



# LAWS8066

## Indigenous Peoples and the Law

Session 2, Intensive attendance, North Ryde 2021

*Macquarie Law School*

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#### **Disclaimer**

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#### **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

Thursday 4pm during teaching weeks or by appointment

Credit points

10

Prerequisites

(Admission to JD and 80cp in LAW or LAWS unit at 6000 level or above) or (admission to LLM)

Corequisites

Co-badged status

Unit description

This unit entails a detailed study of Indigenous people's experience with the legal system in Australia and the interactions between non-Indigenous and Indigenous legal systems. With regard to both historical and contemporary social policies in Australia, the unit examines questions 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. The unit canvasses indigenous law in a variety of contexts including land rights and native title, family law and child protection, the criminal justice system, and Indigenous ownership of intellectual and cultural property.

## 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:** Analyse and critique the place of Indigenous customary law within the history of

Australian law and system of government

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

**ULO3:** Apply advanced critical analysis to the operation of Australian law and structure of government in continuing to impact on Indigenous Australians.

**ULO4:** Compare and contrast the place of indigenous customary law in the legal landscape of diverse jurisdictions

## General Assessment Information

### Attendance

All lectures will be recorded and available on iLearn.

Tutorials are fortnightly commencing in Week 3 and then in Weeks 5, 7, 9, 11, 13. Student participation will be on-call and required to answer set tutorial questions. There will also be weeks when students will make presentations about their research-in-progress to the class. Attendance when students are on-call and when they are required to make presentations will be compulsory. If a student cannot attend the tutorials when they are on-call or have presentations they are required to apply for special consideration via Ask ([ask.mq.edu.au](http://ask.mq.edu.au)). Alternative work will be set in lieu in cases when special considerations applications have been approved.

### Participatory Tasks

Participatory Tasks are worth 30% of the final mark and will involve the following:

**In-class Presentation on Research Plan (5%):** In Week 3, students will present their initial ideas for their research plan in class.

**Class Participation during the tutorials (20%):** Students will be on-call 4 times during the semester to discuss set tutorial questions and each time it will be worth 5%.

**In-class Presentation on Research Essay (5%):** In Week 11 students will make a 3-5 minute presentation on their individual research essays.

More details about these assessments will be available on iLearn.

### Research Plan and Essay

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 new policy applies to written assessments:

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 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 plan and 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>Online and in class tasks</u>	30%	No	ongoing
<u>Research Plan</u>	30%	No	18:00 28/08/2021
<u>Research Essay</u>	40%	No	18:00 06/11/2021

### Online and in class tasks

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

Indicative Time on Task <sup>2</sup>: 34 hours

Due: **ongoing**

Weighting: **30%**

Students will engage in online and/or in class discussion, presentations, debates and law reform tasks and submit reflective writing activities online

On successful completion you will be able to:

- Analyse and critique the place of Indigenous customary law within the history of Australian law and system of government
- Critically analyse legal and political issues that have impacted on Indigenous Australians, linking the issues to past policies and laws.
- Apply advanced critical analysis to the operation of Australian law and structure of government in continuing to impact on Indigenous Australians.
- Compare and contrast the place of indigenous customary law in the legal landscape of diverse jurisdictions

## Research Plan

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

Indicative Time on Task <sup>2</sup>: 35 hours

Due: **18:00 28/08/2021**

Weighting: **30%**

Students will develop a research plan as the basis for their research essay.

On successful completion you will be able to:

- Analyse and critique the place of Indigenous customary law within the history of Australian law and system of government
- Critically analyse legal and political issues that have impacted on Indigenous Australians, linking the issues to past policies and laws.
- Apply advanced critical analysis to the operation of Australian law and structure of government in continuing to impact on Indigenous Australians.
- Compare and contrast the place of indigenous customary law in the legal landscape of diverse jurisdictions

## Research Essay

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

Indicative Time on Task <sup>2</sup>: 45 hours

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

Weighting: **40%**

Students will submit a research essay that builds on their essay plan and reflective writing tasks

On successful completion you will be able to:

- Analyse and critique the place of Indigenous customary law within the history of Australian law and system of government
- Critically analyse legal and political issues that have impacted on Indigenous Australians, linking the issues to past policies and laws.
- Apply advanced critical analysis to the operation of Australian law and structure of government in continuing to impact on Indigenous Australians.
- Compare and contrast the place of indigenous customary law in the legal landscape of diverse jurisdictions

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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 Lectures will be recorded and available on iLearn. The fortnightly tutorials commence in Week 3. All students should refer to <https://timetables.mq.edu.au/2021/> 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 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 of this text should also be available in the library.

Recommended text is Heather McRae et al, *Indigenous Legal Issues: Commentary and Materials* (Lawbook Co, 4th ed, 2009). Hard copies and e-copies of this text should also 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

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 (Research Plan due 28 August, 6pm)

Week 6: Indigenous Women and Criminal (In)Justice

Week 7: Land Rights

Mid-Semester Break

OCS/Block 12 and 13 Sept

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 November, 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](https://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](https://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](https://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
14/07/2021	Hi Lise Done - the assessment due dates were there but I had saved in my personal calendar. Now in the law school assessment calendar. Best, Francesca