Speech by

Mr L. SPRINGBORG

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CRIMINAL CODE (STALKING) AMENDMENT BILL

Mr SPRINGBORG (Warwick—NPA) (Deputy Leader of the Opposition) (4.33 p.m.): I indicate that the Opposition supports the Criminal Code (Stalking) Amendment Bill, but will be making some suggestions to improve its effectiveness and to prevent potential injustices arising.

One of the first acts of the Attorney-General was the release of a discussion paper on the offence of stalking. The Minister was able to do that because most of the work on the discussion paper had been completed, as it was an initiative of the member for Indooroopilly while he was Attorney-General. I think credit should be given to my colleague the member for Indooroopilly for progressing this matter, because stalking is an insidious activity which affects many people, but especially women. I also commend the current Attorney-General for introducing the amending legislation into the Parliament.

Queensland was the first Australian jurisdiction to introduce specific legislation related to stalking. That was in 1993. It was an initiative of the then Minister, the member for Murrumba. I give credit where it is due, and I give credit to the member for Murrumba for legislation which has stood the test of time quite well. It was progressive, innovative legislation which has helped very many people who have been subjected to quite outrageous activity.

Modern stalking legislation had its origins in California, where there was very considerable publicity given to the stalking of celebrities by crazed fans. California passed its legislation in 1990 and within a few years most other American States and Canada had followed suit. As I mentioned, in 1993 Queensland was the first Australian jurisdiction to introduce stalking laws. I quote from an article written by R. A. Swanwick, a barrister in the office of the Director of Public Prosecutions, which was published in the University of Queensland Law Journal. Swanwick makes the following comments about the crime of stalking—

> "The offence and its criminality are unusual in that often no physical elements are present, only mental elements, and render liable to criminal sanction activities which on the surface are innocuous and commonplace but which, when constituting a course of conduct and with the necessary intent, form the basis of the criminal offence. It is, therefore, a difficult offence for which to legislate."

Swanwick points out that in the first two years after the law was changed in Queensland, 175 cases of stalking were processed by the Magistrates Court. Of these, 73 were heard summarily and at least 74 were committed to the District Court. Of the 73 heard summarily, 25 were proved and the remaining 48 were either dismissed, discharged or struck out.

From the cases that were committed to the District Court and on which more details are available, it would appear that stalking is overwhelmingly an offence committed by men and directed against women. In the 48 cases finally disposed of by the District Court, all but four involved male stalkers. Stalking arising from broken relationships was the most common, and it is interesting that, although in California it was crazed fans who motivated legislation, in Australia law reform has been propelled by incidents of domestic violence. Apart from stalking arising from broken relationships, other instances arose from the workplace or school. Only one of the 48 District Court matters involved what could be regarded as a quasi-celebrity matter. The largest single category of stalkers would appear to be males in the 14 to 24 age group, and Swanwick concludes that this indicates that the largest single category of stalker is the adolescent broken relationship type.

Conduct which constitutes stalking is many and varied, but some of the conduct dealt with by the District Court included erecting posters of a naked ex-girlfriend in a city mall, killing the victim's garden plants, switching off the power to the complainant's home at night, searching through the complainant's rubbish bins and drilling observation holes through the ceiling of an ex de facto's home unit. Certain other conduct the court has dealt with is much more lewd and would have been highly distressing to the victims in question. For obvious reasons I will not outline these matters in Hansard.

In an article published in the Sunday Mail in May last year, titled "Terror Hides Behind the Law", it was pointed out that in the 18 months to January 1997 there were 1,104 stalking complaints lodged with the Queensland Police Service—over four times the number of stalking complaints police received in the previous 18 months. This may not mean that stalking is on the increase. In fact, it may mean that citizens, especially women, are now more willing to take advantage of the law to try to stop stalkers ruining their lives. Whatever may be the case, it is certainly a very troubling statistic and one which should cause each and every one of us to give pause and contemplate just how serious and prevalent stalking is in society.

The current law is found in section 359A of the Criminal Code. This section criminalises unlawful stalking and sets out four elements to the crime. Those elements are: a course of conduct involving the doing of a concerning act on at least two separate occasions; an intention by the stalker that the victim be aware of this course of conduct; knowledge by the victim of the conduct; and the requirement that the course of conduct would cause a reasonable person in the victim's circumstances to believe that a concerning offensive act is likely to happen. It is helpful, in dealing with this Bill, to keep in mind these elements.

