



Queensland

# **Criminal Justice Legislation (Sexual Violence and Other Matters) Amendment Bill 2024**





Queensland

# Criminal Justice Legislation (Sexual Violence and Other Matters) Amendment Bill 2024

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# 2024

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## A Bill

for

**An Act to amend the *Attorney-General Act 1999*, the *Corrective Services Act 2006*, the *Criminal Code*, the *Evidence Act 1977*, the *Evidence Regulation 2017*, the *Penalties and Sentences Act 1992* and the legislation mentioned in schedule 1 for particular purposes**

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[s 1]

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**The Parliament of Queensland enacts—** 1

**Part 1 Preliminary** 2

**Clause 1 Short title** 3

This Act may be cited as the *Criminal Justice Legislation  
(Sexual Violence and Other Matters) Amendment Act 2024.* 4  
5

**Clause 2 Commencement** 6

The following provisions commence on a day to be fixed by  
proclamation— 7  
8

(a) part 2; 9

(b) part 4; 10

(c) part 5, other than division 3; 11

(d) parts 6 to 8. 12

**Part 2 Amendment of** 13

**Attorney-General Act 1999** 14

**Clause 3 Act amended** 15

This part amends the *Attorney-General Act 1999.* 16

**Clause 4 Insertion of new s 14** 17

After section 13— 18

*insert—* 19



- 
- 14 Review of amendments made in response to recommendations of the Women’s Safety and Justice Taskforce**
- (1) The Attorney-General must ensure a review is carried out into the operation and effectiveness of the legislative amendments made in response to the recommendations of the Women’s Safety and Justice Taskforce (2021) by—
- (a) the *Domestic and Family Violence Protection (Combating Coercive Control) and Other Legislation Amendment Act 2023*; and
  - (b) the *Justice and Other Legislation Amendment Act 2023* to the *Criminal Law (Sexual Offences) Act 1978*; and
  - (c) the *Criminal Law (Coercive Control and Affirmative Consent) and Other Legislation Amendment Act 2024*; and
  - (d) the *Queensland Community Safety Act 2024* to the *Youth Justice Act 1992*; and
  - (e) the *Criminal Justice Legislation (Sexual Violence and Other Matters) Amendment Act 2024*.
- (2) The Attorney-General must determine the terms of reference of the review.
- (3) The review must—
- (a) start as soon as practicable 5 years after the commencement; and
  - (b) consider—
    - (i) the outcomes of the amendments; and
    - (ii) the effects of the amendments on victims and perpetrators of sexual violence and domestic and family violence; and

[s 5]

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	(iii) the outcomes for, and the effects of the amendments on, Aboriginal and Torres Strait Islander peoples; and	1 2 3
	(iv) whether the amendments are operating as intended.	4 5
	(4) The Attorney-General must, as soon as practicable after the review is completed, table a report of the review in the Legislative Assembly.	6 7 8
<b>Part 3</b>	<b>Amendment of Corrective Services Act 2006</b>	9 10
<b>Clause 5</b>	<b>Act amended</b>	11
	This part amends the <i>Corrective Services Act 2006</i> .	12
<b>Clause 6</b>	<b>Insertion of new ss 344AA and 344AB</b>	13
	After section 344—	14
	<i>insert—</i>	15
	<b>344AA Notification before participation in a program or service</b>	16 17
	(1) This section applies if a prisoner is being detained on remand for an offence.	18 19
	(2) Before the prisoner participates in any program or service established or facilitated under section 266, the chief executive must ensure the prisoner is told if the program or service is an ineligible program or service under section 344AB(7).	20 21 22 23 24
	<b>344AB Participation in a program or service not to be used in evidence</b>	25 26
	(1) This section applies if—	27

- 
- (a) a prisoner is being detained on remand for an offence; and 1  
2
- (b) the prisoner participates in a section 266 program or service. 3  
4
- (2) The following are not admissible in evidence against the prisoner in any civil, criminal or administrative proceeding for the facts constituting the alleged offence for which the prisoner is detained on remand— 5  
6  
7  
8  
9
- (a) an admission made by the prisoner in the course of, for the purpose of, or as a condition of, participating in a section 266 program or service; 10  
11  
12  
13
- (b) evidence directly or indirectly derived from an admission mentioned in paragraph (a). 14  
15
- (3) Subsection (2) does not apply to a proceeding for an offence committed or allegedly committed by the prisoner while participating in a section 266 program or service. 16  
17  
18  
19
- (4) The reference in subsection (2)(a) to an admission made by the prisoner includes— 20  
21
- (a) any written material made by the prisoner; and 22  
23
- (b) anything said or done by the prisoner that makes it evident the prisoner committed an offence. 24  
25  
26
- Examples of written material—* 27
- homework, workbooks, relapse prevention plans, offence mapping 28  
29
- (5) However, evidence that would otherwise be inadmissible in a proceeding because of subsection (2) is admissible if the prisoner agrees to its admission. 30  
31  
32  
33
- (6) Despite subsection (2), nothing in this section affects the information that may be adduced 34  
35

[s 7]

before, or considered by, the Parole Board.	1
(7) In this section—	2
<i>section 266 program or service</i> means a program or service that—	3
	4
(a) is established or facilitated under section 266; and	5
	6
(b) is not an ineligible program or service.	7
(8) For the purpose of subsection (7), definition <i>section 266 program or service</i> , paragraph (b), a regulation may prescribe an ineligible program or service.	8
	9
	10
	11

**Part 4** **Amendment of Criminal Code** 12

<b>Clause 7</b>	<b>Code amended</b>	13
	This part amends the Criminal Code.	14

<b>Clause 8</b>	<b>Insertion of new s 210A</b>	15
	After section 210—	16
	<i>insert—</i>	17
	<b>210A Sexual acts with a child aged 16 or 17 under one’s care, supervision or authority</b>	18
		19
	(1) An adult who has a child of or above the age of 16 under their care, supervision or authority and—	20
		21
	(a) engages in penile intercourse with the child;	22
	or	23
	(b) penetrates the vulva, vagina or anus of the child to any extent with a thing or a part of the person’s body that is not a penis; or	24
		25
		26
	(c) penetrates the mouth of the child to any extent with the person’s penis;	27
		28

