

COURT OF APPEAL

**MULLINS P
DOYLE JA
BURNS SJA**

**Appeal No 1876 of 2026
SC No 1295 of 2026**

MFD

Appellant

v

CLANCY FOX

Respondent

BRISBANE

TUESDAY, 25 AUGUST 2026

JUDGMENT

BURNS SJA: This is an appeal against an order of Williams J made on 10 April 2026, on a review under section 19B of the *Bail Act 1980*, Qld, revoking bail earlier granted to the appellant by a magistrate. The appellant appears by video link, self-represented.

The appellant was charged with an extensive series of domestic violence offences alleged to have occurred between August 2024 and February of this year against two separate complainants. He was granted bail in the Magistrates Court at Rockhampton in March 2026, and this was subsequently varied to fix a release date in April. Two days after his release, he breached a condition of that bail by using an encrypted messaging application to contact someone. The respondent had, by that time, applied for the review which was heard by Williams J on 9 April and determined, for reasons delivered orally the following day.

The sole ground of appeal is that insufficient weight was placed by the learned judge on the appellant's cooperation with the authorities, and, by implication, that this alleged failure constituted some sort of appellable error. His written submissions filed in support of the appeal,

as well as the submissions made at the hearing this morning, elaborate on this ground and raise other matters such as, by his account at least, the progress of his rehabilitation, the proper context of a recorded conversation relied on by the respondent, and the circumstances of the bail breach to which I have just referred.

To succeed on this appeal, as the President explained during the course of the hearing, the appellant must demonstrate error of the kind described in *House v The King* (1936) 55 CLR 499. That is to say that the primary Judge acted on a wrong principle, took an irrelevant matter into account, failed to take into account a material consideration, mistook the facts or arrived at a result that is unreasonable or plainly unjust. A bare complaint that insufficient weight was given to a relevant consideration does not, without more, establish error of this kind. That is the nature of the complaint here and that is why this appeal is misconceived.

Indeed, even if a failure to give sufficient weight to a relevant consideration could amount to an appellable error, it is quite wrong to suggest that that is what occurred in this case. To the contrary, each of the matters which the appellant claims, either expressly or by implication, were overlooked, ignored or accorded insufficient weight were in fact properly considered and weighed by the primary Judge, along with the other factors of relevance under the *Bail Act*, including the seriousness and protracted nature of the alleged offending, the strength of the supporting evidence, the appellant's criminal history and his conduct whilst on bail.

To the point, her Honour's conclusion that the relevant risks, that is to say, the risk of reoffending and the risk of endangering the safety and welfare of the complainants, remained unacceptably high regardless of whatever conditions might be attached to a grant of bail was, on the whole of the record before the court, unremarkable.

The appellant has not demonstrated any appellable error. In my view, this appeal must be dismissed.

MULLINS P: The appellant provided further information to the court concerning what occurred when he attended most recently at the Magistrates Court. That information was in a category that was anticipated in the hearing before Justice Williams. I am not persuaded that further information makes any difference to the outcome of this appeal. I agree with Justice Burns that the appellant has not demonstrated any appellable error and that the appropriate order is that the appeal must be dismissed.

DOYLE JA: I agree with the reasons of the President and of Justice Burns that the appeal should be dismissed.

MULLINS P: The order of the court is: Appeal dismissed.