repair the state of his mental health.

Another change to the Bill will be the courts' ability to make restraining orders against defendants at the end of a trial, regardless of whether or not the person is convicted. This will save the victim unnecessary cost in making fresh applications, time delays and having to give evidence before a different court. Restraining orders are only effective if they reach the stalker. I heard of the case of a mother of three who was and still is being stalked by her ex-husband. She had several restraining and

protection orders taken out against him, but they failed to physically reach him. The address he gave was his father's and the stalker was never present to acknowledge or receive the order. The police then had no power to arrest him for breaking the order. Police were reluctant to act when he broke into her home, because it was once his family home.

I look forward to this Government's work in reviewing and developing further laws designed to give protection to citizens from unwanted attention, threats or harassment. I commend the Bill to the House.
