

LAWS90026 Managing Public and Native Title Lands

Credit Points:	12.5
Level:	9 (Graduate/Postgraduate)
Dates & Locations:	2015, Parkville This subject commences in the following study period/s: August, Parkville - Taught on campus.
Time Commitment:	Contact Hours: The total class time is between 24 and 26 hours. Total Time Commitment: The pre-teaching period commences four weeks before the subject commencement date. From this time, students are expected to access and review the Reading Guide that will be available from the LMS subject page and the subject materials provided by the subject coordinator, which will be available from Melbourne Law School. Refer to the Reading Guide for confirmation of which resources need to be read and what other preparation is required before the teaching period commences.
Prerequisites:	<i>Property Law</i>
Corequisites:	None
Recommended Background Knowledge:	Applicants without legal qualifications should note that subjects are offered in the discipline of law at an advanced graduate level. While every effort will be made to meet the needs of students trained in other fields, concessions will not be made in the general level of instruction or assessment. Most subjects assume the knowledge usually acquired in a degree in law (LLB, JD or equivalent). Applicants should note that admission to some subjects in the Melbourne Law Masters will be dependent upon the individual applicant's educational background and professional experience.
Non Allowed Subjects:	None
Core Participation Requirements:	The Melbourne Law Masters welcomes applications from students with disabilities. The inherent academic requirements for study in the Melbourne Law Masters are: The ability to attend a minimum of 75% of classes and actively engage in the analysis and critique of complex materials and debate; The ability to read, analyse and comprehend complex written legal materials and complex interdisciplinary materials; The ability to clearly and independently communicate in writing a knowledge and application of legal principles and interdisciplinary materials and to critically evaluate these; The ability to clearly and independently communicate orally a knowledge and application of legal principles and interdisciplinary materials and critically evaluate these; The ability to work independently and as a part of a group; The ability to present orally and in writing legal analysis to a professional standard. Students who feel their disability will inhibit them from meeting these inherent academic requirements are encouraged to contact the Disability Liaison Unit: www.services.unimelb.edu.au/disability/
Contact:	For more information: Email: law-masters@unimelb.edu.au (mailto:law-masters@unimelb.edu.au) Phone: +61 3 8344 6190 Website: www.law.unimelb.edu.au/masters (http://www.law.unimelb.edu.au/masters)
Subject Overview:	This subject focuses on land and its management in Australia. Government has sought to ensure economically efficient land use and exploitation through the grant of rights to use land for particular purposes. This has been fundamental to the settlement and economic development of Australia since 1788. The recognition of native title across Australia has brought a new emphasis to the management of the public estate, including land subject to native title rights and interests. This subject examines the legal regimes governing the management of land by state and territory agencies and by corporations that manage native title rights and interests. Specifically, it examines legislation and instruments creating particular management regimes including those concerning national parks, pastoral leases, and Crown land reserves, with a particular focus on Victoria. The lecturer has many years of academic scholarship in this area, engagement in law reform debates and practical client-focused legal advice. Principal topics include:

	<ul style="list-style-type: none"> # Australian land use and management since 1788 # Constitutional basis for land management # Legal and economic basis for land tenures and other land management tools # Nature of land tenures and other land management tools # Aboriginal and Torres Strait Islander relationships with land and the recognition of their rights and interests in relation to land and waters as native title # Legal relationship and interactions between native title and Australian land management tools, including extinguishment and co-existence # Examination of pastoral and other leases and licences of Crown land as tools for land management # Crown land reserves of land for a public purpose # National and marine park management and co-management with Aboriginal and Torres Strait Islander peoples.
Learning Outcomes:	<p>A student who has successfully completed this subject will:</p> <ul style="list-style-type: none"> # Have an advanced understanding of the social, economic and cultural factors according to which Western and Aboriginal relationships with land have developed and are sustained # Have an advanced and integrated understanding of the legal principles governing land use and management in Australia # Have an advanced and integrated understanding of current land management tools in Australia # Be able to critically examine, analyse, interpret and assess the effectiveness of these legal principles and management tools # Be an engaged participant in debate regarding emerging and contemporary issues in the field, including the integration of Western and Aboriginal approaches to land use and management # Have a sophisticated understanding of the factors and processes driving the development of these land management tools # Have the cognitive and technical skills to generate critical and creative ideas relating to land use and management, and to critically evaluate existing legal theories, principles and concepts with creativity and autonomy # Investigate, analyse, critically reflect on and synthesise complex information, problems, concepts and theories in the relevant field # Have the communication skills to clearly articulate and convey complex information regarding land use and management to relevant specialist and non-specialist audiences # Be able demonstrate autonomy, expert judgment and responsibility as a practitioner and learner in the field of the law regarding land use and management.
Assessment:	Take-home examination (100%) (9-12 October) or 10,000 word research paper (100%) (18 November) on a topic approved by the subject coordinator A minimum of 75% attendance is a hurdle requirement.
Prescribed Texts:	Core subject materials will be provided free of charge to all students. Some subjects require further texts to be purchased. Details regarding any prescribed texts will be provided prior to the commencement of the subject.
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
Links to further information:	www.law.unimelb.edu.au/subject/LAWS90026/2015
Notes:	This subject has a quota of 30 students. Please refer to the website www.law.unimelb.edu.au/masters/courses-and-subjects/subjects/subject-timing-and-format (http://www.law.unimelb.edu.au/masters/courses-and-subjects/subjects/subject-timing-and-format) for further information about the management of subject quotas and waitlists.