

PUBLIC LAW REVIEW

Volume 19, Number 3

September 2008

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Evidence law under Victoria's Charter: Rights and goals – Part I – *Jeremy Gans*

Victoria's Charter of Human Rights and Responsibilities is the first human rights law to apply comprehensively to an Australian jurisdiction's law of evidence. Many of the human rights promoted by the Charter match many of the goals promoted by Victorian evidence law. However, there are also mis-matches, arising from the limitations of international human rights law, gaps in that law's domestic implementation and the Charter's deference to legislative practice and purposes. 197

New Zealand's Electoral Finance Act 2007 and its discontents – *Andrew Geddis*

The Electoral Finance Act 2007 (NZ) was passed in response to concerns about election fundraising and spending arising out of New Zealand's 2005 general election. Its basic rationale of limiting the potential influence money may have on New Zealand's electoral process, as well as the particular way it achieves this aim, has proved extremely controversial. This article critically examines the way in which the legislation was enacted, describes the content of the legislation, and makes some suggestions as to how the issue might be revisited. 215

Exclusion of evidence obtained in breach of the right to privacy: Will Victoria's Charter protect the rights of criminal defendants? – *Caroline Henckels*

Victoria's recently enacted Charter of Human Rights and Responsibilities Act 2006 is likely to have only a modest impact on protecting the rights of defendants where police breach the right to privacy by way of unlawful searches and seizures of real evidence (such as drugs, blood samples and recordings from electronic surveillance). While statutory and constitutional human rights instruments in other jurisdictions have had a relatively significant impact on vindicating the right to privacy by way of the remedy of evidence exclusion in criminal proceedings, the Charter's restricted applicability and weak remedy provisions mean that the Charter is unlikely to affect the current public policy balancing test for admissibility of evidence in Victoria, and will only operate to broaden the types of conduct that will trigger the discretion to exclude such evidence. This balancing test has, in practice, weighed on the side of crime control rather than providing a remedy for police misconduct. 234

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Tel: (02) 8587 7000 Fax: (02) 8587 7100



© Thomson Legal & Regulatory Limited ABN 64 058 914 668 trading as Lawbook Co.

ISSN 1034-3024

Typeset by Lawbook Co., Pyrmont, NSW

Printed by Ligare Pty Ltd, Riverwood, NSW