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# The Brown v Dunn Rule

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One of the most important rules of evidence when it comes to cross-examination is known as the Browne v Dunn rule. This rule was established in the 1893 English Court of Appeal decision of Browne v Dunn. The rule applies both in criminal and civil proceedings. Essentially the Browne v Dunn rule is a rule of professional practice premised on fairness.

The rule established by Browne v Dunn is that when a witness is giving evidence and you intend to call evidence that contradicts them, you must put the substance of that contradictory evidence to the witness during cross-examination and give them the opportunity to comment on it.

The rule is based on the principle that it is unfair to deny a witness the opportunity of explaining a point that will later be used to invite criticism or disbelief in their evidence. It is also in the interests of justice to put contrary evidence to a witness in order for any possible explanation of the contradiction to be put before the court.

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Source: <https://www.gotocourt.com.au/criminal-law/brown-v-dunn-rule/>