**Cyberstalking: Technology-Facilitated Abuse**

Cyberstalking, also referred to as adult cyber abuse, is a form of technology-facilitated abuse that utilises technology, smart devices, and online platforms or services to intimidate or cause a person to reasonably fear for their safety or that of others. It can begin with excessive attention or privacy invasion, but often it involves more harmful intentions like intimidating, humiliating, manipulating, or damaging someone's reputation. Cyberstalking is often accompanied by offline stalking and it can lead to physical danger.

One example is using GPS tracking devices to monitor a person’s movements or location, such as Bluetooth tiles or Apple AirTags, which are ordinarily used to keep track of luggage or keys. These devices are being used as they are small enough to not be noticed when they are placed on a person or in their bag or car by the person stalking them. In June 2024 the NSW Crime Commission released a report that one in four people who purchased a GPS tracking device since the beginning of 2023 were also known to have a history of domestic violence. [[1]](#footnote-1)

Other studies have found that the use of tracking apps in mobile devices, such as smartphones which have geolocation software or GPS, are being more commonly used for the purpose of cyberstalking, as this kind of software or app often comes preloaded on the person’s phone, such as the ‘FindMy’ app on Apple devices.

**4b NSW Legislation**

In New South Wales, cyberstalking offences are provided for under section 13 of the *Crimes (Domestic and Personal Violence) Act* *2007* (NSW) (**‘CDVP’**), as they are often found to relate to “stalking or intimidation with the intent to cause fear of physical or mental harm”,[[2]](#footnote-2) and section 7 of the *Online Safety Act 2021* (Cth) (**‘OSA’**). An offence under section 13 of the CDVP may also need to satisfy the provisions or definitions under the OSA to succeed in court.

**4c Queensland Legislation**

In Queensland, legislation specifically refers to the use of technology, such as computer and smartphone devices, emails, text messaging, and social media platforms, with respect to stalking offences (s 359B, Criminal Code Act 1899 (Qld)).

1. NSW Crime Commission: Project Hakea Report, Criminal use of tracking and other surveillance devices in NSW (June 2024) **<**<https://www.crimecommission.nsw.gov.au/hakea-final-report-25-june-2024.pdf>> [↑](#footnote-ref-1)
2. *Crimes (Domestic and Personal Violence) Act 2007* (NSW) s 13. [↑](#footnote-ref-2)