



# LAW 468

## Indigenous Peoples and the Law

S2 Day 2015

*Dept of Law*

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#### **Disclaimer**

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## General Information

Unit convenor and teaching staff

Unit Convenor

Francesca Dominello

[francesca.dominello@mq.edu.au](mailto:francesca.dominello@mq.edu.au)

Contact via [francesca.dominello@mq.edu.au](mailto:francesca.dominello@mq.edu.au)

Wednesday in teaching weeks or by email for External Students

Credit points

3

Prerequisites

(6cp in LAW or LAWS units at 300 level) or (39cp including LAWS260) or (12cp in ABST units at 200 level)

Corequisites

Co-badged status

Unit description

The special place of Indigenous peoples in Australia gives rise to unique questions of law. Most fundamentally, there is the challenge of acknowledging the existence of more than one legal order in the one geographical space. Following this, there are the terms of coexistence of these legal orders. And finally, to the extent that Indigenous peoples are subject to the official State and Commonwealth legal systems, there is a question of how effectively these legal systems regulate issues particular to Indigenous peoples.

## Important Academic Dates

Information about important academic dates including deadlines for withdrawing from units are available at <https://www.mq.edu.au/study/calendar-of-dates>

## Learning Outcomes

On successful completion of this unit, you will be able to:

Develop student knowledge of the history of Australian law and system of government and the place of Indigenous customary law within that system.

Develop student knowledge of important legal and political issues that have impacted on Indigenous Australians, linking the issues to past policies and laws.

Develop student knowledge of the operation of Australian law and structure of government in continuing to impact on Indigenous Australians.

Develop student critical capabilities to identify the strengths and weaknesses of the Australian legal and political system to further Indigenous peoples' aims and to evaluate the role of law reform in key areas affecting Indigenous Australians.

Develop student written and verbal communication skills in formulating arguments about the Australian legal and political system and their impact on Indigenous Australians.

Develop student independent research skills in analysing the operation of the legal and political institutions of Australia as they impact on Indigenous Australians.

## **General Assessment Information**

**Task 1: Class Participation and Attendance**

**Internal Students** should register in one of the available tutorial slots when they enrol in the unit. Additional readings and discussion questions for each tutorial will be available on the iLearn page for the unit. Lectures commence in Week 1. Tutorials will commence in Week 1.

Attendance at Lectures is recommended and there will be lectures where attendance may be compulsory (see iLearn). Internal Students are expected to attend a minimum of 80% of all tutorials ie/ at least 10 tutorials. In the event that students cannot attend a tutorial (or compulsory lecture) they must comply with the "Disruption to Studies" policy. In cases of where a student's circumstances have affected their participation and attendance in more than two tutorials, the students should contact the unit convenor immediately and alternative arrangements may be made. In cases of unexplained absences the tutor may deduct marks for class participation at her discretion. Students with more than three unexplained absences will fail the unit as they would not be able to fulfill the requirements for completing the unit (NB –'unexplained absence' does not include tutorials cancelled because of public holidays).

Students will be given an interim class participation mark during the mid-semester break worth 10%, and a final class participation at the end of semester also worth 10%.

**External Students**

**Distance students** are required to sign in at COE on **both days** of the OCS. Attendance at both days of the on-campus session is compulsory: students cannot attend for a third or a half day for instance and think they have fulfilled the requirements for attendance. Students who miss more than 3 hours of allocated class time will not be eligible to pass the unit, unless a student has made a successful application for disruption. In that event, you will be required to make up the 20% Class Participation mark by completing extra written work. The onus is on you to ensure that the Unit Convenor knows your situation and sets the make up work, and that you submit it at the agreed time.

Please note that attendance is compulsory for pedagogical reasons, and exemption is granted only in exceptional circumstances and only in cases where a successful application for disruption has been made.