Before I touch on some of the substantive changes to the law, I draw the attention of the Attorney-General to criticism that has been made about the use of the term "stalking". In Swanwick's article, it is pointed out that the dictionary definitions of "stalking" include "to steal up to game under cover" and to "pursue stealthily" and that these do not accurately reflect the nature of the crime. Swanwick points out that this is not a pedantic issue but one which has resulted, in at least one case, in a defence counsel highlighting how this type of conduct did not match his client's. Swanwick makes this point—and it is one which I ask the Attorney-General to bear in mind when this legislation is next under review, whenever that may be—

> "The majority of concerning acts have been particularly public, loud and noisy, eg objects thrown through windows, loud, public, vulgar and obscene abuse, skidding cars on footpaths etc, all calculated to attract the maximum attention. These sit uneasily with the image of a dark, sinister, stealthy unseen menace traditionally associated with the word 'stalking' and as in the above case, could lead to an accused failing to understand the nature of his or her offence. Canada firmly rejected the word 'stalking' in the Canadian Criminal Code in favour of the term 'criminal harassment' to describe the offence."

As the Minister would be aware, since the article was written the United Kingdom has passed stalking legislation which is titled the Protection from Harassment Act 1997. In Britain, instead of referring to stalking, the legislation prohibits harassment. I raise this issue simply to highlight that the term "stalking" could sometimes be misleading and could raise problems with the prosecution of charges. I, like most people, understand what is meant. But if even one successful prosecution is compromised simply because of terminology, it is a matter that requires careful consideration both now and at some future time. All I suggest to the Minister at this time is that this issue be kept under review—under consideration—and that, if there is substance to the criticism made in the article that I have quoted, the appropriate legislative action be instigated.

The first matter which this Bill deals with is the current requirement that there be a course of conduct involving a concerning act on at least two separate occasions. The current law does not define what "course of conduct" is but requires the doing of a concerning act on at least two separate occasions. No time limitation is mentioned in the legislation, but it has been interpreted by the courts as requiring an element of continuity and not, for example, two isolated episodes. On top of that, the Court of Appeal last year in Hubbuck's case determined that the offence must constitute of the doing of a particularly concerning act on at least two occasions.

I found the discussion paper released by the Minister to be very helpful in this area. It is pointed out in that document that only Queensland, the Northern Territory and South Australia require proof of a course of conduct by reference to two separate occasions. In the Victorian Crimes Act, the stalking provision does not deal with the number of times that the stalking occurs but simply refers to a course of conduct. The term "course of conduct" was defined by the Victorian Supreme Court in Pearson's case as comprising "conduct which includes keeping the victim under surveillance for a single protracted period of time or on repeated separate occasions." The discussion paper contained a Bill which attempted to incorporate this concept, but the wording of the reform was rightly criticised in an article which appeared in the Proctor.

The wording of the Bill before the House, namely, that "unlawful stalking" is conduct engaged in on any one occasion if the conduct is protracted or on more than one occasion, is a definite improvement and should deal with the issue satisfactorily. I congratulate the drafters of this provision, especially those departmental policy advisers in the Department of Justice and the Office of the Parliamentary Counsel.

The current Queensland provisions are unique in that the crime of stalking simply requires that the stalker intend that the victim be aware that the course of conduct is directed to or at them. Elsewhere in Australia there is a requirement that the stalker intends to cause physical or mental harm. In those jurisdictions, the requirement of criminal intent is firmly placed at the doorstep of the alleged stalker. In Queensland, as the discussion paper highlights, there is currently no requirement that the stalker has any intention of doing any harm whatsoever and that the essence of the offence is the consequences of the course of the conduct on the victim. Consequently, in one Court of Appeal decision in 1994 it was held that when an accused stalker talked nonsense and danced in front of his victim, his behaviour was so bizarre that, whatever may have been his intent, a reasonable person in the victim's position could have believed that an act involving violence was about to happen.

There are three important matters that flow from all of this. In the case I have just mentioned, as far as I am aware, there was no suggestion that the person involved actually intended harm, just that his strange behaviour could have led a reasonable person to believe that harm could have followed. To use legal terminology, a subjective test is applied to the victim as far as the fear of violence is an element.

The second issue is that there has been a divergence of judicial opinion as to whether the victim actually believed that violence would eventuate or whether, even if the victim did not, a reasonable person in the victim's circumstances could have. Obviously, it is not very satisfactory that matters such as this are left up in the air for years until there is some authoritative judicial determination.

