

COURT OF APPEAL

**de JERSEY CJ
FRASER JA
MULLINS J**

**CA No 90 of 2012
DC No 103 of 2011**

HARLEY, Sandra

Applicant

v

QUEENSLAND POLICE SERVICE

DATE 12/07/2012

JUDGMENT

THE CHIEF JUSTICE: On the 20th of January 2012 a learned District Court Judge dismissed what the Judge treated as an application for an extension of time within which to appeal against the applicant's conviction on the 2nd of August 2010 for an offence of speeding committed on 1st December 2009.

For that offence, the applicant was fined \$200 and ordered to pay court costs of \$73.80.

The applicant filed her proceeding in the District Court, approximately four months late. Her Honour considered the delay was satisfactorily explained but held that proposed appeal to be unmeritorious.

The applicant proposed arguing that the law under which she was convicted was invalid.

In her outline of submissions before this Court, she repeats that contention and raises others difficult to articulate, let alone comprehend. There is no need to mention them further now.

Her present application is for an extension of time within which to appeal to the Court of Appeal. Challenging the District Court order of the 20th of January 2012, her present application was filed on the 18th of April 2012, approximately two months out of time. Her explanation for the delay is that as her ill mother's full-time carer, "court is second priority".

In any event, the applicant can appeal only if granted leave to do so. See s 118(3) of the *District Court of Queensland Act 1967*. Leave should not be granted because there is no reason to doubt the correctness of the Judge's comprehensively expressed reasons and because the public interest does not require or justify a grant of leave.

The application should be refused.

FRASER JA: I agree.

MULLINS J: I agree.

THE CHIEF JUSTICE: The application is refused.