

Evidence Law Review

About our review

We are reviewing evidence law.

Our review is broad. It covers evidence law's application in criminal and civil proceedings and in pre-trial procedures.

What is evidence?

Evidence is the material that can be given to a court to enable the fact finder (judge, magistrate or jury) to decide the matters in dispute.

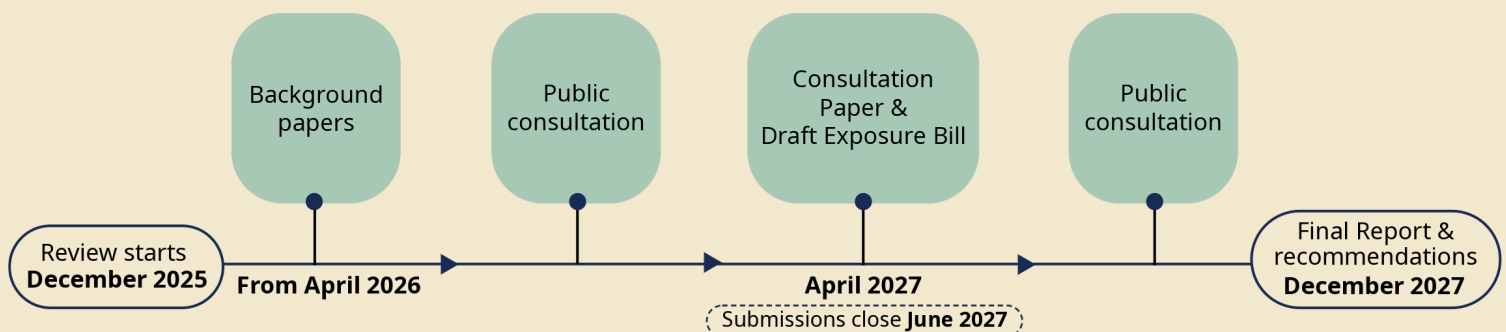
What is evidence law?

Evidence law comprises the rules and legal principles that manage how facts in a legal proceeding may be proved. It regulates how evidence is gathered and presented, focusing on proving disputed facts. Evidence law is based on concepts of reliability and fairness.

Context

The context for our review is the progressive adoption of uniform evidence law in Australia. Uniform evidence law now forms the basis of evidence law in all Australian jurisdictions except Queensland and South Australia. We will consider whether adopting all, or further parts, of uniform evidence law in Queensland is appropriate and desirable.

Timeline



Our guiding principles



Fair

Queensland evidence law should facilitate access to justice, be compatible with human rights and enhance existing rights and safeguards.



Clear

Queensland evidence law should be easy to understand and should consolidate, clarify and streamline the law.



Effective

Queensland evidence law should be fit for purpose and practical and should promote the efficient administration of justice.



Enduring

Queensland evidence law should be contemporary, grounded in knowledge and fit for the future.

