Legal Studies Assessment Support Material

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| **Unit standard** | 27842 | | | | |
| **Title** | Explain concepts of law | | | | |
| **Level** | 2 | **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 explain two concepts of law in terms of the key elements for each in relation to actual examples.

# **Award of Grades**

* For award with ***Achieved***, concepts of law are explained in terms of their key elements in relation to actual examples.
* For award with ***Merit*** an explanation of one key element for each of the two concepts of law is demonstrated by selecting actual examples and applying relevant supporting detail that may include but is not limited to any one of:
* particular facts and their importance within the actual examples;
* particular legislation;
* case law;
* news media reports.
* For award with ***Excellence*** the fully developed explanation of one key element for each of the two concepts of law is demonstrated by:
* applying each concept of law to an actual example;
* selecting and applying a range of relevant supporting detail;
* communicating clear conclusions.

# **Conditions of Assessment**

Assessors will set the conditions of assessment as appropriate.

# **Assessment activity**

This assessment activity has two tasks. Both tasks involved the ākonga/learner choosing a broad or specific concept of law, identifying an actual example to use in the explanation of the concept, and completing an explanation of the concept which defines it, covers its key elements and which refers to the chosen actual 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.](http://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** |
| Key elements of two concepts of law are explained in relation to actual examples. | The explanation of one key element for each of the two concepts of law is demonstrated by selecting actual examples and applying relevant supporting detail that may include but is not limited to any one of:   * particular facts and their importance within the actual examples; * particular legislation; * case law; * news media reports. | The fully developed explanation of one key element for each of the two concepts of law is demonstrated by:   * applying each concept of law to an actual example; * selecting and applying a range of relevant supporting detail; * communicating clear conclusions. |

| ****Task**** | ****Achievement**** | ****Achievement with Merit**** | ****Achievement with Excellence**** |
| --- | --- | --- | --- |
| ONE  Outcome 1  PC 1.1 | An example answer for **Task One** could read:  *Crime with the* specific example *being the defendant White being charged with murder in 1910 in England:*  *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 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.* | An example answer for **Task One** could read:  *Criminal law with the* specific example *being the defendant White being charged with murder in 1910 in England:*  *A crime is a harmful act or omission against the public which, upon conviction, is punishable by law.*  *There are three elements of a crime. These are that a person has a guilty mind (men’s rea), commits a guilty act (actus reus), and that these are prohibited 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 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/men’s rea.*  *The prosecution in R v White was able to prove the defendant had a guilty mind/ men’s 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 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.* | An example answer for **Task One** could read:  *Criminal law with the* specific example *being the defendant White being charged with murder in 1910 in England:*  *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. These are that a person has a guilty mind (men’s rea), commits a guilty act (actus reus), and that these are prohibited 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 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/men’s 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/men’s rea, as he definitely meant to cause death, the first of these types of guilty mind.*  *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.)* |
| 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.