

***MKA v WKT* [2018] QDC 73(28 March 2018) – Queensland District Court**

‘Change of venue’ – ‘Fair hearing and safety’ – ‘Legal representation and self-represented litigants’ – ‘Management of application proceedings’ – ‘People with mental illness’ – ‘Protection order’ – ‘Victim experience of court processes’

Appeal type: Appeal against domestic violence order.

Facts: A domestic violence order was made naming the respondent (WKT) as the aggrieved and the appellant (MKA) as the respondent ([2]). MKA appealed against the decision to grant the protection order ([3]). WKT applied to change the venue of the appeal from Cairns to Southport.

Issues: Whether the application for change of venue should be granted.

Decision and Reasoning: The application was granted.

WKT applied to transfer the proceedings on the grounds that:

- > she ordinarily resides in Coolangatta;
- > the proceedings at first instance were heard at Coolangatta;
- > she has been diagnosed with adjustment disorder with anxiety and depressed mood as a result of the domestic violence; and she has been unable to engage legal representation in Cairns ([12]); and
- > she cannot afford to pay her legal representation at the Gold Coast, but was hopeful of obtaining Legal Aid assistance ([13]).

MKA opposed the transfer on the basis that:

- > his legal representatives are based in Cairns;
- > he was put to the expense of flying and accommodating them at Coolangatta in the first instance proceeding;
- > there is no evidence that a timely hearing date would be available in Southport ([14]).

Morzone DCJ emphasised that the exercise of discretion to grant the transfer is governed by the objectives of the *Domestic and Family Violence Act 2012* (Qld), one of which is to ‘...maximise the ... wellbeing of people who fear or experience domestic violence, and to minimise disruption to their lives’. His Honour placed emphasis on WKT’s mental health condition, which is likely to be aggravated by the appeal proceedings ([25]-[26]).