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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

Louise Boon-Kuo



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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

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

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.

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 inter-disciplinary 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 *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 **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 moralisticadversarial 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

Fifty Years of the Law Commissions Matthew Dyson,James Lee,Shona Wilson Stark,2016-11-03 This book brings together past and present law commissioners judges practitioners academics and law reformers to analyse the past present and future of the Law Commissions in the United Kingdom and beyond Its internationally recognised authors bring a wealth of experience and insight into how and why law reform does and should take place covering statutory and non statutory reform from national and international perspectives The chapters of the book developed from papers given at a conference to mark the fiftieth anniversary of the Law Commissions Act 1965

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

The University of New South Wales Law Journal ,2003 ***Murder, Medicine and Motherhood*** Emma Cunliffe,2011-05-27 Since the early 1990s unexplained infant death has been reformulated as a criminal justice problem within many western societies This shift has produced wrongful convictions in more than one jurisdiction This book uses a detailed case study of the murder trial and appeals of Kathleen Folbigg to examine the pragmatics of proof beyond a reasonable doubt It explores how legal process medical knowledge and

expectations of motherhood work together when a mother is charged with killing infants who have died in mysterious circumstances The author argues that Folbigg who remains in prison was wrongly convicted The book also employs Folbigg's trial and appeals to consider what lessons courts have learned from prior wrongful convictions such as those of Sally Clark and Angela Cannings The author's research demonstrates that the Folbigg court was misled about the state of medical knowledge regarding infant death and that the case proceeded on the incorrect assumption that behavioural and scientific evidence provided independent proofs of guilt Individual chapters critically assess the relationships between medical research and expert testimony the operation of unexamined cultural assumptions about good mothering and the manner in which contested cases are reported by the press as overwhelming

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

The Law of Reputation and Brands in the Asia Pacific Andrew T. Kenyon, Wee Loon Ng-Loy, Megan Richardson, 2012-03-08 Considers current pressures to expand legal protection given to reputation and brands in the Asia Pacific region and the associated controversies

Policing Undocumented Migrants Louise Boon-Kuo, 2017-08-07 Migration policing experiments such as boat turn backs and offshore refugee processing have been criticised as unlawful and have been characterised as exceptional Policing Undocumented Migrants explores the extraordinarily routine powerful and above all lawful practices engaged in policing status within state territory This book reveals how the everyday violence of migration law is activated by making people illegal It explains how undocumented migrants are marginalised through the broad discretion underpinning existing frameworks of legal responsibility for migration policing Drawing on interviews with people with lived experience of undocumented status within Australia perspectives from advocates detailed analysis of legislation case law and policy this book provides an in depth account of the experiences and legal regulation of undocumented migrants within Australia Case studies of street policing immigration raids transitions in legal status such as release from immigration detention and character based visa determination challenge conventional binaries in migration analysis between the citizen and non citizen and between lawful and unlawful status By showing the organised and central role of discretionary legal authority in policing status this book proposes a new perspective through which responsibility for migration legal practices can be better understood and evaluated Policing Undocumented Migrants will be of interest to scholars and practitioners working in the areas of criminology criminal law immigration law and border studies

Sexual History Evidence in Rape Trials Charlotte Herriott, 2023-03-16 This book provides an in depth examination of current high profile debates about the use of sexual history evidence in rape trials and its impact on jurors In doing so it presents findings of the first mock jury dataset in England and Wales to explore how jurors interpret discuss and rely upon such evidence within their deliberations Drawing on

both qualitative and quantitative insights from the 18 mock jury panels the book highlights the complex nuanced and intersectional impact of sexual history evidence within the deliberative ideal Indeed findings exemplified routine and ongoing prejudicial framings of sexual history amongst jurors and frequent endorsement of rape myths that served to mistakenly infer relevance and undermine the perceived credibility of the complainant The findings discussed within this book are therefore key to addressing the current knowledge gap around the impact of sexual history evidence and are embedded within broader discussions about evidential legitimacy in rape trials The book draws on good practice observed in other jurisdictions to makes numerous recommendations for change Aiming to inform academic policy and legislative discussions in this area Sexual History Evidence in Rape Trials will be of great interest to students and scholars of Criminal Law and Criminology as well as policy makers and legal practitioners The Open Access version of this book available at www.taylorfrancis.com has been made available under a Creative Commons Attribution Non Commercial No Derivatives 4.0 license

Psychology and Law Professor David Canter, Professor Rita Žukauskiene, 2012-12-28 This important book captures contemporary attempts to build bridges between the two very different disciplines of law and psychology and to establish the true nature of the interaction between the two Including international contributions from lawyers psychologists sociologists and criminologists the book bridges the inherent gap between the practice of law and the profession of psychology at an international level It throws light on how psychology connects with inter alia the courts prisons community care clinics long stay hospitals police investigations and legislative bodies More recent contributions of social science to legal proceedings are also covered such as the liability that arises from lack of crime prevention or the systematic prediction of likely violence by an offender The book will be essential reading not only for academics and professionals in psychology the law and related disciplines wishing to understand the broadening base of psychology within the legal process but also for students trying to form an understanding of the emerging science and the associated career opportunities for this exciting field

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

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web purpose the purpose of this lab is to determine how the digestive enzyme amylase depends on ph for its activity

materials test tubes test tube rack amylase benedict reagent starch solution maltose solution distilled water buffer ph 7

buffer ph 2 water bath pipettes glass rods sharpers container wash bin

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web list the digestive system enzymes involved in the digestion of proteins fats and carbohydrates state their site of origin

and summarize the conditions promoting their optimal functioning name the end products of protein fat and carbohydrate

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web in fact there are thousands of different enzymes in your body that work around the clock to keep you healthy and active

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from cell damage

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web question 2 bio 169 digestive lab lab activity 4 digestive enzymes fill in the blank with the term that best completes the statement catabolism of 1 is initiated within the oral cavity by the enzyme 2 1 which breaks down polysaccharides such as starch and glycogen into smaller units

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web action of a digestive enzyme purpose of the exercise to investigate the action of amylase and the effect of heat on its enzymatic activity materials needed 0 5 amylase solution beakers 50 and 500 ml distilled water funnel pipettes 1 and 10 ml pipette rubber bulbs 0 5 starch solution graduated cylinder

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