Judicial College of Victoria

Admissibility of evidence

IS THE EVIDENCE RELEVANT? *(SEE PART 3.1)*

- **NO** → **THE EVIDENCE IS NOT ADMISSABLE**
- **YES** ↓

DOES THE HEARSAY RULE APPLY? *(SEE PART 3.2. SEE ALSO PART 3.4 ON ADMISSIONS & PART 3.8 ON CHARACTER EVIDENCE.)*

- **YES** → **THE EVIDENCE IS NOT ADMISSABLE**
- **NO** ↓

DOES THE OPINION RULE APPLY? *(SEE PART 3.3. SEE ALSO PART 3.4 ON ADMISSIONS AND PART 3.8 ON CHARACTER EVIDENCE)*

- **YES** → **THE EVIDENCE IS NOT ADMISSABLE**
- **NO** ↓

DOES THE EVIDENCE CONTRAVENE THE RULE ABOUT EVIDENCE OF JUDGMENTS AND CONVICTIONS? *(SEE PART 3.5)*

- **YES** → **THE EVIDENCE IS NOT ADMISSABLE**
- **NO** ↓

DOES THE TENDENCEY RULE OR THE COINCIDENCE RULE APPLY? *(SEE PART 3.6. SEE ALSO PART 3.8 ON CHARACTER EVIDENCE.)*

- **YES** → **THE EVIDENCE IS NOT ADMISSABLE**
- **NO** ↓

DOES THE CREDIBILITY RULE APPLY? *(SEE PART 3.7. SEE ALSO PART 3.8 ON CHARACTER EVIDENCE.)*

- **YES** → **THE EVIDENCE IS NOT ADMISSABLE**
- **NO** ↓

DOES THE EVIDENCE CONTRAVENE THE RULE ABOUT IDENTIFICATION EVIDENCE? *(SEE PART 3.9)*

- **YES** → **THE EVIDENCE IS NOT ADMISSABLE**
- **NO** ↓

DOES A PRIVILEGE APPLY? *(SEE PART 3.10)*

- **YES** → **THE EVIDENCE IS NOT ADMISSABLE**
- **NO** ↓

SHOULD A DISCRETION TO EXCLUDE THE EVIDENCE BE EXERCISED OR MUST IT BE EXCLUDED? *(SEE PART 3.11)*

- **YES** → **THE EVIDENCE IS NOT ADMISSABLE**
- **NO** ↓

SHOULD THE EVIDENCE BE EXCLUDED IN ORDER TO ENSURE A FAIR TRIAL? *(HADDARA V THE QUEEN (2014) 43 VR 53)*

- **YES** → **THE EVIDENCE IS NOT ADMISSABLE**
- **NO** ↓

THE EVIDENCE IS ADMISSABLE