

Dear [REDACTED] Law Reform Team,

PLEASE DO NOT INCLUDE THIS PAGE—CONFIDENTIAL—MY STORY

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IN STALKING TO VLRC

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## ACCOUNTABILITY

Before issues are raised on law reform proposals, what needs to be drawn to attention is the below respective concerns that raise substantial barriers to victims who are in the minority, but are likely impeded by the greatest injustice. The concern with stalking is that too much weight is given to mainly harassment in domestic adult relationships, and concerns with harassment in social media and more basic use of technology.

Consequently, this is because these two areas, raise three pertinent issues:

1. the level of vulnerability of the victim and the offender
2. the level of responsibility of the victim and the offender
3. the level of control that the victim has to cease this harassment.

When both victims and offenders are not accountable for their behaviour the above issues raise an inundation of harassment claims, with the exception of violence that directly impacts on far more serious stalking offences. This can only be understood by reviewing the case examples and analogies below that will be elucidated in this submission.

1. Justice is about reciprocation; thus perpetrators should not reflect harm on individuals that they would not be prepared to tolerate.
2. Secondly; vulnerability should not be linked to competence, but failure to examine one's conscience should be by all parties, when especially impacting on the most vulnerable categories discussed in this submission.

Therefore, part of this submission is to review the responsibility of both victims and offenders to prioritise claims to accelerate the criminal law in terms of facilitating issues of justice by placing everyone on an equivalent playing field in terms of accountability. When victims have an under responsible approach to harm this impacts on other serious harassment claims and on other related victims, and when offenders target the most vulnerable individuals this is also more discriminatory. This is effectively why criminal law is failing in its deterrence because individuals are not forced to review their conduct that specifically impacts the most vulnerable adult victims who are often the most impacted by criminal acts. The main concern of the law should be changed to focus on the most vulnerable individuals impacted by stalking based on the level of trauma.

The most vulnerable individuals are in these categories:

1. Adult victims of extensive past traumas, such as childhood domestic violence (ECDV)
2. Serious intellectual disabilities
3. Serious medical conditions and
4. Physical disabilities that are significantly impacted, eg where someone assaults someone who is vision impaired.

As with the above respective vulnerable categories identified, akin to the triage system at the hospital, medical conditions are prioritised in order of seriousness. This is a non-discriminatory system, whereby those with serious medical conditions such as deep vein thrombosis are prioritised and if there are emergencies, such as victims or car accidents this will take precedence. Subject to cases of violence, the above cases should take precedence. Therefore, the adequacy and scope of the *Crime Act 1958* (Vic) should include, with subject to cases of imminent violence the above four categories, as the level of trauma and vulnerability is generally greater for these individuals.

Although the other categories are discussed, the main focus of this submission is regarding the barriers faced by point 1: victims of extensive child past traumas who are harassed by offenders through stalking as adults. The scope of this will be defined to avoid a floodgate of claims in terms of:

- 1: the degree of trauma experienced by the victim
- 2: the degree of responsible conduct of both the victim and offender
- 3: the level of injustice impacted weighed against the above factors.

#### VULNERABLE PERSONS—VICTIM SURVIVOR PROPOSAL

This submission therefore addresses background history behind the barriers that are created for the most vulnerable individuals to acquire justice from illegal acts committed of stalking against them and how the law should be amended.

1. Firstly, individuals who have been stalked multiple times by offenders and who have NOT had a personal relationship with them.
2. Secondly because of extensive childhood past traumas (ECPT), such as childhood domestic violence (CDV) individuals have engaged in extensive therapy to attempt resolution of these harassment issues.

This is more unjust for the following reasons:

1. Firstly for offenders to keep revictimizing individuals who already have had extensive childhood/disability or medical traumas in the above respective vulnerable categories is more discriminatory than victims who have not had significant past traumas, as the degree of distress and fear has a substantially greater impact.
2. Secondly when individuals are harassed by offenders whereby they have never consented to personal relationship with, this is a greater injustice than people who are or were in a personal relationship with the offender because:
  - When individuals engage in extensive therapy to prevent harassment, it is a greater injustice to keep being harassed in contrast to the majority of individuals who do not engage in therapy.
  - These individuals have to work even harder than individuals who are in a domestic relationship to prove they have an arguable case.
3. Therefore, individuals who are harassed in personal relationships, for the purpose of this submission will be deemed as a domestic relationship must engage in therapy prior to any stalking claim with the exception of violence. (as otherwise this can facilitate child abuse or lead to unnecessary harassment claims)
4. It is a given that claims of violence or imminent harm always take precedence, therefore this submission is concerned with the rights of the most vulnerable individuals to be given second priority under this category based on the seriousness of past traumas and the level of proactive conduct of the individual that will be articulated in this submission.

### New Learnings From The Family Violence System

#### RESPONSIBILITY OF GROWN ADULTS

To understand this position background history has to be presented in this submission of individual's vulnerabilities impacted by childhood violence that only continues with stalking. Although this submission may seem confrontational the criminal law needs to consider who is the most impacted. The paramount interest is the child in family violence, but this needs to be more proactively considered in legislation. Individuals enter domestic relationships, and have often not made any attempt to examine their own conduct, to not be attracted to the intrusive, deceitful

and often aggressive character traits that offenders possess. Grown adults have the responsibility in contrast to children to engage in therapy to not be attracted to these personality types and to assess these individuals on a friendship basis initially, to examine whether the above concerning character attributes apply. When individuals have not done extensive therapy, that is effective, these situations can potentially escalate to violence.

