



NZQA Assessment Support Material

Unit standard	27836				
Title	Explain concepts of democracy and government in a New Zealand context				
Level	2	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 explore a variety of concepts of democracy and government by defining and explaining each in terms of aspects of governance, using specific examples from a New Zealand context.

The aspects of governance include three of: Magna Carta and limits on the power of the monarch; relationship between tangata whenua and the Crown with regard to the Treaty of Waitangi; parliamentary sovereignty and statute as highest form of law; absence of a fully written constitution; role of the courts; delegated legislation.

A W A R D O F G R A D E S



- For award with **Achieved**, concepts of democracy and government are defined and explained in relation to aspects of governance.
- For award with **Merit**, the explanation of each aspect of governance is developed by including relevant supporting detail. Supporting detail may include but is not limited to any one of:
 - particular facts or events;
 - particular legislation;
 - case law, media reports.
- For award with **Excellence**, the explanation of each aspect of governance is fully developed by applying each concept to a specific example(s)

C O N D I T I O N S O F A S S E S S M E N T

Assessors will set the conditions of assessment as appropriate.

Assessment activity

This assessment activity has three tasks.

Task One involves explaining the role of the Magna Carta in governing New Zealand's democracy.

Task Two involves explaining the importance of the Treaty of Waitangi in terms of the governance of New Zealand.

Task Three involves explaining the parliamentary sovereignty as an aspect of governance.

Resource requirements

Assessors may find the following resources useful in gathering information on the concepts of democracy and government which are explored in this assessment.

www.parliament.govt.nz

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
<p>Concepts of democracy and government are defined and explained, with specific example(s), in relation to aspects of governance.</p> <p>Concepts of democracy and government may include but are not limited to – rule of law, separation of powers, liberal democracy, rights and their limitations.</p> <p>Aspects of governance may include but are not limited to – Magna Carta and limits on the power of the monarch, relationship between tangata whenua and the Crown with regard to the Treaty of Waitangi, parliamentary sovereignty and statute as highest form of law, absence of a fully written constitution, role of the courts, delegated legislation.</p> <p><i>Specific examples</i> refer to actual events from New Zealand or overseas, past or present.</p>	<p>The explanation of each aspect of governance is developed by including relevant supporting detail. Supporting detail may include but is not limited to:</p> <ul style="list-style-type: none"> • particular facts or events; • particular legislation; • case law, media reports. 	<p>The explanation of each aspect of governance is fully developed by applying each aspect to a specific example(s).</p>

Task	Evidence for achievement	Evidence for achievement with merit	Evidence for achievement with excellence
<p>One Outcome 1 PC 1.1</p>	<p>Question 1 It is considered one of the most important legal documents in the history of democracy because:</p> <p>a) It established the principle that the power of the King could be limited. It was the start of parliamentary rather than royal sovereignty.</p> <p>b) It protected rights of the people – in particular the right of Habeas Corpus, and the right that everyone has access to the courts.</p> <p>c) It established the right to trial by one’s peers.</p> <p>d) It established the right to no undue delays in the court process.</p> <p>Question 2 <i>When British colonists came to New Zealand they brought with them British law and the principles of the Magna Carta. Our legal system is still based on many of the legal principles established by the Magna Carta, in particular habeas corpus and that no person (or institution is above the law).</i></p> <p>Note – students would need to identify a specific example from New Zealand or overseas for an achieved grade.</p>	<p>The student develops their explanation of how the King’s powers were limited or of Habeas Corpus.</p> <p>The student references particular legislation. <i>New Zealand Bill of Rights Act (1990) affirms several of the principles of the Magna Carta into New Zealand law, e.g.</i></p> <ul style="list-style-type: none"> • <i>right to a speedy trial,</i> • <i>the right to justice in the courts.</i> 	<p>Magna Carta is thought to be the crucial turning point in the struggle to establish freedom and a key element in the transformation of constitutional thinking throughout the world.</p> <p>An explanation of how the Magna Carta applies to a specific example(s) e.g. <i>Magna Carta is still on NZ statutes – see Statutes of New Zealand, v 30 Zaoui v Attorney-General [2005] - the Supreme Court granted Mr Zaoui bail on the basis that the High Court had an “ancient common law jurisdiction” to grant bail to someone detained.</i></p>

<p>Two Outcome 1 PC 1.1</p>	<p>Question 1 The student includes an explanation of the Treaty of Waitangi as a founding document of NZ governance e.g.</p> <p><i>The Treaty of Waitangi is a broad statement of principles on which the British and Māori made a political compact to found a nation state and build a government in New Zealand.</i></p> <p><i>An explanation of what the English version guaranteed in terms of sovereignty, governance, rights privileges and protection.</i></p> <p><i>An explanation of why the Treaty of Waitangi itself is not part of NZ law, but does become law when incorporated into Acts of Parliament.</i></p> <p>Note – students would need to identify a specific example from New Zealand or overseas for an achieved grade.</p>	<p>Part evidence of particular facts.</p> <p><i>Third article of the Treaty of Waitangi extended rights and privileges of British subjects to Māori.</i></p> <p>Question 2 Reference to a particular piece of legislation, e.g. <i>Resource Management Act (1991) which includes reference to the principles of the Treaty of Waitangi and as such these become legally enforceable.</i> <i>State Owned Enterprises Act (1986) – clearly affirms the importance of the Treaty of Waitangi as it prohibits actions inconsistent with the principles of the Treaty of Waitangi.</i></p>	<p>The student fully develops their explanation of the Treaty of Waitangi’s place in New Zealand law by reference to a specific example(s) e.g. New Zealand Māori Council v Attorney General (1992) (Broadcasting Assets).</p>
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<p>Three Outcome 1 PC 1.1</p>	<p>Question 1 The student includes a definition of parliamentary sovereignty e.g. <i>The legislative body (parliament) has absolute sovereignty, and is supreme over all other government institutions, including executive or judicial bodies. It also holds that the legislative body is not binding on its successors and so may change or repeal any previous legislation.</i></p> <p>Question 2 <i>It is an important aspect of governance in a liberal democracy because it means that only the parliament elected by the people can make laws to govern those people.</i></p> <p>Question 3 An explanation of the role of the following in contributing to parliamentary sovereignty is required for achieved e.g. <i>Magna Carta – beginning of the move of sovereignty from King to Parliament. Treaty of Waitangi – brought British governance to NZ.</i></p> <p><i>Constitution Act – implemented Westminster style govt in New Zealand.</i></p> <p>Note – students would need to identify a specific example from New Zealand or overseas for an achieved grade.</p>	<p>The student’s explanation of parliamentary sovereignty is developed by including relevant supporting detail e.g. a media report: <i>In an article in the Manawatu Standard Liam Hehir argues that parliamentary sovereignty is one of the central benefits of an unwritten constitution.</i> http://www.stuff.co.nz/manawatu-standard/opinion/78507644/a-written-constitution-not-necessary-in-new-zealand</p>	<p>Question 4 The student fully develops their explanation of parliamentary sovereignty by reference to <i>Quilter v Attorney-General</i> A full answer for excellence would:</p> <ul style="list-style-type: none"> • describe the case eg an appeal against Marriage Act 1955 to allow same-sex marriage; • summarise legal arguments; • summarise the decision.
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Final grades will be decided using professional judgement based on a holistic examination of the evidence provided against the criteria in the unit standard.