

Safe at Home

Family Violence and Stalking

Sep 2015

Family violence related stalking is real for many victims of family violence. Victims may be followed, monitored or watched and it is important stalking is taken seriously. A family violence victim and their children may not be safe even if they have left the family violence situation.

The *Family Violence Act 2004* applies to a range of offences committed by one person against another who are, or have been, in a significant relationship*. Stalking is one such offence and section 192 of the *Criminal Code Act 1924* provides that it is a crime to intentionally cause a person physical or mental harm, or to be apprehensive or fearful from one or more of the following acts:

- following the other person or a third person;
- keeping the other person or a third person under surveillance;
- loitering outside the residence or workplace of the other person or a third person;
- loitering outside a place that the other person or a third person frequents;
- entering or interfering with the property of the other person or a third person;
- sending offensive material to the other person or a third person or leaving offensive material where it is likely to be found by, given to or brought to the attention of the other person or a third person;

- publishing or transmitting offensive material by electronic or any other means in such a way that the offensive material is likely to be found by, or brought to the attention of, the other person or a third person;
- using the internet or any other form of electronic communication in a way that could reasonably be expected to cause the other person to be apprehensive or fearful;
- contacting the other person or a third person by postal, telephonic, electronic or any other means of communication;
- acting in another way that could reasonably be expected to cause the other person to be apprehensive or fearful.

* *Within the meaning of the Relationship Act 2003.*

As demonstrated by the Criminal Code there are various forms of stalking. Just because a perpetrator is not seen does not mean that they are not watching.

Should a Victim suspect they are being stalked it is recommended that any tracking/locator features often found on mobile phones are turned off. Use Google, Facebook, Twitter, MySpace etc with caution, posts should be very vague and security options should be activated.

When driving should a Victim feel like they are being followed it is recommended they continue driving directly to a police station to report. A good description of the occupant/s and type of the vehicle, the colour and license plate number if possible will be required.

There are various publications and sites that Victims can access for information and assistance.

Victims are encouraged to call the Family Violence Response and Referral Line on 1800 633 937 any time of the day or night to find out how Safe at Home can help. In an emergency situation dial Police on 000.

Information provided by Tasmania Police related particularly to Cyber-Crime can be accessed at www.police.tas.gov.au/cyber-crime/.

The Victorian Domestic Violence Resource Centre has a SmartSafe website providing information on the safe use of technology specifically for victims of family violence including links to apps and support services. This site can be access at <http://smartsafe.org.au>.

Organisation/Name	Services	Contact details or sites
EMERGENCY	Ask for police	000
Safe at home	Information sheets	www.safeathome.tas.gov.au
Safe at home	Family Violence Response and Referral Line	Ph: 1800 633 937

Safe at Home

Phone: (03) 6165 4988

Email: safeathome@justice.tas.gov.au

Web: www.safeathome.tas.gov.au



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