



## UNSW Course Outline

# LAWS3211 Indigenous People and the Law - 2024

Published on the 13 May 2024

## General Course Information

**Course Code :** LAWS3211

**Year :** 2024

**Term :** Term 2

**Teaching Period :** T2

**Is a multi-term course? :** No

**Faculty :** Faculty of Law and Justice

**Academic Unit :** School of Global and Public Law

**Delivery Mode :** In Person

**Delivery Format :** Standard

**Delivery Location :** Kensington

**Campus :** Sydney

**Study Level :** Undergraduate

**Units of Credit :** 6

### Useful Links

[Handbook Class Timetable](#)

## Course Details & Outcomes

### Course Description

The aim of the course is to equip students with an understanding of technical legal matters and broader issues that arise in the relationship between Indigenous peoples, their own legal systems and non-Indigenous law. This is a survey course, an opportunity to develop students'

knowledge and understanding of a range of Indigenous legal issues, and it addresses both international and domestic law. The course looks at property rights, constitutional arrangements, criminal justice, the position of children and families, intellectual property and human rights, amongst other issues. In other words, it builds on students' general knowledge from a number of compulsory courses and may also complement other electives in a student's program.

## Main Topics

- History, Law and Government Policies
- Aboriginal Customary Law
- Indigenous Governance
- Territorial Issues, particularly Land Rights and Native Title
- Child Protection and Family Violence
- Indigenous Rights and International Law
- Northern Territory Intervention and Stronger Futures
- Unfinished Business and Constitutional Change

# Course Learning Outcomes

Course Learning Outcomes
CLO1 : Demonstrate awareness and understanding of a range of domestic and international legal issues relevant to Indigenous peoples, from an Australian perspective, including: an awareness of the historical interaction of Indigenous and Western legal systems in Australia a greater appreciation of the major currents in international law of relevance to Indigenous peoples in Australia more detailed knowledge of particular aspects of Australian law and society where Indigenous legal issues arise (PLOs 1, 2 & 3)
CLO2 : Apply research, analytical and writing skills in the production of a research paper on a self-selected topic of relevance to the course content (PLOs 1, 2, 6 & 12)
CLO3 : Demonstrate oral communication skills in general class discussion and in preparing and delivering contributions to specific class exercises (PLOs 9 & 10)

Course Learning Outcomes	Assessment Item
CLO1 : Demonstrate awareness and understanding of a range of domestic and international legal issues relevant to Indigenous peoples, from an Australian perspective, including: an awareness of the historical interaction of Indigenous and Western legal systems in Australia a greater appreciation of the major currents in international law of relevance to Indigenous peoples in Australia more detailed knowledge of particular aspects of Australian law and society where Indigenous legal issues arise (PLOs 1, 2 & 3)	<ul style="list-style-type: none"><li>• Class Participation</li><li>• Research Essay Plan</li><li>• Research Essay</li></ul>
CLO2 : Apply research, analytical and writing skills in the production of a research paper on a self-selected topic of relevance to the course content (PLOs 1, 2, 6 & 12)	<ul style="list-style-type: none"><li>• Research Essay Plan</li><li>• Research Essay</li></ul>
CLO3 : Demonstrate oral communication skills in general class discussion and in preparing and delivering contributions to specific class exercises (PLOs 9 & 10)	<ul style="list-style-type: none"><li>• Class Participation</li></ul>

## Learning and Teaching Technologies

Moodle - Learning Management System

## Learning and Teaching in this course

This course will be taught intensively on Fridays in weeks 1 to 5 and week 7. The course will be taught by way of face to face interactive seminars where students will be expected to have read

the readings and be able to participate in the discussion in class. There will also be lectures by guest lecturers who have experience or knowledge of particular areas.

In line with the way that the course is assessed through class participation and research essay, an emphasis will be placed not just on understanding of the material, but also critical evaluation of it and how it applies to current issues and laws pertaining to Indigenous people in Australia.

