

***Baker v Queensland Police Service* [2019] QDC 258 (17 December 2019) – Queensland District Court**

‘Animal abuse’ – ‘Domestic violence order’ – ‘History of contravention’ – ‘Mitigating factors’

Charges: Contravention of a domestic violence order (aggravated offence) x 1; Possessing dangerous drugs x 4; Failure to appear in accordance with an undertaking x 1.

Case type: Appeal against sentence

Facts: The appellant was convicted and sentenced for contravening a domestic violence order during the operational period of a suspended sentence. He was also sentenced in relation to other drug and violence offences. The appellant hit the aggrieved (whom the order was made in favour of) during an argument. The strike caused a small cut to her lip. The appellant then left the address but shortly returned holding a crate and threatened to bash her dog. The couple had another argument later in the evening before the aggrieved escaped and called police. The appellant denied being at the address and hitting the aggrieved when later questioned.

The appellant filed his notice of appeal five weeks late. The delay was not significant and was caused by the appellant’s attempts to seek legal advice.

Issue: Whether the sentence imposed was excessive.

Decision and reasoning: The court found that the sentence was not excessive and dismissed the appeal.

The appellant relevantly argued that the contravention offence was his first breach of a domestic violence order against this particular complainant however, Fantin DCJ observed at [41] ‘The fact that this was the appellant’s first contravention against this particular woman is not a matter in his favour. What is relevant is that he had previously been convicted on earlier occasions of breaching domestic violence orders and of domestic violence offences, but continued to reoffend.’