

***MNT v MEE* [2020] QDC 126 (20 May 2020) – Queensland District Court**

‘Animal abuse’ – ‘Appeal’ – ‘Coercive control’ – ‘Necessary or desirable’ – ‘Ouster order’ – ‘Protection order’

Matter: Appeal against making of protection order.

Grounds:

1. A finding of economic abuse was not open on the evidence.
2. The learned Magistrate failed to properly consider whether it was necessary or desirable to make a domestic violence order.
3. The learned Magistrate erred in law by making an ouster order.
4. The learned Magistrate erred in law by failing to provide adequate reasons.

Facts: There was evidence that the respondent’s property had been misused and misappropriated by the appellant since she left the home to live with her son. Examples include removing the respondent’s go-cart from the home and placing it in the weather, telling the respondent which chairs she could sit on, moving the respondent’s clothing and other property from the residence to the garage and into the weather; and having work done on the house without approval from the respondent.

Further, the appellant got into a bed already occupied by the respondent at a time after they had commenced living apart on the one property. The appellant also unilaterally forgave a debt owed by the appellant’s son and the respondent alleged he applied unnecessary force to a horse.

Decision and Reasoning: Appeal dismissed. The way in which the appellant dealt with the respondent’s property, including his failure to rectify damage to the respondent’s property, was considered controlling behaviour in the overall context of the relationship and contributed to the respondent’s fear for her own wellbeing and safety. The various behaviours were aspects of “controlling behaviour or emotional or psychological abuse”. [75-79] The respondent’s account of the incident with the horse was accepted but the court was not satisfied that it constituted violence directed at the respondent.