

## ***SHW v ABC* [2021] QDC 151 (13 August 2021) – Queensland District Court**

'Coercive control' – 'Credibility' – 'Cross-applications' – 'Emotional abuse' – 'Failure to report' – 'Police officer victim' – 'Protection order'

Matter: Appeal against dismissal of application for protection order.

Ground: The Magistrate erred in determining that no act of domestic violence had been committed by the respondent against the appellant.

Facts: The appellant police officer woman and respondent man were in a relationship which had broken down. The appellant usually had access to assets and records of the respondent's company. The appellant's evidence included several alleged incidents:

- > The respondent did not talk to the appellant after the appellant's sister died;
- > The respondent had taken the appellant's Mercedes Benz, which was company property;
- > The respondent did not allow the appellant access to the company finances;
- > The respondent attended a joint property in Paluma at a time they had agreed only she would access the property and disconnected solar panels and gas bottles;
- > The respondent refused to hand over the appellant's furniture (despite police being present), and handed over the wrong keys to his solicitors so that when the appellant did attend Paluma, she would be unable to enter the cabin.

The appellant was a police officer. Her failure to report any abuse despite her occupation was considered by the Magistrate as evidence that the alleged domestic abuse had not occurred.

Decision and reasoning: Appeal allowed, protection order issued. The Magistrate erred in finding that it was not necessary or desirable to protect the appellant from future domestic violence, and the appeal was allowed.

While the respondent's behaviour in relation to the appellant's sister's death, the company Mercedes Benz, and the company finances were all explicable by innocent reasons, his conduct in relation to the Paluma property, the furniture, and the keys were all evidence of 'controlling and emotionally abusive behaviour that has the potential to be repeated during the course of the property settlement', during which 'contact [between the parties] is inevitable'. [37]