



Australian Government

Department of Education, Employment and Workplace Relations

BSBLEG417A Apply the principles of evidence law

Revision Number: 1

BSBLEG417A Apply the principles of evidence law

Modification History

Not applicable.

Unit Descriptor

Unit descriptor	<p>This unit describes the performance outcomes, skills and knowledge required to assess issues associated with evidence law in a legal environment.</p> <p>A range of legislation, rules, regulations and codes of practice may apply to this unit at the time of endorsement, depending on job roles and jurisdictions.</p>
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Application of the Unit

Application of the unit	<p>This unit applies to individuals who apply knowledge of a range of principles in evidence law. Its application in the workplace will be determined by the job role of the individual and the legislation, rules, regulations and codes of practice relevant to different jurisdictions.</p>
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Licensing/Regulatory Information

Not applicable.

Pre-Requisites

Prerequisite units		

Employability Skills Information

Employability skills	This unit contains employability skills.
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Elements and Performance Criteria Pre-Content

Elements describe the essential outcomes of a unit of competency.	Performance criteria describe the performance needed to demonstrate achievement of the element. Where bold italicised text is used, further information is detailed in the required skills and knowledge section and the range statement. Assessment of performance is to be consistent with the evidence guide.
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Elements and Performance Criteria

ELEMENT	PERFORMANCE CRITERIA
1. Define nature and meaning of evidence law	1.1. Access <i>sources of legal information</i> on nature and meaning of evidence law 1.2. Distinguish between case law and legislation related to evidence 1.3. Assess the significance of evidence law in <i>various contexts</i> in a legal environment
2. Identify principles of evidence law	2.1. Define and document legal principles governing evidence 2.2. Determine key concepts underpinning evidence law
3. Enhance professional practice through application of relevant principles of evidence law	3.1. Apply the principles of evidence to relevant legal matters arising in the workplace 3.2. Analyse and evaluate key issues 3.3. Review analysis with <i>designated person</i>
4. Identify relevant and admissible evidence	4.1. Distinguish relevant and admissible evidence in the context of a legal matter 4.2. Identify consequence of evidence not being relevant and/or admissible

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Required Skills and Knowledge

REQUIRED SKILLS AND KNOWLEDGE

This section describes the skills and knowledge required for this unit.

Required skills

- literacy skills to read and interpret written material
- research and data collection skills to identify:
 - characteristics, similarities and differences of Australian institutions
 - types of proceedings and trial procedures
- analytical skills to investigate and compare legal institutions and legal matters

Required knowledge

- commonly used legal terminology, institutions and main features of the Australian legal system
- methods used to identify appropriate information about sources of Australian law

REQUIRED SKILLS AND KNOWLEDGE

- nature and meaning of evidence law, including:
 - standard and burden of proof
 - relevance of evidence
 - hearsay evidence
 - competence and compellability of witnesses
 - opinion evidence
 - evidence of character

Evidence Guide

EVIDENCE GUIDE

The Evidence Guide provides advice on assessment and must be read in conjunction with the performance criteria, required skills and knowledge, range statement and the Assessment Guidelines for the Training Package.

Overview of assessment

Critical aspects for assessment and evidence required to demonstrate competency in this unit

Evidence of the ability to:

- demonstrate knowledge of the principles of evidence law
- apply the principles of evidence law
- demonstrate knowledge of the application of admissible law in a range of contexts.

Context of and specific resources for assessment

Assessment must ensure access to:

- legislation, regulations and case law relevant to evidence law
- texts and background sources of information on evidence law in Australia
- case studies involving a range of evidence law matters
- personnel with knowledge of evidence law.

Method of assessment

A range of assessment methods should be used to assess practical skills and knowledge. The following examples are appropriate for this unit:

- analysis of responses to case studies and scenarios in a range of contexts involving evidence law
- tests of knowledge of relevant legislation, rules, regulations and research sources
- direct questioning combined with portfolios of evidence
- review of authenticated documents from the workplace.

Guidance information for assessment

Holistic assessment with other units relevant to the industry sector, workplace and job role is recommended.

Range Statement

RANGE STATEMENT

The range statement relates to the unit of competency as a whole. It allows for different work environments and situations that may affect performance. Bold italicised wording, if used in the performance criteria, is detailed below. Essential operating conditions that may be present with training and assessment (depending on the work situation, needs of the candidate, accessibility of the item, and local industry and regional contexts) may also be included.

Sources of legal information may include:

- court library
- online information services and websites
- organisation's library
- precedent bank
- specialist texts.

Various contexts may include:

- civil disputes
- criminal liability
- examination of witnesses
- insurance disputes
- preparation for civil trial
- preparation for criminal trial.

Designated persons may include:

- barrister
- legal practice manager
- legal practitioner
- supervisor.

Unit Sector(s)

Unit sector	
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Competency field

Competency field	Administration - legal administration
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Co-requisite units

Co-requisite units		