Title
Demonstrate operational knowledge of the law in a regulatory compliance context

Level
4

Credits
12

Purpose
People credited with this unit standard are able to:
- demonstrate knowledge of how the Treaty of Waitangi/Te Tiriti o Waitangi is applied with respect to the New Zealand legislative framework within a regulatory compliance environment;
- describe the New Zealand legal system in the context of operational regulatory compliance;
- describe the ethical application of the powers and obligations of a regulatory compliance officer;
- demonstrate knowledge of applying legislation in an operational regulatory compliance context;
- demonstrate knowledge of offences in an operational regulatory compliance context;
- describe evidence and evidence management in an operational regulatory compliance context.

Classification
Public Sector Compliance > Public Sector Compliance Operations

Available grade
Achieved

Explanatory notes

1 Definitions
Organisational requirements refer to instructions to staff on policies, procedures, and methodologies which are documented and are available in the workplace.
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 Regulatory Compliance sector has a number of terms with specific usage. For current definitions visit http://www.skills.org.nz/resources-for-training-providers/.

2 Legislation and standards relevant to this unit standard include but are not limited to:
Criminal Procedure Act 2011;
Human Rights Act 1993;
New Zealand Bill of Rights Act 1990;
Search and Surveillance Act 2012;
Te Tiriti o Waitangi/Treaty of Waitangi;
specific legislation mandating the powers and duties of a specific organisation with respect to its regulatory compliance role and/or any other legislation applicable to a
particular regulatory compliance situation (e.g. Fisheries Act 1996, Resource Management Act 1991); and any subsequent amendments or replacements.

**Outcomes and evidence requirements**

**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 compliance environment.

**Evidence requirements**

1.1 Discuss a regulatory compliance organisation and the legislation it administers in relation to the principles of The Treaty, in accordance with organisational requirements.

**Outcome 2**

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

**Evidence requirements**

2.1 Describe how legislation currently used in a regulatory compliance organisation is created, applied, and reviewed, in accordance with organisational requirements.

Range maximum of two statutes.

2.2 Describe natural justice, and provide at least one example of how it is applied in a regulatory compliance environment, in accordance with organisational requirements.

Range description may include but is not limited to – hearing rule, bias rule, evidence rule.

2.3 Describe common law, and provide at least one example of how it is applied in a regulatory compliance environment, in accordance with organisational requirements.

Range description includes – judicial decisions, judge-made law/case law, precedent.

2.4 Describe court structure, functions and process, and entry into the court process for a regulatory compliance organisation, in accordance with organisational requirements.

Range description may include – the hierarchy of courts, appeal processes, civil proceedings, criminal proceedings.
Outcome 3

Describe the ethical application of the powers and obligations of a regulatory compliance officer.

Range  powers and obligations in relation to a maximum of two statutes.

Evidence requirements

3.1 Describe a regulatory compliance officer’s powers and obligations, and ethical application of those powers in relation to legislation administered by a regulatory compliance organisation with respect to its regulatory compliance role, in accordance with legal and organisational requirements.

3.2 Describe a regulatory compliance officer’s obligations and the rights of compliance subjects in relation to specified Acts.

Range  specified Acts include – Privacy Act 1993; Bill of Rights Act 1990 and/or Human Rights Act 1993; Official Information Act 1982 or the Local Government Official Information and Meetings Act 1987; and may include but are not limited to – Search and Surveillance Act 2012.

Outcome 4

Demonstrate knowledge of applying legislation in an operational regulatory compliance context.

Evidence requirements

4.1 Identify and define specialist terms used in legislation, and provide an example of how their meaning affects regulatory compliance practice, in accordance with organisational requirements.

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 entities, in accordance with organisational requirements.

Range  two sections are required.

4.3 Explain sections of an Act and/or its legislative instruments in plain terms, in accordance with organisational requirements.

Range  two sections are required.

Outcome 5

Demonstrate knowledge of offences in an operational regulatory compliance context.
Evidence requirements

5.1 Explain what elements are 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 Interpret sections of statute relating to offences to identify elements.
   Range two sections of statute.

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

Outcome 6

Describe evidence and evidence management in an operational regulatory compliance context.

Evidence requirements

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

6.2 Give an example of how the chain of evidence is applied in a regulatory compliance organisation.
   Range example may include but is not limited to – obtaining, securing, labelling, record keeping, retention and access, presentation.

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Planned review date: 31 December 2020

Status information and last date for assessment for superseded versions

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Consent and Moderation Requirements (CMR) reference

This CMR can be accessed at http://www.nzqa.govt.nz/framework/search/index.do.

Please note

Providers must be granted consent to assess against standards (accredited) by NZQA, before they can report credits from assessment against unit standards or deliver courses of study leading to that assessment.

Industry Training Organisations must be granted consent to assess against standards by NZQA before they can register credits from assessment against unit standards.

Providers and Industry Training Organisations, which have been granted consent and which are assessing against unit standards must engage with the moderation system that applies to those standards.

Requirements for consent to assess and an outline of the moderation system that applies to this standard are outlined in the Consent and Moderation Requirements (CMRs). The CMR also includes useful information about special requirements for organisations wishing to develop education and training programmes, such as minimum qualifications for tutors and assessors, and special resource requirements.

Comments on this unit standard

Please contact The Skills Organisation at reviewcomments@skills.org.nz if you wish to suggest changes to the content of this unit standard.