



NZQA Assessment Support Material

Unit standard	27842				
Title	Explain concepts of law				
Level	2	Credits	4	Version	2

Note

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 students may have access to the assessment schedule or student exemplar material. Use of this assessment resource without modification may mean that students' 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.

See Generic Resources and Guidelines at <https://www.nzqa.govt.nz/providers-partners/assessment-and-moderation/assessment-of-standards/generic-resources/>

Assessor guidelines

Context/setting

In this activity, students will define and explain the key elements of two concepts of law in relation to specific examples.

A W A R D O F G R A D E S

- For award with **Achieved**, concepts of law are identified and explained in terms of the key elements for each in relation to specific examples.
- For award with **Merit**, the explanation of one key element for each of the two concepts of law is developed by including relevant supporting detail such as:
 - the importance of the key element to the specific examples;



AWARD OF GRADE S - CONTINUATION



- particular facts within the specific examples;
- particular legislation;
- case law, media reports.
- For award with **Excellence**, the explanation of one key element for each concept of law is fully developed by applying the concept of law to a specific example.

CONDITIONS OF ASSESSMENT

Assessors will set the conditions of assessment as appropriate.

Assessment activity

This assessment activity has two tasks. Both tasks involved the student choosing a broad or specific concept of law, identifying a specific example to use in the explanation of the concept, and completing a description of the concept which defines it, covers its key elements and which refers to the chosen specific examples.

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 <http://seniorsecondary.tki.org.nz/Social-sciences/Legal-studies>.

Assessment Schedule

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Judgements for achievement		Judgements for achievement with merit		Judgements for achievement with excellence	
Key elements of two concepts of law are identified and explained in relation to specific examples.		The explanation of one key element for each of the two concepts of law is developed by including relevant supporting detail such as: <ul style="list-style-type: none"> ▪ the importance of the key element to the specific examples; ▪ particular facts within the specific examples; ▪ particular legislation; case law, media reports. 		The explanation of one key element for each concept of law is fully developed by applying the concept of law to a specific example.	
Task	Evidence for achievement	Evidence for achievement with merit	Evidence for achievement with excellence		
One Outcome 1 PC 1.1	An example answer for Task One could read: <i>Crime with the specific example being the defendant White being charged with murder in 1910 in England:</i>	An example answer for Task One could read: <i>Criminal law with the specific example being the defendant White being charged with murder in 1910 in England:</i> <i>A crime is a harmful act or omission against the public which, upon conviction, is punishable by law. There are 3 elements of a</i>	An example answer for Task One could read: <i>Criminal law with the specific example being the defendant White being charged with murder in 1910 in England:</i> <i>A crime is a harmful act or omission against the public which, upon conviction, is punishable by law. There are 3 elements of a</i>		

A crime is a harmful act or omission against the public which, upon conviction, is punishable by law. There are 3 elements of a crime: guilty mind, guilty act, and prohibition by statute.

In the English case of R v White [1910], the defendant tried to murder his mother by putting potassium cyanide into her drink. She died soon after next to her drink which was only three-quarters full. However, it was shown that she died from heart failure not from the cyanide.

Murder is punishable by the Crimes Act 1961 (or the English equivalent) so meets the criteria of being prohibited by statute.

The prosecution was able to prove the defendant had a guilty mind, as he definitely intended to cause death.

However, the prosecution needed to prove that the guilty act was committed by the defendant. The guilty act is that there has been culpable homicide by the defendant. As part of proving guilty act, the prosecution needed to show that the defendant's actions caused the death. This is

crime. These are that a person has a guilty mind (mens rea), commits a guilty act (actus reus), and that these are prohibited by statute.

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Murder is punishable by Section 172 of the Crimes Act 1961 (or the English equivalent) so meets the criteria of being prohibited by statute.

If someone (a defendant) is charged with murder, the prosecution will need to prove the defendant had a guilty mind/mens rea.

The prosecution in R v White was able to prove the defendant had a guilty mind/ mens rea, as he definitely intended to cause death, the first of these types of guilty mind.

The prosecution must also prove that the guilty act has been committed by the defendant – which would be that a person has been killed by the defendant. As part of proving actus reus, the prosecution needs to show that the defendant's actions caused the death. This is the requirement of causation. If the defendant's act can't be proven to have caused the victim's death because some other event happens that ends up being the cause of death, then the defendant can't be proven to have committed the actus reus of murder. This

crime. These are that a person has a guilty mind (mens rea), commits a guilty act (actus reus), and that these are prohibited by statute.

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Murder is punishable by Section 172 of the Crimes Act 1961 (or the English equivalent) so meets the criteria of being prohibited by statute.

If someone (a defendant) is charged with murder, the prosecution will need to prove the defendant had a guilty mind/mens rea. For murder there are four possible types of guilty mind (under s167 of the Crimes Act): meaning to cause death; meaning to cause bodily injury that is known to be likely to cause death or being reckless about whether death follows or not; meaning to kill but accidentally killing the wrong person (mistaken identity); or knowing that an action is likely to cause death, even if the defendant preferred that no one was hurt.

The prosecution in R v White was able to prove the defendant had a guilty mind/ mens rea, as he definitely meant to cause death, the first of these types of guilty mind.

	<i>the requirement for causation. In this case, because the cyanide did not cause the mother's death, there was no guilty act and the defendant was found not guilty of murder.</i>	<i>is exactly the case in R v White, because the cyanide did not cause the mother's death, there was no guilty act and the defendant was found not guilty of murder.</i>	<i>The prosecution must also prove the guilty act has been committed by the defendant – namely that a person has been killed by the defendant. As part of proving actus reus, the prosecution needs to show that the defendant's actions caused the death. This is the requirement for causation. If the defendant's act can't be proven to have caused the victim's death because some other event happens that ends up being the cause of death, then the defendant can't be proven to have committed the actus reus of murder. This is exactly the case in R v White, because the cyanide did not cause the mother's death, there was no guilty act and the defendant was found not guilty of murder. (The actus reus for attempted murder was however proven.)</i>
Two Outcome 1 PC 1.1	(See sample answer given for Task One for the type of response required).	(See sample answer given for Task One for the type of response required).	(See sample answer given for Task One for the type of response required).

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