



LAWS8066

Indigenous Peoples and the Law

Session 2, Online-scheduled-weekday 2024

Macquarie Law School

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General Information

Unit convenor and teaching staff

Convenor

Francesca Dominello

francesca.dominello@mq.edu.au

Contact via iLearn

17WW Room 335

see iLearn

Credit points

10

Prerequisites

Admission to LLM or MSusDev or (Admission to JD and LAWS600 or LAWS8001)

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

All written assessments submitted electronically must be submitted through the link provided in iLearn. This unit will utilise Turnitin plagiarism detection software. Students should carefully check that they submit the correct file for an assessment, as re-submissions will not be accepted after the due date and time, including instances where students upload an incorrect file in error.

The design, moderation and feedback of all assessments is in accordance with the Macquarie University Assessment Procedure (link provided under 'Policies and Procedures' below).

Late Submission Policy

A maximum penalty of five (5) percentage points of the total possible marks will be applied per day to late submissions, for up to a maximum of seven calendar days. Tasks that have not been submitted within the maximum number of additional late days will receive a mark of zero. This provision does not apply to online exams or other assessment with a time limit of less than 24 hours.

Penalties for late submission will be applied consistently and equitably to all students enrolled in the unit. Where short-term, serious and unavoidable circumstances have affected their ability to submit an assessment task, a student must submit a formal application for Special Consideration as per the Special Consideration Policy. Students should not request an informal arrangement from their tutor, lecturer or Unit Convenor.

Where an application for Special Consideration is approved, and the outcome is an extension to the due date of a task, submissions that are received after the new due date will be subject to late penalties that are calculated from the new due date. This only applies where the outcome is an extension to the due date – see the Special Consideration Policy for a schedule of all possible outcomes.

Special Consideration

Students should submit applications for Special Consideration electronically via ask.mq.edu.au, along with the supporting documentation. Before submitting their applications, students should refer to the Special Consideration Policy (link provided under 'Policies and Procedures' below).

Assessment Tasks

Name	Weighting	Hurdle	Due
Participation	30%	No	Scheduled tutorials

Name	Weighting	Hurdle	Due
Research Plan	30%	No	2024-08-24
Research Essay	40%	No	2024-11-02

Participation

Assessment Type ¹: Participatory task

Indicative Time on Task ²: 0 hours

Due: **Scheduled tutorials**

Weighting: **30%**

Activities such as discussions, presentations, debates, reflection and law reform 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

Research Plan

Assessment Type ¹: Plan

Indicative Time on Task ²: 10 hours

Due: **2024-08-24**

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 ¹: Essay

Indicative Time on Task ²: 20 hours

Due: **2024-11-02**

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

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

Delivery

Lectures: There will be a pre-recorded lecture each week.

Tutorials: There will be a 2 hour online tutorial every fortnight beginning in Week 3.

This unit is worth 10 credit points, which equates to 150 hours of work. Therefore, students should expect to commit an average of 10 hours per week to this unit, including all scheduled and unscheduled activities and preparing and executing the assessment tasks.

Resources

The required textbook/s are as follows:

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 online resellers such as Booktopia, Amazon and Zookal. 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.

Additional readings will be accessible through iLearn.

Students require access to a computer, internet with decent speed and a secure/reliable server. The iLearn page contains all Unit requirements and a weekly schedule for teaching, readings and tutorials. Information about all assessment tasks is also available on iLearn.

Unit Schedule

Lecture Schedule:

Semester 2 commences on Monday 22 July. Lectures will be posted in echo360 on iLearn. Tutorials commence in Week 3.

Lecture 1 (week 1): Dispossession and Colonisation

Lecture 2 (week 2): Overview of Government Policies

Lecture 3 (week 3): Contemporary Aboriginal and Torres Strait Islander Children's Welfare (in-class tutorial presentation on preliminary research)

Lecture 4 (week 4): Juvenile Justice

Lecture 5 (week 5): Criminal Justice (on-call tutorial covering Lectures 3 and 4 tutorial questions)

Research Plan due 24 August, 11:55pm

Lecture 6 (week 6): Indigenous Women and Criminal Justice

Lecture 7 (week 7): Land Rights (on-call tutorial covering Lectures 5 and 6 tutorial questions)

Lecture 8 (week 8): Native title

Mid-semester break 16-27 September

Lecture 9 (week 9): Cultural Heritage (on-call tutorial covering Lectures 7 and 8 tutorial questions)

Lecture 10 (week 10): Racial Discrimination and the Law

Lecture 11 (week 11): Indigenous Rights v The New Paternalism (in-class tutorial presentation on final research essay)

Lecture 12 (week 12): Unfinished Business

Week 13: No Lecture/Last Tutorial (on-call tutorial covering Lectures 10 and 11 tutorial questions)

Essay Due **2 November, 11:55pm**

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](#)
- [Assessment Procedure](#)
- [Complaints Resolution 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 or if you are a Global MBA student contact globalmba.support@mq.edu.au

Academic Integrity

At Macquarie, we believe [academic integrity](#) – honesty, respect, trust, responsibility, fairness and

courage – is at the core of learning, teaching and research. We recognise that meeting the expectations required to complete your assessments can be challenging. So, we offer you a range of resources and services to help you reach your potential, including free [online writing and maths support](#), [academic skills development](#) and [wellbeing consultations](#).

Student Support

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

The Writing Centre

[The Writing Centre](#) provides resources to develop your English language proficiency, academic writing, and communication skills.

- [Workshops](#)
- [Chat with a WriteWISE peer writing leader](#)
- [Access StudyWISE](#)
- [Upload an assignment to Studiosity](#)
- [Complete the 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

Macquarie University offers a range of [Student Support Services](#) including:

- [IT Support](#)
- [Accessibility and disability support](#) with study
- Mental health [support](#)
- [Safety support](#) to respond to bullying, harassment, sexual harassment and sexual assault
- [Social support including information about finances, tenancy and legal issues](#)
- [Student Advocacy](#) provides independent advice on MQ policies, procedures, and processes

Student Enquiries

Got a question? Ask us via [AskMQ](#), or contact [Service Connect](#).

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.

Unit information based on version 2024.02 of the [Handbook](#)