



NZQA Assessment Support Material

Unit standard	27841				
Title	Demonstrate understanding of concepts of law				
Level	1	Credits	4	Version	2

Note

The following guidelines are supplied to enable assessors to carry out valid and consistent assessment using this internal assessment resource.

Assessors must manage authenticity for any assessment from a public source, because students may have access to the assessment schedule or student exemplar material. Use of this assessment resource without modification may mean that students' work is not authentic. The assessor will need to change figures, measurements or data sources or set a different context or topic.

While this ASM lends itself to written assessments, there are other activities and approaches that could be taken.

See Generic Resources and Guidelines at <https://www.nzqa.govt.nz/providers-partners/assessment-and-moderation/assessment-of-standards/generic-resources/>

Assessor guidelines

Context/setting

In this activity, students will demonstrate understanding of concepts of law in relation to the reasons for developing laws and the characteristics of an effective law.

Reasons for the development of laws must include three from – resolving conflict, regulating social relationships, maintaining order, protecting persons and property, promoting equity, ensuring the protection of human rights. Characteristics of an effective law must include two from – enforceable, recognised, and unambiguous.

AWARD OF GRADES



- For award with **Achieved**, concepts of law are described in relation to the reasons for developing laws and the characteristics of an effective law.

AWARD OF GRADE S - CONTINUATION



- For award with **Merit**, the description includes an example of a law and makes a connection(s) between: the reasons for the development of the law, and the characteristics and effectiveness of the law.
- For award with **Excellence**, the description demonstrates insightful understanding of the connection(s) between: the reasons for the development of the law, and the characteristics and effectiveness of the law.

CONDITIONS OF ASSESSMENT

Assessors will set the conditions of assessment as appropriate.

Assessment activity

This assessment activity has three tasks.

Task one involves the student describing three reasons for the development of actual laws.

Task two involves the student describing two characteristics of an effective law.

Task three involves the student describing connections between the reasons and the characteristics of the law.

Resource requirements

There are no specific resources required.

Additional information

Teaching and learning guidelines that inform legal studies as it is taught in New Zealand can be found at <http://seniorsecondary.tki.org.nz/Social-sciences/Legal-studies>.

Assessment Schedule

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Judgements for achievement		Judgements for achievement with merit		Judgements for achievement with excellence	
Concepts of law are described in relation the reasons for developing laws and the characteristics of an effective law.		The description includes an example of a law and makes a connection(s) between: the reasons for the development of the law, and the characteristics and effectiveness of the law.		The description demonstrates thorough understanding of the connection(s) between: the reasons for the development of the law, and the characteristics and effectiveness of the law.	
Task	Evidence for achievement	Evidence for achievement with merit		Evidence for achievement with excellence	
One	<p>A part answer for Task One could read: <u>Protecting persons and property:</u> <i>Laws are necessary to protect persons and property, as we want to live in a society where we feel safe and where we can have help from the state if someone hurts us or damages our property.</i></p> <p><i>For example, if there were no laws against home invasion, you would not be able to call the police if you could hear someone breaking into your</i></p>	<p>A part answer for Task One could read: <i>Two other reasons for the development of laws can be seen in the Homosexual Law Reform Act which came into power in August 1986.</i></p> <p><i>One of the reasons this law was passed was <u>to protect persons and property.</u> Decriminalisation would allow people at risk to come forward for testing for AIDS at a time when the public was only just beginning to understand about this new infection. The law would allow public health and education programmes, such as condom promotion.</i></p>		<p>A part answer for Task One could read:</p> <p><i>Two other reasons for the development of laws can be seen in the Homosexual Law Reform Act which came into power in August 1986. This law decriminalised sexual relations between men (16 years of age and over) and it also provided protection for minors of both sexes. Before this, men found guilty of having consensual sex with each other could be imprisoned under sections 140-142 of the Crimes Act 1961.</i></p> <p><i>One of the reasons this law was passed was <u>to protect persons and property.</u> Decriminalisation would allow people at risk to come forward for testing for AIDS at a time when the public was</i></p>	

house. This could leave you living in a state of unease, and maybe having to have weapons in your home so you could protect yourself.

