

730-391 Law and Indigenous Peoples in Australia

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| Credit Points: | 12.500 |
| Level: | Undergraduate |
| Dates & Locations: | 2008, This subject commences in the following study period/s: Semester 2, - Taught on campus. |
| Time Commitment: | Contact Hours: One 3-hour seminar per week Total Time Commitment: Estimated total time commitment of 144 hours. |
| Prerequisites: | Legal Method and Reasoning; Principles of Public Law; Torts; Legal Theory or in each case their equivalents. |
| Corequisites: | None |
| Recommended Background Knowledge: | None |
| Non Allowed Subjects: | None |
| Core Participation Requirements: | <p><p>For the purposes of considering request for Reasonable Adjustments under the Disability Standards for Education (Cwth 2005), and Student Support and Engagement Policy, academic requirements for this subject are articulated in the Subject Overview, Learning Outcomes, Assessment and Generic Skills sections of this entry.</p> <p>It is University policy to take all reasonable steps to minimise the impact of disability upon academic study, and reasonable adjustments will be made to enhance a student's participation in the University's programs. Students who feel their disability may impact on meeting the requirements of this subject are encouraged to discuss this matter with a Faculty Student Adviser and Student Equity and Disability Support: http://services.unimelb.edu.au/disability</p></p> |
| Coordinator: | Associate Professor M Tehan |
| Subject Overview: | <p>Taking current legal and political controversies in Australian Indigenous affairs as its starting point, the subject examines the legal relationship between Indigenous and non-Indigenous Australians and encourages students to critically analyse the impact of the Anglo/Australian legal system on indigenous Australians. Issues for particular study include indigenous Australian societies both before and after colonisation and their interaction with the colonising legal system, the process of legal colonisation, including the assimilation policies, legal regimes providing access to land and resources particularly native title, domestic and international regimes for protection of indigenous cultural property and heritage, the impact of the criminal justice system on indigenous Australians, and the possibilities for recognition of Âcustomary law in a pluralist legal system. Consistent themes throughout the subject will include the significance of land, the role of identity, the relevance of international human rights law, the concept of self-determination, indigenous governance, the significance of treaty and agreement making, the role of law in remedying disadvantage and experiences in other jurisdictions particularly Canada and New Zealand.</p> <p>Note: The essay in this subject is regarded as a substantial piece of legal writing for honours purposes.</p> |
| Assessment: | Negotiating exercise, 20% (due week 10); and either research essay or project of 5000 words, 80% (due second week of the examination period); or a final open-book examination of three hours, 80% AND Hurdle Requirement: Attendance at 75% of the seminars and seminar presentation. |
| Prescribed Texts: | Printed materials will be issued by the Faculty of Law. |
| Recommended Texts: | # Indigenous Legal Issues (McRae, Nettheim and Beacroft), 3rd edn, Butterworths |

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| Breadth Options: | This subject is not available as a breadth subject. |
| Fees Information: | Subject EFTSL, Level, Discipline & Census Date, http://enrolment.unimelb.edu.au/fees |
| Generic Skills: | <p>On completion of the subject, students should have developed the following generic skills:</p> <ul style="list-style-type: none"> # attitudes towards knowledge that include valuing truth, openness to new ideas and ethics associated with knowledge creation and usage # the capacity for close reading and analysis of a range of sources # the capacity for critical and independent thought and reflection # the capacity to solve problems, including through the collection and evaluation of information # the capacity to communicate, both orally and in writing # the capacity to plan and manage time # the capacity to participate as a member of a team # intercultural sensitivity and understanding <p>In addition, on completion of the subject, students should have developed the following skills specific to the discipline of law:</p> <p>Case reading and analysis Read complex cases in a range of legal areas and jurisdiction Extract the important features from judgments Evaluate and reconcile judgments and legal principles Statutory reading and interpretation Extract important features from statutes and use, interpret and apply them in a range of circumstances Legal analysis and problem-solving Critically analyse legal rules and their application to indigenous people Develop and apply appropriately structured and supported legal argument in written and oral forms Legal research skills Find primary sources relevant to indigenous peoples Find statutes and case law and non-legal sources relevant to indigenous legal issues in both Australia and in other jurisdictions Legal writing skills including an ability to: Use case law, statutes and secondary sources as part of legal analysis Use material from other disciplines in interdisciplinary analysis Identify and summarise legal principles Present an appropriately structured and supported complex legal argument Oral communication skills in participating in seminars and presenting research reports Ability to work in groups to solve problems in a class room setting and negotiate settlements in hypothetical situations Apply mediation and negotiation principles in a cross cultural setting</p> |