

Queensland Police Service v JSB [2018] QDC 120 (28 June 2018) – Queensland District Court

‘Evidence’ – ‘Fines’ – ‘Following, harassing and monitoring’ – ‘Sentencing’ – ‘Sentencing options’

Charges: Contravention of a domestic violence order x 1; Possession of a dangerous drug x 1; Breach of a bail condition x 1

Appeal type: Appeal against sentence; Appeal by way of rehearing on the record

Facts: The respondent and appellant were in a relationship. The respondent pleaded guilty to three charges, one of which was contravention of a domestic violence order. He was fined \$1,000.

Issues: Whether the fine of \$1,000 was manifestly inadequate.

Decision and Reasoning: Fantin DCJ dismissed the appeal. Her Honour considered the respondent’s personal circumstances and criminal history, which included 28 breaches of domestic violence orders, 18 breaches of bail conditions and other court orders ([20]). Whilst the respondent’s previous breaches of domestic violence orders were clearly relevant and increased the need for personal and general deterrence, her Honour found that it should not outweigh the low level of gravity of the offence. Taking into account the relationship between the respondent and appellant, the fact that the contravention of the domestic violence order did not involve violence and was limited to one instance of verbal abuse, that the respondent was not charged with any other offence arising from the contravention, the respondent’s early plea and cooperation with police, that the respondent had spent three days in pre-sentence custody, the activation in full of a suspended sentence of two months’ imprisonment, it was open to the Magistrate to impose the fine of \$1,000 for the contravention offence ([73]). She did, however, consider that the sentence may be regarded as generous and another judicial officer may have structured the sentences differently.