Legal Studies Assessment Support Material

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| **Unit standard** | 27841 | | | | |
| **Title** | Describe the purpose of law | | | | |
| **Level** | 1 | **Credits** | 4 | **Version** | 3 |

Assessor Guidelines

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| **Notes** The following guidelines are supplied to enable assessors to carry out valid and consistent assessment using this internal assessment resource.  Assessors must manage authenticity for any assessment from a public source, because ākonga/learners may have access to the assessment schedule or ākonga/learner exemplar material. Use of this assessment resource without modification may mean that ākonga/learners' work is not authentic. The assessor will need to change figures, measurements or data sources or set a different context or topic.  While this ASM lends itself to written assessments, there are other activities and approaches that could be taken. Consider the benefits of using different assessment approaches.  See [Gathering evidence of learner achievement](https://www2.nzqa.govt.nz/tertiary/assessment-and-moderation-of-standards/assessment/resources/gathering-evidence-of-learner-achievement/) and [Online Assessor Support](https://www2.nzqa.govt.nz/ncea/ncea-for-teachers-and-schools/assessor-support/catalogue/online-workshops-courses-and-modules/)  Assessors should use innovative, valid and fair ways of recognising achievement, without overburdening themselves or the ākonga/learner with too much assessment. |

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# **Context/Setting**

In this activity, ākonga/learners will describe the purpose of law in relation to the reasons for developing laws and their characteristics.

Reasons for the development of laws must include three from – resolving conflict, regulating social relationships, maintaining order, protecting persons and property, promoting equity, ensuring the protection of human rights. Characteristics of an effective law must include two from – enforceable, recognised, and unambiguous.

# **Award of Grades**

* For award with ***Achieved***, the purpose of law is described in relation to the reasons for developing laws and their characteristics.
* For award with ***Merit***, the description includes an actual example of a law, applies relevant supporting detail, and makes connections between the reasons for the development of the law, and the characteristics and effectiveness of the law.
* For award with ***Excellence***, the description is demonstrated by fully describing an actual law and applying a range of relevant supporting material and drawing clear conclusions about the reasons for the development of the law, and the characteristics and effectiveness of the law.

# **Conditions of Assessment**

Assessors will set the conditions of assessment as appropriate.

# **Assessment activity**

This assessment activity has three tasks.

**Task One**

Describe three reasons for the development of actual laws.

**Task Two**

Describe two characteristics of an effective law.

**Task Three**

Make connections between the reasons and the characteristics of the law, fully describing an actual law and drawing conclusions about reasons for and characteristics of the law.

# **Resource requirements**

There are no specific resources required.

# **Additional information**

Teaching and learning guidelines that inform legal studies as it is taught in New Zealand can be found at <https://seniorsecondary.tki.org.nz/Social-sciences/Legal-studies>

# **Assessment Schedule**

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| --- | --- | --- | --- | --- | --- |
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# **Assessment Criteria**

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| --- | --- | --- |
| **Achievement** | **Achievement with Merit** | **Achievement with Excellence** |
| The purpose of law is described in relation to the reasons for developing laws and their characteristics. | The description includes an actual example of a law, applies relevant supporting detail, and makes connections between the reasons for the development of the law, and the characteristics and effectiveness of the law. | The description is demonstrated by fully describing an actual law and applying a range of relevant supporting material and drawing clear conclusions about the reasons for the development of the law, and the characteristics and effectiveness of the law. |