The main consideration is when the child is the main target for abuse and is significantly impacted by long term physical and psychological violence then this can easily escalate into serious harassment concerns as an adult. When the child does extensive therapy as an adult and is only harassed by offenders multiple times that they have never even consented to having a personal relationship then this would indicate the severity of the abuse. Therefore, it is paramount with the exception of violence that as a prerequisite to stalking claims that adults who have offenders as partners must engage in therapy as this only facilitates family violence.

#### CONSEQUENCES OF UNDER RESPONSIBLE CONDUCT

Counter arguments against this claim should fail for 2 reasons:

1. Because if some individuals in the above 4 respective categories can review their own conduct at a meticulous level there is no excuse for other adult individuals of stalking who engage in domestic relationships not doing this. (excluding those with severe intellectual disabilities)
2. It is the child who is most impacted in their psychological development when significant physical and psychological violence is inflicted on them long term and caregivers who do not review their own conduct prior to the relationship facilitate child abuse. This is an issue when the minority of children have had severe child past traumas and continue to be harassed by people they are NOT even in a personal relationship, despite advance therapy indicates firstly:
  1. The severity of the trauma based on coercion.
  2. Secondly it is a greater injustice that individuals are continually harassed when they are more responsible, by engaging in therapy.
  3. Comparing this to individuals who have not engaged in therapy and thus have been unable to form a more accurate assessment of the offender is under responsible conduct that leads to 3 potential issues:

- Harassment claims that could potentially be avoided that impact on other claims that should take priority.
- The facilitation of potential serious child abuse, whereby the child who becomes an adult is victimised despite no provocation on their part multiple times.
- The concern of harassment based on the impact of severe child abuse (ECPT) is not thoughtfully considered enough in legislation.  
(This is not a criticism of Victorian legislation, this is a nationwide and international concern in addressing the impact of criminal acts on the most vulnerable children when they become adults).
- The other main concern is there is too much focus on race with harassment claims, the real issue is the degree of trauma.

IF TOO PERSONAL PLEASE AMEND:

EXAMPLES OF PAST TRAUMAS BASED ON COERCION

*Examples of past traumas:*

1. Childhood past traumas: When children are often subjected to both physical and emotional daily assaults for over a decade where they are terrorised, demeaned and made to feel that complaining about the victimisation would lead to death or serious injury, as well as being victimised for showing any weakness or potential, this makes the parameters not to be victimised effectively impossible. When these children grow up their paramount consideration is safety.
2. Disability past traumas: individuals with physical incapacities are more vulnerable and can be subjected to greater physical assaults.
3. Medical past traumas: should include individuals with disfigurements who are harassed and demeaned based on their appearance.
4. Intellectual past traumas: individuals with intellectual incapacities can be subjected to greater risk of sexual assault as offenders can take advantage of the psychological vulnerabilities.  
Individuals are who are more vulnerable paramount consideration is safety, and it is more discriminatory to take advantage of people with greater vulnerabilities.

IF TOO PERSONAL PLEASE AMEND:

THE IMPACT OF CHILD ABUSE & HARASSMENT AS AN ADULT

When children are stalked daily for a nearly a decade and assaulted it is inevitable this pattern will continue as an adult. Due to past extensive traumas they generally have to work harder than anyone to overcome the vulnerabilities caused by these traumas. The consequences of individuals who have extensive traumas as well as the level of harassment is beyond what the average person has to tolerate and permeates every area of their lives in significant way. There is also stigmatization from significant vulnerability that can be linked to competence, which is very discriminatory as the real issue is the impact of continuing trauma, not the competence of the child or the adult, whereby these individuals should have their success facilitated, not marginalised.

*Example: For instance stalking that is also a form of psychological bullying against an individual's potential. An individual has just completed some training to accelerate their career in a certain education context. A staff member indicated that they did not want the individual to be successful. Despite ceasing contact with the offender and the entity the individual has been subject to an intrusion of civil liberties through advanced access to essential technology without physical access that is explained further on in this submission. This form of harassment can impact on individuals in a significant way in the education context or workforce.*

When individuals are proactive and engage in extensive therapy to cease the harassment, but the harassment continues multiple times by many offenders by unprovoked acts by strangers, acquaintances and staff in work and educational settings then this would be indicative of the severity of past traumas. It is inevitable that continuing traumas that are this serious and unprovoked make individuals substantially distressed.

DEGREE OF TRAUMA

Thus it is only fair in the context of harassment and stalking that individuals are assessed on the degree and duration of past traumas as well as current traumas, rather than their capacity to cope that is well beyond what the average person tolerates. To reiterate some individuals have only been stalked based on the severity

of past traumas. In contrast not all other individuals may have had such severe trauma ongoing in childhood and stalking is a new issue as an adult. Whereas long term harassment only escalates the distress from extenuating past traumas that individuals have to overcome from severe child abuse. It is only fair, subject to cases of violence to give precedence to individuals who satisfies the below criteria:

Thus under the *Crimes Act 1958* (Vic) by defining the criteria:

### The Degree of the Trauma

CATEGORY FOR PAST CHILDHOOD TRAUMA—without stigmatization

- If the trauma has been really severe and long term, eg daily stalking and physical assaults for a decade from childhood and then stalking has continued multiple times as an adult then these cases should take precedence, with the distress will be substantially greater when harassed again as an adult. (stigmatization from past traumas needs to be removed somehow)

PROACTIVE CONDUCT

- If the person has engaged in extensive therapy to NOT have offenders attracted to them
- however the harassment continues multiple times by offenders in a non-personal context this would also indicate the severity of past traumas.