**Assessment Criteria**

We appreciate that not all students possess the same degree of verbal confidence, and not all are equally articulate. In the same way, not all are equally good at written work, problem solving, essay writing, or any other form of assessment. The reason a variety of assessment strategies has been used in the unit is to cater to a range of different strengths, as well as to develop a range of desired skills. If you anticipate difficulties with class participation, talk to your tutor EARLY to discuss strategies to assist you. One of the reasons for assessing class participation is to encourage students to develop oral communication skills through practice, in an environment far less intimidating than the world of professional practice. What we are keen to see is real effort to develop and/or enhance existing oral skills. Asking questions is a very good way of learning, and frequently the student who asks the "dumb question" is voicing what others are also thinking, with the result that everybody is helped to clarify the material. Your tutor cannot identify and deal with misunderstandings unless you speak up. The point of seminars is to come sufficiently prepared to enable you, and others, to benefit from the class, and to go away having increased your understanding. Marks for class participation encourage active learning, regular reading, elucidation and clarification of difficulties, questioning and analysis of material, and enhance oral skills. Attendance at seminar classes is relevant to the mark you receive, but by itself will not attract marks. Please bear in mind that attendance without participation is comparable to handing in blank pages for a written assignment.

Your work will be assessed according to the extent of your:	Excellent	Good	Satisfactory	Unsatisfactory
	= HD-D	= Credit	= Pass	= Fail

Preparation for class: Demonstrated by relevance of participation to general discussion	Has the capacity to notice important information in the readings and use it to build new arguments in class discussion and enhance learning in class	Uses information in the readings to help learning in the class discussion	Attempts to contribute to discussion but contributions show little real preparation eg repeats what other students have said, or blurts out comments that are not based on the readings	Has not prepared for class - eg does not contribute to class discussion, is not able to answer questions adequately when asked directly
Understanding and expressing abstract and complex ideas orally	Can articulate own position on the readings and evaluate the efficacy of the ideas from a number of standpoints and see differences in points of view	Can articulate own position and with assistance can synthesise different concepts or factors arising from the readings into a larger idea	Limited capacity to synthesise a number of ideas from the readings into a larger argument - analysis is descriptive and largely confined to the student's own point of view	Does not usually participate in class and when participation occurs responses are basic and factual
Assisting other class members by contributing to student learning	Elucidates complex ideas succinctly, building on the ideas expressed by others or distinguishing their own ideas	Some interaction with other students' views but does not integrate in discussion	Listens to other views but tend to paraphrase what other students have said	Does not usually participate in class, finds it difficult to articulate their own point of view or see another point of view
Expressing and countering arguments orally	Articulates a position supported by the readings, and is able to defend that position or is able to modify that position on the basis of alternative viewpoints on the readings; is able to effectively counter other student viewpoints basing their arguments on the readings	Expresses a position based on the readings, but may be unable to support or modify that position when challenged; attempts to counter other student viewpoints using the readings mainly	Can express a viewpoint that is not explicitly based on the readings and is unable to maintain or modify their own viewpoint; mainly uses personal opinion to counter other student viewpoints	Does not usually participate in class, has difficulty formulating own opinion or relating to another's opinion
Listening attentively and showing respect to other students participating in class	Independent thinker, takes initiative in discussion as well as co-operating effectively with others	Relates professionally to colleagues. Makes sound contributions to the discussion	Attempts to relate to colleagues and engage in discussion	Does not make an effort to relate to colleagues and engage in discussion

**This is a more detailed guide on how Class Participation will be assessed:**

#### **Excellent**

Effective and frequent oral contribution, demonstrating evidence of reading and preparation, demonstrated enthusiasm to learn, not necessarily always knowing the right answers but seeking to develop understanding through questioning and trying out ideas. Thoughtful and insightful comment at times, going beyond the descriptive level. Contributions volunteered. Co-operative attitude in the group, takes an active role in discussions, and willingness to assist others in learning. Excellent attendance.

#### **Good**

Fairly frequent contribution, demonstrated enthusiasm to learn. Willingness to volunteer and have a go. Co-operative attitude in the group, takes an active role in discussions, and willingness to assist others in learning. Excellent attendance. Similar to above at a less exacting level.

**Satisfactory**

Moderate voluntary contribution, can usually respond when asked directly. Attends most of the time. Contribution mainly at the descriptive level but goes beyond on occasion. Makes some effort to participate in the group.

**At risk/Unsatisfactory**

Little to no contribution voluntarily, at times declines when asked directly. Insufficient participation for your tutor to be able to judge preparation, knowledge or understanding. Limited active role in group work.

**Task 2: Essay on Native Title**

The Essay will be due on Friday, 25 September 2015 at 5:00pm.

