

ABOR2245: Aboriginal People and Law

Online

Semester 2 - 2023



THE UNIVERSITY OF
NEWCASTLE
AUSTRALIA

OVERVIEW

Course Description

This course will explore the history of law as well as contemporary legal issues faced by Aboriginal and Torres Strait Islander peoples in the legal realm. Students will explore the principles underpinned by a history of British colonial law in Australia as an integral component of invasion. The course examines legal policy and cases; the doctrine of terra nullius; disruption of First Laws, and Black deaths in custody, through a critical analysis of 19th century colonial case law. The course will also address contemporary issues confronting Aboriginal and Torres Strait Islander peoples within criminal and legal systems including Native Title, criminalisation, and the over-representation of Aboriginal and Torres Strait Islander peoples in the criminal justice system. Alternative approaches based in First Laws that advocate for the reinvestment of resources into community-led initiatives is highlighted.

All ABOR courses are constructed with the Wollotuka Institute's Cultural Standards Framework.

Assumed Knowledge ABOR1110 or equivalent introductory Aboriginal Studies course

Contact Hours

Lecture

Online

1 hour(s) per Week for Full Term

Tutorial

Online Activities

2 hour(s) per Week for 12 Weeks starting Week 2

Unit Weighting Workload

10

Students are required to spend on average 120-140 hours of effort (contact and non-contact) including assessments per 10-unit course.

COURSE OUTLINE

www.newcastle.edu.au

CRICOS Provider 00109J

CONTACTS

Course Coordinator	Online Ms. Shelly McGrath Shelly.McGrath@newcastle.edu.au Consultation: By appointment
Teaching Staff	Shelly.Mcgrath@newcastle.edu.au A/Prof. Kathleen Butler
School Office	Wollotuka School of Aboriginal Studies Birabahn Building Callaghan wollotuka@newcastle.edu.au +61 2 4921 6863

SYLLABUS

Course Content	Students will explore the principles underlying the introduction and application of English common law and the Australian constitutional law to Aboriginal and Torres Strait Islander peoples. First Laws, law policy and case studies will be critically reviewed along with the doctrine of Terra Nullius, Native Title, and Racial Discrimination. Further discussion will examine issues of deaths in custody, over-representation of Aboriginal and Torres Strait Islander people in criminal legal systems, and strengths-based Aboriginal responses to criminalisation processes.
Course Learning Outcomes	On successful completion of this course, students will have: <ol style="list-style-type: none">1. A detailed, analytical understanding of the historical legal sequences following colonisation.2. A clear conceptualisation and practical application of the diversity of Aboriginal and Torres Strait Islander cultures and peoples and the results of foreign laws enacted upon them.3. A foundational level of knowledge relating to the Protection era and how this continues to impact contemporary Aboriginal and Torres Strait Islander people's issues.4. An explanation of the foundations of legal inequity as it relates to social justice.5. Evidence of a range of academic skills in relation to: writing; oral and visual presentation; critical thinking; and research and analysis.
Course Materials	Online readings and materials available in Canvas.

SCHEDULE

Week	Week Begins	Topic	Learning Activity	Assessment Due
1	18 Jul	Introduction/Overview	Introduce yourself in Canvas	N/A
2	25 Jul	Aboriginal Law and the impact of colonisation	Tutorial Reading & Activities	N/A
3	1 Aug	The Protection Act- laws of containment & control	Tutorial Reading & Activities	Oral Presentations commence
4	8 Aug	Stolen Generations- now & then	Tutorial Reading & Activities	Poster/Visual Presentation due 11.59pm Aug 13th Oral Presentations
5	15 Aug	Land Rights/Native Title	Tutorial Reading & Activities	Oral Presentations
6	22 Aug	Criminalisation and Mass incarceration	Tutorial Reading & Activities	Oral Presentations
7	29 Aug	Criminalisation of Indigenous youth	Tutorial Reading & Activities	Oral Presentations
8	5 Sep	Interventionist approaches	Tutorial Reading & Activities	Oral Presentations
9	12 Sep	International Law	Tutorial Reading & Activities	Oral Presentations Written Assignments based on Weeks 3-7 due
10	19 Sep	Decolonising the Law	Tutorial Reading & Activities	Oral Presentations
Mid Term Break				
Mid Term Break				
11	10 Oct	Aboriginal Deaths in Custody/ Black Lives Matter	Tutorial Reading & Activities	Oral Presentations
12	17 Oct	Pathways to Justice	Tutorial Reading & Activities	Oral Presentations
13	24 Oct	Revision	N/A	Written Assignments based on Weeks 8-12 due
Examination Period				
Examination Period				

ASSESSMENTS

This course has 3 assessments. Each assessment is described in more detail in the sections below.

	Assessment Name	Due Date	Involvement	Weighting	Learning Outcomes
1	Oral Presentation or equivalent online task	Self-directed. Each student must select a topic by Week 3 in Canvas and submit by the end of their nominated week, i.e., presentations on Week 4 topics to be uploaded by Sunday night of that week.	Individual	40%	2, 3, 5
2	Written Assessment	Students choose another student's presentation delivered in either Weeks 3-7, or 8-12 to review. Due either Week 9 or Week 13.	Individual	20%	1, 2, 3, 4, 5
3	Poster/Visual Presentation	Week 4: 11.59pm, Sunday 16/10/22	Individual	40%	2, 3, 5

Late Submissions	The mark for an assessment item submitted after the designated time on the due date, without an approved extension of time, will be reduced by 10% of the possible maximum mark for that assessment item for each day or part day that the assessment item is late. Note: this applies equally to week and weekend days.
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Assessment 1 - Oral Presentation

