**Assessment 2**

**Part 4 - Closing Argument**

**Instructions**

After unsuccessful mediation of your client’s native title claim, the matter has been referred back to the Federal Court for determination. You have been asked to help the claimant group draft their closing argument.

Your argument should cover each of the following points (use the **Closing Argument Template** provided):

* Specify the claimant group on whose behalf you are speaking. This should be the same group as referred to in the previous parts of this assessment, and include the name of the applicant
* Specify the area of land over which the application has been made. You must provide a map or similar to display the land in question
* NOTE: This should be a specific area within their traditional lands, not the entirety.
* Briefly comment on the impact of loss of land since colonisation on Aboriginal and Torres Strait Islander people generally
* Address the importance of the specified land to your claimant group’s culture
* Emphasise your claimant group’s physical and spiritual connection to the specified land by giving examples. Examples might include:
* How they have lived off the land (e.g. specific hunting and fishing grounds);
* Where they have lived;
* What practices and traditions they have exercised; and
* Their knowledge of the land.
* You must specify how the cultural practices and traditions referenced above relate to the specific land in question:
* Outline the impact of loss of land, dissemination and fragmentation of culture
* Explain how your claimant group has always and continues to exercise their native title rights over the land. You must specify certain practices and describe how these practices continue today.

**Closing Argument Template**

**Client Name:**

|  |
| --- |
|  |

**Staff Name:**

|  |
| --- |
|  |

**Matter:**

|  |
| --- |
|  |

**Date:**

|  |
| --- |
|  |

*Group Identified*

|  |
| --- |
|  |

*Boundaries described*

|  |
| --- |
|  |

*Specified areas within boundaries*

|  |
| --- |
|  |

*Map*

|  |
| --- |
|  |

*Loss of land impact on people and culture*

|  |
| --- |
|  |

*Importance of land to particular group*

|  |
| --- |
|  |

*Physical and spiritual connection practices, for example:*

* *How claimants have lived off the land (e.g. specific hunting and fishing grounds)*
* *Where claimants have lived*
* *What practices and traditions claimants have exercised; and*
* *Claimants’ knowledge of the land*

|  |
| --- |
|  |

*The exercise of native title rights has always been and continues to be connected back to practice.*

|  |
| --- |
|  |