

Stalking

Rise of the stalker

Central West Women's Health Centre

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In the shadows ... stalkers face tough new laws.

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AN AVERAGE of almost two people a day are charged with stalking in NSW since tough new laws were brought in last year.

But violence support workers say the difficulty of collecting evidence still makes it hard for stalking victims to receive justice.

The new legislation broadened the types of evidence admissible in court, increased penalties and allowed stalking to be registered as a permanent offence on a perpetrator's criminal records.

"These new laws have sent a clear message to would-be stalkers: stalking is a crime and offenders face serious penalties, including up to five years in prison," NSW Attorney-General John Hatzistergos said.

The Crimes (Domestic and Personal Violence) Act 2007 also reflected the rising use of mobile phones and social networking tools like Facebook in stalking. The definition of intimidation now includes "by telephone, telephone text messaging, emailing and other technologically assisted means".

In the six months to last September, 326 people were charged, an average of about two per day. Most perpetrators were men aged under 40, who had prior convictions.

Recent cases include a 26-year-old Sydney woman who was stalked by a former partner for six months. The woman said the man, who she had been with for three years, regularly waited in a car outside her home and workplace, and followed her.

Figures from the Attorney-General's department show a 10 per cent rise in the number of offenders pleading guilty since the legislation came into force. "The Government's new stalking offence has proven to be an effective weapon in convicting more offenders," Mr Hatzistergos said.

But many who work in agencies supporting people escaping stalkers warn the laws are not yet being used enough by police and that more needs to be done to support victims.

Betty Green, from the NSW Domestic Violence Coalition, said improvements had been limited. In many stalking cases, she said, perpetrators were still being charged with the lesser offences of intimidation or harassment because gathering sufficient evidence was still difficult.

Shaunagh Foy, a forensic psychologist and counsellor with the Central West Women's Health Centre, said she regularly helps women collect their own evidence because police are unable or unwilling to do so.

"With one girl, someone was breaking into her unit, coming in when she was asleep, leaving notes," Dr Foy said. "She went to the police but they said we haven't got enough proof he's doing it."

Collecting their own evidence, however, could present a significant psychological and financial burden for the victim, Dr Foy said.