



LAWS5018

Indigenous Peoples and the Law

Session 2, Special circumstance 2020

Macquarie Law School

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Disclaimer

Macquarie University has taken all reasonable measures to ensure the information in this publication is accurate and up-to-date. However, the information may change or become out-dated as a result of change in University policies, procedures or rules. The University reserves the right to make changes to any information in this publication without notice. Users of this publication are advised to check the website version of this publication [or the relevant faculty or department] before acting on any information in this publication.

Notice

As part of [Phase 3 of our return to campus plan](#), most units will now run tutorials, seminars and other small group learning activities on campus for the second half-year, while keeping an online version available for those students unable to return or those who choose to continue their studies online.

To check the availability of face-to-face and online activities for your unit, please go to [timetable viewer](#). To check detailed information on unit assessments visit your unit's iLearn space or consult your unit convenor.

General Information

Unit convenor and teaching staff

Convenor

Francesca Dominello

francesca.dominello@mq.edu.au

Contact via iLearn

6 First Walk, 619

Monday 1pm during teaching weeks or by appointment

Credit points

10

Prerequisites

(80cp in LAW or LAWS units) or (130cp including LAWS2060 or LAWS260 or ABST304 or ABST3040)

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:

ULO1: Demonstrate advanced knowledge of the history of Australian law and system of government and the place of Indigenous customary law within that system.

ULO2: Explain and analyse important legal and political issues that have impacted on Indigenous Australians, linking the issues to past policies and laws.

ULO3: Critically analyse the operation of Australian law and structure of government in

continuing to impact on Indigenous Australians.

ULO4: Identify the strengths and weaknesses of the Australian legal and political system to further Indigenous peoples' aims and evaluate the role of law reform in key areas affecting Indigenous Australians.

General Assessment Information

Participatory Tasks

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 commence in Week 2.

Lectures will be pre-recorded. The tutorial in Week 2 is compulsory for all students. There are no tutorials in Week 9 due to the public holiday on 5 October. At all other tutorials students will be on-call. More details will be posted on iLearn. Attendance at tutorials when students are on-call is compulsory. If a student's absence fits within the special consideration policy they should submit an application for Special Consideration via Ask (ask.mq.edu.au). In cases where a student is absent due to special consideration, they should contact the unit convenor immediately and alternative arrangements may be made.

The total mark for participatory tasks is 20%. This includes the following:

Class participation in tutorials: 5% before the mid-semester break (Weeks 2-7); 5% after the mid-semester break (Weeks 8, 10-12); 5% for online discussion forum submission before the mid-semester break; 5% for online discussion forum submission after the mid-semester break. More details about the requirements for these tasks will be available on iLearn.

Essays

A summary of these assessment tasks are available in the Assessment Tasks section of this unit guide. More information will be available on the iLearn page.

Special Consideration

All applications for special consideration whether in relation to attendance or the written assessments must be made through Ask. Special Consideration applications must be made within five working days of the assessment task due date (including date of attendance).

This policy applies to written assessments. Unless a Special Consideration request has been submitted and approved, (a) a penalty for lateness will apply – two (2) marks out of 100 will be deducted per day for assignments submitted after the due date – and (b) no assignment will be accepted more than seven (7) days (incl. weekends) after the original submission deadline. No late submissions will be accepted for timed assessments – e.g. quizzes, online tests.

Submission

The written assignments are to be submitted electronically by way of Turnitin on the iLearn page. Plagiarism detection software is used in this unit.

Word Limits

Where there is a specified word limit it will be strictly applied and work above the word limit will not be assessed.

Moderation

Detailed marking rubrics will be made available on iLearn for all assessments. If there are other markers assisting the convenor in marking the written assessments then a process of 'blind marking' to establish a common marking standard will be adopted and all Fail papers will be double marked.

Style

The research essay should comply with the latest edition of the AGLC (ie, AGLC4).

Format

All written assessments 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.

Please submit in **Word format** and not in PDF.

Footnotes and bibliographies are required for all written assessments.

Assessment Tasks

Name	Weighting	Hurdle	Due
<u>Mid semester essay</u>	40%	No	14 September, 6pm
<u>Oral and Written tasks in class or online</u>	20%	No	During teaching weeks
<u>Final essay task</u>	40%	No	7 November, 6pm

Mid semester essay

Assessment Type ¹: Essay

Indicative Time on Task ²: 40 hours

Due: **14 September, 6pm**

Weighting: **40%**

An essay on a topic related to Indigenous peoples and the law.

On successful completion you will be able to:

- Demonstrate advanced knowledge of the history of Australian law and system of government and the place of Indigenous customary law within that system.

- Explain and analyse important legal and political issues that have impacted on Indigenous Australians, linking the issues to past policies and laws.
- Critically analyse the operation of Australian law and structure of government in continuing to impact on Indigenous Australians.
- Identify the strengths and weaknesses of the Australian legal and political system to further Indigenous peoples' aims and evaluate the role of law reform in key areas affecting Indigenous Australians.

