

Stalking and Technological Abuse

What is stalking and technological abuse?

Stalking and technological abuse is a type of family violence where one person uses devices, like a mobile phone or a tracking device, the internet or other technology to keep an eye on, track, monitor or stalk their current or former partner.

Is it illegal?

Stalking is illegal in Tasmania and is covered by the Family Violence Act and the Criminal Code Act.

The Criminal Code Act sets out a long list of what can be considered to be called stalking, including:

- Following a person, or keeping them under surveillance
- Hanging around outside a residence or workplace
- Interfering with a person's property – their house, car, phone, furniture or other belongings
- Making threats
- Directing abusive or offensive acts towards a person
- Posting or delivering offensive materials to somebody
- Publishing or electronically sending offensive materials to somebody
- Using the internet or other electronic communications to cause fear or apprehension
- Making contact by phone, message or through the internet to make somebody scared of physical or mental harm, or to cause physical or mental harm.

What can it look like?

- A person installing an app that sends them the call and message history on their partner's phone.
- A person fitting a tracking device on their partner's car to monitor where they go.
- A person using the 'find my device' feature on their child's phone or laptop to find out where the children are living with their former partner.

- A person making lots of calls and sending lots of messages to a person's phone each day.
- A person threatening to release an intimate video they made with their former partner if they do not return to the relationship.

Case Study: Kate and Mark

Kate and Mark have had issues in their relationship, and Kate decided to move in with her mum for a while. Mark lives on the other side of town, but Judy, Kate's mum, has noticed a car that looks like Mark's driving past a few times a day.

Even though they agreed to give each other some space, Mark calls Kate every night to ask about her day, and also sends lots of messages – sometimes up to twenty or so a day. Sometimes the messages Mark sends are pleasant, other times he blames Kate for all their problems. One message told her to watch her back.

Judy became worried when she noticed that the rubbish bins were being moved around her driveway during the night. One night she heard noises in the backyard, and looked out the window to see a chair pushed out at the outdoor setting, with a drink and a cigarette left in the place where Kate usually sits, but Kate was at work.

Mark has been posting a lot on Facebook recently, and Kate is starting to worry about her safety as a lot of the posts seem like they are threats aimed at her.

Kate took her car for a service. The mechanic wanted to chat with her when she picked it up, and he told her that he found what he thought was a tracking device in the wheel arch. It suddenly made sense to Kate how Mark had been at the same park that she and Judy went to the other day, and why he had asked her if she had enjoyed her meal at the pub last night when she hadn't mentioned she was going there.

Contacts

- **In an emergency situation or if you are in immediate danger, call 000.**
- Family Violence Counselling and Support Service, phone 1800 608 122.
- 1800Respect, phone 1800 737 732.
- Women's Legal Service Tasmania can be contacted on **1800 682 468**.

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