



LAWS11070 Australian First Nations Peoples and Law

Term 3 - 2022

Profile information current as at 25/04/2024 05:44 pm

All details in this unit profile for LAWS11070 have been officially approved by CQUUniversity and represent a learning partnership between the University and you (our student). The information will not be changed unless absolutely necessary and any change will be clearly indicated by an approved correction included in the profile.

General Information

Overview

This unit introduces students to major legal and policy issues relevant to First Nations Peoples in Australia. Topics will include colonisation, racial and intersectional discrimination, criminal justice, land rights and native title, Treaty-making, Indigenous Voice, and international law under the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). Debates around contemporary issues and law reform will be considered.

Details

Career Level: *Undergraduate*

Unit Level: *Level 1*

Credit Points: 6

Student Contribution Band: 10

Fraction of Full-Time Student Load: 0.125

Pre-requisites or Co-requisites

Co-requisite: LAWS11057 Introduction to Law.

Important note: Students enrolled in a subsequent unit who failed their pre-requisite unit, should drop the subsequent unit before the census date or within 10 working days of Fail grade notification. Students who do not drop the unit in this timeframe cannot later drop the unit without academic and financial liability. See details in the [Assessment Policy and Procedure \(Higher Education Coursework\)](#).

Offerings For Term 3 - 2022

- Online

Attendance Requirements

All on-campus students are expected to attend scheduled classes - in some units, these classes are identified as a mandatory (pass/fail) component and attendance is compulsory. International students, on a student visa, must maintain a full time study load and meet both attendance and academic progress requirements in each study period (satisfactory attendance for International students is defined as maintaining at least an 80% attendance record).

Website

[This unit has a website, within the Moodle system, which is available two weeks before the start of term. It is important that you visit your Moodle site throughout the term. Please visit Moodle for more information.](#)

Class and Assessment Overview

Recommended Student Time Commitment

Each 6-credit Undergraduate unit at CQUniversity requires an overall time commitment of an average of 12.5 hours of study per week, making a total of 150 hours for the unit.

Class Timetable

[Regional Campuses](#)

Bundaberg, Cairns, Emerald, Gladstone, Mackay, Rockhampton, Townsville

[Metropolitan Campuses](#)

Adelaide, Brisbane, Melbourne, Perth, Sydney

Assessment Overview

1. **Written Assessment**

Weighting: 40%

2. **Written Assessment**

Weighting: 60%

Assessment Grading

This is a graded unit: your overall grade will be calculated from the marks or grades for each assessment task, based on the relative weightings shown in the table above. You must obtain an overall mark for the unit of at least 50%, or an overall grade of 'pass' in order to pass the unit. If any 'pass/fail' tasks are shown in the table above they must also be completed successfully ('pass' grade). You must also meet any minimum mark requirements specified for a particular assessment task, as detailed in the 'assessment task' section (note that in some instances, the minimum mark for a task may be greater than 50%). Consult the [University's Grades and Results Policy](#) for more details of interim results and final grades.

CQUniversity Policies

All University policies are available on the [CQUniversity Policy site](#).

You may wish to view these policies:

- Grades and Results Policy
- Assessment Policy and Procedure (Higher Education Coursework)
- Review of Grade Procedure
- Student Academic Integrity Policy and Procedure
- Monitoring Academic Progress (MAP) Policy and Procedure – Domestic Students
- Monitoring Academic Progress (MAP) Policy and Procedure – International Students
- Student Refund and Credit Balance Policy and Procedure
- Student Feedback – Compliments and Complaints Policy and Procedure
- Information and Communications Technology Acceptable Use Policy and Procedure

This list is not an exhaustive list of all University policies. The full list of University policies are available on the [CQUniversity Policy site](#).

Unit Learning Outcomes

On successful completion of this unit, you will be able to:

1. Demonstrate awareness of First Nations perspectives on contemporary legal and/or policy issues
2. Demonstrate understanding of key laws and legal procedures relevant to First Nations Peoples in Australia, such as those relating to racial discrimination, criminal justice, land rights and/or native title
3. Examine policy and/or law reform debates relating to the rights of First Nations Peoples in Australia

Alignment of Learning Outcomes, Assessment and Graduate Attributes



Alignment of Assessment Tasks to Learning Outcomes

Assessment Tasks	Learning Outcomes		
	1	2	3
1 - Written Assessment - 40%	•	•	•
2 - Written Assessment - 60%	•	•	•