- 
- commits a crime and is liable to imprisonment for 14 years. 1  
2
- (2) An adult who has a child of or above the age of 16 under their care, supervision or authority and— 3  
4
- (a) indecently deals with the child; or 5
- (b) procures the child to commit an indecent act; or 6  
7
- (c) permits themselves to be indecently dealt with by the child; or 8  
9
- (d) wilfully exposes the child to an indecent act by the adult or any other person; or 10  
11
- (e) without legitimate reason, wilfully exposes the child to any indecent object or any indecent film, videotape, audiotape, picture, photograph or printed or written matter; or 12  
13  
14  
15
- (f) without legitimate reason, takes any indecent photograph or, by means of any device, records any indecent visual image of the child; 16  
17  
18  
19
- commits a crime and is liable to imprisonment for 10 years. 20  
21
- Examples of persons who might have a child under their care, supervision, or authority—* 22  
23
- 1 an employer, or other person with the authority to determine significant aspects of the child's employment (whether the work is paid, unpaid, or voluntary) 24  
25  
26  
27
- 2 a tutor, sports coach or music teacher 28
- 3 a religious or spiritual leader 29
- 4 a police officer who has dealt with a child in the exercise or performance of their duties or functions 30  
31
- (3) Without limiting subsection (1) or (2), the following are taken to have a child under their care, supervision, or authority— 32  
33  
34

[s 8]

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- |       |  |                      |
|-------|--|----------------------|
| (a)   | the child's parent, grandparent, step-parent, or guardian;   | 1<br>2               |
| (b)   | the spouse of the child's parent, grandparent, or guardian;  | 3<br>4               |
| (c)   | an approved carer of the child or the spouse of an approved carer of the child;  | 5<br>6               |
| (d)   | a teacher, principal or deputy principal at a school at which the child is a student;  | 7<br>8               |
| (e)   | a health practitioner if the child is their patient;   | 9<br>10              |
| (f)   | a person employed or providing services at a place where the child is in custody;  | 11<br>12             |
| (g)   | a person employed or providing services at a child accommodation service where the child lives.                              | 13<br>14<br>15       |
| (4)   | The following are defences to a charge of an offence against this section—   | 16<br>17             |
| (a)   | that the accused person believed, on reasonable grounds, that the child was at least 18 years;                               | 18<br>19<br>20       |
| (b)   | that all of the following apply—   | 21                   |
| (i)   | the accused is a person other than a person referred to in subsection (3);   | 22<br>23             |
| (ii)  | the accused person is less than 3 years older than the child;  | 24<br>25             |
| (iii) | the act or omission that constitutes the offence did not, in the circumstances, constitute sexual exploitation of the child; | 26<br>27<br>28<br>29 |
| (c)   | that the accused person and the child are lawfully married.  | 30<br>31             |
| (5)   | To remove any doubt, it is declared that it is not necessary for the prosecution to prove—                                   | 32<br>33             |

- 
- (a) abuse of a position of authority; or 1
- (b) exercise of a position of authority; or 2
- (c) the acts constituting the offence were done 3  
without consent. 4
- (6) The *Penalties and Sentences Act 1992*, section 5  
161Q states a circumstance of aggravation for an 6  
offence against this section. 7
- (7) An indictment charging an offence against this 8  
section with the circumstance of aggravation 9  
stated in the *Penalties and Sentences Act 1992*, 10  
section 161Q may not be presented without the 11  
consent of a Crown Law Officer. 12
- (8) In this section— 13
- approved carer*** means an approved foster carer, 14  
approved kinship carer, or provisionally approved 15  
carer for the purpose of the *Child Protection Act* 16  
*1999*. 17
- child accommodation service***— 18
- (a) means a service for which the main purpose 19  
is to provide accommodation for children; 20  
but 21
- (b) does not include— 22
- (i) the care of children by an approved 23  
carer under the *Child Protection Act* 24  
*1999* acting in that capacity; or 25
- (ii) the provision of accommodation to 26  
children under residential tenancy 27  
agreements under the *Residential* 28  
*Tenancies and Rooming* 29  
*Accommodation Act 2008*. 30
- penetration***, for subsection (1)(b), does not 31  
include penetration carried out for a proper 32  
medical, hygienic or law enforcement purpose. 33

[s 9]

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<b>Clause 9</b>	<b>Amendment of s 229B (Repeated sexual conduct with a child)</b>	1 2
(1)	Section 229B—	3
	<i>insert—</i>	4
	(1A) Any adult who has a child of or above the age of 16 under their care, supervision or authority and maintains an unlawful sexual relationship with the child commits a crime.	5 6 7 8
	Maximum penalty—life imprisonment.	9
(2)	Section 229B(5), after ‘defence’—	10
	<i>insert—</i>	11
	to a charge of an offence against subsection (1)	12
(3)	Section 229B—	13
	<i>insert—</i>	14
	(5A) It is a defence to a charge of an offence against subsection (1A) that—	15 16
	(a) the adult believed on reasonable grounds that the child was at least 18 years of age; or	17 18
	(b) all of the following apply—	19
	(i) the adult is not a person referred to in section 210A(3);	20 21
	(ii) the adult was less than 3 years older than the child;	22 23
	(iii) the acts or omissions that constitute the offence did not, in the circumstances, constitute sexual exploitation of the child; or	24 25 26 27
	(c) the adult and the child were lawfully married.	28 29
(4)	Section 229B(10), definition <i>offence of a sexual nature—</i>	30
	<i>omit, insert—</i>	31



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	<i>offence of a sexual nature</i> means—	1
	(a) for subsection (1), an offence defined in section 210 (other than section 210(1)(e) or (f)), 215, 222, 349, 350 or 352; and	2 3 4
	(b) for subsection (1A), an offence defined in section 210A.	5 6
(5)	Section 229B—	7
	<i>insert—</i>	8
	(11) To remove any doubt, it is declared that the persons in section 210A(3) are taken, for the purpose of subsection (1A), to have a child under their care, supervision or authority.	9 10 11 12
(6)	Section 229B—	13
	<i>insert—</i>	14
	<i>Note—</i>	15
	See section 767 in relation to the application of subsection (1A).	16 17
<b>Clause 10</b>	<b>Amendment of s 578 (Charge of offence of a sexual nature)</b>	18 19
	(1) Section 578(1) and (4), after ‘section 210(1),’—	20
	<i>insert—</i>	21
	210A,	22
	(2) Section 578(3), after ‘section 210(1)’—	23
	<i>insert—</i>	24
	or 210A	25
<b>Clause 11</b>	<b>Insertion of new pt 9, ch 112</b>	26
	After section 766—	27
	<i>insert—</i>	28

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[s 12]

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**Chapter 112 Transitional provision** 1  
**for the Criminal Justice** 2  
**Legislation (Sexual** 3  
**Violence and Other** 4  
**Matters) Amendment** 5  
**Act 2024** 6

**767 Repeated sexual conduct with a child of or** 7  
**above 16 by a person who has the child under** 8  
**their care, supervision or authority** 9

