



# LAW 866

## Indigenous 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

4

Prerequisites

Admission to MEnvLaw or PGDipEnvLaw or PGCertEnvLaw or MIntEnvLaw or PGDipIntEnvLaw or PGCertIntEnvLaw or MPP or PGDipPP or LLM or MDevCult or MGlobalHlthDevStud or 42cp in LAW units at 400 or 500 level or (admission to JD and 32cp in LAW or LAWS units at 800 level)

Corequisites

Co-badged status

Unit description

The special place of Indigenous peoples in Australia gives rise to unique questions of law. First, there is the challenge of acknowledging the existence of more than one legal order in the one geographical space. Then, there are the terms of coexistence of these legal orders. And finally, there is a question of how effectively the Australian legal system regulates issues particular to Indigenous peoples. The unit explores these issues in Australia, and also looks to the International legal community and the experience of other settler-colonised states in understanding the limits of law in protecting the rights of 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:

Work independently to devise an appropriate topic for a legal research essay focused on a key area of Australian law and its impact on Indigenous Australians.

Develop advanced oral communication skills by critically reflecting on the unit materials,

formulating and presenting oral arguments, and critically engaging with other students in class .

Develop advanced research and writing skills by using appropriate legal research methodologies and carrying out independent research and analysis with respect to a key area of Australian law and its impact on Indigenous Australians.

Develop advanced research and writing skills by following instructions in referencing primary and secondary research sources appropriate for research essay writing.

Develop advanced research and writing communication skills by producing a sophisticated legal research essay that critically evaluates the impact of a key area of law on Indigenous Australians and formulates reforms to create a more just system of law for Indigenous Australians.

Take responsibility for your own learning in research essay writing and participating in class by managing time productively; planning tasks; and working effectively towards their completion.

## 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. They are also required to attend the 3rd day of the OCS which is held on 21 September 2015.

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 **all three days** of the OCS. Attendance at all three 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.

<p><b>Your work will be assessed according to the extent of your:</b></p>	<p><b>Excellent</b> = HD-D</p>	<p><b>Good</b> = Credit</p>	<p><b>Satisfactory</b> = Pass</p>	<p><b>Unsatisfactory</b> = Fail</p>
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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	States 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 ideas 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 can 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: Research Essay Proposal**

The Essay will be due on Monday, 28 September 2015 at 5:00pm.

It will be worth 30% of the final mark.

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

Any Proposal 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 Proposal 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 as a **word document** 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**

The purpose of this assignment is to develop independent research and writing skills through the research of a key area of law impacting on Indigenous Australians. **Students are expected to conduct research outside the unit materials.** The materials you use should be relevant to your topic area and should be used to help you develop own ideas and argument on your research topic as the basis of your final research essay.

Your work will be assessed according to the extent of your:	Excellent = HD-D	Good = Credit	Satisfactory = Pass	Unsatisfactory = Fail
Establishing your research question	Thorough and accurate understanding of the topic area and of its impact on Indigenous peoples. Sufficient in scope - ie not too narrow or broad	Good understanding of the topic area and its impact on Indigenous peoples. Is not too narrow or broad.	Basic understanding of the topic of the topic area and its impact on Indigenous peoples. Could be too narrow or broad.	Knows little about of topic area and its impact on Indigenous peoples. Is too narrow or broad.
Identify the aims of your research	Is clear in stating the objectives of their research and the parameters of their research with respect to the existing literature in the field. Begins to articulate the conclusions they will draw from their research based on initial research findings and can explain why their research is important.	States the objectives of their research, can relate it to the literature in the field, is able to draw some conclusions and has some insight into why their research is important.	States the objectives of their research, makes some connections to the literature and draws some conclusions but stops short of giving clear picture of why their research is important.	States the objectives of the research and links them to the field and draws conclusions but only at a superficial level.