It will be worth 30% of the final mark.

Maximum word length for the Essay is 2000 (excluding footnotes and bibliography).

Any Essay exceeding the word length will have marks deducted at the discretion of the marker.

Footnotes and bibliography are required.

Referencing must comply with the current version of the *Australian Guide to Legal Citation*.

The Essay must be typed in 12pt Times New Roman, double spaced with margins of not less than 2.5cm on both sides. Bibliography should be single spaced in 12pt Times New Roman. Footnotes should be in 10pt Times New Roman.

The Essay is to be submitted via Turnitin on the iLearn page on or before the due date. Marks will also be available on iLearn.

Late submissions will not be marked and in the absence of a successful claim of "Disruption to Studies" will be given a grade of zero. Applications for Disruption must be lodged before the due date.

**Assessment Criteria**

In this assignment students are expected to show that they have reflected upon the range of issues that the topic gives rise to. The purpose of this assignment is to develop your independent and critical thinking and writing skills and ability to develop an argument through analysis of primary and secondary sources. **Students are expected to conduct research outside the unit materials.** The materials you use should be relevant to the topic and should be used to help you develop and support your own argument.

Your work will be assessed according to the extent of your:	Excellent = HD-D	Good = Credit	Satisfactory = Pass	Unsatisfactory = Fail
Understanding of the law in this area	Thorough and accurate understanding of rules, concepts and processes of law. Uses this knowledge to abstract principles and applies them in novel situations. Uses concepts to build new knowledge and understanding. Recognises the limitations of current law and theories about them.	Thorough and accurate understanding of rules, concepts and processes of law and can analyse and apply them in new situations.	Knows basic concepts and rules and can use them to solve problems and extend to new areas	Knows a few rules and concepts.
Focused introduction	Uses the introduction to formulate a clear argument, identify parts of the argument, relevant issues and theories that will be addressed. Recognises the limitations of current thinking and the need for new ways of thinking.	Uses the introduction to set out structure of the essay. Can formulate an argument, and identify relevant issues and theories to be addressed.	Basic introduction with all the formal elements but stops short of giving clear picture of the essay.	There is an introduction but it does not provide a clear articulation of the argument or structure.

Coherent Structure and Written Expression – use of headings, systematic and coherent organization of ideas in paragraphs and sections	Meets all expectations and conventions. Distinctive personal style in the specific execution of the task. A unique but appropriate presentation of work. Good use of headings.	Fulfil the basic standard conventions with all expected attributes present including use of headings. Some translation and interpretation of the conventions to suit personal style and the specific execution of the task.	Fulfil the basic but not all of the expectations regarding the formatting and presentation of work. E.g., titles name on work, introduction, conclusion but inconsistent use of headings. Spell checked & grammatically correct.	Lacks a coherent structure of argument, organization of ideas into different sections, fails to use spell checker, some sentences fail to use correct grammatical rules.
Depth of Analysis - Students may be able to deepen their analysis of the materials by critiquing developments in native title law that they will use to develop their argument	Uses principles to formulate a position or an argument about the literature. Can articulate the limited nature of their argument and can challenge the boundaries of disciplinary understanding.	Recognises competing explanations and can identify the relative merits and limitations of an argument. Can describe and defend their own view or position.	Mostly reports others' views without assessing them. Little interpretation or translation to a new problem or issue.	Descriptive account of the available literature without any or very little analysis.
Developed and Sustained Argument – synthesis of the ideas drawn from the unit materials in a systematic and coherent structure	Uses available ideas and theories accurately. Abstracts and applies them in novel situations. Uses concepts to build new knowledge and understanding. Recognises the limitations of current thinking	Shows a thorough and accurate understanding of concepts and processes. Has the capacity to analyse and apply them in new situations	Knows basic concepts and rules. Requires more effort in synthesizing own arguments.	Knows some of the ideas and rules. Does not extend own analysis or argument.
Consistent Conclusion – briefly sum up at the end main findings that may be drawn from the argument in your paper	Makes a major contribution to the essay by pulling together all strands of the argument. Makes a judicious use of the available space to reinforce the argument of the essay.	Makes a significant contribution to the structure of the essay. Can pull together various strands of the argument.	Competent summary of the main arguments with very little effort at reinforcing the argument.	Repetitious reiteration of points already discussed without any effort to reinforce the argument.
Use of AGLC Style Guide for footnotes and bibliography	References and citations, including the bibliography use accurate, consistent and appropriate styles. Good effort at adapting the approach to different disciplinary conventions when using non-law literature.	References and citations, including the bibliography are mostly accurate, consistent and appropriate.	References and citations are basically accurate in style. Some lack of consistency; reasonable acknowledgment of the sources of information	Absence or inaccurate use of referencing and citation conventions

### Task 3: Research Essay

The Research Essay will be due on Friday, 6 November 2015 at 5:00pm.

