



# LAW 851

## Climate Change Law

S2 Day 2014

*Dept of Law*

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## General Information

Unit convenor and teaching staff

Unit Convenor

Alexander Zahar

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Credit points

4

Prerequisites

Admission to MEnvLaw or PGCertEnvLaw or PGDipEnvLaw or MIntEnvLaw or PGCertIntEnvLaw or PGDipIntEnvLaw or MIntTrdeComLaw or PGCertIntTrdeComLaw or PGDipIntTrdeComLaw or MIntRelMIntTrdeComLaw or MPP or PGDipPP or LLM in (Environmental Law or International Environmental Law) or 42cp in LAW units at 400 or 500 level or (admission to JD and 32cp in LAW units at 800 level)

Corequisites

Co-badged status

Co-badged with LAW543.

Unit description

Climate change is a vast subject that has been shaped by scientists, economists, inventors, environmental activists, policy-makers, and politicians... as well as by judges, legislators, and lawyers. Almost daily we encounter a new development or opinion concerning climate change, but what do we know about the legal framework that has formed around the subject? This unit is an introduction to the broader subject of climate change with a particular focus on its legal aspects. It is designed to help students understand the fundamentals of climate law at both the international and domestic levels, in particular the UN Framework Convention on Climate Change and Australia's new carbon legislation.

## Important Academic Dates

Information about important academic dates including deadlines for withdrawing from units are available at <https://www.mq.edu.au/study/calendar-of-dates>

## Learning Outcomes

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

Demonstrate familiarity with the science of climate change, including its causes and impacts, as a foundation from which to engage with other aspects of the field.

Demonstrate a detailed understanding of Australian laws and international treaties aimed at reducing greenhouse gas emissions by states or helping communities adapt to a changing climate.

Explain and analyse critically and in depth the rationale for, and legal elements of, cap-and-trade and other emission-reduction and offset models.

Demonstrate an ability to make sophisticated legal submissions on aspects of emission trading, and in particular on the Clean Development Mechanism and the forest-protection scheme (REDD).

Demonstrate an advanced understanding of the evolution of climate law in Australia, with an ability to express analytical and substantiated views about its current and future uses. Critically compare legal and policy developments in Australia with those in other countries and regions.

Express developed and supported views on options for formulating long-term legal responses to climate change at the international level, including in classroom settings.

Display confident engagement with justice/ethical considerations particular to the field of climate change, including in classroom settings.

Demonstrate an ability to integrate information and perspectives from other disciplines, as well as to understand why problems look different from diverse disciplinary perspectives, including in classroom settings.

## Assessment Tasks

Name	Weighting	Due
<a href="#"><u>Early reflection essay</u></a>	20%	Monday 25 August
<a href="#"><u>Research paper outline</u></a>	0%	Monday 15 September
<a href="#"><u>Class participation</u></a>	30%	Throughout session or at OCS
<a href="#"><u>Research paper</u></a>	50%	Monday 17 November

### Early reflection essay

Due: **Monday 25 August**

Weighting: **20%**

A short essay for early assessment of student progress, on a philosophical, moral, or historical topic related to climate change. Suggested topics will be posted on iLearn in Week 2. This is meant as a reflective "ideas essay" (a student's own ideas!), rather than a research essay, but some reading and referencing will be required. **Length: 1,500 words.** To be submitted through Turnitin as a Word document (no PDFs accepted).

On successful completion you will be able to:

- Display confident engagement with justice/ethical considerations particular to the field of climate change, including in classroom settings.
- Demonstrate an ability to integrate information and perspectives from other disciplines, as well as to understand why problems look different from diverse disciplinary perspectives, including in classroom settings.

## Research paper outline

Due: **Monday 15 September**

Weighting: **0%**

A **one-page** plan (Word, not PDF) on how you will tackle your choice of research topic, structured in accordance with instructions to be provided. The outline is to be emailed to the Convenor by the end of the day on which it is due. While no marks are awarded for this item, it is compulsory. The Convenor will give you feedback on your outline. Its purpose is to ensure that you are on track to complete a high-quality research paper.

## Class participation

Due: **Throughout session or at OCS**

Weighting: **30%**

Students are expected to discuss the reading and lecture materials in class during the semester. Students are also expected to: engage with other students and the Convenor in an appropriate way that involves analysis of the assigned material; and attempt informed responses to questions posed by the Convenor or other students in class. Students will not be awarded the class participation mark simply for attending. This is a large chunk of marks and you must show that you are on top of the reading material to earn it. Please be aware that the Thursday sessions (or the on-campus sessions, if you are an external student) will consist of a mix of lectures and tutorials. **Tutorial participation is compulsory**, so you are in practice obliged to attend each and every Thursday session (or the whole OCS). Student attendance will be recorded. A maximum of two absences will not be penalised. Any more absences will mean a **FAIL** for the unit.

On successful completion you will be able to:

- Express developed and supported views on options for formulating long-term legal responses to climate change at the international level, including in classroom settings.
- Display confident engagement with justice/ethical considerations particular to the field of climate change, including in classroom settings.
- Demonstrate an ability to integrate information and perspectives from other disciplines, as well as to understand why problems look different from diverse disciplinary

perspectives, including in classroom settings.

## Research paper

Due: **Monday 17 November**

Weighting: **50%**

Detailed instructions on topics and formatting and stylistic requirements will be posted early in the session. Please make sure that you read all instructions, both before you start writing your research paper and before you submit it. You may propose your own topic, with the Convenor's prior approval. This is intended to be a thought-provoking exercise to stimulate students to explore in depth a topic of genuine interest to them. **Length: 4,500 words.** To be submitted through Turnitin as a Word document (no PDFs accepted). **No extensions will be given**, so plan ahead!