Review of the Literature	Identifies relevant sources to their research topic and can make strong connections between them.	Identifies relevant sources to their research topic but the connections are not completely clear.	Identifies some relevant sources to their research topic but the connections are not completely clear. Some sources may be irrelevant.	Identifies some relevant sources to their research topic but the connections are not completely clear. More sources may be irrelevant than relevant.
Develop a reform agenda	Proposed conclusions/reforms strongly link to research question and build on existing literature. Original contribution to the field	Proposed conclusions/reforms link to research question and build on existing literature but could be more strongly linked and original.	Attempt has been made to link proposed conclusions/reforms to research question and existing literature but may be tenuous and not always relevant or original.	No attempt has been made to link proposed conclusions/reforms to research question and existing literature.
Methodology	Chosen methodology is appropriate for their chosen topic, the background literature and proposed conclusions/reform agenda. Clear rationale for methodology provided.	Not a complete match between methodology and their chosen topic, background literature and proposed conclusions/reform agenda.	Attempt has been made to establish methodology but only at a superficial level.	No attempt has been made to establish methodology.
Initial bibliography	Bibliography contains all sources cited in the Research Proposal and contains a variety of relevant primary and secondary sources.	Bibliography contains most sources cited in the Research Proposal but could contain more varied primary and secondary sources..	Bibliography contain most sources cited in the Research Proposal but not enough varied primary and secondary sources.	Bibliography contains most sources cited in the Research Proposal and contains a variety of primary and secondary sources.
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 Monday, 9 November 2015 at 5:00pm.

It will be worth 50% of the final mark.

Maximum word length for Research Essay is 4000 (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 write a Research Essay based on their Research Essay Proposal. 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 explain structure of essay, methodology, articulate an argument and 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. Identifies methodological framework for analysis and development of argument.	Uses the introduction to set out structure of the essay. Can formulate an argument, and identify relevant issues and theories to be addressed.  Methodological framework noted.	Basic introduction that contains all the formal elements but stops short of giving a clear picture of the essay and methodology	There is an introduction but it does not provide a clear articulation of the argument or structure or methodology.
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.

<p>Argument: Ideas drawn from the research materials should be synthesized in a systematic and coherent structure</p>	<p>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 and makes original contribution to the literature.</p>	<p>Shows a thorough and accurate understanding of concepts and processes. Has the capacity to analyse and apply them in new situations and develop their argument.</p>	<p>Knows basic concepts and rules. Requires more effort in synthesizing own arguments.</p>	<p>Knows some of the ideas and rules. Does not extend own analysis or argument</p>
<p>Coherent Structure: Systematic and coherent organisation of ideas in sentences/ paragraphs/ sections; Separate Introduction and Conclusion; Use of sub-headings</p> <p>Written Expression: Clear written expression, ideas structured in sentences, correct grammar/spelling</p>	<p>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.</p>	<p>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.</p>	<p>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 &amp; grammatically correct.</p>	<p>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.</p>
<p>Use of AGLC Style Guide for footnotes and bibliography</p>	<p>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.</p>	<p>References and citations, including the bibliography are mostly accurate, consistent and appropriate.</p>	<p>References and citations are basically accurate in style. Some lack of consistency; reasonable acknowledgment of the sources of information.</p>	<p>Absence or inaccurate use of referencing and citation conventions.</p>

## Assessment Tasks

Name	Weighting	Due
<a href="#"><u>Class Participation</u></a>	20%	Ongoing
<a href="#"><u>Research Essay Proposal</u></a>	30%	28 Sept, 5pm
<a href="#"><u>Research Essay</u></a>	50%	9 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 advanced oral communication skills by critically reflecting on the unit materials, formulating and presenting oral arguments, and critically engaging with other students in class .
- Take responsibility for your own learning in research essay writing and participating in class by managing time productively; planning tasks; and working effectively towards their completion.

## Research Essay Proposal

Due: **28 Sept, 5pm**

Weighting: **30%**

Students are to select an area of law canvassed in the unit materials and devise a research topic on the impact of this area on Indigenous Australians.

In their research proposal students are to address the following:

1. Your research question (the topic and the issue you plan to address).
2. Why is it significant (why did you choose this topic and what is the aim of your research).
3. What have others in the field said about this particular issue (literature review).
4. How will your research contribute to the field (develop a potential reform agenda).
5. Your methodological approach (eg doctrinal, interdisciplinary, comparative).
6. Initial bibliography of key primary and secondary sources.

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:

- Work independently to devise an appropriate topic for a legal research essay focused on a key area of Australian law and its impact on Indigenous Australians.
- Develop advanced research and writing skills by using appropriate legal research methodologies and carrying out independent research and analysis with respect to a key area of Australian law and its impact on Indigenous Australians.
- Develop advanced research and writing skills by following instructions in referencing primary and secondary research sources appropriate for research essay writing.