To remove any doubt, it is declared that on a 10  
charge of an offence against section 229B(1A), 11  
evidence of an unlawful sexual act or acts done 12  
before the commencement may not be admitted in 13  
evidence for the purpose of deciding whether 14  
unlawful sexual acts done after the 15  
commencement establish the existence of an 16  
unlawful sexual relationship. 17

**Part 5 Amendment of Evidence Act** 18  
**1977** 19

**Division 1 Preliminary** 20

**Clause 12 Act amended** 21  
This part amends the *Evidence Act 1977*. 22

**Clause 13 Insertion of new pt 9, div 17** 23  
After section 172— 24  
*insert—* 25

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<b>Division 17</b>	<b>Transitional provisions for the Criminal Justice Legislation (Sexual Violence and Other Matters) Amendment Act 2024</b>	1 2 3 4 5 6
<b>Division 2</b>	<b>Special witnesses</b>	7
<b>Subdivision 1</b>	<b>Preliminary</b>	8
<b>Clause 14</b>	<b>Renumbering of s 21 (Improper questions)</b>	9
	Section 21—	10
	<i>renumber</i> as section 20A.	11
<b>Clause 15</b>	<b>Insertion of new ss 20B and 21</b>	12
	Part 2, division 4, before section 21A—	13
	<i>insert</i> —	14
	<b>20B Definitions for division</b>	15
	In this division—	16
	<i>criminal organisation</i> see the <i>Penalties and Sentences Act 1992</i> , section 161O.	17 18
	<i>domestic violence</i> see the <i>Domestic and Family Violence Protection Act 2012</i> , section 8.	19 20
	<i>participant</i> , in a criminal organisation, see the <i>Penalties and Sentences Act 1992</i> , section 161P.	21 22
	<i>party</i> includes a person who is present in court and is a member, a representative (other than a legal representative) or a nominee of an organisation that is a party to the proceeding.	23 24 25 26

[s 15]

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- relevant matter*, for a person, means the person’s age, education, level of understanding, cultural background or relationship to any party to the proceeding, the nature of the subject matter of the evidence, or another matter the court considers relevant.
- relevant proceeding* means a criminal proceeding relating wholly or partly to—
- (a) a sexual offence; or
  - (b) a domestic violence offence.
- serious criminal offence* means—
- (a) an indictable offence punishable by at least 7 years imprisonment, including an offence against a repealed provision of an Act; or
  - (b) a prescribed offence as defined under the *Penalties and Sentences Act 1992*, section 161N, other than an offence mentioned in paragraph (a), charged with a circumstance of aggravation stated in section 161Q of that Act.
- special witness* see section 21.

## **21 Meaning of *special witness***

- (1) In this division—
- special witness* means—
- (a) a child under 16 years; or
  - (b) a person who, in the court’s opinion would, as a result of a mental, intellectual or physical impairment or a relevant matter, be likely to be disadvantaged as a witness if required to give evidence in accordance with the usual rules and practice of the court; or
  - (c) a person who, in the court’s opinion would, if required to give evidence in accordance

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with the usual rules and practice of the court, be likely to—	1 2
(i) suffer severe emotional trauma; or	3
(ii) be so intimidated as to be disadvantaged as a witness; or	4 5
(d) a person who is to give evidence about the commission of a serious criminal offence committed by a criminal organisation or a participant in a criminal organisation; or	6 7 8 9
(e) a person—	10
(i) against whom domestic violence has been or is alleged to have been committed by another person; and	11 12 13
(ii) who is to give evidence about the commission of an offence by the other person; or	14 15 16
(f) a person—	17
(i) against whom a sexual offence has been, or is alleged to have been, committed by another person; and	18 19 20
(ii) who is to give evidence about the commission of an offence by the other person.	21 22 23
(2) For the purpose of the definition of <i>special witness</i> , unless the contrary intention appears—	24 25
(a) a party to a proceeding may be a special witness; or	26 27
(b) in a criminal proceeding, the person charged may be a special witness.	28 29
<b>Clause 16 Amendment of s 21A (Evidence of special witnesses)</b>	30
Section 21A(1) and (1B)—	31
<i>omit.</i>	32

---

[s 17]

---

<b>Clause 17</b>	<b>Amendment of sch 3 (Dictionary)</b>	1
(1)	Schedule 3—	2
	<i>insert</i> —	3
	<i>criminal organisation</i> , for part 2, division 4, see section 20B.	4
	<i>participant</i> , in a criminal organisation, for part 2, division 4, see section 20B.	5
	<i>relevant matter</i> , for a person, for part 2, division 4, see section 20B.	6
	<i>serious criminal offence</i> , for part 2, division 4, see section 20B.	7
(2)	Schedule 3, definition <i>party</i> —	8
	<i>omit, insert</i> —	9
	<i>party</i> means—	10
	(a) for part 2, division 4, see section 20B; and	11
	(b) for part 2, division 5, see section 21C.	12
(3)	Schedule 3, definition <i>relevant proceeding</i> —	13
	<i>insert</i> —	14
	(aa) for part 2, division 4, see section 20B; or	15
(4)	Schedule 3, definition <i>special witness</i> , ‘section 21A’—	16
	<i>omit, insert</i> —	17
	section 21	18
<b>Subdivision 2</b>	<b>Alternative arrangements for special witnesses</b>	19
		20
<b>Clause 18</b>	<b>Amendment of s 21A (Evidence of special witnesses)</b>	21
(1)	Section 21A—	22
	<i>insert</i> —	23

- 
- (1) This section applies if a special witness is to give or is giving evidence in any proceeding. 1  
2
- (2) Section 21A(2), ‘Where a special witness is to give or is giving evidence in any proceeding, the court’— 3  
4  
*omit, insert—* 5  
The court 6
- (3) Section 21A(2)(a)— 7  
*omit, insert—* 8
- (a) in the case of a criminal proceeding—that the person charged or other party to the proceeding— 9  
10  
11
- (i) be excluded from the room in which the court is sitting while the special witness is giving evidence or is required to appear in court for any other purpose; or 12  
13  
14  
15  
16
- (ii) be obscured from the view of the special witness while the special witness is giving evidence or is required to appear in court for any other purpose; 17  
18  
19  
20  
21
- (4) Section 21A— 22  
*insert—* 23
- (3) In the case of a relevant proceeding, the court must, on the application of a party to the proceedings, make or give an order or direction under subsection (2)(a)(ii), (c), (d), or (e) unless— 24  
25  
26  
27  
28
- (a) the court is satisfied that it would not be in the interests of justice to do so; or 29  
30
- (b) subject to subsection (9), appropriate equipment and facilities are unavailable to accommodate an order or direction under those paragraphs. 31  
32  
33  
34

