

Title	Evaluate key concepts of New Zealand's legal system from pre-European practices to current practices		
Level	3	Credits	4

Purpose	People credited with this unit standard are able to evaluate key concepts of New Zealand's legal system from pre-European practices to current practices.
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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>Evaluation of key concepts demonstrates:</p> <ul style="list-style-type: none"> • in-depth understanding of how and why the legal system has evolved over time • in-depth understanding of the legal system and its past and present practices • informed conclusions about the impacts of the legal system on individuals and society with supporting evidence.
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Criteria for Excellence	<p>Evaluation of key concepts demonstrates:</p> <ul style="list-style-type: none"> • insightful understanding of how and why the legal system has evolved over time • comprehensive understanding of the legal system and its past and present practices • perceptive conclusions about the impacts of the legal system on individuals and society with a range of supporting evidence.
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Guidance Information

- 1 This unit standard can be awarded with Achieved, Merit, or Excellence grades.

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>.

- 2 Definitions
Case commentary refers to extended commentary on particular court cases.

Expert commentary refers to thought-provoking opinions written by legal practitioners, academics and policy makers based on their knowledge and experiences of the legal system.

Key concepts refer to the fundamental building blocks for New Zealand's legal system which include, for example, tikanga Māori and Māori customary law, parts of the Magna Carta, British law, Statute law, International law, Bill of Rights 1689, New Zealand Bill of Rights 1990, Common law, Criminal and Civil law, the Courts system, Te Tiriti o Waitangi/Treaty of Waitangi principles and the Waitangi Tribunal, the Judiciary and the legal profession.

Supporting evidence refers to examples used to back up or otherwise support evaluation, such as relevant legislation from New Zealand and overseas, English statutes, Te Tiriti o Waitangi/Treaty of Waitangi principles, case commentary and expert commentary.

3 Tikanga whakaaro/Māori key concepts

Hara refers to wrongdoings or sins, or the violation of tapu.

Kawa and *tikanga* refer to the appropriate practice or protocol to be used in particular situations. These practices or protocols reflect the concepts or mores upon which they are based. Failure to perform kawa or tikanga at the appropriate time impacts on the mana of all involved.

Noa refers to a state free from the extensions of tapu, or to be in an ordinary, unrestricted, profane state.

Muru, for the purpose of this unit standard, means to wipe out the mistake or forgive.

Rāhui refers to a temporary ritual prohibition, closed season or ban.

Take tupuna refers to the right of ownership of land through inheritance.

Take raupatu refers to the right of ownership of land by confiscation.

Take whenua tuku refers to land that has been gifted.

Tapu refers to a state or condition whereby something or somebody is sacred or set apart. Tapu is a condition which manifests the power of ngā atua into everyday life.

The beliefs associated with tapu are inherently linked with the beliefs and practices as they were carried out prior to Pākehā contact. As a result, tapu as a concept or belief has changed significantly over time and differs between iwi and hapū.

Violations of, or transgressions against, tapu would result in retribution and consequences

Utu, for the purpose of this unit standard, means to respond or reply by gift, action or through revenge.

4 Useful references for this standard include:

Te Ara – The Encyclopedia of New Zealand:

<https://teara.govt.nz/en/self-government-and-independence>

<https://teara.govt.nz/en/te-ture-maori-and-legislation>

New Zealand Legislation website: <http://legislation.govt.nz/>

[Youth Court | Youth Court of New Zealand](#)

[Ministry of Justice | New Zealand Ministry of Justice.](#)

5 Legislation and documents relevant to this unit standard include:

Bill of Rights 1688

New Zealand Bill of Rights 1990

Constitution Act 1986

Electoral Act 1993

He Whakaputanga o te Rangatiratanga o Nu Tireni 1835 (the Declaration of Independence of the United Tribes of New Zealand 1835)

The New Zealand Constitution Act 1852
 Te Tiriti o Waitangi and The Treaty of Waitangi (English and Māori versions)
 Treaty of Waitangi Act 1975
 Te Ture Whenua Māori Act 1993
 Marine and Coastal Area (Takutai Moana) Act 2011.

Outcomes and performance criteria

Outcome 1

Evaluate key concepts of New Zealand's legal system from pre-European practices to current practices.

Performance criteria

1.1 Two key concepts of New Zealand's legal system from pre-European practices to current practices are evaluated in terms of their impact on individuals and society based on supporting evidence.

Range one of but not limited to – kawa, tikanga, tapu, hara, noa, rāhui, take tupuna, take raupatu, take whenua tuku, utu, muru;
 one of but not limited to – the influence of English statutes, Te Tiriti o Waitangi/Treaty of Waitangi, the establishment of the Supreme Court.

1.2 The relationship between key concepts and current practices is evaluated in terms of their impact on individuals and society based on supporting evidence.

Range may include but is not limited to – the Te Tiriti o Waitangi/Treaty of Waitangi, The Treaty of Waitangi Act 1975 (the Waitangi Tribunal), the development of the Rangatahi Courts, Ngā Kōti Rangatahi and the Māori Land Court, the establishment of the Supreme Court.

Replacement information	This unit standard replaced unit standard 10347.
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Planned review date	31 December 2025
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Status information and last date for assessment for superseded versions

Process	Version	Date	Last Date for Assessment
Registration	1	27 May 2021	N/A

Consent and Moderation Requirements (CMR) reference	0226
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This CMR can be accessed at <https://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.