

JC v KP [2017] QDC 175 (26 May 2017) – Queensland District Court

‘Consent’ – ‘Protection order’ – ‘Weapons licence’

Appeal type: Appeal against decision to grant protection order.

Facts: The appellant and respondent were brothers. A Magistrate ordered that a protection order be made against the appellant by consent (p 2), with the respondent as the aggrieved. The Magistrate represented to the appellant that the order would not affect the appellant’s weapons license (p 3). In fact, a protection order would limit the applicant’s weapon’s license for five years (p 5). The appellant appealed the decision on the ground that the appellant was induced to consent to the order being made (p 2-3).

Issues: Whether the order should be set aside.

Decision and Reasoning: The order was set aside. Judge Long of the District Court concluded that the appellant did not understand the full consequences of the order being made, and the matter was remitted to a contested hearing (p 6-7).