[s 19]

---

- (3A) A party to a proceeding who seeks to apply under subsection (2) or (3) for an order or direction must give reasonable notice to each other party of their intention to apply. 1  
2  
3  
4
- (5) Section 21A(4), after ‘criminal proceeding’— 5  
*insert—* 6  
    , including a relevant proceeding, 7
- (6) Section 21A— 8  
*insert—* 9
- (9) To remove any doubt, it is declared that the court may make any other order it thinks fit to facilitate an order or direction under subsection (2)(a)(ii), (c), (d), or (e) made pursuant to an application under subsection (3). 10  
11  
12  
13  
14

**Clause 19      Insertion of new s 173** 15

Part 9, division 17, as inserted by this Act— 16

*insert—* 17

**173 Alternative arrangements for, and evidence of, special witnesses** 18  
19

Section 21A(3) and (3A) apply to a proceeding for an offence committed before the commencement if an originating step for the proceeding is taken on or after the commencement. 20  
21  
22  
23  
24

**Subdivision 3      Directions hearings** 25

**Clause 20      Insertion of new s 21AAB** 26

Part 2, division 4— 27

*insert—* 28



---

<b>21AAB Directions hearings</b>	1
(1) This section applies to a relevant proceeding.	2
(2) The court may, on its own initiative or on the application of a party to the proceeding, direct that—	3 4 5
(a) a directions hearing be held, about evidence to be given by a special witness; and	6 7
(b) further directions hearings be held at any later stage in the proceeding.	8 9
(3) At a directions hearing, the court may—	10
(a) consider the communication needs of a special witness in a relevant proceeding and the most effective way to communicate with the witness; and	11 12 13 14
(b) give any directions about the giving of evidence by the witness that the court considers appropriate for the fair and efficient conduct of the proceeding.	15 16 17 18
(4) Without limiting subsection (3), a direction may be given about any of the following matters—	19 20
(a) the manner of questioning the witness;	21
(b) the duration of questioning the witness;	22
(c) the questions that may, or may not, be put to the witness;	23 24
(d) if there is more than 1 defendant, the allocation among the defendants of the topics about which the witness may be questioned;	25 26 27 28
(e) the use of models, plans, body maps or similar aids to—	29 30
(i) help communicate a question to be put to the witness; or	31 32

[s 21]

---

	(ii) help the witness communicate an answer to a question put to the witness.	1 2
	(5) Subsections (3) and (4) do not limit—	3
	(a) section 21A(2) or (3); or	4
	(b) the Criminal Code, section 590AA; or	5
	(c) the <i>Justices Act 1886</i> , section 83A.	6
	(6) This section does not apply to the extent division 4C, subdivision 3 applies.	7 8
<b>Clause 21</b>	<b>Insertion of new s 174</b>	9
	Part 9, division 17, as inserted by this Act—	10
	<i>insert—</i>	11
	<b>174 Alternative arrangements for, and evidence of, special witnesses</b>	12 13
	Section 21AAB applies to a proceeding for an offence committed before the commencement if an originating step for the proceeding is taken on or after the commencement.	14 15 16 17
	<b>Subdivision 4 Special witness evidence to be videorecorded</b>	18 19
<b>Clause 22</b>	<b>Insertion of new ss 21AAC and 21AAD</b>	20
	Part 2, division 4—	21
	<i>insert—</i>	22
	<b>21AAC Special witness evidence to be videorecorded</b>	23 24
	(1) This section applies to the evidence of a special witness in a trial in a criminal proceeding relating wholly or partly to a sexual offence, other than the person charged.	25 26 27 28

- 
- (2) The court must direct that a videorecording of the evidence of a special witness be made if—
- (a) a special witness is giving evidence; and
  - (b) appropriate equipment and facilities are available for videorecording the special witness’s evidence.
- (3) A videorecording made under this section, or a lawfully edited copy of the videorecording, is admissible in any of the following as if the evidence were given orally in the proceeding in accordance with the usual rules and practice of the court, unless the relevant court otherwise orders—
- (a) any rehearing or retrial of, or appeal from, the proceeding in which the videorecording was made;
  - (b) another proceeding for the relevant charge or another charge arising out of the same, or the same set of, circumstances;
  - (c) a civil proceeding arising from the commission of the offence.
- (4) The reference in subsection (3) to a videorecording includes a digital copy of the videorecording on a separate data storage medium if the copy has been made by—
- (a) the principal registrar of a court; or
  - (b) a person authorised by the principal registrar of a court to copy the videorecording onto the separate data storage medium.
- (5) Subsection (2) applies regardless of whether an order or direction is also made under section 21A(2)(e).

[s 23]

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### **21AAD Recall of a special witness**

- |   |    |
|---|----|
|   | 1  |
| (1) This section applies if a videorecording of the   | 2  |
| evidence of a special witness is admitted in a        | 3  |
| proceeding under section 21AAC(3).                    | 4  |
| (2) This admission of the videorecording does not     | 5  |
| prevent a party to the proceeding applying to the     | 6  |
| court for the special witness to attend the           | 7  |
| proceeding to give further evidence.                  | 8  |
| (3) However, the court must not make an order for the | 9  |
| special witness to give further evidence or           | 10 |
| reappear unless the court is satisfied that—          | 11 |
| (a) if the special witness had given evidence in      | 12 |
| the ordinary way, the special witness could           | 13 |
| be recalled to give further evidence; and             | 14 |
| (b) it would be in the interests of justice to make   | 15 |
| the order.  | 16 |

### **Clause 23 Amendment of s 21AY (Definitions for div 4B)**

Section 21AY, definition *recording*— 18

*omit, insert*— 19

*recording* means— 20

- |   |    |
|---|----|
| (a) a videorecording of a special witness's   | 21 |
| evidence made under section 21A; or           | 22 |
| (b) a videorecording of an affected child's   | 23 |
| evidence made under division 4A,              | 24 |
| subdivision 3 or 4; or                        | 25 |
| (c) a videorecording of a special witness's   | 26 |
| evidence made under section 21AAC; or         | 27 |
| (d) a copy of a videorecording mentioned in   | 28 |
| paragraph (a), (b) or (c); or                 | 29 |
| (e) the usable soundtrack of a videorecording | 30 |
| mentioned in paragraph (a), (b), (c) or (d).  | 31 |

