



Quiz

The admissibility of tendency evidence

1. Which of the following is not a requirement of tendency evidence under the Evidence Act 1995 (NSW)?
 - a. The evidence must not come from a complainant
 - b. It must have significant probative value
 - c. The probative value must substantially outweigh the prejudicial effect it might have
 - d. All of the above
2. In the case of R v Bauer, what did the High Court hold with regards to how a judge should direct a jury in relation to tendency evidence?
 - a. They should not rely on it unless proved beyond reasonable doubt
 - b. They should not rely on it at all
 - c. There is no obligation to give direction unless there is a possibility that the jury will find the evidence indispensable
 - d. The jury should be directed as to whether or not they should find the evidence indispensable
3. If two complainants make very similar allegations, which of the following can be logically deduced?
 - a. The evidence is not credible or reliable
 - b. The evidence is the result of concoction or contamination
 - c. It proves the allegations are true
 - d. It proves that the allegations are false

4. When is an allegation considered 'fresh in the memory'?
 - a. When it has occurred within the past two years
 - b. When the memory is exceptionally vivid
 - c. When the memory is related to highly traumatic events
 - d. It has never been properly defined

5. Which of the following propositions does Bauer stand for?
 - a. Tendency evidence is not admissible if the circumstances of the allegations are different
 - b. Tendency evidence is admissible only from a complainant
 - c. Tendency evidence from a complainant is almost invariably admissible
 - d. Merely showing tendencies of a similar kind to other people, by itself, will not be enough to be admissible

Answers:

1. a 2. c 3. c 4. d 5. c