Alignment of Graduate Attributes to Learning Outcomes

Graduate Attributes	Learning Outcomes		
	1	2	3
1 - Communication	•	•	•
2 - Problem Solving			
3 - Critical Thinking	•	•	•
4 - Information Literacy			
5 - Team Work			
6 - Information Technology Competence			
7 - Cross Cultural Competence	•	•	•
8 - Ethical practice			
9 - Social Innovation			
10 - Aboriginal and Torres Strait Islander Cultures	•	•	•

Textbooks and Resources

Textbooks

LAWS11070

Prescribed

Aboriginal and Torres Strait Islander Legal Relations

Second Edition (2018)

Authors: Larissa Behrendt, Chris Cunneen, Terri Libesman

Oxford University Press

ISBN: 9780190310035

Binding: Paperback

[View textbooks at the CQUniversity Bookshop](#)

IT Resources

You will need access to the following IT resources:

- CQUniversity Student Email
- Internet
- Unit Website (Moodle)
- Zoom (both microphone and webcam capability)

Referencing Style

All submissions for this unit must use the referencing style: [Australian Guide to Legal Citation, 4th ed](#)

For further information, see the Assessment Tasks.

Teaching Contacts

Angelo Capuano Unit Coordinator

a.capuano@cqu.edu.au

Schedule

Week 1 - 07 Nov 2022

Module/Topic	Chapter	Events and Submissions/Topic
Introduction to First Nations Peoples and Law	Larissa Behrendt, Chris Cunneen, Terri Libesman and Nicole Watson, <i>Aboriginal and Torres Strait Islander Legal Relations</i> (2019, 2nd ed, Oxford University Press), ch 1, 2, 5, 6 and 11	Zoom module 1

Week 2 - 14 Nov 2022

Module/Topic	Chapter	Events and Submissions/Topic
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Sovereignty, self-determination, treaty and Voice	Larissa Behrendt, Chris Cunneen, Terri Libesman and Nicole Watson, <i>Aboriginal and Torres Strait Islander Legal Relations</i> (2019, 2nd ed, Oxford University Press), ch 3, 12, 13, pp 313-318 Australian Government National Indigenous Australians Agency, 'Indigenous Voice Co-design Process Final Report to the Australian Government' (Report, July 2021) JWS Research, 'Indigenous Voice to Parliament Poll' (Report, August 2022)	Zoom module 2
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Week 3 - 21 Nov 2022

Module/Topic	Chapter	Events and Submissions/Topic
Land rights and Native Title, Part I (Common Law Recognition and Establishing Native Title)	Larissa Behrendt, Chris Cunneen, Terri Libesman and Nicole Watson, <i>Aboriginal and Torres Strait Islander Legal Relations</i> (2019, 2nd ed, Oxford University Press), ch 8 and pp 167-176. <i>Mabo v Queensland (No 2)</i> [1992] HCA 23	Zoom module 3 Research Task Due: Week 3 Friday (25 Nov 2022) 5:00 pm AEST

Week 4 - 28 Nov 2022

Module/Topic	Chapter	Events and Submissions/Topic
Native Title, Part 2 (Extinguishment, Future Acts and Determinations of Native Title)	Larissa Behrendt, Chris Cunneen, Terri Libesman and Nicole Watson, <i>Aboriginal and Torres Strait Islander Legal Relations</i> (2019, 2nd ed, Oxford University Press), pp 176-180. Brendan Edgeworth, 'Extinguishment of Native Title: Recent High Court Decisions' (2016) 8(22) <i>Indigenous Law Bulletin</i> 28, 28-34 <i>Western Australia v Brown</i> [2014] HCA 8	Zoom module 4

Week 5 - 12 Dec 2022

Module/Topic	Chapter	Events and Submissions/Topic
Self-guided learning and end of term assignment		End of term assignment Due: Week 5 Friday (16 Dec 2022) 5:00 pm AEST

Assessment Tasks

1 Research Task

Assessment Type

Written Assessment

Task Description

Written Assessment 1 (which is worth 40% of the available marks for the unit) will consist of a research task. Students will be required to research and provide advice regarding a topical and contemporary policy issue relating to First Nations peoples. Detailed instructions and a marking rubric will be provided on the unit's Moodle page.

