

LAW321 Evidence

School: School of Law and Society

2025 Semester 1

UniSC Sunshine Coast
UniSC Moreton Bay

**BLENDED
LEARNING**

Most of your course is on campus but you may be able to do some components of this course online.

Online

ONLINE

You can do this course without coming onto campus.

Please go to usc.edu.au for up to date information on the teaching sessions and campuses where this course is usually offered.

1. What is this course about?

1.1. Description

This course offers a comprehensive study of the principles and rules governing the admissibility and presentation of evidence in legal proceedings. Topics include burdens and standards of proof, relevance, admissibility, judicial discretion, and rules regarding oral, documentary, and real evidence, as well as exceptions such as privileged communication, hearsay, and character evidence. This course will equip aspiring legal professionals with the tools necessary to advocate effectively and uphold the integrity of evidence in the pursuit of justice for both criminal and civil trials.

1.2. How will this course be delivered?

| ACTIVITY | HOURS | BEGINNING WEEK | FREQUENCY |
|---|--------|----------------|-----------|
| BLENDED LEARNING | | | |
| Learning materials – Online Learning Materials | 1.5hrs | Week 1 | 12 times |
| Tutorial/Workshop 1 – On-Campus Tutorial | 2hrs | Week 1 | 10 times |
| ONLINE | | | |
| Learning materials – Online Learning Materials | 1.5hrs | Week 1 | 12 times |
| Tutorial/Workshop 1 – Online Tutorial | 2hrs | Week 1 | 10 times |

1.3. Course Topics

In this course, you will learn about:

- The Sources of Law of Evidence – *What are the sources of law for evidence and how are they administered in Australia?* (Sources of law of Evidence, Functions of the Judge, Counsel and Jury in the Adversarial System, Burden and Standard of Proof)
- Facts in Issue – *What evidence can be submitted to the Court?* (Main Facts in Issue, Collateral Facts in Issue, Relevance, Admissibility, Weight, Exclusionary Rules, Discretion to Exclude, Illegally Obtained Evidence, Voir Dire, Documentary Evidence and Real Evidence)
- Witness Testimony – *Who can provide testimony and how are witnesses from different classes treated?* (Competence, Compellability, Privilege, Accused as Witness, Examination of Classes of Witnesses such as Children, First Nations Peoples, People from Non-English Speaking Backgrounds, and Complaints in Sexual Offences)
- The Trial Process – *How is the trial process conducted? What information is admissible and how can it be obtained?* (Examination-in-Chief, Cross-Examination, Re-Examination, Rebuttal, Objections)
- Evidential Limitations – *What are the limitations on certain types of evidence?* (Hearsay and its Exceptions including Common Law, Statutory and Res Gestae, Admissions, Confessions, Illegally Obtained Evidence, Circumstantial Evidence, Similar Fact Evidence, Character Evidence, Opinion Evidence).

All course topics may deal with mature content due to the nature of the course.

1.4. Mature Content

Drug Use, Nudity, Sex/Sexual references, Violence, Coarse Language, Adult themes

2. What level is this course?

300 Level (Graduate)

Demonstrating coherence and breadth or depth of knowledge and skills. Independent application of knowledge and skills in unfamiliar contexts. Meeting professional requirements and AQF descriptors for the degree. May require pre-requisites where discipline specific introductory or developing knowledge or skills is necessary. Normally undertaken in the third or fourth full-time study year of an undergraduate program.

3. What is the unit value of this course?

12 units

4. How does this course contribute to my learning?

| COURSE LEARNING OUTCOMES | GRADUATE QUALITIES |
|--|--|
| On successful completion of this course, you should be able to... | Completing these tasks successfully will contribute to you becoming... |
| 1 Analyse facts to identify legal issues within complex evidence scenarios. | Knowledgeable Empowered |
| 2 Explain the relevant laws, processes and concepts of evidence to resolve a legal issue. | Knowledgeable |
| 3 Utilize critical thinking, analysis, and sound judgment to apply legal knowledge effectively in diverse contexts, generating appropriate and practical responses to complex problems and ethical issues. | Creative and critical thinker Empowered Ethical |
| 4 Demonstrate effective, persuasive, and contextually appropriate written and oral communication. | Empowered |
| 5 Develop and demonstrate effective presentation skills, including proper referencing and citation techniques, to communicate legal information accurately and professionally. | Empowered |

COURSE LEARNING OUTCOMES**GRADUATE QUALITIES**

On successful completion of this course, you should be able to...

