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Australia. Law Reform Commission



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Australian Uniform Evidence Law Fiona Hum, Gregor Urbas, Ottavio Quirico, 2022-05-19 Now in its second edition Australian Uniform Evidence Law provides a clear accessible introduction to the law of evidence Following the structure of the Evidence Act 1995 Cth the text introduces students to basic principles then covers more complex elements of evidence law Cases and excerpts from legislation have been selected to guide students through the application of the Act This edition has been updated to include significant recent case examples and decisions Each chapter includes a summary of key points definitions and practice questions to encourage students to apply their knowledge to realistic scenarios The final chapter comprises longer form complex problems designed to test students understanding of the concepts and rules covered in the Act as a whole Guided solutions to each question are provided so students can check their understanding Providing clear explanations and examples Australian Uniform Evidence Law is an essential resource for all students of evidence law

New Directions for Law in Australia Ron Levy, Molly O'Brien, Simon Rice, Pauline Ridge, Margaret Thornton, 2017-09-22 For reasons of effectiveness efficiency and equity Australian law reform should be planned carefully Academics can and should take the lead in this process This book collects over 50 discrete law reform recommendations encapsulated in short digestible essays written by leading Australian scholars It emerges from a major conference held at The Australian National University in 2016 which featured intensive discussion among participants from government practice and the academy The book is intended to serve as a national focal point for Australian legal innovation It is divided into six main parts commercial and corporate law criminal law and evidence environmental law private law public law and legal practice and legal education In addition Indigenous perspectives on law reform are embedded throughout each part This collective work the first of its kind will be of value to policy makers media law reform agencies academics practitioners and the judiciary It provides a bird's eye view of the current state and the future of law reform in Australia

Australian Principles of Evidence Jeremy Gans, 1998-05-13 This book sets out the rules of evidence as they apply in Australian courts in a manner designed to be highly accessible and readily comprehensible Equal treatment is given to both the uniform evidence legislation now applicable in Federal Courts and in the courts of the Australian Capital Territory New South Wales and Tasmania and the common law that applies in the remaining Australian jurisdictions This edition has been completely rewritten to take account of major case law and statutory developments since the first edition It details the key divergences and convergences in the law of evidence across Australia and addresses a number of significant international comparisons Examples are used throughout the text to illustrate the practical application of the law while diagrams graphically summarise complex legal issues

The Internationalisation of Law Mary Elizabeth Hiscock, William van Caenegem, 2010-01-01 This insightful book explores the acute challenges presented by the internationalisation of law a trend that has been accelerated by the growing requirement for academics and practitioners to work and research across countries and regions with differing legal traditions The authors

have all confronted these challenges of internationalisation through their extensive knowledge and experience in civil law common law and mixed jurisdictions around the globe Their analysis of the implications for researchers and teachers as well as practitioners law makers and reformers is original and their different proposals for dealing with the challenges are both practical and at times radical

Aboriginal Title P. G. McHugh, 2011-08-18 Aboriginal title represents one of the most remarkable and controversial legal developments in the common law world of the late twentieth century Overnight it changed the legal position of indigenous peoples The common law doctrine gave sudden substance to the tribes claims to justiciable property rights over their traditional lands catapulting these up the national agenda and jolting them out of a previous culture of governmental inattention In a series of breakthrough cases national courts adopted the argument developed first in western Canada and then New Zealand and Australia by a handful of influential scholars By the beginning of the millennium the doctrine had spread to Malaysia Belize southern Africa and had a profound impact upon the rapid development of international law of indigenous peoples rights This book is a history of this doctrine and the explosion of intellectual activity arising from this inrush of legalism into the tribes relations with the Anglo settler state The author is one of the key scholars involved from the doctrine's appearance in the early 1980s as an exhortation to the courts and a figure who has both witnessed and contributed to its acceptance and subsequent pattern of development He looks critically at the early conceptualisation of the doctrine its doctrinal elaboration in Canada and Australia the busiest jurisdictions through a proprietary paradigm located primarily and constrictively inside adjudicative processes He also considers the issues of interdisciplinary thought and practice arising from national legal systems recognition of aboriginal land rights including the emergent and associated themes of self determination that surfaced more overtly during the 1990s and after The doctrine made modern legal history and it is still making it

