Legal Studies Assessment Support Material

|  |  |
| --- | --- |
| **Unit standard** | 27846 |
| **Title** | Evaluate litigation and dispute resolution processes in relation to challenging state power |
| **Level** | 3 | **Credits** | 4 | **Version** | 3 |

Page 3 of 1

Page 3 of 1

**Ākonga/Learner Guidelines**

Introduction

In this activity, students will evaluate litigation and dispute resolution processes in relation to challenging state power.

During your Legal Studies class, you will have worked through a range of litigation and dispute resolution processes by which individuals or groups may challenge state power or attempt to solve problems that arise when dealing with various government departments and organisations and officials. (<https://www.publicservice.govt.nz/system/central-government-organisations/>)

## This assessment requires you to choose two of those processes, apply them to given scenarios and discuss and evaluate their uses, strengths and weaknesses and effectiveness.

**Award of Grades**

* For award with ***Achieved***,two formal means by which individuals and groups challenge state power are evaluated, with supporting detail, in relation to an actual example. Different viewpoints are compared in relation to the application of litigation and dispute resolution processes.
* For award with ***Merit***, in-depth evaluation of the use of litigation and dispute resolution processes to challenge state power is demonstrated by:
* discussing one strength and one weakness of the processes
* discussing a range of different viewpoints about the processes
* selecting and applying relevant supporting detail.
* For award with ***Excellence***, a comprehensive evaluation of the litigation and dispute resolution processes used to challenge state power is demonstrated by:
* assessing the validity of differing viewpoints
* selecting and applying a range of relevant supporting detail
* considering actual and/or possible consequences: consequences may be for any one of but not limited to:
* future law making
* societal development
* civic engagement
* economic development
* environmental development
* justifying clear conclusions.

**Conditions of Assessment**

Assessors will set the conditions of assessment as appropriate.

**Assessment activity**

**“Taking on the State”**

**Task One**

On the pages below, you will find eight scenarios. Choose **two** of these scenarios and for each one:

1. Choose **one** of the litigation and dispute resolution processes listed below that would be appropriate to use in this scenario.

*administrative review, judicial review; habeas corpus; court process; an international law process; complaints to the Ombudsman, Human Rights Commission, Privacy Commission, Independent Police Conduct Authority; Waitangi Tribunal.*

**Note** –you must choose a different litigation and dispute resolution process for each of the two scenarios.

1. Discuss in detail the type of situation/s when the process would be used and explain why it would be appropriate in this scenario.
2. Describe in detail the steps you would take and procedures involved in this process.
3. Describe the strength(s) and weakness(es) of this process.
4. For Merit, in respect of each chosen process:
* discuss one strength and one weakness of the processes
* discuss a range of different viewpoints about the processes
* select and apply relevant supporting detail.
1. For Excellence, in respect of each chosen process:
* assess the validity of differing viewpoints
* select and apply a range of relevant supporting detail
* consider actual and/or possible consequences: consequences may be for any one of but not limited to:
	+ future law making
	+ societal development
	+ civic engagement
	+ economic development
	+ environmental development
	+ justifying clear conclusions.

(*Actual examples* means real cases in which the chosen process has been used).

**Scenarios**

Important note – Some scenarios may have more than one appropriate litigation/dispute resolution process. These scenarios are examples only and assessors will need to provide actual examples.

**Scenario One: Prisoner**

You are a prisoner serving a 5-year sentence for fraud. You believe that you and other prisoners are being mistreated in a variety of ways, and that the prison conditions are in breach of your basic human rights.

**Scenario Two: Maori Language**

In order to cut the fiscal deficit, the Government takes drastic steps to reduce expenditure. It rushes legislation through Parliament under urgency to significantly reduce Government funding to support Te Reo Māori. This includes removing all New Zealand on Air funding for Māori broadcasting and reducing funding for Te Reo Māori provision in state funded schools. You teach Te Reo Māori in a secondary school and are furious at this law change.