Finally, there has been increasingly a very disturbing development in the crime of stalking, and this involves a subgroup of mentally unbalanced people who have been labelled erotomanic. These people are potentially very dangerous, very unbalanced, and exhibit acts of aggression towards their loved ones and those whom those unbalanced people believe stand between them and their loved ones. As Swanwick points out—

> "Ironically, except in Queensland, this group would not have been covered by stalking legislation because of the requirement for an intent to cause physical or mental injury. Initially at least, the intent of these individuals was not malicious: they were attempting to express their love and affection."

This Bill overcomes some of the problems that the current uncertain nature of the law causes. But in the process, it has considerably widened the law. As I mentioned, the Bill now simply requires that the stalking conduct be intentionally directed at a person. No longer will there be any requirement that the alleged stalker even intended that the victim be aware of the stalking. The Bill even spells out that it is immaterial that the alleged stalker either intended the stalked person to be aware that the conduct was directed at them or had a mistaken belief about the identity of the person at whom the conduct is intentionally directed.

In the Explanatory Notes circulated by the Minister, this quite radical change in the law is explained as follows—

> "The accused had to intend that the victim be aware that the course of conduct was directed at him or her. Therefore true stalkers could say that they did not so intend even though the victim suffered a detriment after becoming aware."

I think that, before discussing this, it is worth quoting Swanwick again because, as is pointed out by this learned author—

> "Queensland's legislation is the most widely drawn in Australia and perhaps the world."

So we already have the most comprehensive legislation in the world, and the reforms that I have so far touched on will widen it further still. That of itself is no cause of concern, provided that the law does not overreach and start to jump or start to entrap innocent people.

I read with some interest an article in the Victorian Law Institute journal which deals with the much narrower Victorian Act. The author of this article, Ms Deborah Wiener, says—

> "One could envisage other scenarios in which people are endeavouring to make friends, whether in the singles scene or anywhere else, and the recipient interprets the overture as stalking.
>
> What about the suitor who is harmlessly trying to rekindle a relationship and sends flowers and other gifts? What about the man on the Bourke Street tram who makes polite pleasantries with the woman sitting opposite? There are any number of permutations of conduct in which one could find oneself classed as a potential stalker."

Those are salutary words and need to be borne in mind when we consider just what sort of conduct the law of stalking needs to cover.

Obviously, there is a very difficult balancing act to be achieved between, on the one hand, not covering almost every facet of human behaviour and thus rendering the law unworkable and unjust; and yet, on the other hand, keeping it flexible and relevant to the needs of those people—especially women— who are the victims of obsessive and possibly dangerous behaviour. Under this Bill, unlawful stalking is defined as conduct intentionally directed at a person which consists of one or more specified acts. Those acts are very broad and, similar to the current legislation, can be categorised, as one District Court judge said, as including almost every act of human behaviour. The Bill then says that this conduct would cause the victim apprehension or fear or would cause detriment reasonably arising in all circumstances to the victim or a third person.

Both the terms "circumstances" and "detriment" are defined, but I wish to draw to the attention of the House the latter definition which is as follows—

"(a) apprehension of fear of violence to, or against property of, the stalked person or another person;

(b) serious mental, psychological or emotional harm;

(c) prevention or hindrance from doing an act a person is lawfully entitled to do; or

(d) compulsion to do an act a person is lawfully entitled to abstain from doing."

The definition of "detriment" is very wide indeed. It will pick up directly the concept of non-physical harm—the mental repercussions of stalking.

This change in the law is very desirable. In an article of Swanwick's to which I have referred previously the following observation is made—

> "The impact on a victim when viewed by a third party, calmly and objectively with the benefit of hindsight and with all the relevant information, often appears much less than when viewed subjectively during the stalking period by the victim who does not have those advantages. Victims experience an escalating fear and fear of the unknown is often the worst aspect, especially when a sudden appearance of the stalker reveals a knowledge of the victim's plans and movements which they had believed to be confidential. They curtail their lives, give up social and work activities, change addresses, towns and even countries in order to escape the merciless harassment and pursuit. Symptoms similar to post traumatic stress disorder are common."

I also support the clear enunciation of the principle that "detriment" includes the prevention or hindrance of a victim being allowed to do what they are lawfully entitled to do. The examples given in the Bill of the type of conduct this is intended to pick up should bring home to any person reading the law exactly what stalking causes to victims in terms of a devaluation of lifestyle and freedom of movement.