CYBERSTALKING: If the harassment is long term, such as being stalked for more than four years through the use of advanced technology, such as by gaining remote access to the individual's devices, without any physical access that the individual is dependent on that includes:

1. Cases of serious intrusion at an advanced level, that impact essential communication, through remote access to devices without physical access should take precedence.
2. If this is harassment through the use of remote access to technology that they are reliant on, such as the phone, email and absolutely essential internet usage, eg shopping purchases, educational and work research.
3. If the harassment is long term through illegal access to devices remotely by advanced remote hacking without physical access and the individual is subject to 24-hour surveillance.

### THE DEGREE OF RESPONSIBILITY

1. If individuals have had to engage in extensive therapy to resolve the above respective traumas then that would indicate the severity of the trauma, but also the level of proactive conduct of the individual.  
(Obviously those with serious intellectual disabilities are excluded from being proactive and this is circumstantial for those with other disabilities, eg being vision impaired and not being able to control their physical space)
2. If proactive individuals have gone to great lengths to try to cease this harassment through even removing the internet from a computer, changing computers, purchasing new computers, changing phones, developing more advanced ways to secure the computer, travelling to other locations, but because the cyber harassment skills are advanced the offender can track the individual anywhere. (please see expansion of these events further on)
3. If individuals are only harassed by offenders that they are NOT in a personal relationship with then this is a greater injustice on the individual.

### BARRIERS TO JUSTICE FROM SOCIETAL PERCEPTIONS OF HARASSMENT & THE IMPACT OF HARASSMENT

Society is generally far more disrespectful to the most vulnerable people of all. There is stigmatisation from significant past traumas whereby individuals are generally made to feel ashamed, that they are somehow responsible for the impact of trauma. Very serious child abuse is significantly downplayed and this stigmatisation significantly can marginalizes their rights. When individuals are harassed as adults, the impact of this trauma of not being believed or heard is continued by authority figures either trivialising the claims or not believing them, or even if believing them then eluding the victim is the problem when they are harassed based on unprovoked attacks is discriminatory.

### REVICTIMISATION FROM LACK OF EVIDENCE

In addition, when individuals harassed numerous times or long term in the 4 respective categories and have never had a domestic relationship with the offender, it can be very discriminatory and not having more instantaneous access to evidence.

*Examples: assaulting an individual in a wheel chair; taking advantage of an intellectually disabled individual sexually; stalking an individual who has already been stalked extensively as a child, then as an adult.*

It is also more discriminatory because the individuals in the four categories addressed are more vulnerable and have to work harder to obtain evidence.

*Example: someone in a wheelchair would need instantaneous access to evidence rather than an adult with greater physical capacity.*

An individual with extensive CDV would need instantaneous access to evidence, because they are being harassed purely based on the severity of CDV and often have to work harder to be believed and even when there are witnesses they are often not willing to engage in effort to support issues a great injustice. It can be quite cumbersome pulling out a phone to gain access of an offender for evidence through the camera. It is even more discriminatory when an individual is subject to covert surveillance through computer devices.

#### RE-VICTIMISATION FROM REPORTING THE CRIME

Authorities revictimize individuals: It is discriminatory when individuals are harassed numerous times and treated equivalent to a nuisance, especially by authorities, when it is the perpetrator who is the nuisance. Individuals of significant vulnerability in the four categories are often not treated with the respect that should be given when reporting crimes.

*Example: In a business relationship that was mutually agreed by both parties that this was business only, the offender later started to make it obvious they wanted a relationship. Despite the individual's repeated boundaries they were not heard and the individual had to cease the business relationship. Consequently they received some horrific threats in the mail. [REDACTED]*

*[REDACTED] Despite the seriousness of the threats one officer treated the individual as a nuisance for requesting on one occasion to escort them home on a genuine 10 minute trip from the police station. Individuals of extensive (CDV) already have had to tolerate trauma that is way in excess of the average person. Therefore, authorities should be able to display empathy towards vulnerable individuals rather than intolerance.*

When individuals are harassed numerous times and reports of cyberstalking are made, due to the distress of how aggressive the stalking has been, but especially when it is in a more covert manner, *example: through advanced use of technology; eg remote access to the computer and deleting data*, authorities reaction is to not hear or believe based on the distress caused by this, and retraumatise the individuals with claims of a fabrication.

