

# LAWS 4004 CRIMINAL PROCEDURE AND EVIDENCE

**Credit Points** 10

**Legacy Code** 200015

**Coordinator** Francine Feld ([https://directory.westernsydney.edu.au/search/name/Francine Feld/](https://directory.westernsydney.edu.au/search/name/Francine%20Feld/))

**Description** The unit is designed to provide an understanding of the law, the theoretical underpinnings and the underlying policy issues, in the areas of evidence and criminal procedure.

**School** Law

**Discipline** Criminal Law

**Student Contribution Band** HECS Band 4 10cp

Check your HECS Band contribution amount via the Fees ([https://www.westernsydney.edu.au/currentstudents/current\\_students/fees/](https://www.westernsydney.edu.au/currentstudents/current_students/fees/)) page.

**Level** Undergraduate Level 4 subject

**Pre-requisite(s)** LAWS 2004

## Learning Outcomes

On successful completion of this subject, students should be able to:

1. Explain selected theories and rationales underlying the policy and processes of criminal procedure and evidence.
2. Interpret, analyse and apply the statutory and common law rules of evidence and criminal procedure as they operate in a practical context in New South Wales.
3. Understand the circumstances and needs of Aboriginal and Torres Strait Islander peoples in criminal courts, procedures and processes.

## Subject Content

1. The nature of the adversarial trial in the criminal context
2. Alternative rationales underlying the Uniform Evidence Acts and the common law
3. Forms of evidence
4. Theories of proof and relevance
5. Standards and burden of proof
6. Rules of exclusion including, hearsay, opinion, admissions, tendency and coincidence, character, credibility, identification evidence
7. Privileges
8. Rules and principles of questioning witnesses and tendering documents
9. Judicial warnings, comment and directions
10. Mandatory and discretionary exclusions and the limitations on evidence
11. Prosecutorial and defence ethics
12. The law governing procedure before a criminal trial including arrest
13. The needs of Aboriginal and Torres Strait Islander peoples in criminal courts, procedure and processes

## Assessment

The following table summarises the standard assessment tasks for this subject. Please note this is a guide only. Assessment tasks are regularly updated, where there is a difference your Learning Guide takes precedence.

Item	Length	Percent	Threshold	Individual/Group Task
Quiz	Best 5 of 10 quizzes. 30 minutes each	25	N	Individual
Final Exam	24 hours	45	N	Individual
Professional Task	15 minutes	30	N	Individual

Prescribed Texts

- Jeremy Gans, Andrew Palmer and Andrew Roberts, Uniform Evidence (Oxford University Press, 3rd ed, 2019).

Teaching Periods

### Autumn Campbelltown Evening

**Subject Contact** Francine Feld ([https://directory.westernsydney.edu.au/search/name/Francine Feld/](https://directory.westernsydney.edu.au/search/name/Francine%20Feld/))

View timetable ([https://classregistration.westernsydney.edu.au/even/timetable/?subject\\_code=LAWS4004\\_22-AUT\\_CA\\_E#subjects](https://classregistration.westernsydney.edu.au/even/timetable/?subject_code=LAWS4004_22-AUT_CA_E#subjects))

**Day**

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### Parramatta - Victoria Rd Evening

**Subject Contact** Francine Feld ([https://directory.westernsydney.edu.au/search/name/Francine Feld/](https://directory.westernsydney.edu.au/search/name/Francine%20Feld/))

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