Journalists and Confidential Sources Joseph M

Fernandez, 2020-11-23 Journalists and Confidential Sources explores the fraught and widespread reliance by journalists on anonymous sources whistleblowers and others to whom they owe an obligation of confidentiality It examines the difficulties afflicting such relationships analyses the deteriorating right to know and freedom of expression frameworks and explores solutions and reforms The book discusses key Australian and international source protection ethics rules statutes court cases law enforcement actions and case studies It highlights weakness in journalists professional practice codes governing confidentiality obligations discusses inadequate journalistic appreciation of the importance of establishing clear terms and conditions underpinning confidentiality obligations and identifies shortcomings in the law governing source protection The book argues that despite source protection being widely recognised as an important ideal source protection is under sustained assault thereby undermining public access to information and democracy itself The work focusses on Australia but takes into account source protection in the United Kingdom the United States Canada and New Zealand This timely contribution to the global discussion on the subject will greatly interest journalists scholars educators and students especially

in the areas of media law and policy journalism media and communication studies and public relations the legal fraternity and anyone who communicates with journalists

The Right to Silence in Transnational Criminal Proceedings Fenella M. W. Billing, 2016-09-01 This book considers the effectiveness and fairness of using international cooperation to obtain confession evidence or evidence of a suspect or accused person's silence across borders This is a question of balance in limiting and protecting the right to silence The functioning of the applicable law in Denmark England and Wales and Australia is analysed in relation to investigative and trial measures such as police questioning administrative questioning powers covert surveillance and the use of silence as evidence of guilt On the national level this work examines the way in which domestic rules balance the right to silence in national criminal proceedings and whether investigative and trial rules produce continuity throughout the criminal proceedings as a whole From the transnational perspective comparative legal analysis is used to determine whether the national continuity may be disrupted to such an extent that cooperation in the gathering of confession evidence causes unfairness From the international perspective this research compares the right to silence under the ICCPR and the ECHR to identify the overall effect of cooperating under particular human rights frameworks on the question of balance

Biometrics, Crime and Security Marcus Smith, Monique Mann, Gregor Urbas, 2018-01-31 This book addresses the use of biometrics including fingerprint identification DNA identification and facial recognition in the criminal justice system balancing the need to ensure society is protected from harms such as crime and terrorism while also preserving individual rights It offers a comprehensive discussion of biometric identification that includes a consideration of basic scientific principles their historical development the perspectives of political philosophy critical security and surveillance studies but especially the relevant law policy and regulatory issues Developments in key jurisdictions where the technology has been implemented including the United Kingdom United States Europe and Australia are examined This includes case studies relating to the implementation of new technology policy legislation court judgements and where available empirical evaluations of the use of biometrics in criminal justice systems Examples from non western areas of the world are also considered Accessibly written this book will be of interest to undergraduate postgraduate and research students academic researchers as well as professionals in government security legal and private sectors

Annual Report Australia. Law Reform Commission, 1975

The Intersections of Family Violence and Sexual Offending Gemma Hamilton, Patrick Tidmarsh, 2022-09-02 Often examined separately this timely volume provides a detailed exploration of the nexus between family violence and sexual offending Recognising family and sexual violence as highly interrelated issues it uncovers the challenges and paradoxes of addressing them as separate versus coinciding problems What is lost and gained when we treat family violence and sexual offending according to the same framework Light is shed on the nature and dynamics of offending various terminology e.g domestic abuse intimate partner violence grooming coercive control political and policy contexts myths and misconceptions policing and investigative responses children as overlooked victim survivors

and the punishment and treatment of offenders Drawing on international literature case studies and stakeholder interviews the book encourages critical consideration to inform future policy practise and research ultimately prompting stronger approaches to reflect victim survivors realities and needs The book is relevant to the work of professionals in the social service and criminal justice sectors e g police policymakers social workers advocates and counsellors and will be of key interest to researchers and students in diverse academic fields such as criminology forensic psychology social work and socio legal studies

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