1. If this was a fabrication these individuals would not be people of great honesty and integrity.
2. These individuals would not have engaged in extensive therapy with the main complaint being harassment and how to resolve this.
3. It is unlikely that individuals continue fabrication on being stalked by offenders whose conduct and appearance is in stark contrast to the individual.
4. The fact, that this is often a pattern of revenge on individuals, for not being interested, when they were NOT even in a personal relationship with the offender is more discriminatory, than those individuals who were in a relationship with the offender because:  
the individual did nothing to provoke the situation as:  
the individual has done therapy and is NOT attracted to offenders and has to work even harder to prove they have an arguable case.
5. Detrimental claims to honest individual's credibility only lead to events of repeated victimisation, as with the Lindy Chamberlain whereby she was not believed and certain authorities damaged her credibility without insightful understanding of her trauma and meticulous objective review of the facts. As in the case example illustrated, these claims have no substance and are based on either disregard or ignorance of the real facts, including demeaning the individual for having legitimate anxiety from repeated harassment.
6. This can have a significant impact on some individual's abilities to participate in activities, such as attending gyms or work, whereby their safety can be risk.
7. Other authority figures do not treat this seriously either, such as gym management centres. *Example: even with evidence the complaint is not treated seriously: warning was given to a gym member who is not even an acquaintance who rubbed the shoulders of an individual with witnesses.*

8. *Example: The individual advised gym management that the member did not heed the warning and continued pursuit so that they had no choice but to not attend the gym. The gym never really “heard” the individual as their assumption was that the harassment has ceased, but this was incorrect as the only reason the harassment was stalled was because the individual was not attending the gym.*

#### PROPOSALS IN LAW REFORM & SENTENCING

The criminal law needs serious reform to focus on these categories as priorities with the severest sentences on offenders who want to violate the rights of the most vulnerable.

#### COMMONWEALTH LEGISLATION

As Victorian legislation is well in advance of other states legislation in terms of more comprehensive provisions in the *Crime Act 1958* (Vic); it is recommended that the above 4 criteria is also adopted into Federal Law.

#### CONSIDERATIONS IN SENTENCING

##### ACCOUNTABILITY

Proactive Legislation on stalking and bullying for the minority of individuals:

In summary this is about the level of trauma, control and responsibility by all parties:

1. The minority of proactive intellectually capable individuals, (PICI) who have had extensive cruelty based on child domestic violence (CDV) but do not cause harm to others because they always review their own conscience and have done extensive therapy to not be attracted to offenders are the benchmark on how a reasonable person should behave.
2. Grown intellectually capable adults can be compared to these above individuals before having domestic relationships—level of trauma and responsibility: only the minority have severe CDV. (Grown adults have a responsibility to assess personal relationships through therapy, otherwise this can facilitate severe CDV)
3. Therefore, in terms of point 1: trauma and responsibility the offender’s argument will easily fail: if an intellectually capable offender has not had the same level of past trauma, as the individual above and has failed to do

extensive therapy to review their own conduct, in advance of any unwanted interaction then no mitigating circumstances to the offender should apply and they should be given the most severe sentence.

This should apply in the following circumstances:

Causative Relationship: When the causative relationship between the offender and the individual involving harm has only occurred because of the actions of the offender.

- When the individual is NOT even in a personal relationship with the offender and has shown no sign of attraction to the offender.
- When the individual has already done extensive therapy and has no attraction to these personality types. (This excludes adults with serious intellectual impairments)
- When the offender is fully aware of their actions—with an intent to cause distress and has harmed the individual with no provocation on their part.
- When the action is unwanted, unwarranted, unprovoked and uninstigated and repeated that intrudes on the individual's emotional and physical space.  
EG Individual avoids as well as often advises the offender firmly that they are not interested and to stay away, but continue to still be harassed by the offender numerous times.
- This highlights completely over responsible conduct by the individual and completely under responsible conduct by the offender.

This should involve accelerating the severity of the sentence.

#### OFFENCES IN THE EDUCATIONAL/WORK CONTEXT

- The paid employee: The conduct of the corporate/work place offender is severely overlooked in impacting on the above vulnerable categories in this submission.
- When the offender has taken advantage of their position, especially in the work or educational content, then the sentence should be accelerated, as people should be on their best behaviour, as being paid is a privilege; not a right.
- It is also highly discriminatory to treat individuals with past traumas (such as ECDV and re-victimisation) less favourably than other individuals.  
(Focus should be on trauma-not race)

- When the individual already has had extensive past traumas, but the intellectually capable still proceeds to harass the individual then:
- As with childhood past traumas based on being stalked and assaulted daily for nearly a decade.

(If past traumas are not at this severity then offences against individuals should not take priority, unless involving violence, as this is discriminatory on individuals who have had more extensive trauma—focus should not be on race, but on the level of trauma)

#### ATTRIBUTES OF THE OFFENDER

- Past traumas should not be used to diminish the individual's credibility.
- Past traumas (CDV and re-victimisation) should only be identified to highlight the fact that it is more discriminatory for offenders to target individuals with significantly vulnerable backgrounds—the 4 categories.
- Attributes of the offender: The majority, if not all of the male and female offenders in the work or educational context, who harass individuals often have the following attributes that include:  
 an over entitled child (OEC) who has rarely been disciplined:  
 a sense of over entitlement to engage in harassment  
 no concept of humility  
 and can engage in offences that are usually intrusive and can be with malicious intent.

#### MITIGATING CIRCUMSTANCES SHOULD NOT APPLY IF:

- the individuals are in the above four respective above categories and have experienced significant trauma based on absolute coercion (eg unwanted interactions that are not a domestic relationship—eg romantic or friendship)
- the individuals have already engaged in extensive therapy to avoid harassment (*excluding those with physical with intellectual impairments*)
- the individual is therefore NOT in a personal relationship with the offender
- the actions by the offender are unwarranted unprovoked and uninstigated

CONDUCT TEST: Offenders past traumas is insignificant to the trauma individuals have with extensive CDV being assaulted multiple times or in the other respective

categories, eg the hardship for someone who is vision impaired or in a wheelchair and they would unlikely cope with the trauma these individuals have had.