- Develop advanced research and writing communication skills by producing a sophisticated legal research essay that critically evaluates the impact of a key area of law on Indigenous Australians and formulates reforms to create a more just system of law for Indigenous Australians.
- Take responsibility for your own learning in research essay writing and participating in class by managing time productively; planning tasks; and working effectively towards their completion.

## Research Essay

Due: **9 Nov, 5pm**

Weighting: **50%**

Submission of Research Essay.

Students are expected to submit a research essay that builds on their previously submitted Research Essay Proposal.

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:

- Work independently to devise an appropriate topic for a legal research essay focused on a key area of Australian law and its impact on Indigenous Australians.
- Develop advanced research and writing skills by using appropriate legal research methodologies and carrying out independent research and analysis with respect to a key area of Australian law and its impact on Indigenous Australians.
- Develop advanced research and writing skills by following instructions in referencing primary and secondary research sources appropriate for research essay writing.
- Develop advanced research and writing communication skills by producing a sophisticated legal research essay that critically evaluates the impact of a key area of law on Indigenous Australians and formulates reforms to create a more just system of law for Indigenous Australians.
- Take responsibility for your own learning in research essay writing and participating in class by managing time productively; planning tasks; and working effectively towards their completion.

## 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. Internal students are also required to attend Day 3 of the OCS on 21 September. Attendance at lectures may also be compulsory (see Assessment Tasks: Class Participation for attendance requirements).

Attendance on all 3 days of 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, 20 and 21 September. See [timetables.mq.edu.au/2015/](http://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](http://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 (eg additional reading list for Day 3 of the OCS, tutorial discussion questions etc) will be available on the iLearn page for the unit.

## Unit Schedule

The weekly lecture schedule is as follows. Note that for the OCS these areas will be covered in Day 1 and 2 (19 and 20 Sept) though the lectures for weeks 8-12 will be delivered after the OCS. Additional areas will be covered on Day 3 (see iLearn).

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

Interim class participation marks released to Internal students

OCS 19, 20 and 21 Sept

Research Essay Proposal (due Monday, 28 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.

Research (due Monday, 9 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](http://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](http://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](http://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](http://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

### PG - Capable of Professional and Personal Judgment and Initiative

Our postgraduates will demonstrate a high standard of discernment and common sense in their professional and personal judgment. They will have the ability to make informed choices and decisions that reflect both the nature of their professional work and their personal perspectives.

This graduate capability is supported by:

### Learning outcomes

- Work independently to devise an appropriate topic for a legal research essay focused on a key area of Australian law and its impact on Indigenous Australians.
- Develop advanced oral communication skills by critically reflecting on the unit materials, formulating and presenting oral arguments, and critically engaging with other students in

class .

- Develop advanced research and writing skills by using appropriate legal research methodologies and carrying out independent research and analysis with respect to a key area of Australian law and its impact on Indigenous Australians.
- Develop advanced research and writing communication skills by producing a sophisticated legal research essay that critically evaluates the impact of a key area of law on Indigenous Australians and formulates reforms to create a more just system of law for Indigenous Australians.
- Take responsibility for your own learning in research essay writing and participating in class by managing time productively; planning tasks; and working effectively towards their completion.

## Assessment tasks

- Class Participation
- Research Essay Proposal
- Research Essay

## PG - Discipline Knowledge and Skills

Our postgraduates will be able to demonstrate a significantly enhanced depth and breadth of knowledge, scholarly understanding, and specific subject content knowledge in their chosen fields.

This graduate capability is supported by:

## Learning outcomes

- Work independently to devise an appropriate topic for a legal research essay focused on a key area of Australian law and its impact on Indigenous Australians.
- Develop advanced oral communication skills by critically reflecting on the unit materials, formulating and presenting oral arguments, and critically engaging with other students in class .
- Develop advanced research and writing skills by using appropriate legal research methodologies and carrying out independent research and analysis with respect to a key area of Australian law and its impact on Indigenous Australians.
- Develop advanced research and writing skills by following instructions in referencing primary and secondary research sources appropriate for research essay writing.
- Develop advanced research and writing communication skills by producing a sophisticated legal research essay that critically evaluates the impact of a key area of law on Indigenous Australians and formulates reforms to create a more just system of



law for Indigenous Australians.

