

Queensland



**CRIMINAL LAW  
AMENDMENT BILL 1993**

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1993**

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**1993**

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**A BILL**

**FOR**

**An Act to amend the Criminal Code**

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<b>The Parliament of Queensland enacts—</b>	1
<b>Short title</b>	2
<i>Clause1.</i> This Act may be cited as the <i>Criminal Law Amendment Act 1993.</i>	3
<b>Amended Code</b>	4
<i>Clause2.</i> The Criminal Code is amended as set out in this Act.	5
<b>Insertion of new ss.359A and 359B</b>	6
<i>Clause3.</i> After section 359—	7
<i>insert—</i>	8
<b>‘Unlawful stalking</b>	9
<b>‘359A.(1)</b> A person must not unlawfully stalk another person.	10
<b>‘(2)</b> A person (the <b>“offender”</b> ) unlawfully stalks another person (the <b>“victim”</b> ) if—	11
(a) the offender engages in a course of conduct involving doing a concerning act on at least 2 separate occasions to another person or other persons (whether the victim, another or others); and	13
(b) the offender intends that the victim be aware that the course of conduct is directed at the victim, even if the concerning acts or particular concerning acts are done to, or to the property of, a person other than the victim; and	14
(c) the victim is aware that the course of conduct is directed at the victim; and	15
(d) the course of conduct would cause a reasonable person in the victim’s circumstances serious concern that an offensive act (a <b>“concerning offensive act”</b> ) may happen.	16
<b>‘(3)</b> For the purpose of subsection (2)(d), the victim’s circumstances are those known or foreseen by the offender and those reasonably foreseeable by the offender.	17
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- ‘(4) It is a defence to a charge under this section to prove that the course of conduct was engaged in for the purposes of a genuine—
- (a) industrial dispute; or
  - (b) political or other public dispute or issue carried on in the public interest.
- ‘(5) The offence under this section may only be committed against an individual.
- ‘(6) Unlawful stalking is a crime for which the offender is liable to a maximum penalty of—
- (a) imprisonment for 5 years if, for any of the concerning acts constituting the offence, the offender—
    - (i) unlawfully uses or threatens to use unlawful violence against another person or another person’s property; or
    - (ii) has possession of a weapon within the meaning of the *Weapons Act 1990*; or
    - (iii) contravenes an injunction or order imposed or made by a court under a law of the State, the Commonwealth, another State or a Territory, or threatens this; or
  - (b) imprisonment for 3 years in any other case.
- ‘(7) In this section—
- “concerning act” means any of the following acts—
- (a) following, loitering near, watching or approaching another person;
  - (b) telephoning or otherwise contacting another person;
  - (c) loitering near, watching, approaching or entering a place where another person lives, works or visits;
  - (d) interfering with property in the possession of another person;
  - (e) leaving offensive material where it will be found by, given to or brought to the attention of, another person;
  - (f) giving offensive material to another person, directly or indirectly;
  - (g) an act of harassment, intimidation or threat against another

person;	1
(h) an unlawful act committed against the person or property of another person;	2 3
<b>“concerning offensive act”</b> means an unlawful act of violence by the offender against—	4 5
(a) the victim’s person or property; or	6
(b) a person, other than the victim, about whose health or custody the victim would reasonably be expected to be seriously concerned if the act were done, including, for example, a dependant, relative, friend, employer or associate of the victim; or	7 8 9 10
(c) the property of a person, other than the victim, about whose property the victim would reasonably be expected to be seriously concerned if the act were done, including, for example, the premises where the victim lives or works, or the property of a dependant, relative, friend, employer or associate of the victim;	11 12 13 14 15
<b>“property”</b> of a person other than the offender includes property in which both the offender and the other person have an interest;	16 17
<b>“unlawful”</b> act means an unlawful act constituting an offence;	18
<b>“violence”</b> against the person includes an act depriving a person of liberty;	19
<b>“violence”</b> against property includes an unlawful act of damaging, destroying, removing, using or interfering with property.	20 21
<b>‘Summary proceedings for unlawful stalking</b>	22
<b>‘359B.(1)</b> A proceeding for an indictable offence against section 359A may be dealt with summarily, unless the offender is charged with a circumstance of aggravation mentioned in section 359A(6)(a).	23 24 25
<b>‘(2)</b> The maximum sentence that may be imposed on a summary conviction for an indictable offence against section 359A is imprisonment for 18 months.	26 27 28
<b>‘(3)</b> A proceeding for an indictable offence against section 359A may be dealt with summarily even though the proceeding was started more than 1 year after the offence was committed.	29 30 31
<b>‘(4)</b> A proceeding for an indictable offence against section 359A may be	32

dealt with summarily at any place appointed for holding Magistrates Courts  
regardless of where the offence was committed.

‘(5) The summary jurisdiction conferred by this section must be  
exercised in the way, and subject to the conditions, prescribed by  
section 444 for the summary trial and punishment of offenders who may be  
summarily convicted of indictable offences under that section.’.

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