---

<b>Clause 24</b>	<b>Amendment of s 21AZE (Making of practice directions authorising destruction)</b>	1 2
	Section 21AZE(4)(b)—	3
	<i>insert</i> —	4
	(iii) in the case of a videorecording made under section 21AAC—if the defendant has been convicted, there is no possibility or further possibility of a retrial and any appeal rights have been exhausted.	5 6 7 8 9
<b>Clause 25</b>	<b>Insertion of new s 175</b>	10
	Part 9, division 17—	11
	<i>insert</i> —	12
	<b>175 Alternative arrangements for, and evidence of, special witnesses</b>	13 14
	Section 21AAC(2) applies to a proceeding for an offence committed before the commencement if an originating step for the proceeding is taken on or after the commencement.	15 16 17 18
<b>Division 3</b>	<b>Evidence related to domestic relationships and domestic violence</b>	19 20
<b>Clause 26</b>	<b>Amendment of s 103I (Admissibility of recorded statements in particular committal proceedings)</b>	21 22
	(1) Section 103I(2) and (3)—	23
	<i>omit, insert</i> —	24
	(2) A transcript of a recorded statement is admissible in the proceeding as a complainant’s evidence-in-chief only if—	25 26 27

[s 26]

---

- (a) the recorded statement would be admissible under section 103H as if subsection (1)(d) of that section were omitted; and
- (b) the transcript is admitted as a written statement under the *Justices Act 1886*, section 110A.
- (2) Section 103I(4), ‘subsection (3)’—  
*omit, insert—*  
subsection (2)
- (3) Section 103I—  
*insert—*
- (5) If the transcript is to be tendered as a written statement as provided for in this section—
- (a) the complainant is, for the purposes of the *Justices Act 1886*, section 83A(5AA), to be taken to be the maker of the written statement; and
- (b) the recorded statement may be admitted under the *Justices Act 1886*, section 83A(5AA)(a) in lieu of oral evidence.
- (6) This section does not preclude the court from requiring a complainant to—
- (a) attest to the truthfulness of the contents of the transcript or the recorded statement; or
- (b) be made available to give further oral evidence or for cross-examination and re-examination.
- (4) Section 103I(4) to (6)—  
*renumber* as section 103I(3) to (5).

<b>Clause 27</b>	<b>Insertion of new s 103IA (Admissibility of transcripts of recorded statements in particular registry committal proceedings)</b>	1 2 3
	After section 103I—	4
	<i>insert—</i>	5
	<b>103IA Admissibility of transcripts of recorded statements in particular registry committal proceedings</b>	6 7 8
	(1) This section applies to a registry committal under the <i>Justices Act 1886</i> , section 114 if—	9 10
	(a) the indictable offence to which subsection (1)(a) of that section relates is a domestic violence offence; and	11 12 13
	(b) for the purpose of section 103C of this Act, definition <i>domestic violence proceeding—</i>	14 15
	(i) committal proceedings are a type of proceeding prescribed for the purpose of paragraph (b) of that definition; and	16 17 18
	(ii) the clerk of the court is the clerk of a court at a place prescribed for the purpose of paragraph (c) of that definition.	19 20 21 22
	(2) A transcript of a recorded statement is admissible as a complainant’s written statement if the recorded statement would be admissible under section 103H of this Act as if subsection (1)(d) of that section were omitted.	23 24 25 26 27
<b>Division 4</b>	<b>Expert evidence in proceedings for sexual offences</b>	28 29
<b>Clause 28</b>	<b>Replacement of pt 6B, div 4, sdiv 1, heading</b>	30
	Part 6B, division 4, subdivision 1, heading—	31

[s 29]

---

*omit, insert—*

**Subdivision 1 Evidence about a  
defendant**

**Clause 29 Amendment of s 103ZZC (Definitions for division)**

(1) Section 103ZZC, ‘division’—

*omit, insert—*

subdivision

(2) Section 103ZZC, definition *sexual offence expert evidence panel*, ‘103ZZH(5)’—

*omit, insert—*

103ZZH

**Clause 30 Omission of pt 6B, div 4, sdiv 2, heading**

Part 6B, division 4, subdivision 2, heading—

*omit.*

**Clause 31 Amendment of s 103ZZF (Engagement of person  
included on sexual offence expert evidence panel)**

Section 103ZZF(4)(c)—

*omit, insert—*

(c) is a potential witness in the proceeding (to a matter in issue other than the provision of expert evidence under this division).

**Clause 32 Amendment of s 103ZZG (Particular information to be  
given to person engaged)**

Section 103ZZG(4)—

*omit, insert—*

(4) A person to whom a document or information is



disclosed under subsection (2) must not, directly 1  
or indirectly, disclose or make use of the 2  
document or information other than for the 3  
purpose of giving expert evidence under this 4  
subdivision in the relevant proceeding. 5

Maximum penalty—100 penalty units or 2 years 6  
imprisonment. 7

**Clause 33 Insertion of new pt 6B, div 4, sdiv 2** 8

After section 103ZZG— 9

*insert—* 10

**Subdivision 2 Evidence about the nature 11  
of sexual offences and 12  
factors that might affect 13  
the behaviour of victims 14**

**103ZZGA Definitions for subdivision 15**

In this subdivision— 16

*excluded person* means— 17

(a) a party to the proceeding; or 18

(b) a relative, friend or acquaintance of a party 19  
to the proceeding; or 20

(c) a potential witness in the proceeding (to a 21  
matter in issue other than the provision of 22  
expert evidence under this division). 23

*relevant proceeding* means a criminal 24  
proceeding— 25

(a) relating wholly or partly to a sexual offence; 26  
and 27

(b) held before a court at a place prescribed by 28  
regulation. 29

*sexual offence expert evidence panel* means the 30

[s 33]

---

panel established under section 103ZZH. 1

**103ZZGB Evidence about the nature of sexual offences and factors that might affect the behaviour of victims** 2  
3  
4

- (1) The following evidence is admissible in a criminal proceeding relating wholly or partly to a sexual offence and may be given by an expert— 5  
6  
7
- (a) evidence about the nature of sexual offences; and 8  
9
- (b) evidence about the social, psychological and cultural factors that may affect the behaviour of a person who has been the victim, or who alleges that they have been the victim, of a sexual offence, including the reasons that may contribute to a delay on the part of the victim to report the offence. 10  
11  
12  
13  
14  
15  
16
- (2) For this section, an expert on the subject of sexual offences includes a person who can demonstrate specialised knowledge, gained by training, study or experience, of a matter that may constitute evidence about a sexual offence. 17  
18  
19  
20  
21

**103ZZGC Credibility rule abrogated** 22

The credibility rule does not apply to evidence to which section 103ZZGB(1) relates concerning the credibility of another witness if— 23  
24  
25

- (a) the evidence is wholly or substantially based on the expert's expert knowledge; and 26  
27
- (b) the evidence could substantially affect the assessment of the credibility of the other witness; and 28  
29  
30
- (c) the court gives leave to adduce the evidence. 31