Oral and Written tasks in class or online

Assessment Type ¹: Participatory task

Indicative Time on Task ²: 30 hours

Due: **During teaching weeks**

Weighting: **20%**

In class and/or online discussion, debate, collaboration and writing activities based on unit readings and independent research

On successful completion you will be able to:

- Demonstrate advanced knowledge of the history of Australian law and system of government and the place of Indigenous customary law within that system.
- Explain and analyse important legal and political issues that have impacted on Indigenous Australians, linking the issues to past policies and laws.
- Critically analyse the operation of Australian law and structure of government in continuing to impact on Indigenous Australians.
- Identify the strengths and weaknesses of the Australian legal and political system to further Indigenous peoples' aims and evaluate the role of law reform in key areas affecting Indigenous Australians.

Final essay task

Assessment Type ¹: Essay

Indicative Time on Task ²: 40 hours

Due: **7 November, 6pm**

Weighting: **40%**

This topic will require independent research and comprehensive understanding of the unit materials

On successful completion you will be able to:

- Demonstrate advanced knowledge of the history of Australian law and system of government and the place of Indigenous customary law within that system.
- Explain and analyse important legal and political issues that have impacted on Indigenous Australians, linking the issues to past policies and laws.
- Critically analyse the operation of Australian law and structure of government in continuing to impact on Indigenous Australians.
- Identify the strengths and weaknesses of the Australian legal and political system to further Indigenous peoples' aims and evaluate the role of law reform in key areas affecting Indigenous Australians.

¹ If you need help with your assignment, please contact:

- the academic teaching staff in your unit for guidance in understanding or completing this type of assessment
- the [Writing Centre](#) for academic skills support.

² Indicative time-on-task is an estimate of the time required for completion of the assessment task and is subject to individual variation

Delivery and Resources

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

Lectures start in Week 1; Tutorials in Week 2. Refer to <https://timetables.mq.edu.au/2020/> for further details on scheduled class times and room locations.

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

The prescribed text for the unit is Larissa Behrendt et al, *Aboriginal and Torres Strait Islander Legal Relations* (OUP, 2nd ed, 2019) available for purchase from Booktopia. Hard copies and e-copies should also be available in the library.

Recommended text is Heather McRae et al, *Indigenous Legal Issues: Commentary and Materials* (Lawbook Co, 4th ed, 2008). Hard copies and e-copies should be available in the library.

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

Unit Schedule

Lectures commence in Week 1. Tutorials commence in Week 2

Lecture Schedule:

Week 1: Dispossession and Colonisation

Week 2: Overview of Government Policies

Week 3: Contemporary Aboriginal and Torres Strait Islander Children's Welfare

Week 4: Juvenile Justice

Week 5: Criminal Justice

Week 6: Indigenous Women and Criminal Justice

Week 7: Land Rights

Mid-Semester Break (Essay Due 14 September, 6pm)

Week 8: Native title

Week 9: Cultural Heritage

Week 10: Racial Discrimination and the Law

Week 11: Indigenous Rights v The New Paternalism

Week 12: Unfinished Business

Week 13: No Lecture/Last Tutorial (Essay Due 7 Nov, 6pm)

Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central \(https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central\)](https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central). Students should be aware of the following policies in particular with regard to Learning and Teaching:

- [Academic Appeals Policy](#)
- [Academic Integrity Policy](#)
- [Academic Progression Policy](#)
- [Assessment Policy](#)
- [Fitness to Practice Procedure](#)
- [Grade Appeal Policy](#)
- [Complaint Management Procedure for Students and Members of the Public](#)
- [Special Consideration Policy](#) (**Note:** *The Special Consideration Policy is effective from 4 December 2017 and replaces the Disruption to Studies Policy.*)

Students seeking more policy resources can visit the [Student Policy Gateway \(https://students.mq.edu.au/policies\)](https://students.mq.edu.au/policies)

mq.edu.au/support/study/student-policy-gateway). It is your one-stop-shop for the key policies you need to know about throughout your undergraduate student journey.

If you would like to see all the policies relevant to Learning and Teaching visit [Policy Central](http://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central) (<http://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/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/study/getting-started/student-conduct>

Results

Results published on platform other than [eStudent](#), (eg. iLearn, Coursera etc.) 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 or if you are a Global MBA student contact globalmba.support@mq.edu.au

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 help you improve your marks and take control of your study.

- [Getting help with your assignment](#)
- [Workshops](#)
- [StudyWise](#)
- [Academic Integrity Module](#)

The Library provides online and face to face support to help you find and use relevant information resources.

- [Subject and Research Guides](#)
- [Ask a Librarian](#)

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

If you are a Global MBA student contact globalmba.support@mq.edu.au

IT Help

For help with University computer systems and technology, visit http://www.mq.edu.au/about_us/offices_and_units/information_technology/help/.

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

Changes since First Published

Date	Description
20/07/2020	I changed the title of the prescribed text to Aboriginal and Torres Strait Islander Legal Relations as I had inaccurately titled the text Indigenous Legal Relations in Australia.