Students will be encouraged to engage in incisive discussions as well as to engage in well designed research that yields original and creative approaches to topics dealt with in the course.

# Assessments

## Assessment Structure

Assessment Item	Weight	Relevant Dates
Class Participation Assessment Format: Individual	25%	Start Date: Not Applicable Due Date: Not Applicable
Research Essay Plan Assessment Format: Individual	10%	Start Date: Not Applicable Due Date: 15/07/2024 05:00 PM
Research Essay Assessment Format: Individual	65%	Start Date: Not Applicable Due Date: 16/08/2024 05:00 PM

## Assessment Details

### Class Participation

#### Assessment Overview

This assessment requires you to prepare for and actively engage in class-based and online activities.

#### Course Learning Outcomes

- CLO1 : Demonstrate awareness and understanding of a range of domestic and international legal issues relevant to Indigenous peoples, from an Australian perspective, including: an awareness of the historical interaction of Indigenous and Western legal systems in Australia a greater appreciation of the major currents in international law of relevance to Indigenous peoples in Australia more detailed knowledge of particular aspects of Australian law and society where Indigenous legal issues arise (PLOs 1, 2 & 3)
- CLO3 : Demonstrate oral communication skills in general class discussion and in preparing and delivering contributions to specific class exercises (PLOs 9 & 10)

#### Detailed Assessment Description

Assessment for class participation is designed to encourage student preparedness for class, to provide opportunities for students to express their understanding in class discussion, to share

learning, to develop skills and to make the course more interesting, engaging and enjoyable. The mark for class participation will be influenced by the general contribution students make across the course to class discussion and group leaning. The frequency of contribution is one consideration but quality is more important. Students are required to attend all classes.

## Research Essay Plan

### Assessment Overview

This assessment requires you to write a plan for a research essay.

### Course Learning Outcomes

- CLO1 : Demonstrate awareness and understanding of a range of domestic and international legal issues relevant to Indigenous peoples, from an Australian perspective, including: an awareness of the historical interaction of Indigenous and Western legal systems in Australia a greater appreciation of the major currents in international law of relevance to Indigenous peoples in Australia more detailed knowledge of particular aspects of Australian law and society where Indigenous legal issues arise (PLOs 1, 2 & 3)
- CLO2 : Apply research, analytical and writing skills in the production of a research paper on a self-selected topic of relevance to the course content (PLOs 1, 2, 6 & 12)

### Detailed Assessment Description

The Research Essay Plan should identify the research question that the student intends to write about in the Research Essay (Assessment 3), set out a draft structure for that essay (using headings, sub-headings, summary sentences or brief explanatory paragraphs, and estimated word allocations attached to your headings and/or sub-headings) to the highest possible level for that stage of the term. It should also explain the student's research plan and refer in a provisional Bibliography to a minimum of six sources that will be relied upon. It can also contain additional comments addressing, for example, unresolved questions of structure or content or that reveal the thinking that the student put in the planning process.

### Assessment Length

1000 words

### Assignment submission Turnitin type

This assignment is submitted through Turnitin and students do not see Turnitin similarity reports.

# Research Essay

## Assessment Overview

This assessment requires you to write a research essay.

## Course Learning Outcomes

- CLO1 : Demonstrate awareness and understanding of a range of domestic and international legal issues relevant to Indigenous peoples, from an Australian perspective, including: an awareness of the historical interaction of Indigenous and Western legal systems in Australia a greater appreciation of the major currents in international law of relevance to Indigenous peoples in Australia more detailed knowledge of particular aspects of Australian law and society where Indigenous legal issues arise (PLOs 1, 2 & 3)
- CLO2 : Apply research, analytical and writing skills in the production of a research paper on a self-selected topic of relevance to the course content (PLOs 1, 2, 6 & 12)

## Detailed Assessment Description

The Research Essay is an opportunity to examine in depth an issue concerning Indigenous people and the law. Students are encouraged to develop their own topic in an area which interests them. Students should select a topic that can be adequately dealt with within the word limit. Students must have obtained approval from the lecturer for their essay topic and their planned approach by having completed the Research Essay Plan.

