

# 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 subject 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 fees 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.

Type	Length	Percent	Threshold	Individual/Group Task
Participation	Throughout whole semester	10	N	Individual
Quiz	Best 4 of 10 quizzes, 15 minutes each	20	N	Individual
Professional Task	1,000 words	20	N	Individual
Final Exam	2 hours	50	N	Individual

Prescribed Texts

- Fiona Hum, Gregor Urbas and Ottavio Quirico, *Australian Uniform Evidence Law* (Cambridge University Press, 2nd ed, 2022).

**NB:** Students must have access to a HARD COPY. Students will not be able to access an ebook during the examination.

Teaching Periods

## Autumn (2024)

### Campbelltown

#### On-site

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

View timetable ([https://classregistration.westernsydney.edu.au/even/timetable/?subject\\_code=LAWS4004\\_24-AUT\\_CA\\_1#subjects](https://classregistration.westernsydney.edu.au/even/timetable/?subject_code=LAWS4004_24-AUT_CA_1#subjects))

#### Online

#### Online

**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\\_24-AUT\\_ON\\_2#subjects](https://classregistration.westernsydney.edu.au/even/timetable/?subject_code=LAWS4004_24-AUT_ON_2#subjects))

### Parramatta - Victoria Rd

#### On-site

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

View timetable ([https://classregistration.westernsydney.edu.au/even/timetable/?subject\\_code=LAWS4004\\_24-AUT\\_PS\\_1#subjects](https://classregistration.westernsydney.edu.au/even/timetable/?subject_code=LAWS4004_24-AUT_PS_1#subjects))