Ensuring the protection of human rights: Laws are necessary to protect human rights, otherwise it could be legal to abuse human rights such as the right to life and freedom of expression. Failing to have laws to protect human rights would mean we did not take measures to implement the 1948 Declaration of Human Rights in New Zealand, and also could mean an unfair and unsafe society which did not value human life.

For example, it used to be illegal to practise homosexual acts in New Zealand, but this has been changed to protect the human rights of people to be gay and not to be discriminated against for being gay.

A second reason this law was passed was to ensure the protection of human rights. The right to life is a fundamental human right. Also before this law was passed, people were criminalised on the basis of their sexuality which is discriminatory.

only just beginning to understand about this new infection. The law would allow public health and education programmes, such as condom promotion.

A second reason this law was passed was to ensure the protection of human rights, which are outlined by the 1948 UN Declaration of Human Rights. The right to life is a fundamental human right. Also before this law was passed, people were criminalised on the basis of their sexuality which is discriminatory. However, while this law now meant that homosexual acts weren't unlawful, it wasn't until 7 years later with the passing of the Human Rights Act that it became illegal in New Zealand to discriminate on the grounds that someone was gay.

Not only did the passing of this law bring about an end to the criminalisation of people's sexuality, it also protected the right against self-incrimination. As AIDS was a notifiable disease, prior to the passing of this law, someone who had AIDS was required to notify the authorities of the circumstances of their infection, which in effect meant they had to self-incriminate that they were guilty of breaking the law (the Crimes Act 1961). This breaches the right against self-incrimination. This is the right which forbids the government from making any person give evidence which would likely count against him during any later criminal case, and it is evident in the right to remain silent.

Two	<p>A part answer for Task Two could read:</p> <p><i><u>Enforceable:</u> Laws need to be enforceable because a law is only effective if state authorities can detect when it is being broken and can punish offenders. If offenders are not punished, people will not be put off from breaking the law because they will not have any punishment to fear.</i></p>	<p>A part answer for Task Two could read:</p> <p><i><u>Enforceable:</u> Laws need to be enforceable because a law is only effective if state authorities can detect when it is being broken and can punish offenders. If offenders are not punished, people will not be put off from breaking the law because they will not have any punishment to fear.</i></p> <p><i>For example, one reason laws against some so-called “morality offences” (such as homosexuality) have been repealed is because there are no victims to file a complaint to police and the law is broken in private areas so it has been very difficult to enforce these types of law.</i></p>	<p>A part answer for Task Two could read.</p> <p><i><u>Enforceable:</u> Laws need to be enforceable because a law is only effective if state authorities can detect when it is being broken and can punish offenders. If offenders are not punished, people will not be put off from breaking the law because they will not have any punishment to fear.</i></p> <p><i>For example, when parliament was considering the repeal of sections 140-142 of the Crimes Act 1961 which criminalised consensual homosexual acts, it was argued that the criminalisation of consensual acts among those of age was mostly unenforceable anyway, as laws against morality often are: there are no traditional victims to file a complaint to police and the law was being broken in private areas so it was very difficult to enforce this law.</i></p>
Three		<p><i>In the case of the Homosexual Law Reform Act, there is a connection between the protection of human rights (the right of people not to be discriminated against for being gay) and the fact that there were no victims to assist in the enforcement of the previous discriminatory law.</i></p>	<p><i>In the case of the Homosexual Law Reform Act, there is a connection between one reason for this law – being the protection of human rights (the right of people not to be discriminated against for being gay) and the fact that it was unenforceable, and therefore an ineffective law prior to this. This is because there were no victims to assist in the enforcement of the previous discriminatory law.</i></p> <p><i>It was enforceable and many men were charged (even imprisoned). One of the issues was that it was difficult to enforce so Police used entrapment methods.</i></p>

Final grades will be decided using professional judgement based on a holistic examination of the evidence provided against the criteria in the unit standard.