As I mentioned earlier, the Bill removes the requirement that the offender intended the victim to be aware of the stalking. The explanation for the removal, which I quoted from the Explanatory Notes, is on its face convincing. Yet the Bill goes still further. At the moment the law requires that the course of conduct must cause a reasonable person in the victim's circumstances—which circumstances have to be reasonably foreseeable—to believe that an act of violence against a person or property is liable to happen. The Bill expands this by providing that stalking is conduct that would cause the stalked person apprehension or fear, reasonably arising in the circumstances, of violence to or against property of the stalked person or another, or causes detriment reasonably arising in the circumstances to the stalked person or another person.

As I read this Bill, what this means is that there does not have to be any actual fear caused to a person at all—just that if the person was aware of the conduct it is reasonable to expect that fear or apprehension would ensue. Later in the Bill it is pointed out explicitly that it is immaterial whether the person doing the unlawful stalking intended to cause apprehension or fear or the widely defined detriment which I have already outlined. The Bill also says that it is immaterial whether the apprehension or fear of violence is actually caused. In other words, as I said, there may be no intention on the part of the stalker to cause fear or apprehension at all, and none actually caused. Yet the Bill criminalises this conduct.

I have read with interest the comments of the Scrutiny of Legislation Committee on this Bill in Alert Digest No. 3. The committee makes this same point, and it is important to point out to the House that the committee was assisted in its analysis of the Bill by a senior lecturer in law from the Queensland University of Technology. The committee points out—

> "Proposed section 359B defines unlawful stalking in such a way that it is possible for someone to commit a crime carrying 5 years imprisonment without intending harm and without causing harm and without even intending that the person stalked be aware of the conduct."

The committee points out that the only fault element in the Bill is that the stalker intended to direct the conduct at the stalked person.

As I have explained at some length, the type of conduct that this Bill picks up covers almost the whole gamut of human behaviour. The Bill specifically includes the following conduct: following, loitering near, watching or approaching a person and contacting a person in any way, including by telephone, mail, fax, email or through the use of other technology. I interpose here to support the inclusion of email and other technology in the Bill because with the increasing use of the Internet the concept of cyber-stalking has gone from the realm of science fiction into an ever-present and growing problem.

However, the cumulative effect of widening this Bill in almost every respect is to lead to the Orwellian situation that the Scrutiny of Legislation Committee outlined. Yet it is much more serious, potentially, when we consider that so-called stalking now could arise simply by the sending of a fax or an email intentionally to a person, and from that one act, even though there was no intention to cause harm or apprehension, and none was caused and that possibly the intended recipient of the email or letter did not receive it, a serious crime has been committed.

I want to be fair. As ludicrous and manifestly unfair as this seems, I suppose one can envisage situations where this could be very helpful. After considerable reflection, I thought of the situation of a convicted rapist who, in an endeavour to make amends, starts writing letters to his victim or victims while he is still incarcerated. The letters are intercepted by the prison authorities and the victim never sees them. If she had received them she would have been most upset.

The Minister would be fully aware that the discussion paper he released last June specifically dealt with this issue by recommending that the course of conduct must cause the victim reasonably in the circumstances to fear injury or detriment. After discussions with interested parties, that requirement or limitation was dropped. The Attorney-General would also be aware that the Model Criminal Code Officers Committee, which is charged with the responsibility of developing model criminal legislation in Australia, considered stalking legislation in 1996.

The committee recommended that the model stalking legislation have a requirement of proof of an intention to cause serious physical or mental harm or serious fear or apprehension. The committee conceded that this would not catch the erotomaniac who has a perverse love of the victim and does not wish to harm the person—initially at least. The committee recommended that this type of deranged individual be dealt with by the restraining or apprehended violence orders pursuant to the mental health system.

So we have a situation in which this Bill takes the criminal law into new and possibly dangerous territory. It will give wide powers to the Police Service to charge individuals with serious offences when the law that they are being charged with breaking is so wide as to encompass almost every human interaction with another human. It is legislation that will have the potential of being misused and abused. It is legislation that will pick up the guilty, the innocent, and the mentally unbalanced. On that point, I would like to say that I appreciate very much the difficulties that the Attorney-General and anybody else has in making sure that we provide the right balance for the victims in our community and in trying to make sure that we do not pick up people who are unfortunate bystanders and take out vexatious or fallacious complaints that are made from time to time. It is certainly a very, very difficult issue.

