
**COMPLIANCE AND REGULATORY
CONTROL**

**Demonstrate knowledge of the legal
system as it pertains to local
government in New Zealand**

level:	5
credit:	8
final date for comment:	May 2008
expiry date:	December 2008
sub-field:	Compliance and Law Enforcement
purpose:	People credited with this unit standard are able to describe the law made by the legislative branch of government, the process by which it is made and its effect; describe the law made by the administrative branch of government and the process by which it is made; interpret a section of an Act; identify and interpret regulations or bylaws; and describe the amendment of laws in response to society's changing needs and values.
entry information:	Open.
accreditation option:	Evaluation of documentation and visit by NZQA, industry and teaching professional in the same field from another provider.
moderation option:	A centrally established and directed national moderation system has been set up by the Local Government Industry Training Organisation.
special notes:	<ol style="list-style-type: none">1 Assessment against this unit standard should take place in the context of the legislation and/or regulations that are relevant in a Local Government work context.2 Legislation relevant to this unit standard includes but is not limited to the New Zealand Bill of Rights Act 1990, and its subsequent amendments.

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Elements and Performance Criteria

element 1

Describe the law made by the legislative branch of government, the process by which it is made, and its effect.

performance criteria

- 1.1 The making of an Act of Parliament in terms of the stages it passes through in becoming an Act from introduction to assent is described.
- 1.2 The effect of new legislation on precedent and delegated legislation is described.
- 1.3 The law-making function of the executive is described.
Range: cabinet, ministerial, executive council, Governor General.
- 1.4 The parts of an Act of Parliament and the function of each are described.
Range: any two of – long title, short title, analysis, commencement date, definitions, sections, schedules.
- 1.5 The checks and balances in the New Zealand legal system are described in terms of the protection they offer.
Range: any two of – separation of powers, role of the Police, Ombudsman or other appeal authority, judicial review, commissions of enquiry, New Zealand Bill of Rights Act 1990.
- 1.6 Describe Local Government in terms of law-making function, jurisdiction, and examples of laws made.

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element 2

Describe the law made by the administrative branch of government and the process by which it is made.

performance criteria

- 2.1 The types of delegated legislation and the function of each are described.
Range: regulation and bylaw.
- 2.2 Describe how the authority for the administrative branch of government to make law is conferred by the legislative branch of government.
- 2.3 The controls that the judicial branch of government has over law made by the administrative branch of government are described.

element 3

Interpret a section of an Act.

performance criteria

- 3.1 Specialist terms commonly used in an act are identified and defined.
Range: terms may include but are not limited to – and, or, provided that, notwithstanding, subject to, deemed, except as expressly provided for, includes, means, may, shall; definitions of four terms are required.
- 3.2 Basic rules of statutory interpretation are explained.
Range: literal rule, purposive approach (or purpose rule), golden rule, mischief rule, natural justice, ultra vires, adjourn sine die, noscitur a sociis, ejusdem generis, expressio unius est exclusio alterius; explanations of any three of these rules are required.
- 3.3 Meaning of a section of an Act is explained in plain English.
Range: meanings of any two sections are required.

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3.4 The meaning of a section of an Act, which is reliant on provisions of another Act, is explained taking into account both sources of law and any conflicts.

Range: two examples are required.

element 4

Identify and interpret regulations or bylaws.

performance criteria

4.1 The legislative authority for regulations and/or bylaws is identified.

Range: two regulations or two bylaws.

4.2 Regulations and/or bylaws are interpreted for different situations.

Range: two situations are required.

element 5

Describe the amendment of laws in response to society's changing needs and values.

performance criteria

5.1 The ways individuals and groups influence changes in the law are described in terms of processes used.

Range: any two of – lobbying, petitioning, political pressure, submissions to select committee, judicial review.

5.2 Factors, which hinder the process of amending law in New Zealand, are identified.

Range: any two of – cost, time, public opinion, vested interest.

5.3 The process of law amendment in response to society's changing needs and values is identified in relation to a specific law reform.

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Comments on this unit standard

Please contact Local Government Industry Training Organisation kwafer@lgito.org.nz if you wish to suggest changes to the content of this unit standard.

Please Note

Providers must be accredited by the Qualifications Authority or a delegated inter-institutional body before they can register credits from assessment against unit standards or deliver courses of study leading to that assessment.

Industry Training Organisations must be accredited by the Qualifications Authority before they can register credits from assessment against unit standards.

Accredited providers and Industry Training Organisations assessing against unit standards must engage with the moderation system that applies to those standards.

Accreditation requirements and an outline of the moderation system that applies to this standard are outlined in the Accreditation and Moderation Action Plan (AMAP). The AMAP also includes useful information about special requirements for providers wishing to develop education and training programmes, such as minimum qualifications for tutors and assessors, and special resource requirements.

This unit standard is covered by AMAP 0046 which can be accessed at <http://www.nzqa.govt.nz/site/framework/search.html>.