Offenders need to be accountable for targeting vulnerable people.

- Analogy: If someone has been kicked 100 times, and the offender has only been kicked down a few times and the fact that the offender takes relish in demeaning an individual who has really been kicked at greater severity than themselves, is more discriminatory and the offender needs to be held accountable to a more severe standard.

THE IMPOSITION OF DOUBLE STANDARDS IS DISCRIMINATORY

- This should be assessed in terms of a competition between the moral competence and past traumas of the individual in contrast to the offender.
- Such as the lack of morality of the offender who already has a partner, but still proceeds to harass the individual, whereby the sentence should be escalated
- The other purpose of this is to highlight the level of resilience in tolerating the vulnerability of other individuals.

The more severe the individuals past trauma in contrast to the offender the more severe the sentence should be on the offender.

- Example: Individual is assaulted in a wheelchair as they cannot escape
- Example: Individual has been assaulted and stalked excessively, as a child and continues to be mainly stalked as an adult, but the offender has rarely been stalked and if assaulted this has not occurred multiple times.

The greater the moral behaviour of the individual in contrast to the offender the greater the sentence on the offender should be accelerated. and, the egg shell skull theory should be to both the morality and past traumas of the victim in contrast to the offender.

Example: Individual advises business colleague in advance of the arrangement that this is a business transaction only and then having to cease the relationship because they did not respect the agreement and then receive horrific threats in the mail.

Example: Individual tops the class in a [REDACTED] [REDACTED] and then a week later being stalked by some 'unknown people' and also escaping, but then, a few days later, then having [REDACTED] house robbed and [REDACTED] stolen from [REDACTED] home.

Example: [REDACTED] instructor advises student they do not want them to

*succeed and deletes assignments off the computer through advanced hacking methods.*

#### HARM BASED ON ABSOLUTE COERCION

This should be assessed in terms of a competition between the moral competence and past traumas of the individual in contrast to the offender.

- Even if there was any claim of provocation the claim is vexatious as their conduct is out of proportion to any generally unwanted interaction with the individual. (see examples)
- *Reasonable Person Test: (Initially giving them the benefit of the doubt but having to take action when safety at risk. ) –offender deliberately hits the individual aggressively on the arm in the pool who is in the adjoining lane on each lap (3-4 times), whereby the individual has established that being hit more than once is a crime of intent and hits stranger back in self-defence and advises to cease abuse and calls to the lifeguard.*

#### CRIMES OF MALICIOUS INTENT

- Crimes of malicious intent have a greater impact on the individual's self-esteem, which effectively re-victimises the individual based on the offenders narcissistic perception that they have a right to be cruel and should require more severe sentences, whereby the eggshell skull should apply, as you must take victims as you find them and that offenders victims cannot claim ignorance as a defence covers the full ambit of both the physical and emotional impact on the victim.

#### LEGISLATION ON EGG SHELL SKULL THEORY

- The theory of eggshell skull should be applicable, whereby you must take your victims as you find them, and you cannot claim ignorance as a defence, whereby if the offender harasses individuals who already have had extensive trauma based on coercion in the above respective vulnerable categories mentioned, then they should be subject to far more severe sentences in contrast to victims who have not had severe traumas.

- If harassment is also committed by offenders in the educational and work context that and that offenders have taken advantage of their position to commit these crimes, they should be liable for more severe sentences.
- If the offender has violated the rights of the individual through covert surveillance long term this should also escalate the sentence.
- In addition to the egg shell skull theory, if the offender was also aware of the individuals past trauma from complete access to their communication data and the offender continued to harass them long term then the offender also had the intent to terrorise someone who had already been subjected to significant trauma, they should be subject to the most extensive sentence.
- Also that if the individual has already engaged in extensive therapy and the acts are based on absolute coercion then the sentence is escalated. As illustrated, when offenders are attracted to individuals, and there has been no provocation on the individuals part in their personality or their attire. The real issue is harassment based on the severity of past traumas that should be held against the offender as per the egg shell skull theory.
- Comparison for justice: If the offenders trauma pales in contrast to the trauma the individual has endured based, that offenders are given even more severe sentences.

#### PRIORITIES

Individual's credibility should not be diminished, because of an absence of evidence, with the offender's reliance on deceit.

Justice: Hence the minority of individuals who:

1. have had more extensive trauma based on CDV (eg assaulted every day for nearly a decade) (the level of trauma should be severe).
2. are more responsible engaging in extensive therapy to avoid these situations.
3. however continue to be harassed multiple times and long-term by individuals that they are NOT in a personal relationship with.
4. Only in satisfying the above criteria priority in harassment and victimisation claims with greater access to evidence, cyber investigations were necessary and free quality legal representation to avoid direct interactions with the police.

5. Priorities: For the minority of individuals who are harassed numerous, free business private cyber expert investigation and reports should be available on long-term circumstantial evidence of harassment, as advanced cyber hacking is more onerous to prove. Secondly free legal representation should exist only when the person has had severe CDV and re-victimisation, has done extensive therapy but continues to be harassed by people they are NOT in a personal relationship with. (reasonable person test).
6. This should include those with serious intellectual impairment's and physical incapacities.
  - Cyber priorities: The cyberworld only facilitates deceitful conduct. Therefore crimes that do not intrude on an individual's liberty through advanced use of technology (*eg Example: some individuals who have experienced advanced cyber harassment have been through 5 computers before having some level of privacy, just for accessing my own data; off-line*); should take precedence over more trivial issues that impact adults such as being harassed on social media applications, which are not work related and the adult can log off.

