



# QUEENSLAND COURTS AND TRIBUNALS

## TRANSCRIPT OF PROCEEDINGS

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### MAGISTRATES COURT

**DALTON, Magistrate**

[REDACTED]

**POLICE**

**Complainant**

**and**

[REDACTED]

**Defendant**

**CAIRNS**

[REDACTED]

**DAY 1**

**DECISION**

Any rulings in this transcript may be extracted and revised by the presiding Judge.

**WARNING:** The publication of information or details likely to lead to the identification of persons in some proceedings is a criminal offence. This is so particularly in relation to the identification of children who are involved in criminal proceedings or proceedings for their protection under the *Child Protection Act 1999*, and complainants in criminal sexual offences, but is not limited to those categories. You may wish to seek legal advice before giving others access to the details of any person named in these proceedings.

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HIS HONOUR: This is an application for bail by ██████████  
██████████ is in a show cause position in relation to a number of charges, they being:  
assault occasioning bodily harm domestic violence offence times two said to have  
5 occurred on the 14<sup>th</sup> of December 2023; unlawful stalking domestic violence – in a  
domestic violence – abuse domestic violence relationship between 6<sup>th</sup> of January  
2024, 6<sup>th</sup> of February 2014; contravening domestic violence protection order between  
the 2<sup>nd</sup> of February 2024 and the 6<sup>th</sup> of February 2024 appears in a show cause  
position on a number of bases principally the charges themselves place him in a  
10 show cause position.

I note that the application for bail is not opposed on the basis that suitable conditions  
to adequately manage risk have been proposed and agreed upon. Nonetheless I still  
need to exercise my discretion. The offending is serious or the alleged offending is  
15 serious. The allegations in relation to the assault occasioning bodily harm are  
serious, it is a protracted and vicious assault. The stalking allegations are also quite  
serious on the back of the allegations of physical violence. Of course all of these  
things are yet to be determined as to what has happened to its nth degree.

20 But the material reveals what seems to be a toxic relationship that has been breaking  
down over a period of time which seems to have culminated in a physical assault  
prior to Christmas and then the allegations of stalking which have a character of  
control rooted likely in jealousy and have some sinister aspects to them namely the  
planting of monitoring devices by the forms of effectively iTags or Samsung Tags to  
25 keep track of movements. I must say all a little ironic given the material before me  
showing that he is in a relationship with someone else.

So the fact that he is remaining jealous, possessive, and controlling over his ex-wife  
in circumstances where he is in a relationship with someone else bespeaks someone  
30 who has definitely got some issues with control and jealousy. That of course might  
be a matter for his new partner to ponder. Nonetheless despite him being in a show  
cause position I accept the submission that in the event that he has convicted of  
everything he is custody requiring actual imprisonment is not an inevitability. He  
might receive a term of imprisonment when looking at the criminality as a whole and  
35 I mean the assault is combined with the stalking.

Of course, there might be much to talk about at a trial in relation to that or it might  
resolve to something less and as such he does stand a risk of spending too much time  
in custody awaiting trial and/or sentence and I assess it of course on trial. That then  
40 really perhaps disposes of his requirement to show something a little bit out of the  
ordinary when it comes to showing cause that in itself would be a reason and  
sharpens my focus on the issue of the assessment of risk that he would commit  
further offences, harm the complainant, or interfere with witnesses.

45 That is perhaps where the most focus should lie given the nature of the charges and  
particularly given they were in contravention of a domestic violence order and the  
nature – the very nature of themselves of the alleged offending certainly brings about

inherent risks that he may not wish to comply with the court order. I am hoping that nine days in custody have underscored to [REDACTED] and nine days in difficult custody I accept given his particular occupation where he might end up if he breaches bail. The – and I am satisfied that the risks that are posed in this application can be ameliorated sufficiently by conditions noting that no bail is risk free.

