LAWS5018

Indigenous Peoples and the Law

Session 2, In person-scheduled-weekday, North Ryde 2025

Macquarie Law School

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General Information

Unit convenor and teaching staff
Convenor
Francesca Dominello
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Contact via Privately on iLearn
MKB Room 335
TBA

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

All written assessments submitted electronically must be submitted through the Turnitin links provided on iLearn. Turnitin utilises 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 a student's ability to submit an assessment task, the 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 Service Connect Portal, 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	Groupwork/Individual	Short Extension	AI Approach
Professional Skills	20%	No	Weekly		No	

Name	Weighting	Hurdle	Due	Groupwork/Individual	Short Extension	AI Approach
Mid semester essay	40%	No	20/09/2025		No	
Final essay task	40%	No	08/11/2025		No	

Professional Skills

Assessment Type [1]: Practice-based task
Indicative Time on Task [2]: 0 hours
Due: **Weekly**
Weighting: **20%**
Groupwork/Individual:
Short extension [3]: No
AI Approach:

Students will engage in classroom activities including mooting, presentations or demonstrations, structured discussion and problem solving, doctrinal analysis, simulated client consultations, and collaborative legal research. Through these activities students will develop skills in oral advocacy, legal analysis, critical reasoning, teamwork and team leadership, and/or strategic problem-solving. These activities are designed to strengthen students' ability to communicate legal concepts verbally and engage professionally within a supportive learning environment.

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 [1]: Essay
Indicative Time on Task [2]: 15 hours
Due: **20/09/2025**
Weighting: **40%**

Groupwork/Individual:
Short extension [3]: No
AI Approach:

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 [1]: Essay
Indicative Time on Task [2]: 15 hours
Due: **08/11/2025**
Weighting: **40%**
Groupwork/Individual:
Short extension [3]: No
AI Approach:

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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[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
- Academic Success 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.

[3] An automatic short extension is available for some assessments. Apply through the Service Connect Portal.

Delivery and Resources

Delivery

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

Lectures: There will be a lecture each week, commencing in Week 1. The lectures will be pre-recorded and released to students in the week prior to the tutorials.

Tutorials: There will be a one hour tutorial each week. Tutorials commence in Week 2 and end in Week 13.

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 textbooks 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 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.

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.

Students can purchase the textbook online from online resellers such as Booktopia, Amazon and Zookal.

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

Unit Schedule

Lectures commence in Week 1. Tutorials commence in Week 2.

Semester 2 begins on Monday 28 July.

Lecture Schedule:

Lecture 1: Dispossession and Colonisation (tutorial in Week 2)

Lecture 2: Overview of Government Policies (tutorial in Week 3)

Lecture 3: Contemporary Aboriginal and Torres Strait Islander Children's Welfare (tutorial in Week 4)

Lecture 4: Juvenile Justice (tutorial in Week 5)

Lecture 5: Criminal Justice (tutorial in Week 6)

Lecture 6: Indigenous Women and Criminal Justice (tutorial in Week 7)

Lecture 7: Land Rights (tutorial in Week 8)

Lecture 8: Native title (tutorial in Week 9 - after the mid-semester break)

Essay 1 due **20 September, 11:55pm**

Mid-semester break 22 September - 3 October

Lecture 9: Cultural Heritage (tutorial in Week 10)

Lecture 10: Racial Discrimination and the Law (tutorial in Week 11)

Lecture 11: Indigenous Rights v The New Paternalism (tutorial in Week 12)

Lecture 12: Unfinished Business (tutorial in Week 13)

Week 13: No Lecture/Last Tutorial

Essay 2 due **8 Nov, 11:55pm**

Policies and Procedures

Macquarie University policies and procedures are accessible from Policy Central (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). 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) 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 connect.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/

Academic Success

Academic Success 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 the Service Connect Portal, 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 2025.03 of the Handbook