#### CYBER INTRUSION

When an individual has been subject to harassment through the most significant intrusion of their civil liberties:

- (a) when they have never been in a personal relationship with the offender
- (b) that the offender has taken advantage of the individuals personal details to violate the rights of a person of significant vulnerability (stigmatisation should be addressed when the harassment is based on absolute coercion and the individual has been extensively proactive to prevent this)
- (c) the victim is made to work harder to prove they have an arguable case as this is a non-personal relationship.
- (b) that the offender is given a 30 year sentence and is exposed for their offences. (only the offender, not the victim)
- (d) that no mitigating factors should be applicable because:

There was never a domestic relationship

- (a) When the offender took advantage of their corporate position to violate the rights of a vulnerable person the sentence should be escalated
- (b) That the offender engaged in a extremely serious and reprehensible crime, eg an intrusion on a vulnerable persons civil liberties long term, eg 4 years.
- (c) That the offender is made to wear an electronic bracelet for life
- (d) The offender has no claim of defence for this sentence as he has taken advantage of his position to revictimize an individual of significant vulnerability

To fully understand this, further examples are given below:

#### THE INJUSTICE OF CYBER STALKING WHEN NOT IN A PERSONAL RELATIONSHIP

Further complexities are created when offenders have an interest in individuals in a business or educational context, and individuals has never consented to having a personal relationship with the offender. It is it is well known that harassment can occur to anyone, yet when it is long-term stalking, and the relationship is not of a domestic nature, this often makes the offence seem even less believable to authorities. This is discriminatory for several reasons:

1. Firstly these individuals must work even harder to prove they have an arguable case.
2. Secondly this also adds to the complexity of the case, as although these individuals know the offender in a business or education context, even when evidence is obtained it can be difficult to connect this to the known offender.
3. Thirdly this is an even greater injustice on these individuals than individuals who have had a personal relationship with the offender (that we will deem as a domestic relationship), as in contrast these individuals have never consented to a personal relationship with the offender.
4. In addition the intrusion on these non-consenting individuals is an even a greater infringement on their privacy.

#### CRITERIA FOR QUALITY FREE CYBER ASSISTANCE & REPORTS AND LEGAL REPRESENTATION

As authorities often demean and revictimize individuals which is reprehensible it is only fair free quality and extensive legal representation should be available

in the following specific circumstances to represent the individual as a buffer to dealing with authorities for complicated and sensitive matters whereby the scope is limited to:

1. Where the individual has already had extensive trauma as a child that based on the severity impacts them as an adult (or extreme disadvantage in the above respective categories) and the harassment has continued multiple times as an adult.
2. The individual has despite extensive proactive conduct through therapy and use of resources still been harassed.
3. That the harassment is not based on any relationships of consent, eg the individual has never formed a domestic relationship with offenders.
4. The cyber harassment has been continuous and is at an advance level, whereby there is remote access to the individual's devices, with physical access and the individual has had to spend extensive amounts of time and money on securing devices and writing a detailed report of the multiple issues that are caused by these concerns that will be illustrated below:

#### THE IMPACT OF ADVANCED CYBER STALKING ON INDIVIDUALS

The general public and most authorities are effectively ignorant of the impact of advanced cyberstalking on the minority of individuals. This is reflected poorly in academic scholarship and in the government management of cyber intrusion on the minority of individuals who are subjected to advance cyber intrusion long-term.

#### PRIVATE CYBER EXPERTS

Therefore the impact of employing advanced cyberstalking must be illustrated by the following examples in terms of the intrusion on individuals privacy and violation of their data, the excessive time that individuals have to allocate trying to prove their case and the anxiety involved. It is pertinent, in relation to this submission to ONLY speak to the most advanced superior private business cyber experts, NOT government supposed experts, as it is private cyber experts who are dealing with more advanced cyber intrusion that often occurs in the business context. Genuinely advanced cyber experts will understand that cyber intrusion at an advanced level can result in replication of the phone on the sim and remote access to the computer. (Can provide private cyber security experts contact numbers regarding this if necessary).

## ADVANCED CYBER INTRUSION EXAMPLES

### EXAMPLES WITH THE PHONE DEVICE

*Example: Offender has somehow replicated the sim on the phone. What this has meant is that codes to accessing an individual's private account were blocked and the offender gained access to [REDACTED] account. At the time calls were not recorded the department and they impersonated the individual on calls while they were at other appointments. It is impossible for the individual to be in two places at one, yet authorities still could not believe this information. The individual even had the department confirm in writing that they had failed to record the calls.*

*Example: Individuals have videoed continual online harassment activities where possible. Another online harassment issue has a direct impact on the individual by constantly disconnecting phone calls to third party numbers. The individual repeatedly rings the number and it is disconnected. These include such providers as Telstra and Apple where the calls are placed on hold or the individual talks to consultants. When ringing third party numbers it often takes a long time to wait on hold and if the calls are disconnected this makes it an onerous task to often press the numerous numbers to gain access to the right department and wait on hold again. It is no coincidence that when making personal calls that the calls are not disconnected because it is easy enough to ring back and get immediate access. This also confirms this is not a problem with the phone as these main third party numbers must be always in operation for other callers.*