Completing these tasks successfully will contribute to you becoming...

- 6 Demonstrate responsibility and accountability for own learning through reflective practice and in collaboration with others.

Empowered
Engaged

5. Am I eligible to enrol in this course?

Refer to the [UniSC Glossary of terms](#) for definitions of “pre-requisites, co-requisites and anti-requisites”.

5.1. Pre-requisites

(LAW100 and LAW105) or (LAW104 and enrolled in any Law Program) or LAW107

5.2. Co-requisites

Not applicable

5.3. Anti-requisites

LAW403

5.4. Specific assumed prior knowledge and skills (where applicable)

Not applicable

6. How am I going to be assessed?

6.1. Grading Scale

Standard Grading (GRD)

High Distinction (HD), Distinction (DN), Credit (CR), Pass (PS), Fail (FL).

6.2. Details of early feedback on progress

In the tutorials in Weeks 1-6, you will engage in activities that ask you to self-assess and reflect on your learning; and provide peer feedback on tutorial answers.

6.3. Assessment tasks

| DELIVERY MODE | TASK NO. | ASSESSMENT PRODUCT | INDIVIDUAL OR GROUP | WEIGHTING % | WHAT IS THE DURATION / LENGTH? | WHEN SHOULD I SUBMIT? | WHERE SHOULD I SUBMIT IT? |
|---------------|----------|-----------------------------------|---------------------|-------------|--------------------------------|-----------------------|--|
| All | 1 | Essay | Individual | 25% | 1000 Words | Week 6 | Online Assignment Submission with plagiarism check |
| All | 2 | Journal | Individual | 25% | 1000 Words | Week 10 | Online Assignment Submission with plagiarism check |
| All | 3 | Examination - Centrally Scheduled | Individual | 50% | 3 Hours | Exam Period | Online Assignment Submission with plagiarism check |

All - Assessment Task 1: Essay

| | | |
|------------------------|--|--|
| GOAL: | The goal of the written piece is to assess your knowledge of the rules of evidence, evidential concepts and principles. It will also assess your communication skills. | |
| PRODUCT: | Essay | |
| FORMAT: | This task is to be completed individually and requires an analytical essay format. The maximum word limit is 1000 words +/- 10%. | |
| CRITERIA: | No. | Learning Outcome assessed |
| | 1 | Demonstrates a coherent and advanced knowledge of the rules of evidence, evidential concepts and principles. 1 2 |
| | 2 | Demonstrates critical thinking, such as interpret, analyse, evaluate and synthesise knowledge of the rules of evidence to identify and provide solutions to complex problems with intellectual independence. 3 |
| | 3 | Applies communication skills to present a clear, coherent understanding of the rules of evidence to a legal audience. 4 5 |
| GENERIC SKILLS: | Communication | |

All - Assessment Task 2: Journal

| | | |
|------------------------|---|--|
| GOAL: | The goal of the journal is to assess your knowledge of the rules of evidence, evidential concepts and principles. It will also assess your problem-solving skills, communication skills and collaboration skills. | |
| PRODUCT: | Journal | |
| FORMAT: | This task requires an individual written reflection on learning activities relevant to the trial process. The learning activities will be completed collaboratively in a law firm (team of 4-5 students) in the tutorials in Weeks 8 and 9. This includes reflecting on planning questions for examination-in-chief and cross-examination; simulating counsel by asking questions of a witness in the Moot Court; objecting to questions asked by opponent counsel; and collaborating with other students. The maximum word limit is 1000 words +/- 10% | |
| CRITERIA: | No. | Learning Outcome assessed |
| | 1 | Demonstrates the responsibility and accountability for own learning and reflective practice on the application of the rules of evidence and skills; and collaboration with others. 1 6 |
| | 2 | Applies communication skills to present a clear, coherent understanding of the rules of evidence to a legal audience. 3 4 |
| GENERIC SKILLS: | Communication, Collaboration, Problem solving, Organisation | |