It will be worth 50% of the final mark.

Maximum word length for Research Essay is 2500 (excluding footnotes and bibliography).

Any Research Essay exceeding the word length will have marks deducted at the discretion of the marker.



Footnotes and bibliography are required.

Referencing must comply with the current version of the *Australian Guide to Legal Citation*.

The Research Essay must be typed in 12pt Times New Roman, double spaced with margins of not less than 2.5cm on both sides. Bibliography should be single spaced in 12pt Times New Roman. Footnotes should be in 10pt Times New Roman.

The Research Essay is to be submitted via Turnitin on the iLearn page on or before the due date. Marks will also be available on iLearn.

Late submissions will not be marked and in the absence of a successful claim of "Disruption to Studies" will be given a grade of zero. Applications for Disruption to Studies must be made before the due date.

### Assessment Criteria

In this assignment students are expected to show that they have reflected upon the range of issues that the topic gives rise to, including their own views on the topic and possible areas for reform in their chosen area for research. The purpose of this assignment is to develop your independent and critical thinking and writing skills and ability to develop an argument through analysis of primary and secondary sources.

**Students are expected to conduct research outside the unit materials.** The materials you use should be relevant to the topic and should be used to help you develop and support your own argument.

Your work will be assessed according to the extent of your:	Excellent = HD-D	Good = Credit	Satisfactory = Pass	Unsatisfactory = Fail
Knowledge of the law and understanding of the issues arising in your area of research.	Thorough and accurate understanding of rules, concepts and processes of law. Uses this knowledge to abstract principles and applies them in novel situations. Uses concepts to build new knowledge and understanding. Recognises the limitations of current law and theories about them.	Thorough and accurate understanding of rules, concepts and processes of law and can analyse and apply them in new situations.	Knows basic concepts and rules and can use them to solve problems and extend to new areas	Knows a few rules and concepts. Does not use any theoretical understanding of the issues.
Introduction: uses to articulate an argument, explain structure of essay, enumerate issues that will be discussed to substantiate the argument	Uses the introduction to formulate a clear argument, identify parts of the argument, relevant issues and theories that will be addressed.  Recognises the limitations of current thinking and the need for new ways of thinking.	Uses the introduction to set out structure of the essay. Can formulate an argument, and identify relevant issues and theories to be addressed.	Basic introduction that contains all the formal elements but stops short of giving a clear picture of the essay.	There is an introduction but it does not provide a clear articulation of the argument or structure.
Depth of analysis: the depth of analysis as demonstrated by moving beyond descriptive analysis of the research materials and development of one's own argument	Uses principles to formulate a position or an argument about the literature. Can articulate the limited nature of their argument and can challenge the boundaries of disciplinary understanding.	Recognises competing explanations and can identify the relative merits and limitations of an argument. Can describe and defend their own view or position.	Mostly reports others' views without assessing them. Little interpretation or translation to a new problem or issue.	Descriptive account of the available literature without any or very little analysis.