## Assessment Length

4000 words

## Assignment submission Turnitin type

This assignment is submitted through Turnitin and students do not see Turnitin similarity reports.

## General Assessment Information

**Referencing and Bibliography:** Please use the Australian Guide to Legal Citation, which is used by many Australian law journals. It is available electronically at <https://law.unimelb.edu.au/mulr/aglc/about>. Students should also include a Bibliography that lists primary and secondary sources, cases and legislation that the student has consulted.

**Word Limit:** The word limit for assignments will be calculated by reference to all discursive text in the assignment. This excludes citations and references (both complete and abbreviated) in the body of the text and footnotes, and the Bibliography. The following penalties will apply to the total marks available for that piece of assessment only:

Up to 10% excess - 10% penalty

10%+ up to 20% excess - 15% penalty

20%+ up to 30% excess - 25% penalty

30%+ excess and above - 30 % penalty

Assessment will be discussed at length in Week One.

#### Grading Basis

Standard

#### Requirements to pass course

To pass the course students will need to pass all assessments.

## Course Schedule

Teaching Week/Module	Activity Type	Content
Week 1 : 27 May - 2 June	Seminar	Topic 1 - Introductions, Indigenous Customary Law, Colonisation and Sovereignty. Topic 2 - History Law and Government Policies 1 - The Killing Times, the Protection Era.
Week 2 : 3 June - 9 June	Seminar	Topic 3 - History, Law and Government Policies 2 - Assimilation Era, Post-1967. Topic 4 - International law.
Week 3 : 10 June - 16 June	Seminar	Topic 4 - International Law Topic 5 - Political Participation, Governance and Self-Determination.
Week 4 : 17 June - 23 June	Seminar	Topic 6 - The Indigenous Estate, Statutory Land Rights. Topic 7 - Native Title
Week 5 : 24 June - 30 June	Seminar	Topic 8 - Criminal Law and Justice Topic 9 - Juvenile Justice, Child Placement.
Week 6 : 1 July - 7 July	Other	Reading week
Week 7 : 8 July - 14 July	Seminar	Topic 9 - Child Placement Topic 10 - The Future This schedule is subject to change as a result of factors such as the availability of guest lecturers.

## Attendance Requirements

Please see information about attendance requirements in **Law & Justice Assessment Procedure and Student Information** located in the Other Useful Information tab in the Academic Information field.

Please be advised there will be no classes on public holidays. If your class falls on a public holiday, alternative arrangements will be made by the course convenor to make up the missed class.

# Course Resources

## Prescribed Resources

**Recommended Text:** The usual textbook for this course - Heather McRae et al *Indigenous Legal Issues: Commentary and Materials* (Thomson Reuters, 4th ed, 2009) - will only be recommended rather than a prescribed text for the course this year. It is very useful for the course and heavily influences the structure and content of this year's course. However, a number of years have passed since the last edition, making it less useful than it was in the past.

**Recommended Readings:** I will provide you with PDF copies of the prescribed readings on Moodle.

## Recommended Resources

Resources will be available on the course Moodle site.

Recommended textbook.

## Course Evaluation and Development

Student feedback will be gathered both informally and through the usual student surveys undertaken by the faculty.

## Staff Details

Position	Name	Email	Location	Phone	Availability	Equitable Learning Services Contact	Primary Contact
Convenor	Scott Calnan		n/a	0407119164	Friday 9am - 4pm	Yes	Yes

## Other Useful Information

### Academic Information

Upon your enrolment at UNSW, you share responsibility with us for maintaining a safe, harmonious and tolerant University environment.

You are required to:

- Comply with the University's conditions of enrolment.
- Act responsibly, ethically, safely and with integrity.

- Observe standards of equity and respect in dealing with every member of the UNSW community.
- Engage in lawful behaviour.
- Use and care for University resources in a responsible and appropriate manner.
- Maintain the University's reputation and good standing.