Assessment Type	Oral Presentation
Description	The purpose of this assessment is to enhance oral and culturally appropriate communication skills in a rational enquiry demonstrated by participation in collaborative talking circles. Students will deliver a (maximum) 7-minute presentation related to the weekly tutorial topics. The presentations will be uploaded and posted in the assigned Canvas discussion thread for the purposes of Assessment 2.
Weighting	40%
Length	2000 words (equivalent)
Due Date	Weekly: The Collaborative Talking Circle Orations will commence in Week 3 and continue until Week 12. Each student must select a topic by Week 3 and nominate their week on Canvas.
Submission Method	Online
Assessment Criteria	Rubric available in Canvas
Return Method	Online
Feedback Provided	Online

Assessment 2 - Written Assessment

Assessment Type	Written Assignment
Description	This assessment item provides students the opportunity to critically reflect on the course content and learning outcomes by evaluating other student's presentations. Students will nominate a presentation to review in either Weeks 3-7 or Weeks 8-12. Review ONE presentation only.
Weighting	20%
Due Date	The written assessment will be due at the end of either Week 9 or Week 13, depending on the selected presentation, i.e., Reviews of presentations delivered in Week 4 are due in Week 9, and reviews of presentations delivered in Week 10 will be due at the end of Week 13. Sunday night, 17th September OR Sunday night, 29th October.
Submission Method	Online Online via Canvas
Assessment Criteria	Rubric available on Canvas
Return Method	Online
Feedback Provided	Online – via Canvas

Assessment 3 – Poster- Visual Presentation

Assessment Type	Visual Presentation
Description	Students will create a visual presentation that responds to one of the following questions: <ol style="list-style-type: none">1. Does Native Title return power to Aboriginal communities?2. How does the Black Lives Matter movement challenge our understanding of law?3. What are the key factors underpinning the criminalisation of Aboriginal youth?4. Why are Aboriginal people disproportionately represented in incarceration?5. What forms of justice alternatives exist to combat the over-incarceration of Aboriginal peoples?6. How can place-based initiatives support communities to reduce contact of Aboriginal peoples with criminal legal systems? Using the chosen question to form the content base of the assignment, students will collate their research and present it in a poster-like format using visual tools such as images and infographics, as well as written information/data. The aim of the assessment is to develop effective visual communication skills that have a capacity to simplify complex problems, while promoting information accessibility to wider audiences. A separate reference list with a minimum of 8 sources is required (APA 7). Instructions and rubric available in Canvas.
Weighting	40%
Length	Maximum of four pages
Due Date	Week 4, 16/10/22

Submission Method	Online
Assessment Criteria	Rubric available in Canvas
Return Method	Online
Feedback Provided	Online

ADDITIONAL INFORMATION

Grading Scheme

This course is graded as follows:

Range of Marks	Grade	Description
85-100	High Distinction (HD)	Outstanding standard indicating comprehensive knowledge and understanding of the relevant materials; demonstration of an outstanding level of academic achievement; mastery of skills*; and achievement of all assessment objectives.
75-84	Distinction (D)	Excellent standard indicating a very high level of knowledge and understanding of the relevant materials; demonstration of a very high level of academic ability; sound development of skills*; and achievement of all assessment objectives.
65-74	Credit (C)	Good standard indicating a high level of knowledge and understanding of the relevant materials; demonstration of a high level of academic achievement; reasonable development of skills*; and achievement of all learning outcomes.
50-64	Pass (P)	Satisfactory standard indicating an adequate knowledge and understanding of the relevant materials; demonstration of an adequate level of academic achievement; satisfactory development of skills*; and achievement of all learning outcomes.
0-49	Fail (FF)	Failure to satisfactorily achieve learning outcomes. If all compulsory course components are not completed the mark will be zero. A fail grade may also be awarded following disciplinary action.

*Skills are those identified for the purposes of assessment task(s).

Course Evaluation

Each year feedback is sought from students and other stakeholders about the courses offered in the University for the purposes of identifying areas of excellence and potential improvement.

Oral Interviews

As part of the evaluation process of any assessment item in this course an oral examination may be conducted. The purpose of the oral examination is to verify the authorship of the material submitted in response to the assessment task. The oral examination will be conducted in accordance with the principles set out in the [Oral Examination Guidelines](#). In cases where the oral examination reveals the assessment item may not be the student's own work the case will be dealt with under the [Student Conduct Rule](#).

Academic Misconduct

All students are required to meet the academic integrity standards of the University. These standards reinforce the importance of integrity and honesty in an academic environment. Academic Integrity policies apply to all students of the University in all modes of study and in all locations. For the Student Academic Integrity Policy, refer to <https://policies.newcastle.edu.au/document/view-current.php?id=35>

Adverse Circumstances

The University acknowledges the right of students to seek consideration for the impact of allowable adverse circumstances that may affect their performance in assessment item(s). Applications for special consideration due to adverse circumstances will be made using the online Adverse Circumstances system where:

1. the assessment item is a major assessment item; or
2. the assessment item is a minor assessment item and the Course Co-ordinator has specified in the Course Outline that students may apply the online Adverse Circumstances system;
3. you are requesting a change of placement; or

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4. the course has a compulsory attendance requirement.

Before applying you must refer to the Adverse Circumstance Affecting Assessment Items Procedure available at:

<https://policies.newcastle.edu.au/document/view-current.php?id=236>

**Important Policy
Information**

The 'HELP for Students' tab in UoNline contains important information that all students should be familiar with, including various systems, policies and procedures.

This course outline was approved by the Head of School. No alteration of this course outline is permitted without Head of School approval. If a change is approved, students will be notified and an amended course outline will be provided in the same manner as the original.

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