

***Groom v Police* [2014] SASCF 125 (19 November 2014) – South Australia Supreme Court (Full Court)**

‘Breach of intervention order’ – ‘Consent to confirmation of intervention order’ – ‘Interim intervention order’ – ‘Systems abuse’

Appeal Type: Application for permission to appeal against a decision of a single judge of the Supreme Court.

Facts: After the appeal in *Groom v Police (No 3)* was upheld, the matter was remitted back to the Magistrates’ Court, where confirmation of the interim intervention order was again made. The applicant consented to the order following negotiation with the prosecution who agreed to withdraw 31 charges for breach of the order. The applicant then appealed to a single judge of the Supreme Court (Kelly J), and argued that consent should be withdrawn because he was under ‘enormous stress’ and had been ‘railroaded’ (See at [7]). Kelly J refused permission to appeal because the applicant’s counsel had been properly briefed to represent him in the Magistrates’ Court, the consent to the confirmation was informed, the applicant was present throughout the process and he raised no objection and confirmed to the Magistrate that he would accept the order. This was different to the hearing considered in *Groom v Police (No 3)*, where the applicant was in custody and believed he could not properly defend the proceedings.

Issue/s: Whether the appellant could withdraw his consent to the intervention order and have the confirmation set aside.

Decision and Reasoning: Permission to appeal was refused. The applicant submitted to the Full Court that he was denied natural justice because he was not provided with a copy of the transcript from the Magistrates’ Court hearing, and questioned the ‘officiality’ of the transcript on which Kelly J had relied. He also questioned the behavior of members of Police Prosecutions in relation to their conduct with the transcript. The appeal was dismissed – the Court held that the applicant did not identify how the missing transcript caused prejudice. The differences in the arguments in this appeal compared to *Groom v Police (No 3)* were stark. It is likely that the applicant’s ‘ongoing and deeply felt grievance against his former partner’ were the cause of the continuing appeals rather than any legal error.