

LAWS6094: Indigenous Peoples, Issues and the Law

Newcastle City Precinct

Semester 1 - 2024



THE UNIVERSITY OF
NEWCASTLE
AUSTRALIA

OVERVIEW

Course Description	This course empowers students to critically evaluate the relations between Indigenous peoples in Australia and the Australian legal system, from colonisation to the present day. It uses critical race theory as a lens through which to view the operation of law in a range of areas, including criminal law, property, constitutional law and international law. Indigenous Peoples, Issues and the Law centralises the study of Indigenous-related content, perspectives and law.
Requisites	This course is only available to students enrolled in the Juris Doctor/Graduate Diploma in Legal Practice program, or in a Bachelor of Laws (Honours) combined program.
Contact Hours	<p>Newcastle City Precinct</p> <p>Online Activity 12 hours per Term Twelve weekly online learning modules – 1 hour of work per module – to be completed prior to the relevant week’s seminar</p> <p>Seminar Face to Face On Campus Twelve weekly face to face seminars – 2 hours duration per week.</p> <p>Seminars are held 5-7pm Thursdays, commencing 29 February</p> <p>Our seminar room is X205, NUspace</p>
Unit Weighting	10
Workload	Students are required to spend on average 120-140 hours of effort (contact and non-contact) including assessments per 10 unit course.

COURSE OUTLINE

CONTACTS

Course Coordinator **Newcastle City Precinct**
Associate Professor Amy Maguire
Amy.Maguire@newcastle.edu.au
(02) 4921 5374
Consultation: Feel free to talk to me before or after class, or email me, to arrange a time to meet – we can meet in person, via Zoom or on the phone.

School Office **Newcastle School of Law and Justice**
5th Floor
NU Space
409 Hunter Street
Newcastle
Law-School@newcastle.edu.au
+61 2 4921 8666

SYLLABUS

Course Content The topics in this course include:

1. Critical race theory
2. Colonisation and dispossession
3. Development of government policies in relation to Indigenous peoples
4. The Stolen Generations and child welfare
5. Anti-discrimination law
6. Land rights and native title
7. Indigenous peoples and the criminal justice system
8. Self-determination and international law
9. Sovereignty and constitutional reform

Course Learning Outcomes and Skills Focus **On successful completion of this course, students will be able to:**

1. Apply critical race theory principles to a body of knowledge regarding the interactions between Indigenous peoples and the Australian legal system, in a range of contexts for professional practice;
2. Critically evaluate, through research and synthesis of complex concepts, the operation of Australian law and legal institutions in relation to Indigenous peoples;
3. Interpret contentious issues affecting the legal status and experiences of Indigenous peoples in Australia, and apply legal doctrine and other conceptual tools to solve problems in preparation for professional practice;
4. Demonstrate advanced communication skills to justify conclusions on key legal issues affecting Indigenous peoples in Australia, to specialist and non-specialist audiences.

Skills focus areas for development in this course:

- a. Culturally competent legal practice;
- b. Critical analysis;
- c. Promotion of social justice and law reform.

Course Materials

Set text book:

Larissa Behrendt, Chris Cunneen, Terri Libesman and Nicole Watson, *Aboriginal and Torres Strait Islander Legal Relations* (2nd ed, 2019, Melbourne: OUP).

Students will need a hard copy or e-book of the set text (available from School Locker).

One hard copy is housed in the Course Readings section of the NUSpace for students who like to complete reading in the library.

The library also has an e-book copy that up to three people may read at one time.

Additional readings and other materials will be set in the weekly online learning modules, posted in advance of each class on the Canvas course site.

SCHEDULE

Week	Seminar date	Learning Activity	Assessment Due
1	29 Feb	Week 1 module – due 11pm Wednesday 28 February	
2	7 Mar	Week 2 module – due 11pm Wednesday 6 March	
3	14 Mar	Week 3 module – due 11pm Wednesday 13 March	In class presentations commence and run through to Week 12
4	21 Mar	Week 4 module – due 11pm Wednesday 20 March	Critical reflection due 11pm Friday 22 March
5	28 Mar	Week 5 module – due 11pm Wednesday 27 March	
6	4 Apr	Week 6 module – due 11pm Wednesday 3 April	
7	11 Apr	Week 7 module – due 11pm Wednesday 10 April	
8	2 May	Week 8 module – due 11pm Wednesday 1 May	
9	9 May	Week 9 module – due 11pm Wednesday 8 May	
10	16 May	Week 10 module – due 11pm Wednesday 15 May	
11	23 May	Week 11 module – due 11pm Wednesday 22 May	
12	30 May	Week 12 module – due 11pm Wednesday 29 May	
13	No seminar		Law reform submission due 11pm Thursday 6 June

ASSESSMENTS

There is a compulsory attendance requirement in this course. Attendance at all classes (seminars and workshops) will be monitored and records maintained by the Course Coordinator. In order to satisfy the "Attendance" requirement, students must be present at a minimum of 80% of scheduled classes as spelled out in the course outline, unless they are able to demonstrate that their absence falls within the Adverse Circumstances policy. Unless this requirement is met, despite marks awarded in other assessment items, the student will receive a zero mark and an CF grade for the course.

Please note that meeting the attendance rule each week requires meaningful attendance for the full one hour and fifty minutes of each class. Partial attendance will not meet the attendance requirement for a given class unless prior approval has been given by the Course Coordinator or Lecturer. (To be clear, simply being present for purposes of the roll call does not on its own satisfy the attendance requirement. As such, even if you have been present for the roll call, if you leave early without permission you are agreeing that your attendance will not count for that week.)