Argument: Ideas drawn from the research materials should be synthesized in a systematic and coherent structure	Uses available ideas and theories accurately. Abstracts and applies them in novel situations. Uses concepts to build new knowledge and understanding. Recognises the limitations of current thinking.	Shows a thorough and accurate understanding of concepts and processes. Has the capacity to analyse and apply them in new situations.	Knows basic concepts and rules. Requires more effort in synthesizing own arguments.	Knows some of the ideas and rules. Does not extend own analysis or argument
Coherent Structure: Systematic and coherent organisation of ideas in sentences/ paragraphs/ sections; Separate Introduction and Conclusion; Use of sub-headings  Written Expression: Clear written expression, ideas structured in sentences, correct grammar/ spelling	Meets all expectations and conventions. Distinctive personal style in the specific execution of the task. A unique but appropriate presentation of work. Good use of headings.	Fulfils the basic standard conventions with all expected attributes present including use of headings. Some translation and interpretation of the conventions to suit personal style and the specific execution of the task.	Fulfils the basic but not all of the expectations regarding the formatting and presentation of work. E.g., titles name on work, introduction, conclusion, but inconsistent use of headings. Spell checked & grammatically correct.	Lacks a coherent structure of argument, organization of ideas into different sections, fails to use spell checker, some sentences fail to use correct grammatical rules.
Use of AGLC Style Guide for footnotes and bibliography	References and citations, including the bibliography use accurate, consistent and appropriate styles. Good effort at adapting the approach to different disciplinary conventions when using non-law literature.	References and citations, including the bibliography are mostly accurate, consistent and appropriate.	References and citations are basically accurate in style. Some lack of consistency; reasonable acknowledgment of the sources of information.	Absence or inaccurate use of referencing and citation conventions.

## Assessment Tasks

Name	Weighting	Due
<u>Class Participation</u>	20%	Ongoing
<u>Essay on Native Title</u>	30%	25 Sept, 5pm
<u>Research Essay</u>	50%	6 Nov, 5pm

### Class Participation

Due: **Ongoing**

Weighting: **20%**

Class Participation: Preparation and understanding of prescribed materials. The ability to understand and respond in an oral communication context.

See the General Assessment Information in the tab below for administrative details about attendance, marking guide, rubric etc.

On successful completion you will be able to:

- Develop student knowledge of the history of Australian law and system of government and the place of Indigenous customary law within that system.
- Develop student knowledge of important legal and political issues that have impacted on Indigenous Australians, linking the issues to past policies and laws.
- Develop student knowledge of the operation of Australian law and structure of government in continuing to impact on Indigenous Australians.
- Develop student critical capabilities to identify the strengths and weaknesses of the Australian legal and political system to further Indigenous peoples' aims and to evaluate the role of law reform in key areas affecting Indigenous Australians.
- Develop student written and verbal communication skills in formulating arguments about the Australian legal and political system and their impact on Indigenous Australians.

## Essay on Native Title

Due: **25 Sept, 5pm**

Weighting: **30%**

Students will be required to complete a set essay topic on native title.

Native title rights were first recognised by the common law in Australia in the High Court decision of *Mabo v Queensland [No 2]* (1992) 175 CLR 1 and are now governed by the *Native Title Act 1993* (Cth).

1. Briefly describe

a. what native title is;

b. the principle elements necessary to establish native title under the *Native Title Act 1993* (Cth) and

c. how native title may be extinguished by other titles to land.

2. Do you think native title property interests have been given sufficient protection by the Australian legal system? Your discussion must extend beyond the cases covered in the unit materials and consider some of the more recent High Court cases in this area.

See the General Assessment Information in the tab below for administrative details about the essay (word length, due date, submission details, marking guide, rubric etc).

On successful completion you will be able to:

- Develop student knowledge of the history of Australian law and system of government and the place of Indigenous customary law within that system.
- Develop student knowledge of important legal and political issues that have impacted on Indigenous Australians, linking the issues to past policies and laws.
- Develop student knowledge of the operation of Australian law and structure of government in continuing to impact on Indigenous Australians.
- Develop student critical capabilities to identify the strengths and weaknesses of the Australian legal and political system to further Indigenous peoples' aims and to evaluate the role of law reform in key areas affecting Indigenous Australians.
- Develop student written and verbal communication skills in formulating arguments about the Australian legal and political system and their impact on Indigenous Australians.

## Research Essay

Due: **6 Nov, 5pm**

Weighting: **50%**

Students are to complete the Set Topic or Student Topic.

### 1. Set Topic

Does the Australian Constitution need to be amended in order to extend constitutional recognition to indigenous peoples? If so, how? If not, why not? Students should consider the strengths and weaknesses of their arguments.

In writing on the Set Topic, students should include their reflections on why they have chosen this topic and what they have learned in the course of studying the unit in this topic area. In analysing the issues arising in their topic in their essays, students should consider how their study in the unit confirms prior knowledge of that area or has changed their understanding of it. In their essays, students should also consider different models for reform in this topic area.

