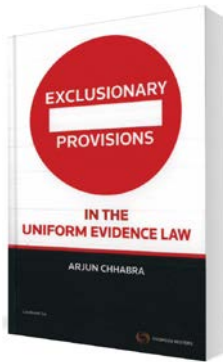


Exclusionary Provisions in the Uniform Evidence Law

Arjun Chhabra, *Exclusionary Provisions in the Uniform Evidence Law*, 2015, Lawbook Co, pb \$125



This book covers a small number of sections of the Uniform Evidence Law, which was first introduced in the federal jurisdiction and NSW in 1995 and now also applies in Victoria, Tasmania and the territories. The provisions dealt with are those which provide for the exclusion of evidence based upon the unfairness of allowing the evidence to stand (namely ss84-85, 90, and 135-139). In most cases, an element of judicial discretion is involved. The importance of these provisions in the practical day-to-day running of litigation cannot be overstated, notwithstanding that several are applicable only in criminal proceedings, while others apply generally.

A large part of the book deals with the exclusion of admissions made in the context of criminal proceedings, but each section covered is treated in like fashion. Ample background material is reviewed by the author in relation to each of the provisions, looking at law reform reports, the common law position prior to the introduction of the Uniform Evidence Law, relevant definitions for terms of the provisions, and finally, practical examples of the application of the provisions since their introduction. A useful selection of judicial authorities is summarised under the appropriate banner of "Instructive Decisions" and, where necessary, differences in approach between the jurisdictions are noted. The result is that the reader quickly attains an understanding of the relevant provisions which is both thorough and practical.

Given the intricacy with which provisions of evidence law are inter-related, the author has had to deal with peripheral provisions impacting upon the proper application of those addressed directly. The result gives the practitioner a greater perspective of the whole of the Uniform Evidence Law than might have been the case otherwise. For example, the hearsay provisions impact upon the application of these exclusionary provisions and so are discussed insofar as it is necessary to do so in order to fully explain the latter.

The book reveals a great deal of detail of proper application of the provisions in question, as well as the care with which it has been crafted to ensure its usefulness to the busy practitioner.

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