



## NZQA Assessment Support Material

<b>Unit standard</b>	<b>27836</b>				
<b>Title</b>	Explain concepts of democracy and government in a New Zealand context				
<b>Level</b>	2	<b>Credits</b>	4	<b>Version</b>	2

### Student guidelines

#### Introduction

During your Legal Studies programme you will explore a range of concepts of democracy and government in a New Zealand context.

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

- concepts of democracy and government which may include but are not limited to: rule of law, separation of powers, liberal democracy, rights and their limitations;
- aspects of governance which may include but are not limited to: the Magna Carta and limits on the power of the monarch, relationship between tangata whenua and the Crown as regards te Tiriti o Waitangi, parliamentary sovereignty and statute as highest form of law, absence of a fully written constitution, role of the courts, delegated legislation.

You will be assessed on your ability to explain concepts of democracy and government in a New Zealand context.

#### AWARD OF GRADES



- 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.

## AWARD OF GRADES - CONTINUATION



- For award with **Excellence**, the explanation of each aspect of governance must be fully developed by applying each concept to a specific example(s).

## CONDITIONS OF ASSESSMENT

Assessors will set the conditions of assessment as appropriate.

### Assessment Activity

#### Task One

1. The Magna Carta is widely viewed as one of the most important legal documents in the history of democracy. Explain why.
2. Explain how the Magna Carta has contributed, and still contributes, to New Zealand law and governance.

#### Task Two

Using relevant court cases and legislation, explain the importance of te Tiriti o Waitangi in terms of its:

1. Place in the New Zealand legal system.
2. Influence upon the development of the New Zealand legal system. You need to refer to at least **one court case** and **one piece of legislation** in your explanation.

#### Task Three

In *Rothmans of Pall Mall (NZ) Ltd v Attorney-General (1991)*, Judge Robertson summarised New Zealand's constitutional position as:

*".... clear and unambiguous. Parliament is supreme and the function of the courts is to interpret the law as laid down by Parliament. The courts do not have a power to consider the validity of properly enacted laws."*

1. Define parliamentary sovereignty.
2. Why is parliamentary sovereignty a key aspect of a liberal democracy?
3. Explain how the following contributed to parliamentary sovereignty:
  - a. Magna Carta,
  - b. Treaty of Waitangi, and
  - c. New Zealand Constitution Act (1852).
4. Using a case such as *Quilter v Attorney-General (1998)*, explain how the Judiciary affirmed parliamentary sovereignty.

### Resource requirements

There are no specific resource requirements for this assessment.