



NZQA Assessment Support Material

Unit standard	27838				
Title	Demonstrate understanding of foundational concepts of justice				
Level	1	Credits	4	Version	2

Student guidelines

Introduction

During your Legal Studies programme in class, you will learn about the foundational concepts of justice that underpin the judicial system.

You will complete a number of activities in class which will develop your knowledge and understanding of:

- The foundational concepts of justice such as balancing competing claims, coercive power, impartiality and equity.
- Specific examples of each principle such as name suppression as a specific example of the court balancing competing claims and contempt of court as a specific example of the coercive power of the courts.

You will be assessed on your ability to demonstrate understanding of these foundational concepts of justice by completing the two tasks detailed below.

AWARD OF GRADES



- For award with **Achieved**, foundational concepts of justice are described, with supporting detail, in relation to their application.
- For award with **Merit**, the description of foundational concepts demonstrates clear understanding by including relevant supporting detail. Supporting detail may include but is not limited to any one of:
 - particular facts and/or events;
 - particular legislation;
 - case law, media reports.

AWARD OF GRADES - CONTINUATION



- For award with **Excellence**, the description demonstrates thorough understanding of the foundational concepts of justice by making links between each concept and its specific example.

CONDITIONS OF ASSESSMENT

Assessors will set the conditions of assessment as appropriate.

Assessment Activity

Task One

Read through scenario 1 below. Use this scenario as a starting point for your discussion of contempt of court as an example of one of the foundational concepts of justice, coercive power.

You need to describe:

- the concept of coercive power as it applies to the judicial system
- the law relating to contempt of court
- the relationship between the concept of contempt of court and coercive power.

You also need to provide:

- specific examples of contempt of court from actual events from New Zealand or overseas, past or present. This must include references to relevant supporting detail such as:
 - particular facts or events;
 - particular legislation;
 - case law, media reports.
- any other information which you consider relevant in demonstrating your understanding of the foundational concept i.e. coercive power.

Scenario 1

Mark is seventeen. His father was killed in a car accident a week ago which was caused by repeat drink driver, Paul Thomas. Mark is understandably devastated at the loss of his father. When Paul appears in court to enter his plea, Mark leaps forward from the public gallery in the court room and hurls abuse and rocks at him. After being restrained by security guards, he is arrested and charged with contempt of court.

Task Two

Read through scenario 2 below. Use this scenario as a starting point for your discussion of name suppression as an example of one of the foundational concept of justice, balancing competing claims.

You need to describe:

- the concept of balancing competing claims as it applies to the judicial system
- the law relating to name suppression
- the relationship between the concept of balancing competing claims and name suppression.

You also need to provide:

- specific examples of name suppression from actual events from New Zealand or overseas, past or present. This must include references to relevant supporting detail such as:
 - particular facts or events;
 - particular legislation;
 - case law, media reports.
- any other information which you consider relevant in demonstrating your understanding of the foundational concept i.e. coercive power.

Scenario 2

David Smartov is a well-respected businessman who is a partner in a leading Wellington accountancy firm. He has been charged with fraud, with the prosecution alleging that he embezzled over \$700,000 dollars of client money. David is married to a well-known real estate agent who owns her own self named company, Smartov's. Their one daughter, Mary, is in Year 11 at a prestigious Wellington private school.

David has his first court appearance tomorrow and he has asked his lawyer to apply for name suppression. He is concerned that if his name is revealed, his wife may suffer with people choosing to sell their properties through another real estate agency. He is also worried about his daughter who has already lost a lot of weight after David told her about the charges and he's worried that if her peers find out about the charges he's facing, she may be bullied.

The partners at the accountancy firm where David works strongly support his application for name suppression as they fear that if his name is revealed, many of their clients will take their work elsewhere despite the fact that only David is facing charges.

Margaret and Jim are two of the clients whose money David is alleged to have taken. They plan to be at David's first court appearance as they say that he has ruined their lives through the money he took from them. They can't wait for David's name to be released so he can be 'named and shamed'.