



# LAWS5018

## Indigenous Peoples and the Law

Session 2, Special circumstance 2021

*Macquarie Law School*

### Contents

<u>General Information</u>	2
<u>Learning Outcomes</u>	2
<u>General Assessment Information</u>	3
<u>Assessment Tasks</u>	4
<u>Delivery and Resources</u>	6
<u>Unit Schedule</u>	6
<u>Policies and Procedures</u>	7
<u>Changes since First Published</u>	9

#### 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.

#### Session 2 Learning and Teaching Update

The decision has been made to conduct study online for the remainder of Session 2 for all units WITHOUT mandatory on-campus learning activities. Exams for Session 2 will also be online where possible to do so.

This is due to the extension of the lockdown orders and to provide certainty around arrangements for the remainder of Session 2. We hope to return to campus beyond Session 2 as soon as it is safe and appropriate to do so.

Some classes/teaching activities cannot be moved online and must be taught on campus. You should already know if you are in one of these classes/teaching activities and your unit convenor will provide you with more information via iLearn. If you want to confirm, see the list of [units with mandatory on-campus classes/teaching activities](#).

Visit the [MQ COVID-19 information page](#) for more detail.

## General Information

Unit convenor and teaching staff

Convenor

Francesca Dominello

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

Contact via iLearn

6 First Walk, 619

Wednesday 12pm during teaching weeks or by appointment

Credit points

10

Prerequisites

(130cp in Law or LAWS units) or (130cp including LAWS260 or LAWS2060 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. At all other tutorials students will be on-call. Attendance at tutorials when students are on-call is compulsory. More details will be posted on iLearn. 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](http://ask.mq.edu.au)). In cases where a student is absent due to special consideration, alternative arrangements will be made.

### **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 class attendance or the written essays 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).

Note to new policy for written assignments as follows:

Unless a Special Consideration request has been submitted and approved, (a) a penalty for lateness will apply – 10 marks out of 100 credit will be deducted per day for assignments submitted after the due date – and (b) no assignment will be accepted seven days (incl. weekends) after the original submission deadline.

### **Submission**

The written essays 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 both written essays.

## Assessment Tasks

Name	Weighting	Hurdle	Due
<u>Oral and Written tasks in class or online</u>	20%	No	ongoing
<u>Mid semester essay</u>	40%	No	18:00 15/09/2021
<u>Final essay task</u>	40%	No	18:00 06/11/2021

### Oral and Written tasks in class or online

Assessment Type <sup>1</sup>: Participatory task

Indicative Time on Task <sup>2</sup>: 30 hours

Due: **ongoing**

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.

## Mid semester essay

Assessment Type <sup>1</sup>: Essay

Indicative Time on Task <sup>2</sup>: 40 hours

Due: **18:00 15/09/2021**

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.

## Final essay task

Assessment Type <sup>1</sup>: Essay

Indicative Time on Task <sup>2</sup>: 40 hours

Due: **18:00 06/11/2021**

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.

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<sup>1</sup> 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.

<sup>2</sup> 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/2021/> 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](http://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 here [Booktopia Web site](#). 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 15 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 6 Nov, 6pm)

## Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central \(https://policies.mq.edu.au\)](https://policies.mq.edu.au). 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](#)

Students seeking more policy resources can visit [Student Policies \(https://students.mq.edu.au/support/study/policies\)](https://students.mq.edu.au/support/study/policies). It is your one-stop-shop for the key policies you need to know about throughout your undergraduate student journey.

To find other policies relating to Teaching and Learning, visit [Policy Central \(https://policies.mq.edu.au\)](https://policies.mq.edu.au) and use the [search tool](#).

## Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: <https://students.mq.edu.au/admin/other-resources/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](mailto:ask.mq.edu.au) or if you are a Global MBA student contact [globalmba.support@mq.edu.au](mailto: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](http://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](mailto:ask.mq.edu.au)

If you are a Global MBA student contact [globalmba.support@mq.edu.au](mailto: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/](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
13/07/2021	Hi approver I am very sorry to be resubmitting this unit guide. I realised I hadn't updated the due dates for written assessments in the unit schedule which I have now done. Best, Francesca