This is legislation that is triggered by an event that may in itself have no element of bad intent or improper motives. Yet once the potentially innocent event takes place, this legislation sets in train a chain of events that could result in the public humiliation of an innocent person and the destruction of his or her reputation, life and lifestyle. Again and again, lawyers—and the Minister would no doubt empathise with them—have warned against the overreaching of stalking legislation. Up until now, those warnings have proved largely groundless. The law has not been abused. Instead, many women have been given long overdue protection from harassment. In the spirit of bipartisanship and in a sincere endeavour to ensure that the legitimacy of Queensland's stalking laws are not compromised in any manner, I say to the Attorney-General that this Bill may go a bit too far. It can be remedied but if it remains in its present state, although it will have very many beneficial impacts—and I appreciate that point—it also contains the seeds of maybe many potential injustices. When we have injustices being perpetrated, they have the potential of undermining the tremendous present community goodwill towards the enforcement of tough anti-stalking laws, and I think that that could potentially be a bit of a worry.

The Scrutiny of Legislation Committee has suggested one means of possibly overcoming this problem, and it is one that I hope the Attorney-General and his advisers have seriously considered. At the moment, the legislation contains a number of specific defences to a stalking charge. Currently, the Criminal Code provides that it is a defence to a stalking charge that the course of conduct was engaged in for the purpose of a genuine industrial dispute, or political or other public dispute, or issue carried out in the public interest. The Bill before the House expands the range of defences to include acts done in the execution of a law or administration of an Act or for the purpose authorised by an Act; reasonable

conduct engaged in by a person for the person's lawful trade, business or occupation; and reasonable conduct engaged in by a person to obtain or give information that the person has a legitimate interest in obtaining or giving. The added defences are welcome and meet a number of objections that have been raised against the existing law. Yet each of the added defences relate to activity that is official or quasi-official and does not deal with the range of circumstances that could arise as a result of the expansion of the legislation by this Bill.

The Scrutiny of Legislation Committee has made the following suggestion: perhaps a more general exemption, such as that in the UK legislation, is warranted. That provides for an excuse based on the reasonableness of the conduct in the circumstances. This suggestion emanates from a comment made in the Proctor article to which I referred earlier in my speech. I certainly believe that it would be very prudent to expand the range of defences to include one based on the reasonableness of the conduct in the circumstances. As I mentioned, this Bill will criminalise potentially a wide range of conduct that is either innocent or not intended to cause any harm and which causes no harm. On that point, I say to honourable members of Parliament that there are probably a lot of people out there engaging in something very similar to these sorts of things that I have been talking about who would not even consider that they are engaging in the offence of stalking.

Apart from the general discretion to prosecute, which is vested in the Police Service, there surely needs to be some extra protection available to people who get caught up in a web of circumstances that may lead to potentially unjust proceedings. As I mentioned, this Bill is as wide as any legislation could possibly go. It gives almost unlimited discretion to the police to prosecute. Bad intent is not an element in the prosecution of a charge under this Bill. So I think that it would be good public policy and basic commonsense to ensure that the driftnet that this legislation creates does not pick up the innocent and harmless with the deranged and the criminal.

I look forward to the Attorney-General's response to these concerns because I believe that they are very valid, and it is extremely important to make sure that the legislation that comes before this Parliament considers all of these matters. I can assure him that there is significant concern about the Bill and that this concern is held by people like me who strongly support stalking laws and who do not want to see them used incorrectly and, in the process, undermine the groundswell of goodwill that is out there at the moment.

In the time remaining, I will touch briefly on one or two other matters dealt with in the Bill. Firstly, I support the proposed increase in penalties. Five years' imprisonment for unlawful stalking and seven years' imprisonment for aggravated stalking is fair, especially when one considers the enormous emotional and physical damage that stalking produces for the very many unfortunate victims in the community who, in some cases, have had to endure it for many years. Secondly, I think that the provision giving the court the ability to issue a restraining order if the presiding judicial officer thinks it desirable, whether or not a guilty verdict is handed down or whether or not the Crown drops the charges, is a positive move.

In other jurisdictions, both elsewhere in Australia and overseas, a preventive approach to stalking is utilised, often with great success. In Los Angeles, the police department has a threat management unit whose task is to assess the risk posed by individual stalkers and to take steps before a serious event occurs. The stalker is specifically informed by the police that they are watching him or her. That gives innocent people the opportunity not to get caught up in the police net and non-serious stalkers a warning that could prevent them from getting arrested later and save their victims the trauma of ongoing, low-level harassment. Both the Victorian and Tasmanian legislation contain provisions allowing for an interim restraining order against a potential offender prior to arrest. So far as I have been able to ascertain, this order, which is called an intervention order, has worked quite satisfactorily in Victoria. In South Australia, apparently the Los Angeles approach is used by the police of interviewing suspects after a single incident.

