

## ***CPS v CNJ* [2014] QDC 47 (21 March 2014) – Queensland District Court**

‘Coercive control’ – ‘Emotional and psychological abuse’ – ‘Establish relationship with victim's former partner’ – ‘Harassing’ – ‘Meaning of domestic violence’ – ‘Protection order’ – ‘Protection order necessary or desirable’ – ‘S 8(1) of the Domestic and Family Violence Protection Act 2012 (Qld)’ – ‘Separation’

Matter: Appeal against the making of a protection order.

Ground: The magistrate erred in making a protection order pursuant to the [Domestic and Family Violence Protection Act 2012](#) (‘DFVPA’).

Facts: The appellant male and respondent female had been in a relationship from May until late September or early October 2021. The magistrate hearing the original application found that both parties lived as though in ‘a soap opera’, behaving in puerile, immature and childish ways. The conduct of the appellant was identified as ‘repeated early contact amounting to harassment’. Further, complaints about property amounted to harassment. After the relationship between the respondent and appellant came to an end, the appellant sought out the respondent’s ex-partner and struck up a relationship with him.

Decision and Reasoning: The continuous contact with the respondent following the end of the relationship, as well as the contact with the respondent’s ex-partner, were found to be capable of constituting domestic violence. The appellant’s conduct was capable of falling into one or more of the categories enumerated in s 8(1) of the DFVPA, namely, behaviour that is “emotionally or psychologically abusive” and/or “is threatening” and/or “coercive” or “in any other way controls or dominates the second person and causes the second person to fear for the second person’s safety or wellbeing of that of someone else”.

However, the court was not persuaded, on balance, that the actions of the appellant in seeking out and striking up a relationship with the respondent’s ex-partner was sufficient to persuade the magistrate that a protection order was ‘necessary or desirable to protect the respondent from domestic violence’ in future. Therefore, it was found that the domestic violence order should not have been made.