

MEDIA RELEASE

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ATTENTION: Chiefs of Staff, News Directors



Legal researchers to review sex trial laws

The Tasmania Law Reform Institute (TLRI) is inviting the public to comment on the conduct of sexual assault court cases where an accused is charged with offences against multiple complainants.

The paper released today by the TLRI examines how allegations of concocted evidence are dealt with in the trial process where there are several complainants.

TLRI senior researcher, Dr Rebecca Bradfield, said in cases where complainants are in some way connected – such as family, school or sports group – it may be alleged that the complainants have got together and made up their account.

“It could also be suggested that a complainant has invented an account after becoming aware in some way of the account of another complainant,” Dr Bradfield said.

“An allegation of concoction in Tasmania means that complainants are usually required to give evidence on several occasions, at a preliminary hearing and again at trial.

“Having to give evidence on several occasions raises concerns in relation to the impact of the trial process on the complainant.”

Dr Bradfield said the issues paper raises fundamental questions about the requirements of a fair trial.

She said the paper seeks feedback on whether the current treatment of allegations of concoction strikes an appropriate balance between the competing interests of the community, that the accused receive a fair trial, and that complainants are protected from unnecessary trauma.

“The Institute wants to hear the views of the survivors of sexual abuse, support workers, counsellors, police, civil right advocates, the legal profession and the general public,” Dr Bradfield said.

Public comment closes on 31 December 2009, when a final report containing recommendations, will be prepared for publication.

The Tasmania Law Reform Institute was established in 2001 by agreement between the State Government, the University of Tasmania and the Law Society to review laws.

For further information contact:

Dr Rebecca Bradfield, Senior Researcher, Tasmanian Law Reform Institute on (03) 6226 2069.

Issues paper No 15: *Evidence Act 2001 sections 97, 98 & 101 and Hoch's case: Admissibility of 'tendency' and 'coincidence' evidence in sexual assault cases with multiple complaints*, can be downloaded from www.law.utas.edu.au/reform/

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