



[Uniform Evidence Law \(ALRC Report 102\)](#)

[Terms of Reference](#)

[Executive Summary](#)

[List of Recommendations](#)

[1. Introduction to the Inquiry](#)

[2. The Uniform Evidence Acts](#)

[3. Understanding the Uniform Evidence Acts](#)

[4. Competence and Compellability](#)

[5. Examination and Cross-Examination of Witnesses](#)

[6. Documentary Evidence](#)

[Show more](#)

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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

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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.

Principles, Procedure, and Justice Rabeea Assy, Andrew Higgins, 2020-05-14. This collection is in honour of Adrian Zuckerman, Emeritus Professor of Civil Procedure at the University of Oxford. Bringing together a distinguished group of judges and academics to reflect on the impact of his work on our understanding of civil procedure and evidence today. An internationally renowned scholar, Professor Zuckerman has dedicated his professional life to the law of evidence and civil procedure, drawing attention to the principles and policies that shape litigation practice and their wider social impact. His pioneering scholarship is admired by the judiciary and the academy and has influenced several major reforms of the civil justice system, including the Woolf Reforms that heralded the introduction of the Civil Procedure Rules and Lord Justice Jackson's Review of Civil Litigation Costs. His work has also informed law reform bodies and courts in other jurisdictions. Building upon Professor Zuckerman's work, the contributors address outstanding problems in the field of civil procedure and evidence and, in keeping with Adrian's record of always exploring new areas, the book includes chapters on the prospects for a digital justice system, including the new online court being developed in England and the potential role of algorithms in the courtroom.

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

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

Uniform Evidence Law Australia. Law Reform Commission, 2005-01-01 *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 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

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

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Table of Contents Uniform Evidence Law Australian Law Reform Commission Alrc

1. Understanding the eBook Uniform Evidence Law Australian Law Reform Commission Alrc
 - The Rise of Digital Reading Uniform Evidence Law Australian Law Reform Commission Alrc
 - Advantages of eBooks Over Traditional Books
2. Identifying Uniform Evidence Law Australian Law Reform Commission Alrc
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Uniform Evidence Law Australian Law Reform Commission Alrc
 - User-Friendly Interface
4. Exploring eBook Recommendations from Uniform Evidence Law Australian Law Reform Commission Alrc

- Personalized Recommendations
 - Uniform Evidence Law Australian Law Reform Commission Alrc User Reviews and Ratings
 - Uniform Evidence Law Australian Law Reform Commission Alrc and Bestseller Lists
5. Accessing Uniform Evidence Law Australian Law Reform Commission Alrc Free and Paid eBooks
 - Uniform Evidence Law Australian Law Reform Commission Alrc Public Domain eBooks
 - Uniform Evidence Law Australian Law Reform Commission Alrc eBook Subscription Services
 - Uniform Evidence Law Australian Law Reform Commission Alrc Budget-Friendly Options
 6. Navigating Uniform Evidence Law Australian Law Reform Commission Alrc eBook Formats
 - ePub, PDF, MOBI, and More
 - Uniform Evidence Law Australian Law Reform Commission Alrc Compatibility with Devices
 - Uniform Evidence Law Australian Law Reform Commission Alrc Enhanced eBook Features
 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Uniform Evidence Law Australian Law Reform Commission Alrc
 - Highlighting and Note-Taking Uniform Evidence Law Australian Law Reform Commission Alrc
 - Interactive Elements Uniform Evidence Law Australian Law Reform Commission Alrc
 8. Staying Engaged with Uniform Evidence Law Australian Law Reform Commission Alrc
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Uniform Evidence Law Australian Law Reform Commission Alrc
 9. Balancing eBooks and Physical Books Uniform Evidence Law Australian Law Reform Commission Alrc
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Uniform Evidence Law Australian Law Reform Commission Alrc
 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
 11. Cultivating a Reading Routine Uniform Evidence Law Australian Law Reform Commission Alrc
 - Setting Reading Goals Uniform Evidence Law Australian Law Reform Commission Alrc
 - Carving Out Dedicated Reading Time
 12. Sourcing Reliable Information of Uniform Evidence Law Australian Law Reform Commission Alrc

- Fact-Checking eBook Content of Uniform Evidence Law Australian Law Reform Commission Alrc
- Distinguishing Credible Sources

13. Promoting Lifelong Learning

- Utilizing eBooks for Skill Development
- Exploring Educational eBooks

14. Embracing eBook Trends

- Integration of Multimedia Elements
- Interactive and Gamified eBooks

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