All - Assessment Task 3: Final Examination

| | | | |
|------------------------|--|---|----------------------------------|
| GOAL: | The goal of this assessment is to test your ability to apply the legal principles and concepts learned this semester to unseen questions. | | |
| PRODUCT: | Examination - Centrally Scheduled | | |
| FORMAT: | This assessment task is an online, open-book and invigilated exam. You will be required to attend a live Zoom session throughout the duration of the exam and need access to a working computer, a stable internet connection, and a webcam. You will be given 3 hours to complete and submit the examination. All topics covered in the lectures and tutorials are potentially examinable. In preparation for this task, you will receive formative feedback from your lecturer and tutor throughout this course. | | |
| CRITERIA: | No. | | Learning Outcome assessed |
| | 1 | Demonstrates a coherent and advanced knowledge of the rules of evidence, evidential concepts and principles; and the ability to apply them to complex factual problems. | 1 2 3 |
| | 2 | Communicate clearly and effectively | 4 5 |
| GENERIC SKILLS: | Communication, Problem solving, Organisation | | |

7. Directed study hours

A 12-unit course will have total of 150 learning hours which will include directed study hours (including online if required), self-directed learning and completion of assessable tasks. Student workload is calculated at 12.5 learning hours per one unit.

8. What resources do I need to undertake this course?

Please note: Course information, including specific information of recommended readings, learning activities, resources, weekly readings, etc. are available on the course Canvas site– Please log in as soon as possible.

8.1. Prescribed text(s) or course reader

Please note that you need to have regular access to the resource(s) listed below. Resources may be required or recommended.

| REQUIRED? | AUTHOR | YEAR | TITLE | EDITION | PUBLISHER |
|-----------|----------------------------------|------|--------------------------------------|---------|------------|
| Required | D Field; W van Caenegem; C Duffy | 2022 | Queensland Evidence Law, 6th Edition | n/a | LexisNexis |

8.2. Specific requirements

This course meets the necessary content requirements for Evidence under the Prescribed Areas of Knowledge of Schedule 1 of the LACC Uniform Admission Rules 2015 (the 'Priestley 11').

9. How are risks managed in this course?

Health and safety risks for this course have been assessed as low. It is your responsibility to review course material, search online, discuss with lecturers and peers and understand the health and safety risks associated with your specific course of study and to familiarise yourself with the University's general health and safety principles by reviewing the [online induction training for students](#), and following the instructions of the University staff.

10. What administrative information is relevant to this course?

10.1. Assessment: Academic Integrity

Academic integrity is the ethical standard of university participation. It ensures that students graduate as a result of proving they are competent in their discipline. This is integral in maintaining the value of academic qualifications. Each industry has expectations and standards of the skills and knowledge within that discipline and these are reflected in assessment.

Academic integrity means that you do not engage in any activity that is considered to be academic fraud; including plagiarism, collusion or outsourcing any part of any assessment item to any other person. You are expected to be honest and ethical by completing all work yourself and indicating in your work which ideas and information were developed by you and which were taken from others. You cannot provide your assessment work to others. You are also expected to provide evidence of wide and critical reading, usually by using appropriate academic references.

In order to minimise incidents of academic fraud, this course may require that some of its assessment tasks, when submitted to Canvas, are electronically checked through Turnitin. This software allows for text comparisons to be made between your submitted assessment item and all other work to which Turnitin has access.

