

From: Phil Castagna [REDACTED]
Sent: Monday, 16 August 2021 3:47 PM
To: Stalking (DJCS)
Subject: Stalking Reform Submission

Victorian Law Reform Commission
stalking@lawreform.vic.gov.au

To the Commissioner,

I believe the laws regarding stalking and intervention orders desperately need to be reviewed and changed as they are extremely lenient which as a result, do not deter offenders from committing their crimes. I believe that tougher laws will **definitely make many perpetrators** think twice before they strike.

1. Where there is an intervention order in place, and it has been breached, police need to be alerted and act **IMMEDIATELY** leading to an **ARREST**, not just a warning (like a slap on the wrist) or community service work.
2. The current penalty for breaching intervention orders is stated as follows:
'You may incur 240 penalty units and/or 2 years imprisonment'.

How I would like to see it stated:

'You will receive a 5 year imprisonment PLUS a \$50,000 fine'.

You **WILL** (not may) receive a **5 year imprisonment** (imprisonment first and also increase the penalty to 5 years as 2 years is clearly not working) **PLUS a \$50,000 fine**. (not an and/or option and it should be listed in dollar value, not penalty units to make it clear).

At current, the breach of intervention orders does not appear to be taken seriously and I also question whether any of the penalties have actually EVER been enforced! Have they? If so, in how many cases?

3. I feel all victims should be much better protected and not feel like they are having to watch their back at all times. It should definitely be the other way around where perpetrators are having to watch their every step!
4. It angers me that tracking devices have **STILL** not been put in place in Victoria for stalkers, when statistics from the 3 year Tasmanian trial proved a 100% reduction in stalking. Seriously, what are we waiting for?
5. I would like to see and know that there is a tracking device for perpetrators **once they have breached their intervention orders** such as an ankle bracelet to ensure they are monitored 24/7.
6. Also there needs to be a bracelet, necklace or a discreet piece of jewellery for the victim being stalked. [REDACTED] Perhaps an additional device should also be issued to a family member or other trusted person nominated by the victim as a secondary safety precaution.

Should the ankle bracelet be removed, there needs to be an alarm that it set off upon removal of the device to alert the police to **IMMEDIATELY** arrest and detain the perpetrator.

7. I feel the police have a very relaxed approach regarding intervention orders and not enough is done to prevent or stop perpetrators in their actions. This may be due to a lack of numbers in the Police Force or a requirement for better training to evaluate the severity of stalking and intervention orders.
8. Police absolutely need to be trained in risk assessment to be able to determine which offenders are high risk and need to be tracked.
9. I believe stalkers should be monitored electronically; mobile phones and movements on the internet should also be tracked. The police need to be able to track all their devices live. I understand that perpetrators may switch phones or use a different computer however through tracking a perpetrators movements, one would assume the police also has access to bank transactions, purchases made and log ins on other devices.
10. **Where the perpetrator has murdered their victim, I believe they should be:**
 - a. Stripped of all their rights (they no longer get the opportunity to choose anything).
 - b. If their original Country of origin is not Australia, I believe perpetrators should lose their Permanent Residency or Australian Citizenship (whichever applies) as having been granted either of the two should be considered a privilege. Australian tax payers should not have to sustain perpetrators and murderers that have come from other countries, regardless of what country they are from.
 - c. Whilst their families are not at fault, I do feel that if there was a law stating that a perpetrator's family members would be deported and also lose their rights, residency and citizenship (should a serious act be committed; a stalking breach, rape, murder), it may cause them to think twice.

Knowing that committing any of the above mentioned serious crimes would impact members of their family, it **MAY** assist in deterring them. Whilst this may seem unfair, the point I am trying to make is that **laws need to be put in place to DETER these perpetrators in ANY and EVERY possible way (particularly if they have become an inherited citizen of Australia)**.

Whilst this may seem discriminatory, implementing this law would mean that **if no crime is committed, there would be no consequence to family members.** Their families would be able to continue to take advantage of the privilege that they have been granted, to live in this blessed country which in many cases is a much better place than the country they came from.

11. **The 'Death Penalty' Should be reinstated where:**

- a. There is **NO DOUBT WHATSOEVER** that a particular stalker has killed their victim, (regardless of whether they are a repeat offender or not)

AND

- b. **Where there has been no prior relationship or intimacy between the stalker and victim** [REDACTED]

- 12. If the Death penalty being reinstated is not a possibility, then at very least, I would like to see a **'LIFE SENTENCE'** introduced for these perpetrators . A **LIFE SENTENCE** should be **LIFE WITHOUT ANY CHANCE OF PAROLE. LIFE MEANING LIFE, they die in the cell.**

(I believe that cases such as those between a wife and husband, a de facto couple, an ex-partner or intimate partner would need to be evaluated individually as there would be certain intricacies to these kind of cases).

I thank the VLRC in allowing us the opportunity to voice our thoughts and truly do hope that all the necessary changes be made to prevent more lives being lost.

Thank you.

Phillip Castagna
[REDACTED]

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