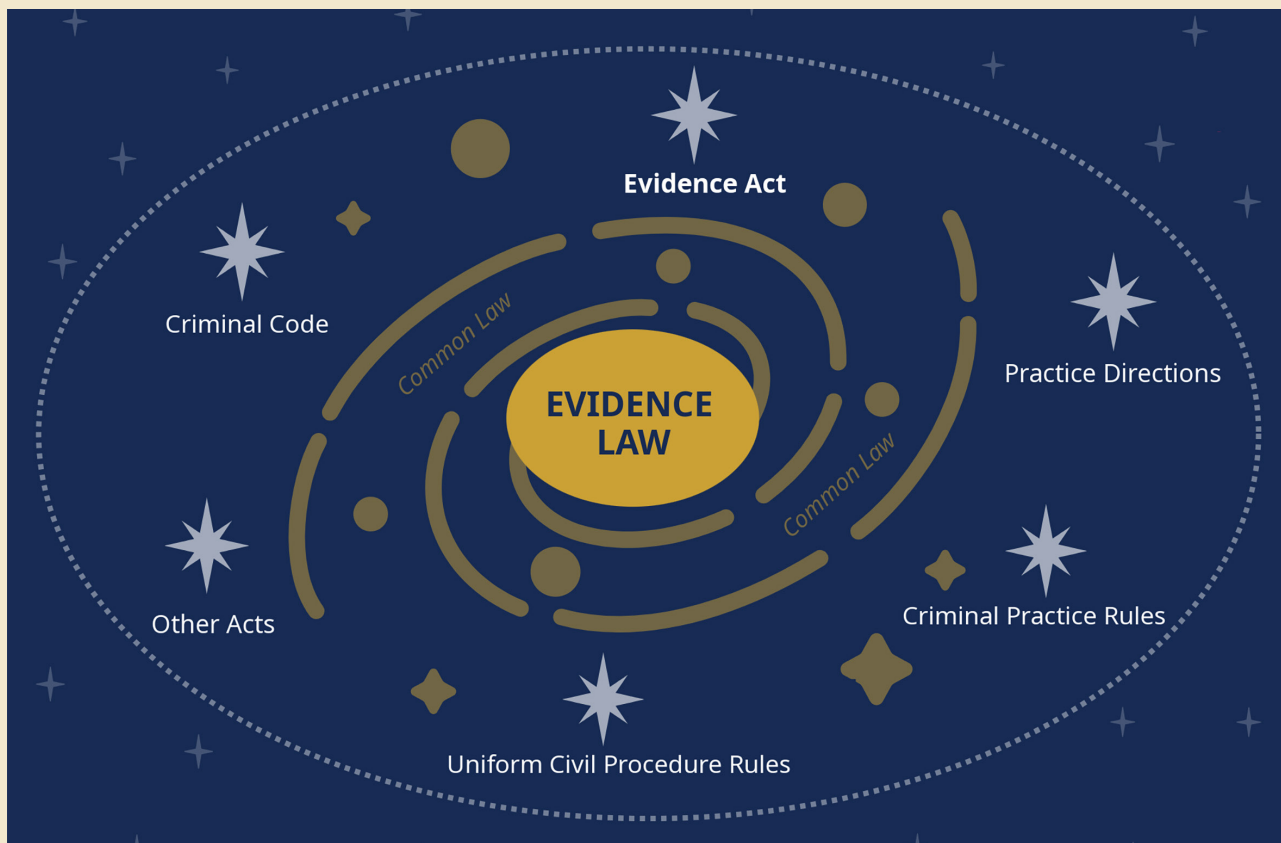
Human rights

Evidence law engages a broad range of human rights, centred on upholding the right to a fair hearing.

Human rights impact how we conduct our review, including how we engage in consultation and promote participation in our work. We will consider the compatibility of our recommendations with the rights recognised in the Human Rights Act.

Sources of Queensland evidence law

There are several sources of Queensland evidence law. The primary rules of evidence are set out in the Queensland Evidence Act and in the common law, which is developed through judicial decisions. Evidence law is also contained in a range of other Acts, rules and practice directions, including the Criminal Code, the Uniform Civil Procedure Rules and the Criminal Practice Rules.



Key issues

Queensland evidence law is fragmented across different statutes and the common law. Its content is unsettled in key areas. Parliament's intent in legislating particular rules of evidence is not always clear. This can create uncertainty and unnecessary complexity and can hinder the efficient administration of justice.

We have identified issues including:

- How particular people and groups are supported to give evidence, including children, spouses and witnesses in sexual abuse and domestic violence matters.
- Evidence law's ability to adapt to contemporary and evolving technological developments.
- The scope and application of certain privileges, including sexual assault counselling privilege.
- The rules governing the admissibility of expert opinion evidence.
- The admissibility of statements made by a defendant outside court that may indicate their innocence.
- The adequacy, scope and reach of the recent reforms to tendency and coincidence evidence.

More information

For further information and updates on the review, including access to our Background Paper, scan the QR code or go to www.qlrc.qld.gov.au.

You can send us your feedback by emailing qlrcevidencereview@justice.qld.gov.au.

