

Stalking:

**Legislative, Policing and
Prosecution Patterns
in Australia**

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Foreword

Australia in the mid-1990s. Stalking has been defined in some jurisdictions as repeated acts *intended by offenders* to cause fear and apprehension, while in other jurisdictions stalking is interpreted as repeated acts which are *experienced by victims* as fearful or apprehensive.

However, defining stalking is not a simple exercise. Usually, criminality is a breach of some normative convention. However, in the case of stalking, the behaviour causing concern is typically not so much a breach of the normative conventions as often an undue *amplification* or emphasising of normative conformity.

Previous research on stalking has developed primarily out of a psychiatric framework, with a second research orientation focusing on specific aspects of the law and a third research orientation focusing on the incidence rates of stalking victimisation across the community.

To date, however, there has been very little research examining the outcome of anti-stalking legislation, specifically in terms of police and court data. Accordingly, this report aims to address this void in stalking research, by focusing on the legislation introduced in Australia in the mid-1990s and on the subsequent trends in reporting and prosecuting stalking since this legislation was introduced.

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Director, Australian Institute of Criminology
December 2000

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