

## **MAA v SAG [2013] QDC 31 (28 February 2013) – Queensland District Court**

‘Abuse of process’ – ‘Breach of protection order’ – ‘Children’ – ‘Coercive control’ – ‘Following, harassing, and monitoring’ – ‘Stepchildren’ – ‘Systems abuse’ – ‘Use of authorities’

Proceedings: Appeal against protection order.

Facts: The appellant and the aggrieved were in a domestic relationship from 2007 to 2009 [6]. The appellant sent the aggrieved abusive and derogatory text messages and disturbed the aggrieved’s place of residence, which prompted her to change the locks. The aggrieved accused him of shoving and pushing her when she was pregnant with one of their children in 2008.

The appellant made numerous baseless complaints to a range of governmental bodies to intimidate the aggrieved, including:

1. the Queensland Ombudsman.
2. the Anti-Discrimination Commission of Queensland.
3. the Registry of Births, Deaths, and Marriages, regarding the registering of their daughter’s name, with the result that this was not registered until the Family Court made an order in relation to her name.
4. Centrelink, which lead to an investigation of the aggrieved’s parenting payments.
5. the Commission for Children and Young People.
6. the Child Guardian.
7. Queensland Health.
8. The Health Quality and Complaints Commission.
9. The Medical Board, against the children’s medical practitioner.
10. Legal Services Commission, against her legal representatives.
11. The Family Court where a notice of Child Abuse and subsequent investigation concerning the aggrieved’s three daughters.
12. Complaints of abuse and her parenting that lead to a police investigation and welfare checks; and
13. The initiation of two unwarranted and dismissed court proceedings by the appellant against the aggrieved

Grounds of Appeal: The Magistrate erred in finding that the appellant committed an act of domestic violence against the aggrieved and that the appellant is likely to commit an act of domestic violence again or is likely to carry out a threat to commit an act of domestic violence [24].

Decision and reasoning: Appeal dismissed.

It was open to the Magistrate to reject the appellant's evidence that he committed the acts of complaining to numerous bodies for bona fide reasons [36]. The appellant's numerous complaints to governmental bodies were unjustified and an abuse of process and were made to and had the effect of harassing and intimidating the aggrieved [38]. That the aggrieved's children were subject to repeated investigation was further evidence of the harassment caused by the appellant.

The appellant's intimidation and harassment, on the evidence, amounted to acts of domestic violence and there was proper basis that the appellant would likely commit a further act of domestic violence. The aggrieved's daughters also required protection.