The – and accordingly I allow the applicant bail on his own undertaking that is that he – on the condition that he appear and surrender into custody before the criminal sittings of the Cairns Magistrates Court when required unless excused by the court, that he not depart from the court without leave of the court and so often as leave is granted return at the time appointed by the court and again surrender himself into custody. And he must reside at [REDACTED] unless he receives the prior written consent of the Queensland Police Service or the officer in charge of the Townsville Police Station to reside elsewhere.

The applicant must not contact or communicate with or attempt to contact or communicate with either directly or indirectly other than by a lawyer with [REDACTED]. That is no contact. Again, it is normal words. By any means; internet, phone, social messaging, any way. The applicant must report every Monday, Wednesday, and Friday between the hours of 5 am and 9 pm to the officer in charge of the Townsville Police Station located at [REDACTED] unless he receives prior written consent of the Queensland Police Service or the officer in charge of the Townsville Police Service or to do otherwise commencing on the 19<sup>th</sup> of February 2024.

I just make a note there that obviously where there – there is – those reporting conditions are quite onerous at this point in time given that everything is so acute. If there is a lengthy demonstrated history of compliance and bail then it is always open to make applications to vary. The fourth – sorry, the next condition is that the applicant must not go to Cairns except for the purposes of attending conferences with his lawyers or to attend court or otherwise as approved first in writing, first approved in writing by the officer in charge of the Townsville Police Station.

You must within two business days of the applicant's release or within two business days of obtaining a mobile phone provide all identifying information which includes but is not limited to: the contact number, make, model, service provider, and IMEI number to the officer in charge of the reporting station or when requested by a police officer who holds the rank of Sergeant or equivalent or higher. He must not have any encryption applications installed on the phone and when requested by an officer in charge of the reporting station he must hand over the mobile phone for inspection and provide passwords, pass codes, and pass – the password, pass codes and passwords or PIN numbers to the device and any applications installed on the device.

I missed one which I also include there; the applicant must not go within one kilometre of [REDACTED]. Finally, the applicant must not approach a domestic or international point of departure except with prior written

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consent of the officer in charge of Townsville Police Station. This condition commences Monday 19 February 2024.

5 ...

HIS HONOUR: All right. I direct that a brief of evidence in all charges be disclosed by 4pm on the 28<sup>th</sup> March 2024. The charges are adjourned to the  
10 committal callover, 11 am on the 12<sup>th</sup> of April 2024 for a committal mention. The defendant's bail is enlarged. His appearance is excused on that occasion. I give leave for the defendant's legal representatives to appear by telephone. Now, the – there is a civil file with me. I got to just have a look at that. I should say that I have  
15 placed the draft bail order as amended by me and initialled with the papers.

...

20 HIS HONOUR: So it is adjourned to – I have gotten rid of the criminal file – so the 12<sup>th</sup> of April. And that will be mentioned at 11 am. And the temporary protection order is to continue. All right. So the domestic violence application is adjourned to the 12<sup>th</sup> of April 2024 11 am committal callover for mention. The temporary is to  
25 protection – is to continue. And I have made a notice to follow the criminal proceedings. Thank you. Thank you, Mr - - -

MR McMILLAN: [indistinct]

HIS HONOUR: - - - McMillan. You can hang up. Thank you. All right. Yes.  
30 Thank you. Perhaps if you can - - -

██████████: Would you like it photo – would you like it - - -

HIS HONOUR: Yes.  
35

██████████: - - - photocopied?

██████████: Is that okay? I will just quickly - - -

40 ██████████: Of course.

██████████: - - - draft it.

HIS HONOUR: If you can read my writing. Good luck.  
45

██████████: It is probably just as good as yours.

████████████████████

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HIS HONOUR: Yes.

██████████: Look, I will just – I will just cross-check it just in case because - - -

5 HIS HONOUR: Good luck. All right.

██████████: I will just - - -

██████████: Thank you. I will be back. I will just be outside.  
10

██████████: No worries.

HIS HONOUR: Yes.

15 ██████████ May I withdraw for the time - - -

HIS HONOUR: Yes.

██████████ - - - being? Cheers.  
20

HIS HONOUR: Thank you.

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