



School of Law

Summer Scholarship Research Program 2021

Project Lists

Project 69: Knowledge Hub on Indigenous People and the Law	2
Project 70: Samoa's 2021 Constitutional Crisis: democracy, digitalisation and the diaspora.....	4

Project 69: Knowledge Hub on Indigenous People and the Law

Supervisor(s): Amira Aftab - a.aftab@westernsydney.edu.au
Principal Supervisor

Meda Couzens - m.couzens@westernsydney.edu.au
Second Supervisor

Project Description

Western Sydney University caters for a community where many Indigenous Australians live. Some Indigenous young people study in the School of Law. Through engagement with them and through the work done in our WSU Justice Clinic, our School has realised that there is a need to give more attention to the relationship between Indigenous people and the law. This would not only respond to the needs of the community where we work and live, but also contribute to developing an academic community preoccupied with giving more visibility to Indigenous Australians in teaching and research.

Our School has a distinct focus on social justice, which would be incomplete without special attention being given to the relationship between Indigenous Australians and the law. Thus, in 2020, the School of Law developed its own Indigenous Strategy in which we undertook to channel more of our efforts in teaching and research toward Indigenous-related issues.

This project aligns with that strategy. Our intention is to support the selected students to produce short informational pieces (fact sheets, briefs, posters, etc) on Indigenous people and the law which we can make available on the School's website on a specially designed hub on Indigenous Australians and the law. These materials are intended to be valuable sources of information for our colleagues, students and the community. The materials will be developed in plain language so as to make them easily accessible to interested community members, including HSC students, teachers, community organisations and non-legal academics at WSU. The purpose of the materials is to inform and stimulate further interest on the relationship between Indigenous people and the law. There is also scope for these resources to align closely with, and reflect the excellent work that the WSU Justice Clinic is currently undertaking in relation to social justice issues within the Indigenous community.

Among the broad issues that we consider for inclusion in the informational pieces are:

- Minimum age of criminal responsibility and Indigenous children
- Indigenous stories/oral traditions as sources of law (opportunities and challenges)
- Indigenous Australians in urban spaces and Indigenous Australians in rural spaces
- Indigenous Australians and the protection of the environment
- Indigenous peoples: Equality, diversity and the law
- Privatisation of prisons and the overrepresentation of Indigenous people in detention

The above issues are not exhaustive and we welcome suggestions from the students on topic of interest to them. The topics are deliberately broad to allow the recipients to select and conduct research in an area which they may have an interest on or may wish to develop such.

We are hoping to receive suitable applications from Indigenous students for this project.

Project Aims

The aims of the project are as follows:

1. To contribute to giving effect to the Indigenous Strategy of the School;
2. To encourage more research amongst students and academics on Indigenous-related issues;
3. To showcase the work of Indigenous students;
4. To make available Indigenous-related legal materials in an accessible manner to interested members of the community (academic and lay).

Project Methods

The students will be provided training in researching and writing, and will be intimately involved with the project from the very start.

This is a flexible desktop study in which the students will have a major role in deciding the topic of research and the outcome of the final product.

The following steps are envisaged:

- An initial meeting between the supervisors and the students to discuss the project;
- The students will contribute to the selection of the research topic from amongst those suggested above, or from a topic of their own. This process has a skills developing element in that it assists the students in identifying research areas they may be interested in or wish to develop an interest in.
- The supervisors will then provide the students with guidance on conducting research for the purposes of a literature review or annotated bibliography, including by advising on sources, databases, etc that the students could search.
- The literature review will be discussed with the supervisors.
- Following the literature review, the supervisors and the students will decide on the information they would like to convey and the form of the final product (fact sheet, brief, etc).
- The students will produce a draft material that will thereafter be refined through discussions with the supervisors.
- A final copy of the material will be reviewed by the supervisors.

Opportunity for Skill Development

The student will develop the following skills:

- Legal research and analysis
- Legal writing
- Writing a literature review and/or annotated bibliography
- Writing for academic and non-academic audiences

Students are required to have the following skills/meet the following pre-requisite(s) to apply

The students should be enrolled in studying Law.

Project 70: Samoa's 2021 Constitutional Crisis: democracy, digitalisation and the diaspora

Supervisor(s): Catherine Renshaw - c.renshaw@westernsydney.edu.au
Principal Supervisor

Caroline Compton - c.compton@westernsydney.edu.au
Second Supervisor

Project Description

Since gaining independence in 1962, Australia's Pacific neighbour Samoa has been regarded as one of the most politically stable countries in the region. Samoa practices a form of 'guided' democracy based on the fa'amatai system. One aspect of Samoa's political system, for example, is that only matai (chiefs) can become members of parliament.

Former prime minister Tuila'epa Lupesoliai Malielegaoi held power from 1998 to 2021 as leader of the Human Rights Protection Party (HRPP). Malielegaoi was challenged in the April 2021 elections by a new party, Faatuatua I Le Atua Samoa ua Tasi (FAST), led by Malielegaoi's former deputy prime minister. The election resulted in a deadlock, with both parties gaining 25 seats. A constitutional crisis followed. The one independent member of parliament joined the FAST party; following which, the Head of State used gender quota laws to appoint a female MP to the HRPP party. The stalemate was broken a Supreme Court ruling which held that the HRPP appointment under the gender quota laws was unconstitutional. Malielegaoi refused to accept the ruling and FAST party members were locked out of parliament by representatives of HRPP. There were extraordinary scenes of the new prime minister being sworn in on the lawn outside parliament, in the absence of a head of state.

This project examines the constitutional crisis in Samoa against the broader social, political and historical backdrop of developments in the region. The project focuses on China's growing power in the Pacific, on the role and influence of the diaspora in New Zealand and Australia and on the part played by use of digital platforms in challenging traditional forms of power and influence. An important part of the project's inquiry is the response, in Samoa and among the diaspora, to the HRPP's attempt to strengthen the authority of the Land and Titles Court, a forum that deals with issues of customary land rights and chiefly titles.

Project Aims

- To describe and explain the background to, and the implications of, the 2021 Samoan constitutional crisis;
- To analyse the influence of broader geo-political issues on the domestic political context of Samoa, including (a) the rise of China in the Pacific, (b) the diaspora in Australia and New Zealand and the implications of Covid restrictions on the ability of Samoan citizens to return home to vote; (c) the unprecedented use of digital technology and social media in promoting the political agendas of the rival parties and the implications for democracy;
- To evaluate perceptions about the strength and legitimacy of Samoa's democratic institutions - such as the Supreme Court - and assess the extent to which these perceptions were central to the resolution of the crisis;
- To consider the extent to which the project findings may be applicable to other states in the Pacific that may face similar political challenges: Fiji, Papua new Guinea, Tonga.

Project Methods

The methodology adopted by the project is socio legal. We examine the intersection between law, legal institutions, society and politics through empirical investigations that draw on individual and group perceptions about legitimacy, power and influence. We aim to use available polling data, media reporting, social media campaign analysis and background interviews with key and representative members of the Australian diaspora. Ethics approval is not required.

Opportunity for Skill Development

The student will have the ability to attain and develop sophisticated research skills, knowledge about the requirements for publication of scholarly research in journals, editing, referencing and revision skills, skills in collaborative research and the development of team based scholarly inquiries

Students are required to have the following skills/meet the following pre-requisite(s) to apply

No specific prerequisites