## Assessment tasks

- Class Participation
- Research Essay Proposal
- Research Essay

## PG - Critical, Analytical and Integrative Thinking

Our postgraduates will be capable of utilising and reflecting on prior knowledge and experience, of applying higher level critical thinking skills, and of integrating and synthesising learning and knowledge from a range of sources and environments. A characteristic of this form of thinking is the generation of new, professionally oriented knowledge through personal or group-based critique of practice and theory.

This graduate capability is supported by:

## Learning outcomes

- Work independently to devise an appropriate topic for a legal research essay focused on a key area of Australian law and its impact on Indigenous Australians.
- Develop advanced oral communication skills by critically reflecting on the unit materials, formulating and presenting oral arguments, and critically engaging with other students in class .
- Develop advanced research and writing skills by using appropriate legal research methodologies and carrying out independent research and analysis with respect to a key area of Australian law and its impact on Indigenous Australians.
- Develop advanced research and writing communication skills by producing a sophisticated legal research essay that critically evaluates the impact of a key area of law on Indigenous Australians and formulates reforms to create a more just system of law for Indigenous Australians.

## Assessment tasks

- Class Participation
- Research Essay Proposal
- Research Essay

## PG - Research and Problem Solving Capability

Our postgraduates will be capable of systematic enquiry; able to use research skills to create new knowledge that can be applied to real world issues, or contribute to a field of study or practice to enhance society. They will be capable of creative questioning, problem finding and problem solving.

This graduate capability is supported by:

## Learning outcomes

- Work independently to devise an appropriate topic for a legal research essay focused on a key area of Australian law and its impact on Indigenous Australians.
- Develop advanced research and writing skills by using appropriate legal research methodologies and carrying out independent research and analysis with respect to a key area of Australian law and its impact on Indigenous Australians.
- Develop advanced research and writing communication skills by producing a sophisticated legal research essay that critically evaluates the impact of a key area of law on Indigenous Australians and formulates reforms to create a more just system of law for Indigenous Australians.

## Assessment tasks

- Research Essay Proposal
- Research Essay

## PG - Effective Communication

Our postgraduates will be able to communicate effectively and convey their views to different social, cultural, and professional audiences. They will be able to use a variety of technologically supported media to communicate with empathy using a range of written, spoken or visual formats.

This graduate capability is supported by:

## Learning outcomes

- Work independently to devise an appropriate topic for a legal research essay focused on a key area of Australian law and its impact on Indigenous Australians.
- Develop advanced oral communication skills by critically reflecting on the unit materials, formulating and presenting oral arguments, and critically engaging with other students in class .
- Develop advanced research and writing skills by using appropriate legal research methodologies and carrying out independent research and analysis with respect to a key area of Australian law and its impact on Indigenous Australians.
- Develop advanced research and writing skills by following instructions in referencing primary and secondary research sources appropriate for research essay writing.
- Develop advanced research and writing communication skills by producing a sophisticated legal research essay that critically evaluates the impact of a key area of law on Indigenous Australians and formulates reforms to create a more just system of

law for Indigenous Australians.

- Take responsibility for your own learning in research essay writing and participating in class by managing time productively; planning tasks; and working effectively towards their completion.

## **Assessment tasks**

- Class Participation
- Research Essay Proposal
- Research Essay

## **PG - Engaged and Responsible, Active and Ethical Citizens**

Our postgraduates will be ethically aware and capable of confident transformative action in relation to their professional responsibilities and the wider community. They will have a sense of connectedness with others and country and have a sense of mutual obligation. They will be able to appreciate the impact of their professional roles for social justice and inclusion related to national and global issues

This graduate capability is supported by:

## **Learning outcomes**

- Work independently to devise an appropriate topic for a legal research essay focused on a key area of Australian law and its impact on Indigenous Australians.
- Develop advanced oral communication skills by critically reflecting on the unit materials, formulating and presenting oral arguments, and critically engaging with other students in class .
- Develop advanced research and writing skills by using appropriate legal research methodologies and carrying out independent research and analysis with respect to a key area of Australian law and its impact on Indigenous Australians.
- Develop advanced research and writing communication skills by producing a sophisticated legal research essay that critically evaluates the impact of a key area of law on Indigenous Australians and formulates reforms to create a more just system of law for Indigenous Australians.

## **Assessment tasks**

- Class Participation
- Research Essay Proposal
- Research Essay

## Changes from Previous Offering

Law866 is co-taught with Law468.