

## ***Harvey v Queensland Police Service* [2018] QCA 64 (6 April 2018) – Queensland Court of Appeal**

‘Protection orders’ – ‘Related family law proceedings’ – ‘Self-represented litigants’ – ‘Systems abuse’

Charges: Contravention of temporary protection order x 9; Public nuisance x 1; Using a carriage service to menace, harass or cause offence x 1; Failure to surrender into custody in accordance with an undertaking x 1.

Appeal type: Application for leave to appeal against refusal to grant extension of time to appeal against conviction.

Facts: The applicant had been in a parenting dispute with the mother of his son. There were 5 proceedings in which the applicant sought extensions of time to appeal against his conviction:

1. Six contraventions of temporary protection orders, involving sending threatening emails to the aggrieved.
2. Public nuisance, involving swearing at police officers outside a police station.
3. Two contraventions of domestic violence order, involving emailing the aggrieved.
4. One contravention of domestic violence order and one charge of using a carriage service to menace, harass or cause offence, involving emailing and telephoning the aggrieved.
5. Failure to surrender into custody in accordance with an undertaking.

The applicant sought to justify the breaches of domestic violence orders on the basis that they were justified under an order of the Family Court (which allowed the applicant to contact the aggrieved for the purpose of communicating in relation to contact with the child of the relationship) ([11]).

Issues: Whether the appeal should be allowed. The applicant sought leave to appeal on the basis that the District Court Judge erred in:

- > not having regard to exculpatory evidence of the applicant’s mental health issues;
- > not allowing exculpatory new evidence;
- > stating that the emails were not relevant to s 286 *Criminal Code Act 1899* (Qld);
- > not following Supreme Court authority ([25]).

Decision and Reasoning: The application for leave was dismissed. Sofronoff JA held that none of the grounds were supported by evidence or could justify granted leave to appeal ([26]-[29]).