

Understanding the Rules of Evidence

The rules of evidence are the key criteria used when judging the acceptability and relevancy of a piece of evidence in a given context. Understanding the rules of evidence is crucial for making informed and fair decisions when assessing any kind of evidence. The evidence must be valid, authentic, current, and sufficient to allow for a fair and accurate judgement.

Rule 1: Validity

This is the first rule applied to any piece of evidence. The evidence must provide proof of what it claims to be evidence of and be relevant to the context at hand. If it fails this validity test, it should be disregarded.

Example: In a unit about team effectiveness, a reference praising individual skills but not mentioning teamwork is not valid.

Rule 2: Authenticity

This rule questions whether the evidence is authentic, i.e., is it the person's own work? Authenticity can be demonstrated in three ways:

1. **Own work:** The evidence is created or produced by the individual presenting it.
2. **Related work:** The evidence might not be produced by the individual, but they can demonstrate a relationship to it.
3. **Verification:** In the case of a document with significance, it is important to verify its genuineness, such as querying its issuance with the issuing authority.

If the evidence is not authentic, it should be disregarded.

Rule 3: Currency

The third rule tests the timeliness of the evidence, or how current it is. The true measure of currency is if the evidence aligns with current industry practices. This varies across industries, for example, evidence in technology may quickly become outdated, whereas in other fields, older evidence may still be relevant.

VET Fact Sheet: current July 2023

Rule 4: Sufficiency

The final rule of evidence is sufficiency, which is a measure of quantity. After applying the first three rules, the remaining pieces of evidence must be sufficient to make a judgment of competency.

Example: If, after applying the first three rules, six out of ten pieces of evidence remain, the real question is whether those six are sufficient to judge competency, not just the number remaining.

Applying the Rules of Evidence

These rules of evidence are used in various fields when making judgments about evidence. They are particularly critical when carrying out assessments or Recognition of Prior Learning (RPL), where the presented evidence can vary widely. Applying these rules ensures that the judgments made are based on valid, authentic, current, and sufficient evidence.

Note: This VET Fact Sheet provides general information and should not be considered as legal advice.