

***MB v Queensland Police Service* [2020] QDC 325 (18 December 2020) – Queensland District Court**

‘Appeal against sentence’ – ‘Breach bail conditions’ – ‘Breach protection orders’ – ‘Emotional and psychological abuse’ – ‘Following, harassing and monitoring’ – ‘Protection order’ – ‘Wilful damage’

Charges: Contravention of a police protection notice x 1; Wilful damage (domestic violence offence) x 1; Breach of bail condition x 7; Contravention of a domestic violence order x 4.

Proceedings: Appeal against sentence.

Facts: The male appellant repeatedly breached orders protecting his former female partner and her son. The appellant pleaded guilty and was sentenced to 2 years’ probation and ordered to pay \$611.70. Convictions were recorded on all counts.

Grounds of appeal: Fresh evidence was sought to be admitted arguing that recording a conviction would have a significant effect on the appellant’s employment overseas, and the sentence was manifestly excessive.

Held: Application to admit fresh evidence was refused and the appeal dismissed.

It was appropriate to record convictions in light of the number of convictions and their serious nature (prolonged over 4 months, including more serious examples, continuation after release from custody). As at [57]: “When one considers s 12 of the *Penalties and Sentences Act*, the seriousness of the offences in combination outweighed any economic effect or wellbeing effect of the recording of convictions.”

The sentence could not be said to be manifestly excessive. Despite being given many chances, the appellant had “continued to ‘thumb his nose’ at the bail conditions and the domestic violence order”. Aggravating features included that these were instances of domestic violence and “the emotional harm done to the victims and the damage, loss and injury caused.” Voluntary intoxication was no excuse. The guilty pleas were sufficiently taken into account (at [59]-[61]).

It was noted at [22], [26]-[28]:

“Charge 12 occurred on 27 August 2020 which was a contravention of domestic violence order. The appellant updated his profile status making threatening comments about the complainant, SH. The post named SH and contained threats and disclosed her sexual preferences to several friends. This had a significant emotional impact on the complainant SH. The appellant was interviewed on 29 August 2020 and said he didn’t remember posting the comment but went on to say it was true.

“A victim impact statement was tendered as Exhibit 4. The offending caused distress and inconvenience to the complainant SH. She had to move regularly as a result of the conduct of the appellant and suffered defamation to her character. She alleged that total out of pocket expenses was \$16,748.84.”