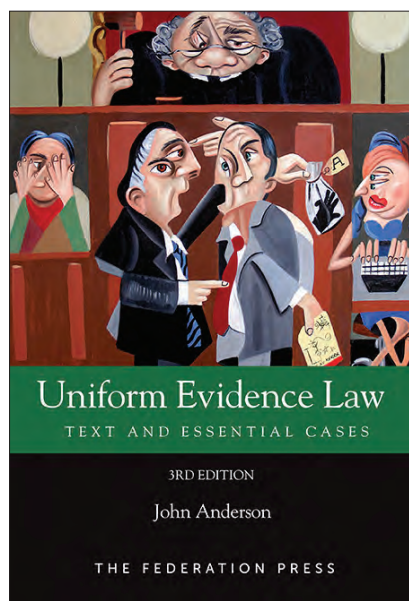


## Uniform Evidence Law: Text and Essential Cases

By John Anderson | The Federation Press | 2016



This is an excellent textbook, which actually reads more like a novel than a text book!

The laws of evidence are perhaps some of the most complex laws that practitioners will face and this book provides the basics and up to date cases on the main areas of evidence law.

Although the Introduction to the book states that 'The book is designed primarily as a tool for teaching and learning the principles of the law of evidence in the context of a tertiary level course', it is still a useful book for practitioners who may wish to have a further text book setting out the main cases. The book starts with perhaps the most important aspect of the law of evidence - relevance - and includes a section entitled 'The fact finder's

knowledge of the world', which sets out what juries can take into account when making a decision. There is then a chapter about the basics of trials and appeals, more relevant for students but which provides a quick summary of some of the main issues in a jury trial, and some key sections dealing with appeals in criminal cases. There is then a chapter entitled 'Resolving Factual Uncertainty' which deals with the various burdens and standards of proof.

Chapter 4 is perhaps the next most important chapter as it deals with the laws surrounding the final exclusion of evidence (ie Part 3.11 of the Evidence Act NSW). Chapter 5 is entitled 'Witnesses and Privileges' and deals with competence and compellability of children and spouses as well as all the privileges under the Evidence Act. Chapter 6 is entitled 'The Course of the Trial' and deals with leading questions, reviving memory of witnesses, unfavourable witnesses, cross examination, re examination, reopening cases and arguing a case in reply. There is also a summary of some of the main warnings given by a judge in a criminal trial.

Chapter 7 is also important as it deals with some of the most important sections of the Evidence Act which deal with how documents can be used as evidence and the difference between documents and 'real evidence' ie a witness recollection or a particular item that is relevant.

Chapters 8, 9 and 10 deal with the law of hearsay, opinion evidence and admissions. Again, these are some of the most important sections of the Evidence Act and must be understood by any advocate.

Chapter 11 deals with 'Estoppels and Convictions and Judgments as Evidence'. This of course deals with sections 91-93 of the Evidence Act which are important to understand especially how evidence of judgments and convictions can or cannot be used as evidence.

Chapters 12 and 13 deal with the laws in relation to credibility of a witness and character evidence of an accused. Chapter 14 deals with tendency and coincidence evidence and chapter 15 deals with identification evidence.

As stated above, this book deals with the most important sections of the Evidence Act. The format is easy to follow with a clear analysis of the basic laws, usually followed by a summary of the standard, 'older' more well known cases which have explained the basic principles. However, the author also provides analysis of some more recent cases.

This is a very useful book for practitioners.

**By Caroline Dobraszcyk**