

**Legislative Council**

**Tuesday, 13 September 2011, Page 3744**

**EVIDENCE (DISCREDITABLE CONDUCT) AMENDMENT BILL**

**The Hon. A. BRESSINGTON (16:58):**

I rise very briefly to indicate my support for the Evidence (Discreditable Conduct) Amendment Bill, which from my reading and the advice I have received I understand is simply codification of the existing common law concerning propensity evidence. Everyone to whom I have spoken concerning this bill has been keen to tell me about their initial concerns following the Premier's sound bite announcement in March 2010 in the lead-up to the election. Many in the legal profession saw the potential for the bill, based on this announcement, not only to encroach on the rights of defendants but also to expose victims or prosecution witnesses to having their past conduct put to the jury.

Based on the announcement many saw an already convoluted area of law becoming more confusing. However, having since seen the bill, all have concluded that the bill before us is a retreat from the Premier's suggested reform and now simply codifies (or as one member of the legal profession put it, eloquently codifies) the common law and hence has their support. The bill also has the support of the Joint Courts Criminal Legislation Committee which, as the Attorney-General proudly quoted, states:

The simplicity of the bill stands in stark contrast to the present mess. We think it has merit. There is nothing in the wording which requires further comment.

Having had no concerns raised with me by any of the usual interested parties, the bill has my support.