

730-876 Native Title Law and Practice

Credit Points:	12.500
Level:	Graduate/Postgraduate
Dates & Locations:	2008, This subject commences in the following study period/s: Semester 1, - Taught on campus.
Time Commitment:	Contact Hours: 24 - 26 contact hours per subject. Total Time Commitment: The time commitment for this subject depends on the candidate's background and experience.
Prerequisites:	N.A.
Corequisites:	N.A.
Recommended Background Knowledge:	None
Non Allowed Subjects:	None
Core Participation Requirements:	N.A.
Coordinator:	AProf M Tehan, Professor D Williamson QC
Subject Overview:	<p>Objectives:</p> <p>A candidate who has successfully completed the subject should understand the common law and statutory framework for the recognition and protection of Indigenous rights and interests in land and waters, and in particular:</p> <ul style="list-style-type: none"> # Understand the significance of recent court decisions concerning the existence or extinguishment of native title # Understand the statutory provisions under which past acts are validated, compensation for extinguishment is payable and future dealings affecting native title may proceed # Understand procedural elements of the native title process, including the institutional relationships, litigation issues and the recent amendments to the Native Title Act 1993 # Understand the implications of native title for land access generally and, in particular, for natural resources development, environmental management and cultural heritage protection # Be able to apply laws, criteria and practical processes for reconciling the use of land and waters by native title holders or claimants, public authorities, resources explorers and developers, pastoralists, farmers, commercial fishing interests and other users. <p>Syllabus:</p> <p>The subject is presented by leading experts and has a strong emphasis on current practical issues, statutory processes and potential outcomes.</p> <p>Principal topics will include:</p> <ul style="list-style-type: none"> # A detailed examination of recent court decisions # Traditional Indigenous cultural relationships and the criteria upon which legislation is based # A detailed examination of the structure, content and operation of the <i>Native Title Act 1993</i> (Cth), including preparation and prosecution of native title claims; future act processes; the roles of governments, Federal Court, National Native Title Tribunal and native title representative bodies # State and Territory land rights legislation, and alternative native title regimes and tribunals established in conformity with Commonwealth legislation # Comparison and operation of mediation, negotiation and litigation processes and the institutional relationships in native title cases # Indigenous Land Use Agreements and other forms of agreement, including implementation issues # Indigenous land claims, land access and agreement making in other jurisdictions # Case studies and workshop sessions on current issues.

Assessment:	Research paper 10,000 words (100%) (24 July) (topic approved by the subject coordinator)
Prescribed Texts:	Core subject materials will be provided free of charge to all students. Some subjects require further texts to be purchased. Please visit the subject homepage on the Melbourne Law Masters website by following the link at the bottom of this subject entry.
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:	Please see the Subject Objectives for this information.
Links to further information:	For the latest information on this subject, please visit: http://www.masters.law.unimelb.edu.au/subject/730876