

# AUSTRALIAN UNIFORM EVIDENCE LAW

*Australian Uniform Evidence Law* offers a practical, clear and student-friendly introduction to the law of evidence and its operation across Uniform Evidence Act jurisdictions.

Using a logical structure with the *Evidence Act 1995* (Cth) as its point of reference, this text introduces basic concepts first and then leads students into more detailed coverage of the Uniform Evidence Act. Well-chosen and curated cases and excerpts from the legislation, with comprehensive and clear summaries and explanations of the rules, help students understand the application of the Act.

Practice problems at the end of each chapter provide students with the opportunity to apply and test their knowledge of each topic. Additionally, a 'Putting it all together' chapter at the end of the text challenges students with complex problems that bring together the concepts and rules covered in the entire text. Guided solutions enable students to check their understanding and each chapter includes a user-friendly summary of the key points discussed, key terms and definitions, and guides to further reading.

Providing clear explanation and engaging examples, this highly readable text is an essential resource for students of evidence law.

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Cambridge University Press

978-1-108-45001-0 — Australian Uniform Evidence Law

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## CAMBRIDGE UNIVERSITY PRESS

University Printing House, Cambridge CB2 8BS, United Kingdom

One Liberty Plaza, 20th Floor, New York, NY 10006, USA

477 Williamstown Road, Port Melbourne, VIC 3207, Australia

314–321, 3rd Floor, Plot 3, Splendor Forum, Jasola District Centre, New Delhi – 110025, India

79 Anson Road, #06–04/06, Singapore 079906

Cambridge University Press is part of the University of Cambridge.

It furthers the University's mission by disseminating knowledge in the pursuit of education, learning and research at the highest international levels of excellence.

[www.cambridge.org](http://www.cambridge.org)

Information on this title: [www.cambridge.org/9781108450010](http://www.cambridge.org/9781108450010)

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First published 2019 (version 2, April 2020)

Cover designed by Adrian Saunders

Typeset by SPI Global

Printed in Singapore by Markono Print Media Pte Ltd, March 2020

*A catalogue record for this publication is available from the British Library*

*A catalogue record for this book is available from the National Library of Australia*

ISBN 978-1-108-45001-0 Paperback

Additional resources for this publication at [www.cambridge.edu.au/academic/uniformevidence](http://www.cambridge.edu.au/academic/uniformevidence)

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# PREFACE

Over the many years I have taught the law of evidence, I have noticed how much frustration and dissatisfaction was shown by students faced with choosing from a plethora of evidence textbooks, few of which appeared to be truly accessible to the learner. This book is intended to fill that gap by being both a teaching and a learning tool. It is certainly, and unapologetically, not an attempt to summarise and annotate every provision of the uniform Evidence Act.

The book is user-friendly for both students and practitioners. It has a summary of key points, definitions and practice problems at the end of each chapter. The practice problems are designed to encourage students to develop their skills in problem-solving and application of the concepts discussed. The suggested resolutions at the end of the book are not intended to focus on the 'right' response or indeed the 'only' response, but to provide guidance on each topic.

For these reasons, and because the book aims to provide a clear, easy and comprehensible understanding of the law of evidence, this is an exciting first edition of *Australian Uniform Evidence Law*, and one which has been long awaited by many students and teachers.

All contributing authors are acutely aware that the law of evidence continues to evolve through the introduction of new legislative provisions, through amendments to current provisions and, of course, through the prism of case law. High Court decisions have the potential to change some areas of evidence law overnight. This continual evolution has brought with it significant consequences for the interpretation and application of the provisions; these have had, and will continue to have, an impact upon the way courts in various jurisdictions apply the law of evidence. Individual state variations also continue to develop. In Victoria, for example, specific provisions regarding directions to the jury have been created, and amendments continue to be made to the *Jury Directions Act 2015 (Vic)*. Further, the interrelationship of the advancement of technology and other disciplines such as criminology and sociology, and changes to domestic violence, sexual assault and rape laws, have impacted how such evidence may be adduced, presented and admitted into court. Such rapid changes in evidence law will, no doubt, persist and so continue to challenge us as lawyers and as a society. We must be able to reappraise, perhaps even prepare for the development of a future approach to, some very old and historically famous, yet still pertinent, topics.

In bringing this textbook to fruition, I have received invaluable input from various people who have made the journey an easier one to travel. I am very grateful and thankful to all of my contributing authors for their commitment, perseverance and amazing enthusiasm: Bronwen Jackman, Ottavio Quirico, Kip Werren and Gregor Urbas; to my researcher, Tushka Sridharan, for her research and dedication to me; and to the number of lawyers who have reviewed chapters and provided advice along the way. Greg Urbas would like to thank the Tilburg Institute of Law and Society where he was based on sabbatical leave and where he wrote most

Cambridge University Press

978-1-108-45001-0 — Australian Uniform Evidence Law

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Frontmatter

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of his chapters. All the contributing authors would also like to thank Lucy Russell for her patience and kindness, all the staff at Cambridge University Press for their assistance and involvement, and Lilla Wendoloski for her editorial input and immensely helpful comments.

Finally, I would also like to thank the comfort and love of my children, Jessica and Thomas, who have never doubted my ability or dented my hope to bring this enormous task to life. Never once did they doubt its possibilities and potential, something that we should do for each other more often.

*The law is stated as at 31 August 2018.*

***Dr Fiona Hum***

*1 November 2018*



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Cambridge University Press

978-1-108-45001-0 — Australian Uniform Evidence Law

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# ACKNOWLEDGEMENTS

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978-1-108-45001-0 — Australian Uniform Evidence Law

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