---

<b>103ZZGD Ultimate issue and common knowledge rules abrogated</b>	1 2
Evidence of an expert’s opinion given under section 103ZZGB is not inadmissible only because the opinion is about—	3 4 5
(a) a fact in issue or an ultimate issue; or	6
(b) a matter of common knowledge.	7
<b>103ZZGE Engagement of person to give expert advice</b>	8 9
(1) A party to a criminal proceeding relating wholly or partly to a sexual offence may engage a person other than an excluded person to give evidence to which section 103ZZGB(1) relates, whether or not the person is included on the sexual offence expert evidence panel.	10 11 12 13 14 15
(2) The court in a relevant proceeding may engage a person from the sexual offence expert evidence panel other than an excluded person to give evidence to which section 103ZZGB(1) relates in the proceeding if—	16 17 18 19 20
(a) no party has engaged an expert to give evidence to which section 103ZZGB(1) relates; and	21 22 23
(b) the court considers there is a good reason to call an expert.	24 25
<b>103ZZGF Particular information to be given to person engaged</b>	26 27
(1) This section applies if a person is engaged to give evidence to which section 103ZZGB(1) relates.	28 29
(2) The person may ask the prosecutor for the proceeding to give the person copies of the following documents relating to the offence that is the subject of the proceeding—	30 31 32 33

[s 34]

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	(a) an indictment or bench charge sheets;	1
	(b) summaries or particulars of allegations;	2
	(c) witness statements, including Evidence Act section 93A device statements;	3 4
	(d) exhibits or photographs of exhibits;	5
	(e) transcripts of proceedings;	6
	(f) any other document or thing in the prosecutor's possession or to which the prosecutor has access that may be relevant to evidence to which section 103ZZGB(1) relates.	7 8 9 10 11
(3)	Subsection (2) does not apply to information, contained in a document—	12 13
	(a) that is sensitive evidence under the Criminal Code, section 590AF; or	14 15
	(b) that the prosecution would be prevented under another Act or law from disclosing during a proceeding for the offence; or	16 17 18
	(c) consisting of contact details for witnesses to the alleged commission of the offence.	19 20
(4)	A person to whom a document or information is disclosed under subsection (2) must not, directly or indirectly, disclose or make use of the document or information other than for the purpose of giving evidence to which section 103ZZGB(1) relates in the proceeding.	21 22 23 24 25 26
	Maximum penalty—100 penalty units or 2 years imprisonment.	27 28
<b>Clause 34</b>	<b>Amendment of s 103ZZH (Chief executive to establish sexual offence expert evidence panel)</b>	29 30
	(1) Section 103ZZH(1) and (3), 'relevant evidence about a defendant in a relevant proceeding'—	31 32

- 
- omit, insert—* 1
- expert evidence under this division 2
- (2) Section 103ZZH(2), after ‘suitable’— 3
- insert—* 4
- for the purpose of subdivision 1 5
- (3) Section 103ZZH— 6
- insert—* 7
- (2A) A person is not suitable for the purpose of 8  
subdivision 2 to give expert evidence in a relevant 9  
proceeding, unless the person can demonstrate 10  
specialised knowledge, gained by training, study 11  
or experience, in a field of knowledge relevant to 12  
assessing— 13
- (a) the nature of sexual offences; or 14
- (b) the social, psychological and cultural factors 15  
that may affect the behaviour of a person 16  
who has been the victim, or who alleges that 17  
they have been the victim, of a sexual 18  
offence. 19
- (4) Section 103ZZH(4)— 20
- omit, insert—* 21
- (4) In determining whether to appoint a person to the 22  
sexual offence expert evidence panel, the chief 23  
executive may have regard to the cultural 24  
competence and capability of the person, 25  
including whether the person can demonstrate 26  
knowledge and understanding of a particular 27  
cultural group. 28
- (4A) Subsections (2), (3), (4), and (5) do not limit the 29  
matters to which the chief executive may have 30  
regard in considering the suitability of a person to 31  
give expert evidence under this division. 32
- (5) Section 103ZZH— 33
-

[s 35]

---

*insert—*

1

- (6) To remove any doubt, it is declared that a person  
can be appointed to the sexual offence expert  
evidence panel to perform both functions if they  
meet the suitability criteria for both.

2  
3  
4  
5

- (6) Section 103ZZH(2A) to (6)—

6

*renumber* as 103ZZH(3) to (8).

7

**Clause 35      Amendment of s 103ZZI (Removal of person from sexual  
offence expert evidence panel)**

8  
9

Section 103ZZI(1), ‘relevant evidence about a defendant in a  
relevant proceeding’—

10  
11

*omit, insert—*

12

expert evidence under this division

13

**Clause 36      Amendment of s 103ZZJ (Criminal history report)**

14

Section 103ZZJ(1), ‘relevant evidence about a defendant in a  
relevant proceeding’—

15  
16

*omit, insert—*

17

expert evidence under this division

18

**Clause 37      Insertion of new s 176**

19

Part 9, division 17, as inserted by this Act—

20

*insert—*

21

**176 Expert evidence about the nature of sexual  
offences and factors that might affect the  
behaviour of victims**

22  
23  
24

An expert may be engaged to give evidence to  
which section 103ZZGB(1) relates in a  
proceeding for an offence committed before the  
commencement if an originating step for the  
proceeding is taken on or after the

25  
26  
27  
28  
29

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	commencement.	1
<b>Clause 38</b>	<b>Amendment of sch 3 (Dictionary)</b>	2
	(1) Schedule 3—	3
	<i>insert</i> —	4
	<i>Evidence Act section 93A device statement</i> , see the Criminal Code, section 590AFA.	5
	<i>excluded person</i> , for part 6B, division 4, subdivision 2, see section 103ZZGA.	6
	(2) Schedule 3, definition <i>relevant proceeding</i> , paragraph (d)—	7
	<i>omit, insert</i> —	8
	(d) for part 6B, division 4, subdivision 1—see section 103ZZD; or	9
	(e) for part 6B, division 4, subdivision 2—see section 103ZZGA.	10
	(3) Schedule 3, definition <i>sexual offence expert evidence panel</i> , ‘103ZZH(5)’—	11
	<i>omit, insert</i> —	12
	section 103ZZH	13
		14
		15
		16
		17
		18
		19
		20
<b>Division 5</b>	<b>Tendency evidence and coincidence evidence</b>	19
		20
<b>Clause 39</b>	<b>Amendment of s 21AZJ (Meaning of <i>relevant proceeding</i>)</b>	21
	Section 21AZJ(3)—	22
	<i>omit</i> .	23
<b>Clause 40</b>	<b>Insertion of new pt 7A</b>	24
	After part 7—	25

[s 40]

---

*insert—*

**Part 7A                      Admissibility of  
   tendency evidence and  
   coincidence evidence**

**129AA Definitions for part**

In this part—

***coincidence evidence—***

- (a) means—evidence that 2 or more events occurred that is adduced to show that a person did a particular act or had a particular state of mind on the basis that, having regard to any similarities in the events or circumstances in which they occurred, or any similarities in both the events and the circumstances in which they occurred, it is improbable that the events occurred coincidentally; and
- (b) includes—evidence from multiple witnesses claiming to be victims of offences committed by a defendant, that is adduced to prove, on the basis of similarities in the claimed acts or the circumstances in which they occurred, that the defendant did an act in issue.