### 2. Student Topic

Research Topic of your choice: You may formulate your own research topic on an issue arising from the broad scope of the materials covered in the unit. You are welcome and encouraged to discuss your research question with the Unit Convener at any time, either in person, by e-mail (preferable), or over the phone. This is not a compulsory requirement.

In writing on the Student Topic, students should include their reflections on why they have chosen their topic and what they have learned in the course of studying the unit in this topic area. In analysing the issues arising in their topic in their essays, students should consider how their study in the unit confirms prior knowledge of that area or has changed their understanding of it. In their essays, students should also consider different models for reform in their topic area.

See the General Assessment Information in the tab below for administrative details about the

essay (word length, due date, submission details, marking guide, rubric etc).

On successful completion you will be able to:

- Develop student knowledge of the history of Australian law and system of government and the place of Indigenous customary law within that system.
- Develop student knowledge of important legal and political issues that have impacted on Indigenous Australians, linking the issues to past policies and laws.
- Develop student knowledge of the operation of Australian law and structure of government in continuing to impact on Indigenous Australians.
- Develop student critical capabilities to identify the strengths and weaknesses of the Australian legal and political system to further Indigenous peoples' aims and to evaluate the role of law reform in key areas affecting Indigenous Australians.
- Develop student written and verbal communication skills in formulating arguments about the Australian legal and political system and their impact on Indigenous Australians.
- Develop student independent research skills in analysing the operation of the legal and political institutions of Australia as they impact on Indigenous Australians.

## Delivery and Resources

The unit will be delivered in a Lecture and Tutorial format.

Attendance at tutorials is compulsory for Internal students. Students are required to attend 1 tutorial per week. Attendance at lectures may also be compulsory (see Assessment Tasks: Class Participation for attendance requirements).

Attendance at the OCS is compulsory for External students (see Assessment Tasks: Class Participation for attendance requirements).

The lectures and tutorials are scheduled on Wednesday starting in Week 1. The OCS is scheduled on 19 and 20 September. See [timetables.mq.edu.au/2015/](https://timetables.mq.edu.au/2015/) for further details.

Students will be required to use a computer to access the iLearn page for the unit ([ilearn.mq.edu.au](https://ilearn.mq.edu.au)) and to interact with online research databases and web-based research tools.

The prescribed text for the unit is Heather McRae et al, *Indigenous Legal Issues: Commentary and Materials* (Lawbook Co, 2009, 4th Ed) available for purchase at the Macquarie University Co-op Bookshop.

Recommended text (but not compulsory for students to buy) is Larissa Behrendt et al, *Indigenous Legal Relations in Australia* (OUP, 2009).

All other information about the unit (additional reading, tutorial discussion questions etc) will be available on the iLearn page for the unit.

## Unit Schedule

Week 1: History, Law and Government Policies (and Reconciliation Chapter 13)

Week 2: Indigenous Customary Law

Week 3: Indigenous Governance

Week 4: The Indigenous Estate

Week 5: Land Rights Legislation

Week 6: Native Title: An Overview of its Development in Australia

Week 7: Native Title: Specific Features of Law and Process

Mid-Semester Break

OCS 19 and 20 Sept

Essay on Native Title (due Friday, 25 September 2015, 5:00pm)

Week 8: Indigenous Intellectual Property and Indigenous Cultural Heritage

Week 9: Racial Discrimination

Week 10: Criminal Justice Issues

Week 11: Child Welfare

Week 12: International Law

Week 13: Final class participation marks released.

Set Topic or Student Topic Essay (due Friday, 6 November 2015, 5:00pm)

## Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central](#). Students should be aware of the following policies in particular with regard to Learning and Teaching:

Academic Honesty Policy [http://mq.edu.au/policy/docs/academic\\_honesty/policy.html](http://mq.edu.au/policy/docs/academic_honesty/policy.html)

Assessment Policy <http://mq.edu.au/policy/docs/assessment/policy.html>

Grading Policy <http://mq.edu.au/policy/docs/grading/policy.html>

Grade Appeal Policy <http://mq.edu.au/policy/docs/gradeappeal/policy.html>

Grievance Management Policy [http://mq.edu.au/policy/docs/grievance\\_management/policy.html](http://mq.edu.au/policy/docs/grievance_management/policy.html)

Disruption to Studies Policy [http://www.mq.edu.au/policy/docs/disruption\\_studies/policy.html](http://www.mq.edu.au/policy/docs/disruption_studies/policy.html) *The Disruption to Studies Policy is effective from March 3 2014 and replaces the Special Consideration Policy.*

In addition, a number of other policies can be found in the [Learning and Teaching Category](#) of Policy Central.

## Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: [https://students.mq.edu.au/support/student\\_conduct/](https://students.mq.edu.au/support/student_conduct/)

## Results

Results shown in *iLearn*, or released directly by your Unit Convenor, are not confirmed as they are subject to final approval by the University. Once approved, final results will be sent to your student email address and will be made available in [eStudent](#). For more information visit [ask.mq.edu.au](#).

## Macquarie Law School Assessment Policy

In the absence of a successful application for special consideration due to a disruption to studies, any assessment task submitted after its published deadline will not be graded and will receive a mark of zero. Applications for a Disruption to Studies are made electronically via [ask.mq.edu.au](#) and should be accompanied by supporting documentation. Students should refer to the [Disruption to Studies policy](#) for complete details of the policy and a description of the supporting documentation required.

Word limits will be strictly applied and work above the word limit will not be marked.

All assessments in the unit are to be submitted electronically. Plagiarism detection software is used in this unit.

## Student Support

Macquarie University provides a range of support services for students. For details, visit <http://students.mq.edu.au/support/>

## Learning Skills

Learning Skills ([mq.edu.au/learningskills](#)) provides academic writing resources and study strategies to improve your marks and take control of your study.

- [Workshops](#)
- [StudyWise](#)
- [Academic Integrity Module for Students](#)
- [Ask a Learning Adviser](#)

## Student Services and Support

Students with a disability are encouraged to contact the [Disability Service](#) who can provide appropriate help with any issues that arise during their studies.

## Student Enquiries

For all student enquiries, visit Student Connect at [ask.mq.edu.au](#)



## IT Help

For help with University computer systems and technology, visit <http://informatics.mq.edu.au/help/>.

When using the University's IT, you must adhere to the [Acceptable Use Policy](#). The policy applies to all who connect to the MQ network including students.

## Graduate Capabilities

### Commitment to Continuous Learning

Our graduates will have enquiring minds and a literate curiosity which will lead them to pursue knowledge for its own sake. They will continue to pursue learning in their careers and as they participate in the world. They will be capable of reflecting on their experiences and relationships with others and the environment, learning from them, and growing - personally, professionally and socially.

This graduate capability is supported by:

### Learning outcomes

- Develop student knowledge of the history of Australian law and system of government and the place of Indigenous customary law within that system.
- Develop student knowledge of important legal and political issues that have impacted on Indigenous Australians, linking the issues to past policies and laws.
- Develop student knowledge of the operation of Australian law and structure of government in continuing to impact on Indigenous Australians.
- Develop student critical capabilities to identify the strengths and weaknesses of the Australian legal and political system to further Indigenous peoples' aims and to evaluate the role of law reform in key areas affecting Indigenous Australians.
- Develop student written and verbal communication skills in formulating arguments about the Australian legal and political system and their impact on Indigenous Australians.
- Develop student independent research skills in analysing the operation of the legal and political institutions of Australia as they impact on Indigenous Australians.

### Assessment tasks

- Class Participation
- Essay on Native Title
- Research Essay

### Discipline Specific Knowledge and Skills

Our graduates will take with them the intellectual development, depth and breadth of knowledge,



scholarly understanding, and specific subject content in their chosen fields to make them competent and confident in their subject or profession. They will be able to demonstrate, where relevant, professional technical competence and meet professional standards. They will be able to articulate the structure of knowledge of their discipline, be able to adapt discipline-specific knowledge to novel situations, and be able to contribute from their discipline to inter-disciplinary solutions to problems.

This graduate capability is supported by:

## **Learning outcomes**

- Develop student knowledge of the history of Australian law and system of government and the place of Indigenous customary law within that system.
- Develop student knowledge of important legal and political issues that have impacted on Indigenous Australians, linking the issues to past policies and laws.
- Develop student knowledge of the operation of Australian law and structure of government in continuing to impact on Indigenous Australians.
- Develop student written and verbal communication skills in formulating arguments about the Australian legal and political system and their impact on Indigenous Australians.
- Develop student independent research skills in analysing the operation of the legal and political institutions of Australia as they impact on Indigenous Australians.

