



LAWS3400

Evidence

Session 2, Special circumstance 2020

Macquarie Law School

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Notice

As part of [Phase 3 of our return to campus plan](#), most units will now run tutorials, seminars and other small group learning activities on campus for the second half-year, while keeping an online version available for those students unable to return or those who choose to continue their studies online.

To check the availability of face-to-face and online activities for your unit, please go to [timetable viewer](#). To check detailed information on unit assessments visit your unit's iLearn space or consult your unit convenor.

General Information

Unit convenor and teaching staff

Unit Convenor, Lecturer, Tutor

Ilija Vickovich

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6 First Walk 624

TBA

Tutor

Keith Williams

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TBA

TBA

Credit points

10

Prerequisites

LAWS398 or LAWS3200

Corequisites

Co-badged status

Unit description

This unit examines and teaches the principles and rules of evidence in civil and criminal matters in New South Wales. The focus is on the uniform evidence scheme, with particular attention given to the Evidence Act 1995 (NSW) and relevant judicial decisions that affect an interpretation of the Act. The unit starts with an introduction to litigation systems, and then proceeds to the fundamentals of trials, and the statutory and discretionary powers of courts to control their proceedings. The adducing of testamentary, documentary and real evidence is addressed, as are issues relating to proof and relevance. Detailed coverage is then given to the rules of admissibility relating to hearsay, admissions, opinion, tendency, coincidence, credibility, character and identification evidence.

Important Academic Dates

Information about important academic dates including deadlines for withdrawing from units are available at <https://www.mq.edu.au/study/calendar-of-dates>

Learning Outcomes

On successful completion of this unit, you will be able to:

- ULO1:** Explain the reasons for and describe the principal rules of evidence.
- ULO2:** Explain the reasons for and describe the main exceptions to the principal rules of evidence
- ULO3:** Critically analyse the appropriateness and fairness of the principal evidentiary rules
- ULO4:** Synthesise, evaluate and apply the principal evidentiary rules and their exceptions to factual scenarios and problems

General Assessment Information

FIT TO SIT MODEL Macquarie University operates under a 'Fit to Sit' model. **This means that in sitting an exam and/or in-class test or otherwise submitting an assessment (including an online quiz), a student declares themselves fit to do so.** Therefore, if a student is feeling unfit to sit the exam or test, or otherwise submit the assessment (as the case may be), they should not do so. If a student sits an exam or test, or otherwise submits an assessment, knowing that they are unfit to do so, they will not be granted Special Consideration.

It is the responsibility of the student to determine whether they are fit to sit an examination or test or otherwise submit an assessment, or whether a Special Consideration application should be submitted.

A student's sitting an examination or test or otherwise submitting an assessment will not preclude the student from being granted Special Consideration if the student can demonstrate that:

- they were unfit to make reasonable judgement on their fitness to undertake the assessment, due to mental illness or other exceptional circumstances;
- they were taken ill during the assessment (in the case of an examination or test); or
- other exceptional circumstances beyond their control vitiated the Fit to Sit declaration.

Assessment Tasks

Name	Weighting	Hurdle	Due
<u>Early Assessment Quiz</u>	10%	No	Sat-Sun 22-23 Aug
<u>Assignment</u>	30%	No	Mon 7 Sep
<u>Online quiz</u>	10%	No	Sat-Sun 31 Oct-1 Nov

Name	Weighting	Hurdle	Due
Mid-Semester Quiz	10%	No	Sat-Sun 3-4 Oct
Final Take-Home Assessment	40%	No	Mon 16 Nov

Early Assessment Quiz

Assessment Type ¹: Quiz/Test

Indicative Time on Task ²: 1 hours

Due: **Sat-Sun 22-23 Aug**

Weighting: **10%**

Online Quiz

On successful completion you will be able to:

- Explain the reasons for and describe the principal rules of evidence.

Assignment

Assessment Type ¹: Essay

Indicative Time on Task ²: 25 hours

Due: **Mon 7 Sep**

Weighting: **30%**

Hypothetical Problem Assignment

On successful completion you will be able to:

- Explain the reasons for and describe the principal rules of evidence.
- Explain the reasons for and describe the main exceptions to the principal rules of evidence
- Critically analyse the appropriateness and fairness of the principal evidentiary rules
- Synthesise, evaluate and apply the principal evidentiary rules and their exceptions to factual scenarios and problems

Online quiz

Assessment Type ¹: Quiz/Test

Indicative Time on Task ²: 1 hours

Due: **Sat-Sun 31 Oct-1 Nov**

Weighting: **10%**

An online multiple choice quiz

On successful completion you will be able to:

- Explain the reasons for and describe the principal rules of evidence.
- Explain the reasons for and describe the main exceptions to the principal rules of evidence
- Critically analyse the appropriateness and fairness of the principal evidentiary rules

Mid-Semester Quiz

Assessment Type ¹: Quiz/Test

Indicative Time on Task ²: 1 hours

Due: **Sat-Sun 3-4 Oct**

Weighting: **10%**

Online Quiz

On successful completion you will be able to:

- Explain the reasons for and describe the principal rules of evidence.
- Explain the reasons for and describe the main exceptions to the principal rules of evidence

Final Take-Home Assessment

Assessment Type ¹: Quiz/Test

Indicative Time on Task ²: 2 hours

Due: **Mon 16 Nov**

Weighting: **40%**

Final Take-Home Assessment

On successful completion you will be able to:

- Explain the reasons for and describe the principal rules of evidence.