The proposed Queensland provision is, with respect, not as good as the Victorian intervention order as it will not operate as an interim injunctive device and, from my reading, appears to be capable of activation only after a charge has been laid and the matter is actually before the court. If my reading of the proposed section is correct—and I think that the wording of proposed section 359F is pretty clear—then a potential golden opportunity to snip stalking in its early stages has been forgone. I do not intend to be churlish, and I agree that even this proposal fills the gap where there is not sufficient evidence to proceed or where it is considered that a charge may not be appropriate but a restraining order would be far more appropriate. At the end of the day, the object of the exercise is to protect the victim and to prevent the stalking and not some mechanistic desire to chalk up a prosecution. However, I seek the Attorney-General's comments as to why this opportunity to introduce the notion of a speedy interim injunction has not been taken up.

Finally, I welcome the Attorney-General's commitment to continue the reform process and to look at the Peace and Good Behaviour Act and Minister Bligh's intention to look at the Domestic Violence (Family Protection) Act. As I mentioned at the outset, often stalking has its genesis in

domestic disputes, or in the break-up of relationships. It is critical that we look carefully at the wider issue of harassment in all of its forms so that the community is protected.

Last September an article on stalking was published in the Age newspaper. That article claimed that stalking is far more common than is widely known. It was claimed that recent research by the Australian Bureau of Statistics indicted that 10% of all Australian adults had been the victims of stalking at some time. That is a very, very extraordinary figure. That means that, in Australia, something like a million adults, or maybe more, have at one time been the victims of stalking. In that article, Dr Allen Barlow of the University of Western Sydney made the following comments on the effects of stalking on some victims—

> "Their lives are significantly depreciated in almost every sense of the word and that has a huge personal cost, family cost, community cost and overall social and economic cost to the nation."

It is important to realise just how significant this Bill is and, as I indicated, the Opposition supports very much its principle. I say very sincerely to the Attorney-General that it is important to treat this matter very carefully and logically, and not propose legislation that is so wide as to harm as many innocents as it will punish stalkers. The Bill has a great many positive elements to it. It is also extremely vague in parts and may pick up a range of conduct that is entirely without bad motives. In the future, the perpetrators of this innocent behaviour will have to rely on the commonsense of investigating police officers. This gives the Police Service enormous powers and discretion over a great many potentially innocent people. That alone should cause alarm bells to ring, at least a little. Surely we can get the benefits of legislation that will give comprehensive protection to victims of stalking without enacting a potentially unjust law.

To sum up, the Bill has a great many good and innovative reforms that will help victims and improve the law. However, in getting there it has cast its net so wide that the conduct that could lead to charges will encompass genuine stalkers as well as potentially innocent and harmless citizens. I call on the Attorney-General not to exclude amending the legislation in the not-too-distant future, if these problems come up. I hope that they do not, but we need to be ever vigilant when addressing these issues because this is extremely innovative legislation. This legislation is not only an Australian leader, it is also a world leader. As I indicated earlier, when he was the Attorney-General the honourable member for Murrumba enacted legislation that I believe was the best of its kind and was also a world leader. What we are seeking to do here today is probably just as innovative. This legislation is entering new territory and has good intent as its prime motive to ensure we protect as many victims of stalking as possible in the State of Queensland.

However, we need to be very clear and very careful that some of the issues that I have raised do not come to fruition in the future. I believe that that is always a very real risk when one starts to cast one's net in such a broad fashion to try to overcome almost any dreadful scenario that a victim or potential victim of stalking in Queensland or Australia might unfortunately suffer. We cannot dismiss the concerns that I have raised and we certainly cannot dismiss the concerns that have been raised by the Scrutiny of Legislation Committee when it very clearly and concisely considered this matter only recently.

In conclusion, the Opposition very much supports this legislation. We are very keen to hear the Attorney-General inform the House of how he proposes to address the concerns that I have outlined. I hope that he takes on board some of those concerns and some of the concerns that the Scrutiny of Legislation Committee has raised. In fact, he may have already drafted some amendments to the legislation or formulated clarification to overcome those particular points.

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