## **Assessment tasks**

- Class Participation
- Essay on Native Title
- Research Essay

## **Critical, Analytical and Integrative Thinking**

We want our graduates to be capable of reasoning, questioning and analysing, and to integrate and synthesise learning and knowledge from a range of sources and environments; to be able to critique constraints, assumptions and limitations; to be able to think independently and systemically in relation to scholarly activity, in the workplace, and in the world. We want them to have a level of scientific and information technology literacy.

This graduate capability is supported by:

## **Learning outcomes**

- Develop student knowledge of the history of Australian law and system of government and the place of Indigenous customary law within that system.
- Develop student knowledge of important legal and political issues that have impacted on Indigenous Australians, linking the issues to past policies and laws.
- Develop student knowledge of the operation of Australian law and structure of

government in continuing to impact on Indigenous Australians.

- Develop student critical capabilities to identify the strengths and weaknesses of the Australian legal and political system to further Indigenous peoples' aims and to evaluate the role of law reform in key areas affecting Indigenous Australians.
- Develop student written and verbal communication skills in formulating arguments about the Australian legal and political system and their impact on Indigenous Australians.
- Develop student independent research skills in analysing the operation of the legal and political institutions of Australia as they impact on Indigenous Australians.

## **Assessment tasks**

- Class Participation
- Essay on Native Title
- Research Essay

## **Problem Solving and Research Capability**

Our graduates should be capable of researching; of analysing, and interpreting and assessing data and information in various forms; of drawing connections across fields of knowledge; and they should be able to relate their knowledge to complex situations at work or in the world, in order to diagnose and solve problems. We want them to have the confidence to take the initiative in doing so, within an awareness of their own limitations.

This graduate capability is supported by:

## **Learning outcomes**

- Develop student written and verbal communication skills in formulating arguments about the Australian legal and political system and their impact on Indigenous Australians.
- Develop student independent research skills in analysing the operation of the legal and political institutions of Australia as they impact on Indigenous Australians.

## **Assessment tasks**

- Essay on Native Title
- Research Essay

## **Effective Communication**

We want to develop in our students the ability to communicate and convey their views in forms effective with different audiences. We want our graduates to take with them the capability to read, listen, question, gather and evaluate information resources in a variety of formats, assess, write clearly, speak effectively, and to use visual communication and communication technologies as appropriate.

This graduate capability is supported by:

## Learning outcomes

- Develop student written and verbal communication skills in formulating arguments about the Australian legal and political system and their impact on Indigenous Australians.
- Develop student independent research skills in analysing the operation of the legal and political institutions of Australia as they impact on Indigenous Australians.

## Assessment tasks

- Class Participation
- Essay on Native Title
- Research Essay

## Engaged and Ethical Local and Global citizens

As local citizens our graduates will be aware of indigenous perspectives and of the nation's historical context. They will be engaged with the challenges of contemporary society and with knowledge and ideas. We want our graduates to have respect for diversity, to be open-minded, sensitive to others and inclusive, and to be open to other cultures and perspectives: they should have a level of cultural literacy. Our graduates should be aware of disadvantage and social justice, and be willing to participate to help create a wiser and better society.

This graduate capability is supported by:

## Learning outcomes

- Develop student knowledge of the history of Australian law and system of government and the place of Indigenous customary law within that system.
- Develop student knowledge of important legal and political issues that have impacted on Indigenous Australians, linking the issues to past policies and laws.
- Develop student knowledge of the operation of Australian law and structure of government in continuing to impact on Indigenous Australians.
- Develop student critical capabilities to identify the strengths and weaknesses of the Australian legal and political system to further Indigenous peoples' aims and to evaluate the role of law reform in key areas affecting Indigenous Australians.
- Develop student written and verbal communication skills in formulating arguments about the Australian legal and political system and their impact on Indigenous Australians.
- Develop student independent research skills in analysing the operation of the legal and political institutions of Australia as they impact on Indigenous Australians.

## Assessment tasks

- Class Participation
- Essay on Native Title

- Research Essay