*As the offender has replicated the sim on the individual's phone the offender has also disconnected calls to service providers and Government departments. Despite having the sim card replicated numerous times the offender still manages to replicate the sim on the phone remotely somehow. The individual has gone to great measures to attempt to protect their privacy by disconnecting from the Apple server to ensure they are not tracked. However they still manage to replicate the sim on the phone so somehow. The individual has spent an excessive time trying to phone an additional virus protector for the phone on the advice of cyber experts but these have only blocked the internet.*

### EXAMPLES WITH THE COMPUTER

*Examples: In terms of the computer, these events escalated into removing specific data and software from ■■■ computers and it took several years to work out methods to secure a brand new computer that had to be replaced several times before a secure method was established that the individual had to mainly discover myself. (Mail Account Providers cannot be used with advanced hacking as they somehow manage to replicate passwords) The individual has gone to excessive lengths to research methods to secure my devices, as an individual as IT supposed experts and Apple seemed baffled in how to resolve the individual's concerns at an advanced level and did not understand this or are defensive of the 'security' of Apple products. Even business cyber experts seemed to not fully understand some of the individual's concerns or advised the individual that they were required to pay excessive fees with no guarantee the problem would be resolved.*

*It is thus through 24-hour obsessive surveillance that this is done in the process that causes harassment, but through continually covert and advanced use of technology which creates anxiety and distress without extensive tangible evidence. This could be deemed insatiable conduct by the offender to cause long term harm, as the intent is to diminish the individuals credibility through covert continual intimidation that creates fear and distress, as well as ensuring the form of covert harassment through technology is onerous for the individual to obtain solid evidence. Consequently individuals who are stalked through advanced cyber harassment use of essential technology such as remote access to computer devices are subject to the most intrusive type of surveillance. It is thus in the public interest to catch offenders of the most malicious and deceptive psychopathic intent that harass individuals long term to permeate every area of their lives through advanced means of covert surveillance of technology.*

### RELIANCE ON HARRASMENT THROUGH DECEIPT

The internet only facilitates criminal acts that are committed at a more advanced level through deceit. Effectively offenders can pursue victims long term through advanced hacking methods without much tangible evidence. Not only this, as mentioned without solid evidence the anxiety of the individual is only believed by the most intelligent and insightful people, which diminishes the individuals

credibility. This is effectively a long-term amusing game to the offender that can have significant impacts on an individual's entire life.

1. It is a greater injustice when someone is harassed through the most pervasive use of technology long term without solid evidence, as the intent is to diminish the individual's credibility. Therefore this proposal submits that in exceptional cases of an intrusion on a person's civil liberties through advanced use of technology that:  
Spy watches are made to protect individuals in these exceptional cases to obtain more instantaneous access to evidence (as this is available based on the severity of past traumas and the advanced level of proactive conduct of the individual who deserves justice and needs the harassment to cease with evidence)  
(Using a video camera is cumbersome to obtain evidence)
2. This will not open the floodgates of litigation, as this will be confined to issues of real justice and accountability:

#### THE SPY WATCH

Because in terms of the criteria for the spy watch:

1. That the spy watch is designed to facilitate evidence only.
2. Therefore the spy watch is NOT connected to the internet, whereby the evidence cannot be deleted but has usb access to devices.
3. That the spy watch can only be used to provide solid evidence of harassment (obviously people with intellectual disabilities and people with serious disabilities, eg vision impairments would require special assistance.
4. That this is only available to individuals in the above respective vulnerable categories, (eg person in a wheelchair or vision impaired)  
as the focus is on CDV in this submission this is address below:
  - the minority of individuals who have extensive CDV  
extensive CDV should be defined as being assaulted and stalked daily for nearly a decade
  - who are harassed multiple times and long-term
5. That individual's who are only harassed by offenders that they have never consented to a personal relationship with are given precedence, with the exception of cases involving imminent threats of violence.

- who have engaged extensive therapy and are NOT attracted to intrusive personality types
  - thus the harassment would therefore be based on absolute coercion, whereby the individual is NOT even in a relationship with the offender
  - all participants are expected to have engaged in extensive therapy, well in advance of the relationship to not to be attracted to offenders who are intrusive, as otherwise this should be classified as victimisation based on an under responsible approach to harm
  - obviously, those with serious intellectual impairments are excluded from the expectation of extensive therapy
6. That it is available only when any individual has not had a domestic relationship with the offender without doing extensive therapy and there is an imminent threat of violence.
- only on these grounds should the spy watch be granted
  - only in exceptional cases should the spy watch be given to those when there is serious violence, but on the condition that they continue to do extensive therapy after this incident long-term until it is resolved in any future personal relationships.

#### A MORE SERIOUS CRIME

Individuals in these scenarios engage in great measures to protect their privacy and secure their computer devices, eliminating most social media applications and allocate extensive time with video footage to filming harassment concerns. Not only this but the complexities of advanced hacking impact the time involved in reporting the excessive harassment activities and the compromises made to protect privacy, as well the anxiety created from the intrusion on privacy. Effectively offenders can engage in the most intrusive access of computer devices, which means individuals can be subject to 24-hour illegal online surveillance. Effectively there is absolutely no privacy communicating with others and completing tasks.

