

44. Cross-Examination as to Complainant's Motive to Lie

44.1 Legislation

[Last reviewed: January 2025]

Nil.

44.2 Commentary

[Last reviewed: January 2025]

Generally, the Defendant should not be asked in cross-examination whether they can suggest a motive for the Complainant to concoct the allegations against them, the question generally being irrelevant to any issue (see *Palmer v The Queen* [\(1998\) 193 CLR 1](#); [\[1998\] HCA 2](#), [9]).

Where, however, a Defendant (through cross-examination of the Complainant or by testimony) suggests that the Complainant (or another witness) has a motive to lie, in many cases it will be appropriate for the jury to be directed along the lines mentioned below (see *R v PLK* [\[1999\] VSCA 194](#); [\[1999\] 3 VR 567](#), [581]; *R v Geary* [\[2003\] 1 Qd R 64](#), [26]-[28]).

In some cases, the jury should be instructed that even if they find no evidence of any motive to lie, this does not establish that such a motive did not exist. If there was a motive the Defendant may not know of it. There may be many reasons why a person may make a false complaint; if they find no evidence of a motive to lie, this does not necessarily mean the Complainant was truthful. It remains necessary to satisfy themselves that the Complainant was truthful (see *R v Coss* [\[2016\] QCA 44](#), [22]).

44.3 Suggested Direction

[Last reviewed: January 2025]

In cross-examination, the Complainant was asked questions concerning a motive for [him/her] to lie in [his/her] account concerning the conduct of the Defendant [and the Defendant in his/her testimony suggested that his/her motive was (insert description)].

If you reject the motive to lie put forward on behalf of the defence, that does not mean that the Complainant is telling the truth.

Remember, it is for the prosecution to satisfy you that the Complainant is telling the truth; for it is the prosecution's burden to satisfy you beyond reasonable doubt of the guilt of the Defendant.