

LAWS70236 Indigenous Peoples, Land & Resource Law

Credit Points:	12.50
Level:	7 (Graduate/Postgraduate)
Dates & Locations:	2010, Parkville This subject commences in the following study period/s: September, Parkville - Taught on campus.
Time Commitment:	Contact Hours: The total class time is between 24 and 26 hours. Total Time Commitment: Visit the Melbourne Law Masters website for more information about this subject.
Prerequisites:	Visit the Melbourne Law Masters website for more information about this subject.
Corequisites:	Visit the Melbourne Law Masters website for more information about this subject.
Recommended Background Knowledge:	Visit the Melbourne Law Masters website for more information about this subject.
Non Allowed Subjects:	Visit the Melbourne Law Masters website for more information about this subject.
Core Participation Requirements:	Visit the Melbourne Law Masters website for more information about this subject.
Coordinator:	Assoc Prof Maureen Tehan
Contact:	For the most up-to-date information about this subject, contact the Melbourne Law Masters Office by email at law-masters@unimelb.edu.au or phone 8344 6190 or alternatively visit the subject website: www.masters.law.unimelb.edu.au
Subject Overview:	<p>This subject has a strong emphasis on comparative legal regimes for granting and managing indigenous land title and resources. Topics and case studies will be chosen from various jurisdictions and will include:</p> <ul style="list-style-type: none"> # Traditional indigenous cultural relationships, landholding systems and settler land titling systems # Indigenous land claims, land access and agreement making in Australia and other jurisdictions # A detailed examination of the structure, content and operation of legislative regimes including the <i>Native Title Act 1993</i> (Cth) # State and territory land rights and cultural heritage legislation # Mediation, negotiation and litigation processes and the institutional relationships in native title cases in Australia and other jurisdictions # Recent court decisions in Australia and other jurisdictions # Forms of conflict resolution over resource use, e.g. the <i>Resource Management Act 1991</i> (NZ) and the <i>Native Title Act 1993</i> (Cth) # The Declaration on the Rights of Indigenous Peoples # Case studies from Australia and elsewhere (e.g. indigenous land title and climate change, indigenous title to water and the review of the <i>Foreshore and Seabed Act 2004</i> (NZ), customary land titles and individual title).
Objectives:	<p>A student who has successfully completed this subject should understand:</p> <ul style="list-style-type: none"> # The common law background to indigenous land title in Australia and comparable jurisdictions such as Canada and New Zealand # The different forms of land title including statutory titles and other titling arrangements such as reserves in Australia and comparable jurisdictions # The legal and institutional instruments and arrangements that affect indigenous land titles in Australia and other jurisdictions # The relationships between indigenous land titles and natural resources development, environmental management, cultural heritage protection and sustainability in Australia and other jurisdictions # Statutory provisions regulating indigenous land title claims, loss of title, compensation, and future dealings on indigenous land in Australia and comparable jurisdictions

	<ul style="list-style-type: none"> # The significance of recent court decisions concerning the existence or extinguishment of native title in Australia and indigenous titles in comparable jurisdictions # Procedural elements of the native title process in Australia, including institutional relationships, litigation issues and key provisions of the <i>Native Title Act 1993</i> (Cth) # The significance of the Declaration on the Rights of Indigenous Peoples on domestic legal arrangements in Australia and comparable jurisdictions.
Assessment:	10,000 word research paper (100%) (13 December) on a topic approved by the subject coordinator
Prescribed Texts:	Visit the subject website for more information
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:	Visit the Melbourne Law Masters website for more information about this subject.
Links to further information:	http://www.masters.law.unimelb.edu.au/
Related Course(s):	Master of Environment Master of Environment Postgraduate Certificate in Environment Postgraduate Diploma in Environment