10.2. Assessment: Additional Requirements

Eligibility for Supplementary Assessment

Your eligibility for supplementary assessment in a course is dependent of the following conditions applying:

- (a) The final mark is in the percentage range 47% to 49.4%; and
- (b) The course is graded using the Standard Grading scale

10.3. Assessment: Submission penalties

Late submissions may be penalised up to and including the following maximum percentage of the assessment task's identified value, with weekdays and weekends included in the calculation of days late:

- (a) One day: deduct 5%;
- (b) Two days: deduct 10%;
- (c) Three days: deduct 20%;
- (d) Four days: deduct 40%;
- (e) Five days: deduct 60%;
- (f) Six days: deduct 80%;
- (g) Seven days: A result of zero is awarded for the assessment task.

The following penalties will apply for a late submission for an online examination:

- Less than 15 minutes: No penalty
- From 15 minutes to 30 minutes: 20% penalty
- More than 30 minutes: 100% penalty

10.4. SafeUniSC

UniSC is committed to a culture of respect and providing a safe and supportive environment for all members of our community. For immediate assistance on campus contact SafeUniSC by phone: [07 5430 1168](tel:0754301168) or using the [SafeZone](#) app. For general enquires contact the SafeUniSC team by phone [07 5456 3864](tel:0754563864) or email safe@usc.edu.au.

The SafeUniSC Specialist Service is a Student Wellbeing service that provides free and confidential support to students who may have experienced or observed behaviour that could cause fear, offence or trauma. To contact the service call [07 5430 1226](tel:0754301226) or email studentwellbeing@usc.edu.au.

10.5. Study help

For help with course-specific advice, for example what information to include in your assessment, you should first contact your tutor, then your course coordinator, if needed.

If you require additional assistance, the Learning Advisers are trained professionals who are ready to help you develop a wide range of academic skills. Visit the [Learning Advisers](#) web page for more information, or contact Student Central for further assistance: +61 7 5430 2890 or studentcentral@usc.edu.au.

10.6. Wellbeing Services

Student Wellbeing provide free and confidential counselling on a wide range of personal, academic, social and psychological matters, to foster positive mental health and wellbeing for your academic success.

To book a confidential appointment go to [Student Hub](#), email studentwellbeing@usc.edu.au or call 07 5430 1226.

10.7. AccessAbility Services

Ability Advisers ensure equal access to all aspects of university life. If your studies are affected by a disability, learning disorder mental health issue, injury or illness, or you are a primary carer for someone with a disability or who is considered frail and aged, [AccessAbility Services](#) can provide access to appropriate reasonable adjustments and practical advice about the support and facilities available to you throughout the University.

To book a confidential appointment go to [Student Hub](#), email AccessAbility@usc.edu.au or call 07 5430 2890.

10.8. Links to relevant University policy and procedures

For more information on Academic Learning & Teaching categories including:

- Assessment: Courses and Coursework Programs
- Review of Assessment and Final Grades
- Supplementary Assessment
- Central Examinations
- Deferred Examinations
- Student Conduct
- Students with a Disability

For more information, visit <https://www.usc.edu.au/explore/policies-and-procedures#academic-learning-and-teaching>

10.9. Student Charter

UniSC is committed to excellence in teaching, research and engagement in an environment that is inclusive, inspiring, safe and respectful. The [Student Charter](#) sets out what students can expect from the University, and what in turn is expected of students, to achieve these outcomes.

10.10. General Enquiries

In person:

- **UniSC Sunshine Coast** - Student Central, Ground Floor, Building C, 90 Sippy Downs Drive, Sippy Downs
- **UniSC Moreton Bay** - Service Centre, Ground Floor, Foundation Building, Gympie Road, Petrie
- **UniSC SouthBank** - Student Central, Building A4 (SW1), 52 Merivale Street, South Brisbane
- **UniSC Gympie** - Student Central, 71 Cartwright Road, Gympie
- **UniSC Fraser Coast** - Student Central, Student Central, Building A, 161 Old Maryborough Rd, Hervey Bay
- **UniSC Caboolture** - Student Central, Level 1 Building J, Cnr Manley and Tallon Street, Caboolture

Tel: +61 7 5430 2890

Email: studentcentral@usc.edu.au