

<b>Title</b>	<b>Demonstrate knowledge of the legal system as it pertains to local government in New Zealand</b>		
<b>Level</b>	<b>5</b>	<b>Credits</b>	<b>8</b>

<b>Purpose</b>	People credited with this unit standard are able to describe the law made by the legislative branch of government, the process by which it is made and its effect; describe the law made by the administrative branch of government and the process by which it is made; interpret a section of an Act; identify and interpret regulations or bylaws; and describe the amendment of laws in response to society's changing needs and values.
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<b>Classification</b>	Compliance and Law Enforcement > Compliance and Regulatory Control
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<b>Available grade</b>	Achieved
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### Guidance Information

- 1 Assessment against this unit standard should take place in the context of the legislation and/or regulations that are relevant in a Local Government work context.
- 2 Legislation relevant to this unit standard includes but is not limited to the New Zealand Bill of Rights Act 1990, and its subsequent amendments.

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### Outcomes and performance criteria

#### Outcome 1

Describe the law made by the legislative branch of government, the process by which it is made, and its effect.

#### Performance criteria

- 1.1 The making of an Act of Parliament in terms of the stages it passes through in becoming an Act from introduction to assent is described.
- 1.2 The effect of new legislation on precedent and delegated legislation is described.
- 1.3 The law-making function of the executive is described.

Range cabinet, ministerial, executive council, Governor General.

1.4 The parts of an Act of Parliament and the function of each are described.

Range any two of – long title, short title, analysis, commencement date, definitions, sections, schedules.

1.5 The checks and balances in the New Zealand legal system are described in terms of the protection they offer.

Range any two of – separation of powers, role of the Police, Ombudsman or other appeal authority, judicial review, commissions of enquiry, New Zealand Bill of Rights Act 1990.

1.6 Describe Local Government in terms of law-making function, jurisdiction, and examples of laws made.

## Outcome 2

Describe the law made by the administrative branch of government and the process by which it is made.

### Performance criteria

2.1 The types of delegated legislation and the function of each are described.

Range regulation and bylaw.

2.2 Describe how the authority for the administrative branch of government to make law is conferred by the legislative branch of government.

2.3 The controls that the judicial branch of government has over law made by the administrative branch of government are described.

## Outcome 3

Interpret a section of an Act.

### Performance criteria

3.1 Specialist terms commonly used in an act are identified and defined.

Range terms may include but are not limited to – and, or, provided that, notwithstanding, subject to, deemed, except as expressly provided for, includes, means, may, shall; definitions of four terms are required.

3.2 Basic rules of statutory interpretation are explained.

Range literal rule, purposive approach (or purpose rule), golden rule, mischief rule, natural justice, ultra vires, adjourn sine die, noscitur a sociis, ejusdem generis, expressio unius est exclusio alterius; explanations of any three of these rules are required.

- 3.3 Meaning of a section of an Act is explained in plain English.  
Range meanings of any two sections are required.
- 3.4 The meaning of a section of an Act, which is reliant on provisions of another Act, is explained taking into account both sources of law and any conflicts.  
Range two examples are required.

#### **Outcome 4**

Identify and interpret regulations or bylaws.

##### **Performance criteria**

- 4.1 The legislative authority for regulations and/or bylaws is identified.  
Range two regulations or two bylaws.
- 4.2 Regulations and/or bylaws are interpreted for different situations.  
Range two situations are required.

#### **Outcome 5**

Describe the amendment of laws in response to society's changing needs and values.

##### **Performance criteria**

- 5.1 The ways individuals and groups influence changes in the law are described in terms of processes used.  
Range any two of – lobbying, petitioning, political pressure, submissions to select committee, judicial review.
- 5.2 Factors, which hinder the process of amending law in New Zealand, are identified.  
Range any two of – cost, time, public opinion, vested interest.
- 5.3 The process of law amendment in response to society's changing needs and values is identified in relation to a specific law reform.

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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	27 May 2002	31 December 2023
Revision	2	16 February 2006	31 December 2023
Review	3	23 May 2019	31 December 2023

<b>Consent and Moderation Requirements (CMR) reference</b>	0046
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This CMR can be accessed at <http://www.nzqa.govt.nz/framework/search/index.do>.

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