

Cross-Examination as to Complainant's Motive to Lie

In cross-examination, the complainant was asked questions concerning a motive for her to lie in her account concerning the conduct of the defendant [and the defendant in his testimony suggested that 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.

Generally, the defendant should not be asked in cross-examination whether he can suggest a motive for the complainant to concoct the allegations against him, the question generally being irrelevant to any issue.¹

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.² 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 appellant 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 at [22].

¹ *Palmer v The Queen* (1998) 193 CLR 1 at 9.

² *R v PLK* [1999] 3 VR 567 at 581. See also *R v Geary* [2003] 1 Qd R 64 at [26]-[28].