

Between

GEORGE PELL

Applicant

And

THE QUEEN

Respondent

**APPLICANT'S NOTE REGARDING SECTIONS 4A, 44F AND 44G OF THE JURY
DIRECTIONS ACT 2015 ('the JDA')**

These submissions are in a form suitable for publication on the internet.

10 1 Section 44F of the JDA prohibits the judge from directing the jury that they must take a doubt they hold in relation to a victim's evidence in relation to one charge into account in assessing the victim's evidence generally or in relation to other charges. Section 44G abolishes any common law rule to the contrary.

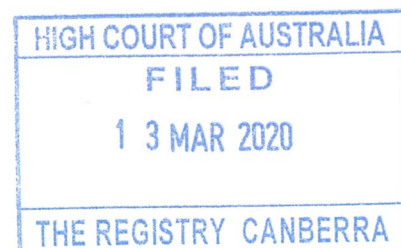
2 2 Given that the prohibition covers the victim's evidence 'generally' as well as in relation to the other charge, the provision cannot be read as forbidding the jury from taking their doubts as to the victim's evidence in relation to one charge into account when considering the victim's evidence 'generally'. That would be an absurd understanding of what is conveyed by the word 'generally'.

20 3 The provision is simply concerned with preventing a direction in mandatory terms which would compel a jury always to take such doubts into account generally or in relation to another offence. Of its nature, this purpose does not prevent a jury from taking such matters into account when considering a victim's evidence generally or in relation to another offence if, given the jury's role and consideration of all the evidence in light of their life experience, the jury regards that as appropriate.

4 4 The application of this approach to doubts about a victim's evidence to a court deciding an appeal by Section 4A of the JDA, therefore simply prevents any notion of an appellate bench being bound to take doubts in relation to a victim's evidence on one offence into account when considering (in the manner in which an appellate bench comes to consider) the victim's evidence

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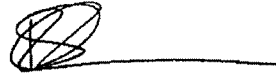
in relation to another offence. In other words, as one might expect, it is a matter whether logic, common sense, life experience and the circumstances of the particular case render it appropriate in the view of the appellate bench to take such doubts into account in that fashion.

5 It follows that, as originally submitted on behalf of the applicant, Justice Weinberg at CA [1097]-[1098] CAB 479-480 may well have shown more reticence than the law required.

13 March 2020

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