| ****Task**** | ****Achievement**** | ****Achievement with Merit**** | ****Achievement with Excellence**** |
| --- | --- | --- | --- |
| ONE | A **part answer** for Task One could read:  *Protecting persons and property: Laws are necessary to protect persons and property, as we want to live in a society where we feel safe and where we can have help from the state if someone hurts us or damages our property.*  *For example, if there were no laws against home invasion, you would not be able to call the police if you could hear someone breaking into your house. This could leave you living in a state of unease, and maybe having to have weapons in your home so you could protect yourself.*  *Ensuring the protection of human rights: Laws are necessary to protect human rights, otherwise it could be legal to abuse human rights such as the right to life and freedom of expression. Failing to have laws to protect human rights would mean we did not take measures to implement the 1948 Declaration of Human Rights in New Zealand, and also could mean an unfair and unsafe society which did not value human life.*  *For example, it used to be illegal to practise homosexual acts in New Zealand, but this has been changed to protect the human rights of people to be gay and not to be discriminated against for being gay.* | A **part answer** for Task One could read: *Two other reasons for the development of laws can be seen in the Homosexual Law Reform Act which came into power in August 1986.*  *One of the reasons this law was passed was to protect persons and property.*  *Decriminalisation would allow people at risk to come forward for testing for AIDS at a time when the public was only just beginning to understand about this new infection. The law would allow public health and education programmes, such as condom promotion.*  *A second reason this law was passed was to ensure the protection of human rights. The right to life is a fundamental human right.*  *Also before this law was passed, people were criminalised on the basis of their sexuality which is discriminatory.* | A **part answer** for Task One could read:  *Two other reasons for the development of laws can be seen in the Homosexual Law Reform Act which came into power in August 1986. This law decriminalised sexual relations between men (16 years of age and over) and it also provided protection for minors of both sexes. Before this, men found guilty of having consensual sex with each other could be imprisoned under sections 140-142 of the Crimes Act 1961.*  *One of the reasons this law was passed was to protect persons and property. Decriminalisation would allow people at risk to come forward for testing for AIDS at a time when the public was only just beginning to understand about this new infection. The law would allow public health and education programmes, such as condom promotion.*  *A second reason this law was passed was to ensure the protection of human rights, which are outlined by the 1948 UN Declaration of Human Rights. The right to life is a fundamental human right. Also, before this law was passed, people were criminalised on the basis of their sexuality which is discriminatory. However, while this law now meant that homosexual acts weren’t unlawful, it wasn’t until 7 years later with the passing of the Human Rights Act that it became illegal in New Zealand to discriminate on the grounds that someone was gay.*  *Not only did the passing of this law bring about an end to the criminalisation of people’s sexuality, it also protected the right against self- incrimination. As AIDS was a notifiable disease, prior to the passing of this law, someone who had AIDS was required to notify the authorities of the circumstances of their infection, which in effect meant they had to self-incriminate that they were guilty of breaking the law (the Crimes Act 1961). This breaches the right against self-incrimination. This is the right which forbids the government from making any person give evidence which would likely count against him during any later criminal case, and it is evident in the right to remain silent.* |
| TWO | A **part answer** for Task Two could read:  *Enforceable: Laws need to be enforceable because a law is only effective if state authorities can detect when it is being broken and can punish offenders. If offenders are not punished, people will not be put off from breaking the law because they will not have any punishment to fear.* | A **part answer** for Task Two could read:  *Enforceable: Laws need to be enforceable because a law is only effective if state authorities can detect when it is being broken and can punish offenders. If offenders are not punished, people will not be put off from breaking the law because they will not have any punishment to fear.*  *For example, one reason laws against some so-called “morality offences” (such as homosexuality) have been repealed is because there are no victims to file a complaint to police and the law is broken in private areas, so it has been very difficult to enforce these types of law.* | A **part answer** for Task Two could read.  *Enforceable: Laws need to be enforceable because a law is only effective if state authorities can detect when it is being broken and can punish offenders. If offenders are not punished, people will not be put off from breaking the law because they will not have any punishment to fear.*  *For example, when parliament was considering the repeal of sections 140-142 of the Crimes Act 1961 which criminalised consensual homosexual acts, it was argued that the criminalisation of consensual acts among those of age was mostly unenforceable anyway, as laws against morality often are: there are no traditional victims to file a complaint to police and the law was being broken in private areas so it was very difficult to enforce this law.* |
| THREE |  | *In the case of the Homosexual Law Reform Act, there is a connection between the protection of human rights (the right of people not to be discriminated against for being gay) and the fact that there were no victims to assist in the enforcement of the previous discriminatory law.* | *In the case of the Homosexual Law Reform Act, there is a connection between one reason for this law – being the protection of human rights (the right of people not to be discriminated against for being gay) and the fact that it was unenforceable, and therefore an ineffective law prior to this. This is because there were no victims to assist in the enforcement of the previous discriminatory law.*  *It was enforceable and many men were charged (even imprisoned). One of the issues was that it was difficult to enforce so Police used entrapment methods.* |

Final grades will be decided using professional judgement based on a holistic examination of the evidence provided against the criteria in the unit standard.