

<b>Title</b>	<b>Demonstrate operational knowledge of law in a regulatory context in New Zealand</b>		
<b>Level</b>	<b>4</b>	<b>Credits</b>	<b>12</b>

<b>Purpose</b>	<p>People credited with this unit standard are able to:</p> <ul style="list-style-type: none"> <li>– demonstrate knowledge of how Te Tiriti o Waitangi/Treaty of Waitangi (The Treaty) is applied with respect to the New Zealand legislative framework within a regulatory environment;</li> <li>– describe the New Zealand legal system in the context of operational regulatory practice;</li> <li>– describe the powers and obligations of a regulatory officer and the rights of regulated parties.</li> <li>– demonstrate knowledge of applying legislation in an operational regulatory context;</li> <li>– demonstrate knowledge of offences in an operational regulatory context; and</li> <li>– describe evidence and evidence management in an operational regulatory context.</li> </ul>
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<b>Classification</b>	Public Sector Compliance > Public Sector Compliance Operations
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<b>Available grade</b>	Achieved
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## Guidance Information

### 1 Definitions

*Elements* in the context of this unit standard may also be referred to as ingredients.

*Organisational requirements* refer to instructions to staff on policies, procedures, and methodologies which are documented and are available in the workplace. This includes an organisation's obligations under Te Tiriti o Waitangi/The Treaty of Waitangi.

*Te Tiriti o Waitangi* refers to the Māori language text of the Treaty.

*Treaty of Waitangi* refers to the English language text of the Treaty.

*The Treaty* refers to both the Māori and English language texts considered as a whole.

*The principles of The Treaty* refer to the core concepts that underpin The Treaty. There is more than one set of Treaty principles that can be referenced.

### 2 The Regulatory sector has a number of terms with specific usage. For current definitions visit [Programme Guidance-Skills](#).

- 3 References include but are not limited to:  
Criminal Procedure Act 2011;  
Human Rights Act 1993;  
Local Government Official Information and Meetings Act 1987;  
New Zealand Bill of Rights Act 1990;  
Official Information Act 1982;  
Privacy Act 2020;  
Search and Surveillance Act 2012;  
Te Tiriti o Waitangi/The Treaty of Waitangi;  
Specific legislation mandating the powers and duties of a specific organisation with respect to its regulatory role and/or any other legislation applicable to a particular regulatory situation (e.g. Fisheries Act 1996, Resource Management Act 1991);  
and any subsequent amendments or replacements.
- 4 Range
- Demonstration of knowledge and skills must be consistent with any applicable code or codes of conduct such as the New Zealand State Services Code of Conduct, Standards of Integrity and Conduct (available from <http://www.publicservice.govt.nz>) and/or any other agency specific code or codes of conduct and/or ethics.
  - Demonstration of knowledge and skills must come from a regulatory organisation which may be the candidate's employer or may come from a case study using simulated scenarios.

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## Outcomes and performance criteria

### Outcome 1

Demonstrate knowledge of how Te Tiriti o Waitangi/Treaty of Waitangi (The Treaty) is applied with respect to the New Zealand legislative framework within a regulatory environment.

#### Performance criteria

- 1.1 Discuss a regulatory organisation and the legislation it administers in relation to the principles of The Treaty.

### Outcome 2

Describe the New Zealand legal system in the context of operational regulatory practice.

#### Performance criteria

- 2.1 Describe how legislation currently administered by a regulatory compliance organisation is created, applied, and reviewed.

Range two statutes are required.

- 2.2 Describe natural justice, and provide an example of how it is applied in a regulatory compliance environment.
- Range description may include but is not limited to – hearing rule, bias rule, evidence rule.
- 2.3 Describe common law, and provide an example of how it is applied in a regulatory environment.
- Range description may include but is not limited to –judge-made law and/or case law, precedent.
- 2.4 Describe court structure, functions and process, and entry into the court process for a regulatory organisation.
- Range description may include – the hierarchy of courts, appeal processes, civil proceedings, criminal proceedings.

### Outcome 3

Describe the powers and obligations of a regulatory officer and the rights of regulated parties.

Range powers and obligations in relation to two statutes.

### Performance criteria

- 3.1 Describe a regulatory officer's powers and obligations, in relation to legislation administered by a regulatory organisation.
- 3.2 Describe a regulatory officer's obligations and the rights of regulated parties in relation to specified Acts.
- Range specified Acts include – Privacy Act 2020; Bill of Rights Act 1990; Official Information Act 1982 or the Local Government Official Information and Meetings Act 1987; may include but are not limited to – Search and Surveillance Act 2012, Human Rights Act 1993.

### Outcome 4

Demonstrate knowledge of applying legislation in an operational regulatory context.

### Performance criteria

- 4.1 Identify and define specialist terms used in legislation, and provide an example of how their meaning affects regulatory practice.
- Range terms may include but are not limited to – and, or, may, shall, provided that, notwithstanding, subject to, deemed, except as expressly provided for, includes, means; definitions of four terms are required.

4.2 Explain sections of an Act and/or its legislative instruments and their practical effect on regulated parties.

Range two sections are required.

4.3 Explain sections of an Act and/or its legislative instruments in plain terms.

Range two sections are required.

### Outcome 5

Demonstrate knowledge of offences in an operational regulatory context.

#### Performance criteria

5.1 Explain elements with respect to offences.

5.2 Explain *actus reus* and *mens rea* in the context of New Zealand law.

5.3 Explain types of liability relating to offences.

Range includes but is not limited to – strict, vicarious, absolute.

5.4 Explain the standards of proof for criminal liability and civil liability.

5.5 Explain burden of proof.

5.6 Interpret legislation to identify elements of an offence.

Range two offences are required.

5.7 Identify a statutory defence in relation to a specific offence.

### Outcome 6

Describe evidence and evidence management in an operational regulatory context.

#### Performance criteria

6.1 Describe the chain of evidence processes and requirements which assure the integrity, admissibility, and probative value of the evidence in a regulatory organisation in accordance with organisational requirements.

6.2 Provide an example of how the chain of evidence is applied in a regulatory organisation.

Range example must include – obtaining, securing, labelling, record keeping, retention and access, presentation, destruction or disposal.

<b>Planned review date</b>	31 December 2026
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**Status information and last date for assessment for superseded versions**

Process	Version	Date	Last Date for Assessment
Registration	1	18 February 2016	31 December 2023
Review	2	28 October 2021	N/A

<b>Consent and Moderation Requirements (CMR) reference</b>	0121
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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 The Skills Organisation [reviewcomments@skills.org.nz](mailto:reviewcomments@skills.org.nz) if you wish to suggest changes to the content of this unit standard.