

Queensland Advocacy Incorporated response to proposed reform, tendency and coincidence evidence

Proposed reform to the test

	Strongly support	Support	Neutral	Oppose	Strongly oppose
First limb		y			
New, targeted provision		y			
Second limb		Y - The Goodman-Delahunty et al empirical research commissioned by the Royal Commission found no evidence of prejudice in the use of this evidence.			

Supplementary reform proposals

	Strongly support	Support	Neutral	Oppose	Strongly oppose
Legislative presumption of joint trials where a defendant has been accused of multiple offences and the prosecution is seeking to lead tendency or coincidence evidence	<i>[Please mark the box that represents your response to each proposal. Additional feedback can be provided in the box or via email if needed.]</i>	y			
The possibility of concoction, collusion or contamination should not be considered in the application of the test for admissibility of tendency or coincidence evidence			QAI supports the ALRC recommendation that tendency or coincidence evidence should not be inadmissible only because there is a possibility that the evidence is the result of concoction, collusion or suggestion.		
Provide that 'Tendency or coincidence evidence about a defendant in a child sexual offence prosecution should not be required to be proved beyond reasonable doubt'		Y – no BRD except where the TorC evidence is indispensable to the proof of an elemental material fact.			

Provide that coincidence evidence can cover 'improbability of lies' circumstances.		y			
Exclude the application of principles or rules of the common law or equity that prevents or restricts the admission of evidence about propensity or similar fact evidence.		y			