
Book Review

EXPERT EVIDENCE

Reviewed by **The Hon Justice Christopher Beale***

Expert Evidence (6th ed), by Dr Ian Freckelton QC, Thomson Reuters, 2019, 1,508 pages, ISBN 9780455238425. Softcover 212 AUD.

Dr Freckelton's *Expert Evidence* (6th ed) is a major work of legal scholarship which is well organised and stylishly presented.

Its value to practitioners hardly requires elaboration given that this is the sixth edition of the work, which was first published in 1999. Many a barrister faced with the daunting task of cross-examining an expert on unfamiliar and arcane subject-matter has turned to Freckelton's text in his or her hour of need and found invaluable assistance.

As for matters of style, Freckelton writes clearly and elegantly. The inclusion of citations within the body of the text makes for ease of reference. Each chapter begins with a penetrating and often entertaining quotation. For example, Chapter 2.05 – The Expertise Rule – begins with this quotation from LJ Lawton:

In the lush pastures of the Common Law a number of sacred cows graze and no-one dares to cull them or even try to make them healthier. One answers to the name of "expert evidence". ... It is a scraggy animal, despised by many, yet its continued existence is essential for the proper administration of justice. Properly cared for it could provide good progeny but the breeding would have to be selective as some strains may not be worth encouraging.

As for matters of substance, the scope of the work is commendably ambitious. It is difficult to think of a field of forensic expert evidence which is not discussed. The rules governing the admissibility of expert evidence are helpfully explained with reference to the historical development and refinement of those rules. A conspicuous feature of this edition is the breadth of its treatment of general principles regarding the admissibility of expert evidence: international authorities (both cases and commentators) receive as much attention as domestic authorities. The strength of this approach is in its elucidation of the issues that courts grapple with world-wide in relation to expert evidence, and the possible responses to those issues. The weakness of this approach is that the exegesis of the law of particular jurisdictions is sometimes abridged.

A major challenge for a text that has been around for such a long time and which covers so much material is to ensure that references to out of date authorities are culled. There is still work that could be done in that regard – for example, section 12.05.300 on child sexual abuse accommodation syndrome evidence (which could usefully include a reference to *MA v The Queen* (2013) 40 VR 564) – but overall, this text is impressively up to date.

I congratulate Dr Freckelton QC on his achievement. And, if I may, on the selection of such a beautiful photograph of the splendid Banco court of the Victorian Supreme Court for the cover of his book.

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