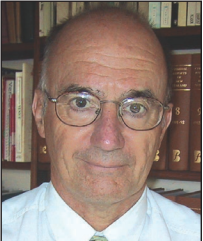


PRESENTERS



Grant Illingworth QC, Auckland

Grant specialises in public law and civil litigation. He is a former convener of the Public Issues Committee of the Auckland District Law Society and has presented papers at numerous legal seminars. He has been a guest lecturer at the University of Auckland on several occasions and is one of the authors of *Adams on Criminal Law*, contributing mainly in relation to constitutional and administrative law issues. Grant was made Queen's Counsel in 2003.



Dr Don Mathias, Barrister, Auckland

Don is the author of the text *Misuse of Drugs* and is also a contributing and updating author of *Adams on Criminal Law*. He has lectured in advanced criminal law at the University of Auckland, and has many articles published on criminal law and evidence, recently focusing on abuse of process, miscarriage of justice, and the accused's right to a fair trial.

CONTENTS

THE ADMISSIBILITY OF HEARSAY STATEMENTS AND OPINION EVIDENCE	1
HEARSAY	1
INTRODUCTION: MISLEADING CLAIMS ABOUT THE REFORMS.....	1
ASSERTIONS.....	2
KINDS OF COMMUNICATIONS	4
<i>Express assertions</i>	4
<i>Express unintended assertions</i>	4
<i>Implied assertions</i>	4
<i>Implied unintended assertions</i>	5
CIRCUMSTANTIAL FACTS, NOT COMMUNICATIONS.....	5
<i>A systematic approach to the admissibility of statements</i>	6
<i>The exclusionary rule</i>	7
<i>The exceptions of general application</i>	10
<i>Fundamental requirements of the exception: relevance, necessity and reliability</i>	11
<i>What has happened to the main common law exceptions?</i>	22
<i>Business records</i>	26
<i>The Civil Proceedings Exception: s 20</i>	28
<i>When a criminal defendant is not a witness: s 21</i>	29
<i>Notice of intention to offer hearsay: s 22</i>	32
STATEMENTS OF OPINION AND EXPERT EVIDENCE.....	34