

LEVEL

TWENTY
SEVEN

C H A M B E R S

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Trouble in Paradise: Protecting privilege after Glencore

Are there protections or ways in which a party can stop hacked documents from being admitted or used in proceedings?

Nicholas Andreatidis QC and Sophie Gibson (Level Twenty Seven Chambers)

>> Admissibility of hacked documents in Court proceedings different question

- *Commonwealth Evidence Act*
 - > Sections 118, 119, 138
- *Bunning v Cross* (1978) 141 CLR 54; [1978] HCA 22
 - > Discretion to exclude evidence improperly obtained can rightly be exercised where unfairness to defendant outweighs public interest in enforcement of the law and obtaining evidence to aid that enforcement
- Voir dire
- Statutory provisions affecting privilege