

Title	Demonstrate knowledge of the development of the New Zealand legal system		
Level	3	Credits	5

Purpose	People credited with this unit standard are able to: describe pre-European Māori law and dispute resolution; describe the effect of English heritage on the New Zealand legal system; provide an overview of the establishment and development of the New Zealand legal system; and provide perspectives on the current and future development of New Zealand law.
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Classification	Social Science Studies > Legal Studies
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Available grade	Achieved
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Guidance Information

- Assessment of outcome 1 of this unit standard is limited to local rohe or takiwā. Where local rohe are also occupied by a number of other iwi, hapū, or whānau the tangata whenua and/or mana whenua view will take precedence. Other iwi, hapū, or whānau views should be encouraged in order to enrich and enhance understanding of key Māori concepts and practices.
- Legislation and documents relevant to this unit standard include:
 Bill of Rights 1688 (Eng)
 Constitution Act 1986
 Electoral Act 1993
 Magna Carta 1297
 New Zealand Constitution Act 1852
 The Treaty of Waitangi (English and Māori versions)
 Treaty of Waitangi Act 1975.
- Useful references for this unit standard include:
 Morris, Grant, (2014) *Law Alive: The New Zealand Legal System in Context*. Third Edition. OUP Australia & New Zealand.
 Moko Mead, H, *Tikanga Māori: Living by Māori Values* (Wellington, NZ: Huia Publishers, 2003).
- Māori concepts for the purpose of this unit standard include:
Kawa and *tikanga* refer to the appropriate practice or protocol to be used in particular situations. These practices or protocols reflect the concepts or mores upon which they are based. Failure to perform kawa or tikanga at the appropriate time impacts on the mana of all involved.
Tapu refers to a state or condition whereby something or somebody is sacred or set apart. Tapu is a condition which manifests the power of ngā atua into everyday life.

The beliefs associated with tapu are inherently linked with the beliefs and practices as they were carried out prior to Pākehā contact. As a result, tapu as a concept or belief has changed significantly over time and differs between iwi and hapū.

Hara refers to mistakes or sins.

Noa refers to a state or condition whereby something or somebody is not in a tapu state.

Rāhui refers to a mark to warn people against trespassing due to a prohibition or ban.

Take tupuna refers to the right of ownership of land through inheritance.

Take raupatu refers to the right of ownership of land by confiscation.

Take whenua tuku refers to land that has been gifted.

Utu, for the purpose of this unit standard, means to respond or reply by gift, action or through revenge.

Muru, for the purpose of this unit standard, means to wipe out the mistake or forgive.

Outcomes and performance criteria

Outcome 1

Describe pre-European Māori law and dispute resolution.

Performance criteria

- 1.1 The roles of tikanga and kawa are identified and described in terms of their basis for law for pre-European Māori.
- 1.2 The role of Rangatira is identified and described in relation to tikanga.
- 1.3 The way in which tapu governed conduct, and the relationship of hara, noa, and rāhui to tapu for pre-European Māori are described.
- 1.4 Concepts of pre-European land tenure are identified and described in terms of take tupuna, take raupatu, and take whenua tuku.
- 1.5 Aspects of dispute resolution are identified and described in terms of their operation in pre-European society.

Range utu, muru.

Outcome 2

Describe the effect of English heritage on the New Zealand legal system.

Performance criteria

- 2.1 Features of New Zealand law are identified and described in terms of their development from English jurisprudence.

Range one feature for each of – customary law, common law, equity.

2.2 The development of English statutes are identified and described in terms of how they illustrated the shift in power from the monarch to the common people and contributed to New Zealand law.

Range includes but is not limited to – Magna Carta 1297, Bill of Rights 1688.

2.3 The notion of law as a social contract is described in terms of the development of government by consent in English heritage.

Outcome 3

Describe the establishment and development of the New Zealand legal system.

Performance criteria

3.1 Problems in relation to translation and interpretation of words and/or terms from English to Māori versions of the Treaty of Waitangi are described.

Range three problems.

3.2 A consequence of one problem related to translation and interpretation of words and/or terms from English to Māori versions of the Treaty of Waitangi is described in terms of the subsequent governance of New Zealand.

3.3 The role of the New Zealand Constitution Act 1852 is described in terms of its significance in bringing the British model of government into New Zealand.

3.4 Specific legislation is described in terms of its effect on the development of New Zealand's legal system.

Range Constitution Act 1986, three other statutes.

Outcome 4

Describe the current and future development of New Zealand law.

Performance criteria

4.1 The importance of the Treaty of Waitangi is explained in terms of its influence upon the development of the New Zealand legal system, with reference to court cases and legislation.

Range two court cases, two pieces of legislation.

4.2 A development that illustrates the movement away from English law towards law that reflects the nature of New Zealand society is described.

Range development may include – harmonisation with Australian law, formation of the Supreme Court, possibly becoming a republic, increased use of marae justice.

Replacement information	This unit standard was replaced by unit standard 32360.
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This unit standard is expiring. Assessment against the standard must take place by the last date for assessment set out below.

Status information and last date for assessment for superseded versions

Process	Version	Date	Last Date for Assessment
Registration	1	21 March 1997	31 December 2013
Review	2	23 February 2000	31 December 2013
Review	3	14 December 2007	31 December 2013
Revision	4	17 October 2008	31 December 2013
Rollover and Revision	5	14 December 2012	31 December 2017
Review	6	20 August 2015	31 December 2022
Review	7	27 May 2021	31 December 2022

Consent and Moderation Requirements (CMR) reference	0226
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This CMR can be accessed at <http://www.nzqa.govt.nz/framework/search/index.do>.