- Explain the reasons for and describe the main exceptions to the principal rules of evidence
 - Critically analyse the appropriateness and fairness of the principal evidentiary rules
 - Synthesise, evaluate and apply the principal evidentiary rules and their exceptions to factual scenarios and problems
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¹ If you need help with your assignment, please contact:

- the academic teaching staff in your unit for guidance in understanding or completing this type of assessment
- the [Writing Centre](#) for academic skills support.

² Indicative time-on-task is an estimate of the time required for completion of the assessment task and is subject to individual variation

Delivery and Resources

DELIVERY AND RESOURCES Delivery: Day, External

This unit will use: iLearn webpage and Echo recorded lectures

Times and Locations for Lectures and Tutorials For current updates, lecture times and classrooms please consult the MQ Timetables website: <http://www.timetables.mq.edu.au>.

Prescribed Text:

Bellew, Arthur, Boas and Chifflet: *Australian Uniform Evidence Law: Principles and Context*, LexisNexis 2019.

Recommended Texts

A Ligertwood & G Edmond, *Australian Evidence: A Principled Approach to the Common Law and the Uniform Acts*, 6th ed, LexisNexis, 2017

Hon D Heydon, *Cross on Evidence*, 11th ed. LexisNexis, 2017

S Odgers, *Uniform Evidence Law*, 13th ed, Lawbook Co, 2018

M Kumar, E Peden & S Odgers, *Uniform Evidence Law: Commentary and Materials*, 6th ed, Lawbook Co, 2018

John Anderson, *Uniform Evidence Law: Text and Essential Cases*, 3rd ed, The Federation Press, 2016

Unit Schedule

Wk	Week Commencing	Lecture Topic	Tutorial Topic
1	27 July	Introduction to Evidence	No Tutorial
2	3 August	Trials; Judicial Powers and Discretions	1 Introduction to Evidence
3	10 August	Adducing Evidence I	2 Trials; Judicial Powers and Discretions
4	17 August	Adducing Evidence II	3 Adducing Evidence I
5	24 August	Proof and Relevance	4 Adducing Evidence II
6	31 August	Hearsay Evidence I	5 Proof and Relevance
7	7 September	Hearsay Evidence II	6 Hearsay Evidence I
		Mid-Semester Break	
8	28 September	Hearsay Evidence III	7 Hearsay Evidence II
9	5 October	Opinion Evidence	8 Hearsay Evidence III
10	12 October	Tendency and Coincidence Evidence	9 Opinion Evidence

11	19 October	Credibility and Character Evidence	10 Tendency and Coincidence Evidence
12	26 October	Identification Evidence	11 Credibility and Character Evidence
13	2 November	No Lecture	12 Identification Evidence

Note: Tutorials commence in week 2

Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central](https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central) (<https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central>). Students should be aware of the following policies in particular with regard to Learning and Teaching:

- [Academic Appeals Policy](#)
- [Academic Integrity Policy](#)
- [Academic Progression Policy](#)
- [Assessment Policy](#)
- [Fitness to Practice Procedure](#)
- [Grade Appeal Policy](#)
- [Complaint Management Procedure for Students and Members of the Public](#)
- [Special Consideration Policy](#) (**Note:** *The Special Consideration Policy is effective from 4 December 2017 and replaces the Disruption to Studies Policy.*)

Students seeking more policy resources can visit the [Student Policy Gateway](https://students.mq.edu.au/support/study/student-policy-gateway) (<https://students.mq.edu.au/support/study/student-policy-gateway>). It is your one-stop-shop for the key policies you need to know about throughout your undergraduate student journey.

If you would like to see all the policies relevant to Learning and Teaching visit [Policy Central](https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central) (<https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central>).

Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: <https://students.mq.edu.au/study/getting-started/student-conduct>

Results

Results published on platform other than [eStudent](#), (eg. iLearn, Coursera etc.) or released directly by your Unit Convenor, are not confirmed as they are subject to final approval by the University. Once approved, final results will be sent to your student email address and will be made available in [eStudent](#). For more information visit ask.mq.edu.au or if you are a Global MBA student contact globalmba.support@mq.edu.au

Any application for extensions of time must comply with the information provided in this Unit Guide under 'Assessment Tasks'. An application in accordance with the university's Special Consideration policy will be required in all cases.

Students requiring special arrangements for the completion of any assessment task (including the final exam) due to any disability must contact Campus Wellbeing and seek advice. The unit convenor will deal with such cases only with the approval of Campus Wellbeing.

Student Support

Macquarie University provides a range of support services for students. For details, visit <http://students.mq.edu.au/support/>

Learning Skills

Learning Skills (mq.edu.au/learningskills) provides academic writing resources and study strategies to help you improve your marks and take control of your study.

- [Getting help with your assignment](#)
- [Workshops](#)
- [StudyWise](#)
- [Academic Integrity Module](#)

The Library provides online and face to face support to help you find and use relevant information resources.

- [Subject and Research Guides](#)
- [Ask a Librarian](#)

Student Services and Support

Students with a disability are encouraged to contact the [Disability Service](#) who can provide appropriate help with any issues that arise during their studies.

Students with disability who wish to seek special consideration for any assessment item must advise the unit convenor and also formally apply for special consideration for each task.

Student Enquiries

For all student enquiries, visit Student Connect at ask.mq.edu.au

If you are a Global MBA student contact globalmba.support@mq.edu.au

IT Help

For help with University computer systems and technology, visit http://www.mq.edu.au/about_us/offices_and_units/information_technology/help/.

When using the University's IT, you must adhere to the [Acceptable Use of IT Resources Policy](#). The policy applies to all who connect to the MQ network including students.