

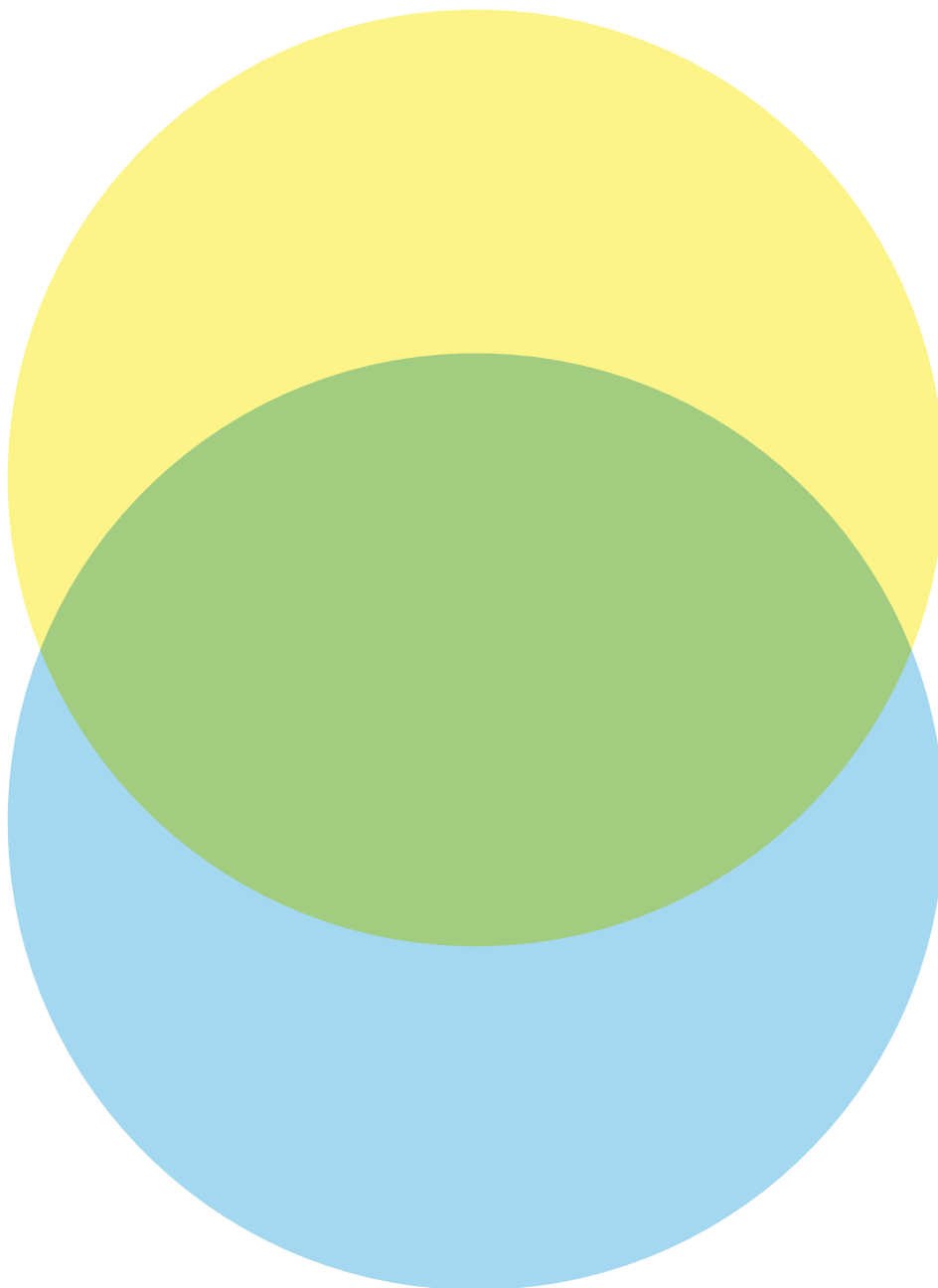
NAME:

Indigenous Australia – Customary Law

Read the 'Customary Law' (page 27) section of the fact book and complete the following activities.

1. Why is customary law so important to Indigenous Australians?
2. Complete the venn diagram below, identifying the similarities and differences between Indigenous Australian customary law and Australian criminal/civil law

Indigenous Australian customary law



Australian criminal/civil law

Teacher Guide – Indigenous Australia – Customary Law

Read the 'Customary Law' (page 27) section of the fact book and complete the following activities.

1. Why is customary law so important to Indigenous Australians?

Customary law is encoded in the spiritual tradition of Indigenous Australian communities. Customary law is passed down from generation to generation and teaches rights, wrongs, obligations and punishments. It is important for ensuring that each person knows his or her connectedness and responsibilities for other people, for country and for their ongoing relationship with the Spirit Ancestors.

2. Complete the venn diagram below, identifying the similarities and differences between Indigenous Australian customary law and Australian criminal/civil law

Indigenous Australian customary law

- Different communities have different concepts of law
- Handed down from generation to generation, through ceremony and oral tradition
- Decisions on the law made by councils of men
- Disputes could be settled by negotiation, ritual punishment or formal battles.

- Both systems of law are based on a system of rights and wrongs, with punishments for breaking the law.
- Some customary law is recognised in legislation such as native title, protection of sacred sites and traditional Indigenous marriages

- Australian criminal and civil law is enacted in several ways:
- The Australian Constitution
- Legislation enacted by the Federal Parliament and the States and territories of Australia
- Common law arising from the decisions of judges

Australian criminal/civil law