Assessment Due Date

Week 3 Friday (25 Nov 2022) 5:00 pm AEST

Assessments to be submitted online via Moodle

Return Date to Students

Week 4 Friday (2 Dec 2022)

Feedback and marks to be provided via Moodle

Weighting

40%

Assessment Criteria

- Written expression
- Research
- Critical thinking
- Analysis and ability to weigh up different views and opinions on the policy question and debate examined
- Understanding of the legal policy question and debate examined
- Understanding of the law and/or legal frameworks relevant to the policy question and debate examined

Referencing Style

- [Australian Guide to Legal Citation, 4th ed](#)

Submission

Online

Submission Instructions

Submission will be online via Moodle

Learning Outcomes Assessed

- Reflect on the impacts of British law on Australian law in both historical and contemporary contexts
- Demonstrate knowledge of First Nations perspectives through an examination of texts by First Nations Peoples and critical race scholars
- Consider and reflect on options for fundamental change to the legal system, including Constitutional reform
- Analyse the relevance and/or usefulness of domestic and international legal frameworks in achieving human rights goals for First Nations Peoples.

Graduate Attributes

- Communication
- Critical Thinking
- Cross Cultural Competence

2 End of term assignment

Assessment Type

Written Assessment

Task Description

Written Assessment 2 (which is worth 60% of the available marks for the unit) will consist of an end of term assignment. Students will be required to answer set problem questions and policy questions on topics relevant to Australian First Nations Peoples and Law.

Detailed instructions and a marking rubric will be provided via the unit's Moodle page.

The questions will be released online via the unit's Moodle page on Monday 12 December 2022 at 5pm AEST and students will be given until the due date and time to complete the assessment.

This assessment task must be completed by the due date.

Assessment Due Date

Week 5 Friday (16 Dec 2022) 5:00 pm AEST

Submission will be online via Moodle.

Return Date to Students

Week 6 Friday (23 Dec 2022)

Feedback and marks will be provided online via Moodle

Weighting

60%

Assessment Criteria

- Written expression
- Critical thinking
- Understanding of relevant law and/or legal frameworks
- Demonstrated ability to solve legal problems and/or answer policy questions by applying relevant law
- Ability to identify legal and/or policy issues in a problem, and address those issues in a professional manner

- Ability to weigh up different perspectives

Referencing Style

- [Australian Guide to Legal Citation, 4th ed](#)

Submission

Online

Submission Instructions

Submission will be online via Moodle.

Learning Outcomes Assessed

- Reflect on the impacts of British law on Australian law in both historical and contemporary contexts
- Demonstrate knowledge of First Nations perspectives through an examination of texts by First Nations Peoples and critical race scholars
- Consider and reflect on options for fundamental change to the legal system, including Constitutional reform

Graduate Attributes

- Communication
- Critical Thinking
- Cross Cultural Competence
- Social Innovation

Academic Integrity Statement

As a CQUniversity student you are expected to act honestly in all aspects of your academic work.

Any assessable work undertaken or submitted for review or assessment must be your own work. Assessable work is any type of work you do to meet the assessment requirements in the unit, including draft work submitted for review and feedback and final work to be assessed.

When you use the ideas, words or data of others in your assessment, you must thoroughly and clearly acknowledge the source of this information by using the correct referencing style for your unit. Using others' work without proper acknowledgement may be considered a form of intellectual dishonesty.

Participating honestly, respectfully, responsibly, and fairly in your university study ensures the CQUniversity qualification you earn will be valued as a true indication of your individual academic achievement and will continue to receive the respect and recognition it deserves.

As a student, you are responsible for reading and following CQUniversity's policies, including the [Student Academic Integrity Policy and Procedure](#). This policy sets out CQUniversity's expectations of you to act with integrity, examples of academic integrity breaches to avoid, the processes used to address alleged breaches of academic integrity, and potential penalties.

What is a breach of academic integrity?

A breach of academic integrity includes but is not limited to plagiarism, self-plagiarism, collusion, cheating, contract cheating, and academic misconduct. The Student Academic Integrity Policy and Procedure defines what these terms mean and gives examples.

Why is academic integrity important?

A breach of academic integrity may result in one or more penalties, including suspension or even expulsion from the University. It can also have negative implications for student visas and future enrolment at CQUniversity or elsewhere. Students who engage in contract cheating also risk being blackmailed by contract cheating services.

Where can I get assistance?

For academic advice and guidance, the [Academic Learning Centre \(ALC\)](#) can support you in becoming confident in completing assessments with integrity and of high standard.

What can you do to act with integrity?



Be Honest

If your assessment task is done by someone else, it would be dishonest of you to claim it as your own



Seek Help

If you are not sure about how to cite or reference in essays, reports etc, then seek help from your lecturer, the library or the Academic Learning Centre (ALC)



Produce Original Work

Originality comes from your ability to read widely, think critically, and apply your gained knowledge to address a question or problem