

Title	Evaluate litigation and dispute resolution processes in relation to challenging state power		
Level	3	Credits	4

Purpose	People credited with this unit standard are able to evaluate litigation and dispute resolution processes in relation to challenging state power.
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Classification	Social Science Studies > Legal Studies
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Available grade	Achieved, Merit, and Excellence
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Criteria for Merit	<p>The evaluation of the use of the formal means is developed by discussing the strength(s) and weakness(es) of each formal means with reference to any of:</p> <ul style="list-style-type: none"> • legislation; • case law; • media reports.
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Criteria for Excellence	The evaluation justifies a position about the litigation and disputes resolution process by using a well reasoned and convincing argument of the effectiveness of two of the formal means, with reference to specific examples.
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Guidance Information

- 1 Definition
Specific examples refer to real cases in which the chosen formal means of challenging state power have been used, for instance: the use of international law process in opposition to the Foreshore and Seabed Act 2004; the use of court process in the 1994 Baigent's case.
- 2 For the purposes of this unit standard, it is recognised that the distinction between litigation and dispute resolution processes may vary depending on the legal systems chosen.
- 3 This unit standard can be awarded with an Achieved, Merit, or Excellence grade. For the Achieved grade to be awarded, all outcomes must be achieved as specified in the outcome statement(s). For Merit or Excellence grades to be awarded, the candidate must meet the Merit or Excellence criteria specified above.

- 4 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 support material for these standards can be found at <http://www.nzqa.govt.nz/legalstudies>.

Outcomes and performance criteria

Outcome 1

Evaluate litigation and dispute resolution processes in relation to challenging state power.

Performance criteria

- 1.1 Two formal means by which individuals and groups challenge state power is evaluated, with supporting detail, in relation to a specific example.

Range formal means may include but is not limited to – administrative review; judicial review; habeas corpus; court process; an international law process; complaints to the Ombudsman, Human Rights Commission, Privacy Commission, Independent Police Conduct Authority; Waitangi Tribunal; supporting detail includes – the reason why each formal means could be used, describing the strength(s) and weakness(es) of each formal means.

Replacement information	This unit standard replaced unit standard 10341, unit standard 10351, and unit standard 23699.
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Planned review date	31 December 2022
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Status information and last date for assessment for superseded versions

Process	Version	Date	Last Date for Assessment
Registration	1	14 December 2012	31 December 2019
Review	2	23 November 2017	N/A

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>.

Comments on this unit standard

Please contact NZQA National Qualifications Services nqs@nzqa.govt.nz if you wish to suggest changes to the content of this unit standard.