

Title	Demonstrate knowledge of the law relevant to complex regulatory investigations		
Level	6	Credits	20

Purpose	<p>This unit standard is for people currently employed as regulatory investigators.</p> <p>People credited with this unit standard are able to demonstrate knowledge of:</p> <ul style="list-style-type: none"> – legislation relating to evidence and searching for evidence, in relation to complex regulatory investigations; – statutory powers and obligations in relation to complex regulatory investigations; – vicarious liability in relation to regulatory investigations and/or enforcement; and – judicial process, hierarchy of courts, precedence and case law in relation to complex regulatory investigations.
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Classification	Public Sector Compliance > Public Sector Compliance Investigations
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Available grade	Achieved
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Guidance Information

1 Definitions

Complex regulatory investigations refer to high potential risk, consequences, or liability; high public interest; complex or multiple legal or jurisdictional aspects; multiple or hidden entities; complex relationships; unclear circumstances; uncooperative subjects; or that are protracted, requiring management of risks relating to lengthy investigations.

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.

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:

Bill of Rights Act 1990;
Crimes Act 1961;
Criminal Disclosure Act 2008;

Criminal Procedure Act 2011;
 District Courts Act 2012;
 Evidence Act 2006;
 Human Rights Act 1993;
 Interpretations Act 1999;
 Local Government Official Information and Meetings Act 1987;
 New Zealand Bill of Rights Act 1990;
 Official Information Act 1982;
 Privacy Act 2020;
 Public Records Act 2005;
 Search and Surveillance Act 2012;
 Senior Courts Act 2016;
 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 and 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 <https://www.publicservice.govt.nz/>) and/or any other agency specific code or codes of conduct and/or ethics.

Outcomes and performance criteria

Outcome 1

Demonstrate knowledge of legislation relating to evidence and searching for evidence, in relation to complex regulatory investigations.

Performance criteria

- 1.1 Describe the purpose and fundamental principles of legislation relating to evidence and searching for evidence in accordance with legal and organisational requirements.
- Range includes but is not limited to – Evidence Act 2006, Search and Surveillance Act 2012.
- 1.2 Explain key terms relating to evidence in relation to complex regulatory investigations, consistent with the Evidence Act 2006 and/or its application.
- Range hearsay, opinion, improperly obtained evidence, veracity, propensity, privilege, confidentiality, eligibility, corroboration.
- 1.3 Describe situations in regulatory investigations where information and any exhibits collected may not be admissible as evidence at legal proceedings, consistent with the Evidence Act 2006, and the Search and Surveillance Act 2012.

- 1.4 Describe ways of producing evidence at court, consistent with the Evidence Act 2006.

Outcome 2

Demonstrate knowledge of statutory powers and obligations in relation to complex regulatory investigations.

Range may include – reference to case law.

Performance criteria

- 2.1 Explain how the statutory powers and obligations contained in the legislation administered by a specific organisation relate to complex regulatory investigations.

Range maximum of two statutes.

- 2.2 Explain the obligations of investigators, and rights of compliance subjects, in relation to the Bill of Rights Act 1990 and/or Human Rights Act 1993, the Official Information Act 1982 or the Local Government Official Information and Meetings Act 1987, the Criminal Disclosure Act 2008, and the Privacy Act 2020.

Range explanation includes examples of obligations and rights as applied to complex regulatory investigations.

Outcome 3

Demonstrate knowledge of vicarious liability in relation to regulatory investigations and/or enforcement.

Range forms of vicarious liability – vicarious liability for acts and/or omissions of agents, attribution of agent's knowledge or intent to a legal person, joint liability of a legal person and an agent.

Performance criteria

- 3.1 Describe and provide examples of forms of vicarious liability in accordance with legal and organisational requirements.
- 3.2 Explain forms of vicarious liability in relation to regulatory situations, and their implications in terms of regulatory compliance investigations and/or enforcement in accordance with legal and organisational requirements.

Outcome 4

Demonstrate knowledge of judicial process, hierarchy of courts, precedence, and case law in relation to complex regulatory investigations.

Performance criteria

4.1 Describe court structure, functions, and process, and entry into the court process for regulatory organisations, in relation to complex regulatory investigations in accordance with legal and organisational requirements.

Range description includes – the hierarchy of courts, the operation of the doctrine of precedent, appeal processes, court processes for civil and criminal proceedings, processes used in one’s own organisation to commence judicial proceedings; knowledge may be demonstrated in a civil and/or criminal proceedings context.

4.2 Describe how a case is managed in accordance with the Criminal Proceedings Act 2013 and the Criminal Disclosure Act 2008.

4.3 Describe judicial decisions in accordance with legal and organisational requirements.

Range description includes – how judicial decisions are arrived at by the judiciary, how judicial decisions are structured, how judicial decisions are accessed, how to interpret judicial decisions in terms of ratio decidendi and obiter dicta.

4.4 Explain precedence and case law in relation to complex regulatory investigations in accordance with legal and organisational requirements.

Planned review date	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

Consent and Moderation Requirements (CMR) reference	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 if you wish to suggest changes to the content of this unit standard.