



Speech by

KAREN STRUTHERS

MEMBER FOR ARCHERFIELD

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CRIMINAL CODE (STALKING) AMENDMENT BILL

Ms STRUTHERS (Archerfield—ALP) (5.13 p.m.): As acknowledged by the member for Warwick, the offence of stalking was not recognised in criminal law in Queensland until about six years ago. Terrifying acts of stalking occurred, but the police had little capacity to reprimand offenders. Often stalkers went unhindered in their efforts to terrorise and harass their victims. The former Queensland Labor Government can claim the very progressive achievement of making stalking a criminal offence by introducing the offence of stalking into the Criminal Code.

I take a moment to skate because in 1992 I initiated and organised a public meeting to seek public action to deal with stalkers. That meeting was convened at police headquarters in Brisbane and was well attended by senior police, lawyers, Government and community members. I was prompted to act because a very courageous woman, Jeanette Canaris—a woman who had endured terror at the hands of her former partner—and numerous other women were ringing me at the domestic violence service at which I worked. They were frightened and distressed because their former partners or, in some cases, men they did not know, were threatening them, following them to work, sitting in car parks outside their work, going into lifts with them, sending death threats, making incessant calls to their homes, and taking rubbish bins—the sort of things that the member for Warwick described earlier. In most instances, the police had limited powers to act.

Work colleagues, my family and I were also threatened, harassed, followed, photographed and had our rubbish bins stolen or sorted through by a fellow who was looking for information on us. That went on for several years. I personally had the frightening experience of watching over my shoulder during that time, wondering where this fellow was. The police were very sympathetic but, again, they had their hands tied. The Peace and Good Behaviour Act was fairly useless to us. It provided restraining orders, but it was difficult to get those and it was certainly difficult for them to be implemented. In many cases, people actually needed to be reprimanded and dealt with by the criminal courts rather than the civil courts.

I was aware of north American and Canadian stalking legislation and was keen to have similar laws enacted in Queensland. With the support of a student of mine, Gabrielle Huggett, and staff at the Domestic Violence Resource Centre, a very effective campaign to introduce stalking laws was put into action. The Attorney-General at the time, the Honourable Dean Wells, was very supportive. He acted swiftly and within months he brought in a Bill to amend the Criminal Code to introduce the offence of stalking. I also acknowledge the work of Zoe Rathus and others who assisted in the drafting of the original stalking legislation, which has been very useful legislation. As the member for Warwick pointed out, many hundreds of people have sought some sort of recourse and assistance under that legislation. There have been teething problems with it, but I commend the Honourable Matt Foley for again taking swift action since he became Minister to correct the shortcomings in the legislation and to finish the work of the former Minister, Denver Beanland.

The comments that the member for Warwick made about the term "stalking" were interesting. I will not go into the issue in detail at the moment, but I will be interested to talk to the Attorney-General about it. I do not necessarily support a name change in the way that the member for Warwick put forward. Although "stalking" is a fairly new term in Queensland—for a long while "stalking" was a very American term—it better represents the terror and fear that results from stalking, which the member for Warwick so well described. "Criminal harassment" is a softer, non-defining term. I will take that up at a later time.

It is essential that the amendment Bill is supported as greater protection is needed for victims of stalking. Today, problems with the interpretation of the stalking section of the Criminal Code have made it difficult to prove the offence of stalking in many cases. For instance, under the current law the course of conduct by the accused had to cause a reasonable person in the victim's circumstances to believe that a concerning offensive act, which is defined as an act of violence against a person or property, is likely to happen. It is vague and open to interpretation and has been difficult to apply. As a consequence, unless the victim had an actual belief that a violent act was likely to happen, the offence could not be proven. The courts also lacked the power to impose restraining or non-contact orders on offenders. I think the improvements that these amendments will provide certainly need to be supported. There have been numerous other interpretation problems with the current law.

I commend the member for Warwick for his responsible and insightful comments in relation to the amendments. It is certainly important that the Minister, Matt Foley, has gone to the community with these issues outlined in the discussion paper. He has gained substantial support from a wide range of victim support groups, women's support groups, police and others to bring the amendments to the Parliament.

I want my constituents in Archerfield to be adequately protected from anyone who may harass or terrorise them. I want all people in this State who are subjected to this kind of terror to be adequately protected. I commend the member for Warwick for his support of the Bill. I urge all members of the House to support it.