Note also that if you miss more than 2 classes for reasons that fall within the University's adverse circumstances policy you may be required to complete additional assessment items to ensure that you have completed the required volume of learning for this course.

	Assessment Name	Due Date	Involvement	Weighting	Learning Outcomes
1	Critical Reflection: Online blog post	11pm Friday 22 March	Individual	10%	1, 2, 3, 4
2	Oral Presentation: Case report	As assigned in Week 1. Presentations run in weeks 3-12.	Group	40%	1, 2, 3, 4
3	Written Assignment: Law reform submission	11pm Thursday 6 June	Individual	50%	1, 2, 3, 4

To ensure that grades are fair both within and between courses and cohorts, Newcastle Law School has a rigorous policy of moderating and reviewing assessment. The School Assessment Board (SAB) reviews all final grades before they are released to students, and the SAB process may result in the overall marks of a class being moved up or down by a specific amount, thus impacting individual marks. This is consistent with grading practices in other Law Schools across the country and important to ensure the integrity of assessment. This means that the final grade you are awarded may not be the sum of marks you have received in all assessments.

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 weekdays and weekend days.

Assessment 1 – Critical Reflection: Online blog post

Assessment Type	Reflection
Description	Students are to publish a blog post on the course site by the due date. The post has a maximum word limit of 500 words (10% allowance given). Posts do not have to be referenced in AGLC style, but any sources should be noted in brief format at the end of the post. Students are free to choose any case or issue of relevance to Aboriginal and/or Torres Strait Islander peoples in Australia. The blog post must use critical race theory to critically reflect on relations between Indigenous people and the Australian legal system .
Weighting	10%
Due Date	11pm Friday 22 March
Submission Method	To be posted on the course site in the tab provided – details will be discussed in seminars and noted in Canvas.
Assessment Criteria	1. Capacity to deploy critical race theory as an analytical tool; 2. Identification of an appropriate issue or case for analysis; and 3. Quality of reflection in line with the key course skills/attributes (a. culturally competent legal practice; b. critical analysis; c. promotion of social justice and law reform).
Feedback	Numerical grade provided on Canvas; individual feedback available on request.

Assessment 2 – Oral Presentation: Case report

Assessment Type	Oral presentation
Description	<p>All students will be required to form a group and deliver an oral presentation in an assigned seminar. Presentation duration will vary depending on the size of the group – every student is allocated 5 minutes to present (so, for example, a group of three students will have 15 minutes in total).</p> <p>Students should support their oral presentation with a visual tool like PowerPoint or Canva but should not rely on visual aids at the expense of engagement with the class. Questions and comments from the audience will be encouraged after presentations.</p> <p>Presentations will be scheduled for Weeks 3 – 12. Students will be assigned to a presentation schedule and topic in Week 1.</p>
Weighting	40%
Due Date	As assigned during Week 1.
Submission Method	Delivered during allocated seminar.
Assessment Criteria	<ol style="list-style-type: none">1. Clear and accurate explanation of the relevant facts, issues, applicable law and outcome;2. Critical analysis of the case in the broader context of relations between Indigenous peoples and the Australian legal system (including any recommendations for law reform or broader commentary relevant to the case);3. Communication skills – presentation was engaging, well-delivered, accessible and designed to assist student learning.
Feedback	Marks and comments will be returned to groups on the assessment rubric. A blank version of this rubric will be available for student viewing by Week 2.

Assessment 3 – Written Assignment: Law reform submission

Assessment Type	Written Assignment
Description	<p>The final assessment is a written law reform submission. It must contain two parts:</p> <ol style="list-style-type: none">(1) The submission itself, with a word limit of 1000 words (10% allowance given). The submission should be written as a piece of appropriately researched law reform advocacy. Students may select their own focus for this task and may choose to advocate for law reform in Australia or at the international level. The submission must be focused on at least one of the topics in this course.(2) An annotated bibliography of at least ten primary legal and scholarly secondary sources. For each source, students should include a one sentence statement of how the source influenced their research or conclusion. <p>Further detail on this assessment will be made available during semester.</p>
Weighting	50%
Due Date	11pm Thursday 6 June
Submission Method	Via portal on course site
Assessment Criteria	<ol style="list-style-type: none">1. Demonstration of research skills through the development of a sound evidence base;2. Quality of skills in critical analysis and persuasive communication; and3. Evidence of capacity to promote law reform and the values of equity and social justice in the Australian legal system.
Return Method	Marks and comments will be returned on the assessment rubric.

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).

Communication Methods

Communication methods used in this course include email, Canvas announcements and discussion during seminars.

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	<p>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:</p> <ol style="list-style-type: none">1. the assessment item is a major assessment item; or2. 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; or4. the course has a compulsory attendance requirement. <p>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</p>
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.
Wellness contacts	<p>There are a variety of pressures on law students, and being able to perform well academically under pressure, without excessive stress will contribute to enhanced outcomes in wellbeing and academic results. Reach out to support services and learn ways to maintain your mental health, deal with stress and common issues like perfectionism, procrastination and anxiety.</p> <p>To access UON support: https://www.newcastle.edu.au/current-students/support/personal</p> <p>Ph: 4921 6622 or email: counselling@newcastle.edu.au</p> <p>For support outside of office hours call the University Crisis Support Line on 1300 653 007 or for chat sms 0488 884 165.</p> <p>For immediate support contact Lifeline 24/7 on 13 14 11 or https://www.lifeline.org.au/</p>

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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