***probative value*** of evidence means the extent to which the evidence could rationally affect the assessment of the probability of the existence of a fact in issue.

***tendency evidence*** means evidence of the character, reputation or conduct of a person, or a tendency that a person has or had, that is adduced to show that a person has or had a tendency, whether because of the person’s character or otherwise, to act in a particular way or to have a



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particular state of mind. 1

**129AB Admissibility of tendency evidence** 2  
**generally** 3

- (1) This section applies to criminal proceedings. 4
- (2) Tendency evidence is not admissible unless— 5
  - (a) the court thinks that the evidence, either by 6  
itself or having regard to other evidence 7  
adduced or to be adduced by the party 8  
seeking to adduce the evidence, will have 9  
significant probative value; and 10
  - (b) if the evidence is adduced by the 11  
prosecution about a defendant—the 12  
probative value of the evidence outweighs 13  
the danger of unfair prejudice to the 14  
defendant. 15
- (3) Subsection (2) does not apply to tendency 16  
evidence that is adduced to explain or contradict 17  
tendency evidence adduced by another party. 18
- (4) If there is a possibility that tendency evidence is 19  
the result of collusion, suggestion, concoction or 20  
contamination, the weight to be given to that 21  
evidence is a question for the jury and not a 22  
question to be taken into account in determining 23  
either the probative value or the admissibility of 24  
the evidence. 25

**129AC Admissibility of tendency evidence in** 26  
**proceedings involving child sexual offences** 27

- (1) This section applies in a criminal proceeding in 28  
which the commission by the defendant of an act 29  
that constitutes, or may constitute, a child sexual 30  
offence is a fact in issue. 31
- (2) For section 129AB, it is presumed that the 32  
following tendency evidence about the defendant 33

[s 40]

---

- will have significant probative value regardless of  
whether the sexual interest or act to which the  
tendency evidence relates was directed at a  
complainant in the proceeding, any other child or  
children generally—
- (a) tendency evidence about the sexual interest  
the defendant has or had in children even if  
the defendant has not acted on the interest;
- (b) tendency evidence about the defendant  
acting on a sexual interest the defendant has  
or had in children.
- (3) Despite subsection (2), the court may determine  
that the tendency evidence does not have  
significant probative value if it is satisfied that  
there are sufficient grounds to do so.
- (4) The following matters are not to be taken into  
account in determining whether there are  
sufficient grounds for the purposes of subsection  
(3), unless the court considers there are  
exceptional circumstances in relation to those  
matters, to warrant taking them into account—
- (a) the sexual interest or act to which the  
tendency evidence relates (the *tendency  
sexual interest or act*) is different from the  
sexual interest or act alleged in the  
proceeding (the *alleged sexual interest or  
act*);
- (b) the circumstances in which the tendency  
sexual interest or act occurred are different  
from circumstances in which the alleged  
sexual interest or act occurred;
- (c) the personal characteristics of the subject of  
the tendency sexual interest or act, for  
example, the subject's age, sex or gender,  
are different to those of the subject of the  
alleged sexual interest or act;

- 
- (d) the relationship between the defendant and the subject of the tendency sexual interest or act is different from the relationship between the defendant and the subject of the alleged sexual interest or act; 1  
2  
3  
4  
5
- (e) the period of time between the occurrence of the tendency sexual interest or act and the occurrence of the alleged sexual interest or act; 6  
7  
8  
9
- (f) the tendency sexual interest or act and alleged sexual interest or act do not share distinctive or unusual features; 10  
11  
12
- (g) the level of generality of the tendency to which the tendency evidence relates. 13  
14
- (5) In subsection (2)— 15
- child* means— 16
- (a) a child under 16; or 17
- (b) a child aged 16 or 17 who is under the care, supervision, or authority of the defendant. 18  
19

**129AD Admissibility of coincidence evidence generally** 20  
21

- (1) This section applies to criminal proceedings. 22
- (2) Coincidence evidence is not admissible unless— 23
- (a) the court thinks that the evidence, either by itself or having regard to other evidence adduced or to be adduced by the party seeking to adduce the evidence, will have significant probative value; and 24  
25  
26  
27  
28
- (b) if the evidence is adduced by the prosecution about a defendant, the probative value of the evidence outweighs the danger of unfair prejudice to the defendant. 29  
30  
31  
32
- (3) Subsection (2) does not apply to coincidence 33

[s 40]

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evidence adduced to explain or contradict 1  
coincidence evidence adduced by another party. 2

- (4) If there is a possibility that coincidence evidence 3  
is the result of collusion, suggestion, concoction 4  
or contamination, the weight to be given to that 5  
evidence is a question for the jury and not a 6  
question to be taken into account in determining 7  
either the probative value or the admissibility of 8  
the evidence. 9

**129AE Notice to be given** 10

- (1) A party seeking to adduce tendency evidence or 11  
coincidence evidence under this part must give 12  
notice in writing to each other party of their 13  
intention to adduce the evidence no less than 5 14  
weeks before the date fixed for the start of the trial 15  
of the proceeding. 16
- (2) A notice under subsection (1) must include the 17  
following— 18
- (a) a statement as to whether the party seeks to 19  
adduce tendency evidence or coincidence 20  
evidence; 21
- (b) the substance of the evidence to which the 22  
notice relates; 23
- (c) particulars of the date, time, place and 24  
circumstances of the conduct or event to 25  
which the evidence relates; 26
- (d) the name of each person known to have 27  
seen, heard or otherwise perceived the 28  
conduct or event if the person’s identity is 29  
known to, or could reasonably be 30  
ascertained by, the party. 31
- (3) If notice is not provided as required in subsection 32  
(1), a party may not adduce tendency evidence or 33  
coincidence evidence without leave of the court. 34