What this reflects is that other cyber harassment offences pale into comparison to the most intrusive type of offences that rely on sophisticated hacking methods, whereby victims are under 24-hour surveillance obsessively monitoring the victim.

1. Firstly vast resources are wasted on investigating cyber offences reflecting apparently an under responsible approach in the management of technology by other individuals. This is of the utmost pertinence as inefficient management of technology creates unnecessary cyber harassment cases that waste time and resources that should be focused on the most serious cases.
2. Therefore in these exceptional cases for the individual to achieve justice from such a reprehensible intrusion on their civil liberties long term that they are entitled to solid evidence based on strong circumstantial evidence of long term harassment, whereby internet service providers are responsible for providing this more solid evidence and who the offender is.

PROACTIVE PROTECTION RESPONSES TO THE MOST VULNERABLE VICTIMS  
INTERNET SERVICE PROVIDERS

In in the minority of cases, that are equivalent to the case example presented, Internet service providers should be accountable for identifying the offender.

1. When the individual is person of significant vulnerability
2. The individual has circumstantial evidence of long-term harassment
3. The individual was never in a domestic relationship with the offender
4. However the offender has taken advantage of their position, especially in a work context
5. The intrusion on the civil liberties is at the most pervasive level, eg remote access to devices without physical access completely permeating the individual's life and it is long term, such as several years or longer.
6. It is in the public interest, to catch offenders of the most malicious psychopathic intent.
7. To ensure they are accountable to the public, but simultaneously protecting the individual who has already had their privacy severely violated multiple times based on reprehensible conduct.
8. That even when proving who the individual is harassed, but not who the accused is, that the accused should be liable based on ongoing circumstantial evidence by the individual in these exceptional cases.

In weighing the above factors the offender has no claim to be entitled to civil liberties.

### POOR MANAGEMENT OF CYBER CASES

The other concern is the way other more basic forms of technology are managed that impact on the most intrusive form of civil liberties above. Most harassment is based on offenders possessing basic understanding of technology that merely requires individuals only using essential internet applications and devices to block these offenders. Why this is a concern is that resources should be allocated to the most serious crimes that are long term, totally outside the victims control. Therefore my submission includes that other cyber offences of a more basic use of technology that impacts other individuals should be more effectively managed for allocation to the most serious offences. Firstly, this under responsible approach to technology by adults is reflected that impacts on my case above as illustrated below:

### CYBER OFFENCES AGAINST ADULTS

In terms of adult victims of cyber offences social media is not essential but communication through the phone and email is. It is a simple matter to disengage with use of social media activities and have phone or email methods available for victims of cyber bullying. Although there is a counter argument they have the right to use these applications, when logging off they can resort back to their private world. In contrast to the case scenario I have presented this is effectively a walk in the park, as they are not under intrusive 24 hour surveillance outside their control. There are alternative means for other trustworthy contacts on this social media application to keep them updated through the phone or email. In terms of the phone unless the sim on their phone has been replicated offenders can easily be blocked off the phone.

Secondly how child offences is managed could be considered below:

### CYBER OFFENCES AGAINST CHILDREN

Social media is not essential but communication through the phone and email is.

1. Firstly in terms of offences against children that schools and parents should be more responsible in the management of the internet where possible. Children should be educated that they are entitled to group chats on the phone rather than social media. (unless this is an allocate class activity)
2. Secondly that a logical approach is that unidentified persons who attempt to contact children through the guise of a false persona must be identified

through a zoom link and in person meetings cannot be made with strangers until the parents are familiar with these people where possible. It is not a loss that children wait until they are adults to develop more use of technology as it is also counter-productive that children are developing inappropriate obsessions with technology, as this directly impacts on relationships of genuine connections and genuine intimacy.

#### ADULT INDIVIDUALS OF CYBER BULLYING

Despite the level of responsibility, cases of violence will always take precedence. However, when violence is not involved it is only fair to address cases that involve the proactive individual, who is harassed.

1. Firstly, individuals who are NOT in a personal relationship with the offender but are harassed by cyber bullying in the business context but are then marginalised under the 'personal context' as an individual, rather than as a business.
2. Secondly, it is even a greater injustice when the offender has relied on the latitude of their position as an employee in the work or education environment to abuse these privileges to cyber abuse individuals as students, clients or employees.
3. Thirdly when an offender has taken advantage of their position in the work or employment context to abuse individuals long term the individual, with the exception of cases of violence should be assisted as a priority concern.

As discussed when the harassment has occurred long term through advanced hacking methods that are totally outside the victims control through the violation of essential methods of communication through phone, email, and personal data of medical records, work or study related material and bills it is in the public interest to catch offenders of the most malicious intent that have a sophisticated understanding of technology.

#### REMEDIES

Compensation should be available for victims in these specific cases to facilitate accountability by individuals:

(the other respective vulnerability categories may have different criteria)

1. Individuals have had extensive trauma from childhood and have been harassed again by offenders multiple times that they are NOT in a relationship with and
2. Despite extensive therapy they continue to be harassed indicative of the severity of childhood trauma (Obviously this excludes those with intellectual disabilities)
3. That the harassment has been extremely serious, eg horrific threats in the mail, long term intrusion of their civil liberties
4. This has also impacted on their full capacity to reach their potential based on: although completing tasks at work their anxiety at work, continuing work, disengaging from work or commencing work
5. That in the circumstances the offender is stripped of their assets in addition to an extensive jail sentence.