For more information, visit the [UNSW Student Code of Conduct Website](#).

## UNSW Law & Justice Assessment Policy

It is essential that all students undertaking this course read and abide by the [UNSW Law & Justice Assessment Policy & Student Information](#). This document includes information on Class Attendance, Late Work, Word Limits, Marking, Special Consideration, Workload, and Academic Misconduct & Plagiarism. More information can also be found at [Assessment & Exam Information](#).

Information regarding Course Outlines are subject to change and students are advised to check updates. If there is a discrepancy between the information posted here and the handbook or the UNSW Law & Justice website, please contact [Student Services via The Nucleus Hub](#) for advice. UNSW Law & Justice reserves the right to discontinue or vary such courses or staff allocations at any time. If your course is not here, please visit [Handbook](#) for information.

## Academic Honesty and Plagiarism

As a student at UNSW you are expected to display [academic integrity](#) in your work and interactions. Where a student breaches the [UNSW Student Code](#) with respect to academic integrity, the University may take disciplinary action under the Student Misconduct Procedure. To assure academic integrity, you may be required to demonstrate reasoning, research and the process of constructing work submitted for assessment.

To assist you in understanding what academic integrity means, and how to ensure that you do comply with the UNSW Student Code, it is strongly recommended that you complete the [Working with Academic Integrity](#) module before submitting your first assessment task. It is a free, online self-paced Moodle module that should take about one hour to complete.

## Submission of Assessment Tasks

Before submitting assessment items all students must read and abide by the [UNSW Law & Justice Assessment Policy & Student Information](#).

## **Special consideration**

Special consideration is primarily intended to provide you with an extra opportunity to demonstrate the level of performance of which you are capable. To apply, and for further information, see Special Consideration on the UNSW [Current Students](#) page.

## **Feedback**

UNSW Law & Justice appreciates the need for students to have feedback on their progress prior to the last date for withdrawal without failure. All courses will therefore provide feedback to students prior to this date, as well as throughout the course. However, students should note that feedback does not take the form only of formal grades and written comments on written assessments. Rather, formative feedback, which helps students to self-assess, to identify misunderstandings, and to identify areas requiring further work, will occur during class and possibly online. For example, where a teacher asks the class a question, all students should think about how they might answer. Even though not all students will necessarily be able to respond orally, everyone can reflect on their tentative answer in light of the teacher's response and subsequent class discussion. If you are struggling to understand what is being asked in class, or if your tentative answers prove incorrect and subsequent discussion does not clear things up, then you should continue to ask questions (of yourself, your peers or your teacher). Similarly, you can get a sense of your ability in a course through peer feedback during group work, your teacher's responses to your in-class contributions, and your own response to in-class problems and examples (whether or not you are called on to relay your answer to the class) and also your online activities and responses by others to those activities. Students enrolled in this course may check their Moodle course page for details on the specific feedback used in this course.

## **Faculty-specific Information**

### **Additional support for students**

- Student support: <https://www.student.unsw.edu.au/support>
- Academic Skills and Support: <https://student.unsw.edu.au/academic-skills>
- Student Wellbeing, Health and Safety: <https://student.unsw.edu.au/wellbeing>
- Equitable Learning Services: <https://student.unsw.edu.au/els>
- UNSW IT Service Centre: <https://www.myit.unsw.edu.au>

### **Course improvement**

Student feedback is very important to continual course improvement. This is demonstrated

within the Faculty of Law & Justice by the implementation of the UNSW online student survey myExperience, which allows students to evaluate their learning experiences in an anonymous way. myExperience survey reports are produced from each survey. They are released to staff after all student assessment results are finalised and released to students. Course convenors will use the feedback to make ongoing improvements to the course. Students enrolled in this course may check their Moodle course page for details on the actions taken in response to evaluation feedback in Student Survey.

## School Contact Information

Please contact [Nucleus Student Hub](#) for all enquiries. The Nucleus acts as a central communications hub for UNSW and will distribute your enquiry to the best person to respond.