

Title	Evaluate litigation and dispute resolution processes in relation to challenging state power		
Level	3	Credits	4

Purpose	People credited with this unit standard are able to evaluate litigation and dispute resolution processes in relation to challenging state power.
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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>In-depth evaluation of the use of litigation and dispute resolution processes to challenge state power is demonstrated by:</p> <ul style="list-style-type: none"> • discussing one strength and one weakness of the processes; • discussing a range of different viewpoints about the processes; • selecting and applying relevant supporting detail;
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Criteria for Excellence	<p>Comprehensive evaluation of the litigation and dispute resolution processes used to challenge state power is demonstrated by:</p> <ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> - future law making; - societal development; - civic engagement; - economic development; - environmental development; - justifying clear conclusions.
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Guidance Information

- 1 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>.

This unit standard can be awarded with an Achieved, Merit, or Excellence grade. For the Achieved grade to be awarded, all outcomes must be achieved as specified in the outcome statement(s). For Merit or Excellence grades to be awarded, the candidate must meet the Merit or Excellence criteria specified above.

For the purposes of this unit standard, it is recognised that the distinction between litigation and dispute resolution processes may vary depending on the legal systems chosen.

2 Definitions

Actual example refers to real cases in which the chosen formal means of challenging state power have been used, for instance: the use of international law process in opposition to the Foreshore and Seabed Act 2004; the use of court process in the 1994 Baigent's case.

Viewpoints represent the opinions of individuals, organisations, governments or commentators. Viewpoints can derive from a variety of sources including media, social media, textbook sources.

Outcomes and performance criteria

Outcome 1

Evaluate litigation and dispute resolution processes in relation to challenging state power.

Performance criteria

- 1.1 Two formal means by which individuals and groups challenge state power are evaluated, with supporting detail, in relation to an actual example.

Range formal means may include but is not limited to – 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; Government Inquiries, for example, the White Island eruption, the Erebus inquiry.

- 1.2 Different viewpoints are compared in relation to the application of litigation and dispute resolution processes.

Replacement information	This unit standard replaced unit standard 10341, unit standard 10351, and unit standard 23699.
Planned review date	31 December 2027

Status information and last date for assessment for superseded versions

Process	Version	Date	Last Date for Assessment
Registration	1	14 December 2012	31 December 2019
Review	2	23 November 2017	31 December 2024
Review	3	2 March 2023	N/A

Consent and Moderation Requirements (CMR) reference

0226

This CMR can be accessed at <http://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.