



## Uniform Evidence Law (ALRC Report 102)

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17.08.2010

# Definition of identification evidence

13.9 The definition of ‘identification evidence’ in the uniform Evidence Acts constrains the operation of the identification evidence provisions:

*identification evidence* means evidence that is:

*(a) an assertion by a person to the effect that a defendant was, or resembles (visually, aurally or otherwise) a person who was, present at or near a place where:*

*(i) the offence for which the defendant is being prosecuted was committed; or*

*(ii) an act connected to that offence was done;*

*at or about the time at which the offence was committed or the act was done, being an assertion that is based wholly or partly on what the person making the assertion*

# Uniform Evidence Law Australian Law Reform Commission Alrc

**Australia. Family Law Council**



## **Uniform Evidence Law Australian Law Reform Commission Alrc:**

*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

**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

*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

Sociolinguistics and the Legal Process Diana Eades, 2010 Sociolinguistics and the Legal Process is an introduction to language law and society for advanced undergraduate and postgraduate students Drawing on a wide range of topics it explores what sociolinguistic research can tell us about how language works and doesn't work in the legal process

*Closing the Justice Gap for Adult and Child Sexual Assault* Anne Cossins, 2020-10-21 This book examines the justice gap and trial process for sexual assault against both adults and children in two jurisdictions England and Wales and New South Wales Australia Drawing on decades of research it investigates the reality of the policing and prosecution of sexual assault offences often seen as one of the hardest crimes to prosecute across two similar jurisdictions Despite the introduction of the many reform options detailed in the book satisfactory outcomes for victims and the public are still difficult to obtain Cossins takes a new approach by examining the nature and effects of adversarialism on vulnerable witnesses jury decision making and the structures of power within the trial process to show how and at what points that process is weighted against complainants of sexual assault in order to make evidence based suggestions for reform She argues that this justice gap is a result of a moralistic adversarial culture which fosters myths and misconceptions about rape and child sexual assault thus requiring the prosecution to prove a complainant's moral worthiness She argues this culture can only be eliminated by a radical replacement of the adversarial system with a trauma informed system By reviewing the relevant psychological literature this book documents the triggers for re-traumatisation within an adversarial trial and discusses the reform measures that would be necessary to transform the sexual assault trial from one where the complainant's moral worthiness is on trial to a fully functioning trauma informed system It speaks to students and academics across subjects including law criminology gender studies and psychology and practitioners in law and victim services as well as policy makers

**Uniform Evidence Law** Australia. Law Reform Commission, 2005-01-01 **Law Institute Journal**, 2005 **The Commonwealth Law Reports** Australia. High Court, 2007 **Implementing the Uniform Evidence Act** Victorian Law Reform Commission, 2006-01-01 The terms of reference for the review of evidence law have required the commission to undertake two main tasks to engage with the Australian Law Reform Commission ALRC and New South Wales Law Reform Commission NSWLRC on a review of the uniform Evidence Act UEA presently applying in all federal courts and courts of the ACT NSW Tasmania and Norfolk Island and to advise the Attorney General on the action required to implement the UEA in Victoria This report fulfils the second task of advising the Attorney General on the action required to implement the UEA in Victoria It contains recommendations which set out in detail the amendments which will be necessary to the UEA and consequential amendments to Victorian legislation including the repeal or relocation of provisions when the UEA is introduced from the Preface p x

**Animals**, 2008 *The University of New South Wales Law Journal*, 2003 Annual Report Australia. Family Law Council, 2005 **Australian Current Law**, 1988 *Fruit of the Poisonous Tree* Kerri Mellifont, 2010 The importance of derivative evidence and the way that courts treat its admissibility cannot be underestimated In many cases the determination of whether or not derivative evidence will be admitted has the functional effect of deciding the outcome of a trial M Wiseman *The Derivative Imperative An Analysis of Derivative Evidence in Canada* 1997 39 *Criminal Law Quarterly* 435 491 The fate of a criminal trial can be determined by a decision by the trial judge to exclude evidence which has come

about by illegal or improper investigative means An exclusion of a confession obtained involuntarily or drugs located in an illegal search can result in the collapse of a case against an accused Although much has been written in Australia on the rule and discretions to exclude such evidence little has been written on a particular species of such evidence that is evidence which is derived from evidence which has been obtained by illegal or improper investigative means This is so even though a criminal law practitioner is not infrequently faced with a brief of evidence which contains evidence which has been derived from other evidence which itself was illegally or improperly obtained Described variously in overseas literature as derivative evidence or fruit of the poisonous tree this species of evidence gives rise to considerations which are peculiar to it when applying the exclusionary rule and discretions Thus the second or subsequent confession obtained after in consequence of an improperly obtained confession may require the judge to think differently on the question of exclusion Similarly the bank records located in consequence of scraps of paper found during an illegal search of an accused person s residence may call into play additional factors to weigh in the balance required by the public policy discretion This text provides practitioners with a readily comprehensible analysis of the operation of the exclusionary rule and discretions in Australia including the factors which come in to play generally with respect to all evidence illegally and improperly obtained and more specifically with respect to derivative evidence

Keeping Secrets Australia. Law Reform Commission,2004 This inquiry which began in April 2003 examined measures to safeguard classified and security sensitive information during court or tribunal proceedings or in the course of other investigations including those relating to criminal prosecutions civil suits immigration matters or freedom of information applications the ALRCs recommendations were tabled in federal Parliament on 23 June 2004

The Receipt of Evidence by Queensland Courts Queensland. Law Reform Commission,2000 The receipt of evidence by Queensland courts the evidence of children Report no 55 pt 2

**Law Society Journal** ,1991      **University of Tasmania Law Review** ,2006      *LRC* ,1987      *Aboriginal Law Bulletin* ,1992

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