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	(4) The court may grant leave under subsection (3) if it is satisfied that it would be in the interests of justice to do so.	1 2 3
	<b>129AF Standard of proof for tendency evidence or coincidence evidence</b>	4 5
	(1) Tendency evidence or coincidence evidence need not be proved beyond reasonable doubt to the extent that it is adduced as tendency evidence or coincidence evidence unless—	6 7 8 9
	(a) the court is satisfied that there is a significant possibility that the jury will rely on the evidence as being essential to its reasoning in reaching a finding of guilt; or	10 11 12 13
	(b) the evidence is adduced as both tendency evidence or coincidence evidence and as proof of an element or essential fact of a charge.	14 15 16 17
	(2) If tendency evidence or coincidence evidence is adduced as both tendency evidence or coincidence evidence and as proof of an element or essential fact of a charge, the evidence need only be proved beyond reasonable doubt to the extent that it is adduced as proof of the element or essential fact.	18 19 20 21 22 23 24
<b>Clause 41</b>	<b>Omission of s 132A (Admissibility of similar fact evidence)</b>	25 26
	Section 132A—	27
	<i>omit.</i>	28
<b>Clause 42</b>	<b>Insertion of new s 177</b>	29
	Part 9, division 17, as inserted by this Act—	30
	<i>insert—</i>	31

[s 43]

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**177 Tendency evidence and coincidence evidence** 1

Part 7A applies to a proceeding for an offence 2  
committed before the commencement if an 3  
originating step for the proceeding is taken on or 4  
after the commencement. 5

**Clause 43 Amendment of sch 3 (Dictionary)** 6

Schedule 3— 7

*insert*— 8

*child sexual offence* means an offence of a sexual nature 9  
committed in relation to a child, including an offence against a 10  
provision of the Criminal Code, chapter 22 or 32. 11

*coincidence evidence*, for part 7A, see section 129AA. 12

*probative value*, for part 7A, see section 129AA. 13

*tendency evidence*, for part 7A, see section 129AA. 14

**Part 6 Amendment of Evidence Regulation 2017** 15  
16

**Clause 44 Regulation amended** 17

This part amends the *Evidence Regulation 2017*. 18

**Clause 45 Insertion of new s 4C** 19

After section 4B— 20

*insert*— 21

**4C Prescribed places for relevant proceeding** 22

For section 103ZZGA of the Act, definition 23  
*relevant proceeding*, paragraph (b), the following 24  
places are prescribed— 25

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	(a) for the Supreme Court or the District Court—	1 2
	(i) Brisbane;	3
	(ii) Townsville.	4
	(b) for the Magistrates Courts—	5
	(i) Brisbane, Caboolture, Cleveland and Redcliffe;	6 7
	(ii) Townsville.	8
<b>Part 7</b>	<b>Amendment of Penalties and Sentences Act 1992</b>	9 10
<b>Clause 46</b>	<b>Act amended</b>	11
	This part amends the <i>Penalties and Sentences Act 1992</i> .	12
<b>Clause 47</b>	<b>Amendment of s 43C (Requirements of non-contact order)</b>	13 14
	Section 43C(2)(a) and (b), ‘2 years’—	15
	<i>omit, insert—</i>	16
	5 years	17
<b>Clause 48</b>	<b>Amendment of s 43F (Contravention of non-contact order)</b>	18 19
	Section 43F(1), penalty—	20
	<i>omit, insert—</i>	21
	Maximum penalty—120 penalty units or 3 years imprisonment.	22 23

[s 49]

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**Part 8** **Other amendments** 1

<b>Clause 49</b>	<b>Legislation amended</b>	2
	Schedule 1 amends the legislation it mentions.	3



<b>Schedule 1</b>	<b>Other amendments</b>	1
	section 49	2
<b>Part 1</b>	<b>Certain consequential amendments in relation to Part 4 (Criminal Code)</b>	3
		4
		5
	<b>Corrective Services Act 2006</b>	6
<b>1</b>	<b>Schedule 1, entry for Criminal Code—</b>	7
	<i>insert—</i>	8
	section 210A (Sexual acts with a child aged 16 or 17 under one’s care, supervision or authority)	9
		10
	<b>Disability Services Act 2006</b>	11
<b>1</b>	<b>Schedule 4, item 4, entry for Criminal Code—</b>	12
	<i>insert—</i>	13
210A	Sexual acts with a child aged 16 or 17 under one’s care, supervision or authority	
<b>2</b>	<b>Schedule 6, item 4, entry for Criminal Code—</b>	14
	<i>insert—</i>	15

Schedule 1

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210A Sexual acts with a child aged 16  
or 17 under one's care,  
supervision or authority

**Penalties and Sentences Act 1992** 1

**1 Schedule 1, entry for Criminal Code—** 2

*insert—* 3

7A section 210A (Sexual acts with a child aged 16 or  
17 under one's care, supervision or authority) 4  
5

**2 Schedule 1C, entry for Criminal Code—** 6

*insert—* 7

- section 210A (Sexual acts with a child aged  
16 or 17 under one's care, supervision or  
authority) 8  
9  
10

**Working with Children (Risk Management and  
Screening) Act 2000** 11  
12

**1 Schedule 2, item 4, entry for Criminal Code—** 13

*insert—* 14

210A Sexual acts with a child aged 16  
or 17 under one's care,  
supervision or authority

<b>2</b>	<b>Schedule 4, item 4, entry for Criminal Code—</b>	1
	<i>insert—</i>	2
210A	Sexual acts with a child aged 16 or 17 under one’s care, supervision or authority	
<b>Part 2</b>	<b>Additional consequential amendments in relation to Part 4 (Criminal Code)</b>	3 4 5
	<b>Working with Children (Risk Management and Screening) Act 2000</b>	6 7
<b>1</b>	<b>Schedule 2, item 4, entry for Criminal Code, section 210A, as inserted by this Act, column 3—</b>	8 9
	<i>insert—</i>	10
	if the offence is not a disqualifying offence	11
<b>2</b>	<b>Schedule 4, item 4, entry for Criminal Code, section 210A, as inserted by this Act, column 3—</b>	12 13
	<i>insert—</i>	14
	for which an imprisonment order was or is imposed	15 16

<b>Part 3</b>	<b>Consequential amendments in relation to Part 5, Division 2 (Special witnesses)</b>	1 2 3
	<b>Childrens Court Rules 2016</b>	4
<b>1</b>	<b>Section 102(2), note, ‘under section 21A of that Act’—</b> <i>omit, insert—</i>	5 6
	for the purpose of that section	7
	<b>Justices Act 1886</b>	8
<b>1</b>	<b>Section 110C(4), example 3, ‘section 21’—</b> <i>omit, insert—</i>	9 10
	section 20A	11

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