On successful completion you will be able to:

- Demonstrate a detailed understanding of Australian laws and international treaties aimed at reducing greenhouse gas emissions by states or helping communities adapt to a changing climate.
- Demonstrate an advanced understanding of the evolution of climate law in Australia, with an ability to express analytical and substantiated views about its current and future uses.
- Critically compare legal and policy developments in Australia with those in other countries and regions.

## Delivery and Resources

**Compulsory weekly readings:** You will find these on iLearn.

**Recommended textbook:** A. Zahar, J. Peel, and L. Godden, *Australian Climate Law in Global Context*, Cambridge University Press, 2012. Several copies are held in the Library.

**Lectures** will be recorded and made available through iLearn.

**Policy on late submissions.** I quote from the Law School assessment policy: "In the absence of a successful application for special consideration, any assessment task submitted after its published deadline will not be graded and **receive a mark of zero.**"

## Unit Schedule

### Week 1

Introduction and sources. (All readings will be on iLearn.)

### Week 2

Brief introduction to the science of climate change.

### Week 3

Legal elements of the international climate change regime, Part I: Framework Convention.

#### **Week 4**

Legal elements of the international climate change regime, Part II: Kyoto Protocol.

#### **Week 5**

Australian climate change law, Part I.

#### **Week 6**

Australian climate change law, Part II.

#### **Week 7**

International mechanisms engaging developing countries, Part I: The Clean Development Mechanism. **\*No seminar this week. A recorded lecture will be provided instead.\***

#### **OCS for external students: 28-29 September**

An OCS program will be posted in Week 7. Postgraduate students will have longer OCS sessions than undergraduate students, but need not attend a third day. **There will be no class on the 30th.**

#### **Week 8**

International mechanisms engaging developing countries, Part II: Forest protection (REDD).

#### **Week 9**

International climate finance as a key legal obligation.

#### **Week 10**

Transition to a low-carbon life: The promise of technology.

#### **Week 11**

Adaptation to climate change.

#### **Week 12**

Holding countries to account: International verification and compliance.

#### **Week 13**

Revision and conclusions.

## **Policies and Procedures**

Macquarie University policies and procedures are accessible from [Policy Central](#). Students should be aware of the following policies in particular with regard to Learning and Teaching:

Academic Honesty Policy [http://mq.edu.au/policy/docs/academic\\_honesty/policy.html](http://mq.edu.au/policy/docs/academic_honesty/policy.html)

Assessment Policy <http://mq.edu.au/policy/docs/assessment/policy.html>

Grading Policy <http://mq.edu.au/policy/docs/grading/policy.html>

Grade Appeal Policy <http://mq.edu.au/policy/docs/gradeappeal/policy.html>

Grievance Management Policy [http://mq.edu.au/policy/docs/grievance\\_management/policy.html](http://mq.edu.au/policy/docs/grievance_management/policy.html)

Disruption to Studies Policy [http://www.mq.edu.au/policy/docs/disruption\\_studies/policy.html](http://www.mq.edu.au/policy/docs/disruption_studies/policy.html) *The Disruption to Studies Policy is effective from March 3 2014 and replaces the Special Consideration Policy.*

In addition, a number of other policies can be found in the [Learning and Teaching Category](#) of Policy Central.

## Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: [https://students.mq.edu.au/support/student\\_conduct/](https://students.mq.edu.au/support/student_conduct/)

## Student Support

Macquarie University provides a range of support services for students. For details, visit <http://students.mq.edu.au/support/>

## Learning Skills

Learning Skills ([mq.edu.au/learningskills](http://mq.edu.au/learningskills)) provides academic writing resources and study strategies to improve your marks and take control of your study.

- [Workshops](#)
- [StudyWise](#)
- [Academic Integrity Module for Students](#)
- [Ask a Learning Adviser](#)

## Student Services and Support

Students with a disability are encouraged to contact the [Disability Service](#) who can provide appropriate help with any issues that arise during their studies.

## Student Enquiries

For all student enquiries, visit Student Connect at [ask.mq.edu.au](http://ask.mq.edu.au)

## IT Help

For help with University computer systems and technology, visit <http://informatics.mq.edu.au/help/>.

When using the University's IT, you must adhere to the [Acceptable Use Policy](#). The policy applies to all who connect to the MQ network including students.

## Graduate Capabilities

### PG - Discipline Knowledge and Skills

Our postgraduates will be able to demonstrate a significantly enhanced depth and breadth of knowledge, scholarly understanding, and specific subject content knowledge in their chosen fields.

This graduate capability is supported by:

#### Learning outcomes

- Demonstrate familiarity with the science of climate change, including its causes and impacts, as a foundation from which to engage with other aspects of the field.
- Demonstrate a detailed understanding of Australian laws and international treaties aimed at reducing greenhouse gas emissions by states or helping communities adapt to a changing climate.

#### Assessment task

- Research paper

### PG - Critical, Analytical and Integrative Thinking

Our postgraduates will be capable of utilising and reflecting on prior knowledge and experience, of applying higher level critical thinking skills, and of integrating and synthesising learning and knowledge from a range of sources and environments. A characteristic of this form of thinking is the generation of new, professionally oriented knowledge through personal or group-based critique of practice and theory.

This graduate capability is supported by:

#### Learning outcomes

- Demonstrate a detailed understanding of Australian laws and international treaties aimed at reducing greenhouse gas emissions by states or helping communities adapt to a changing climate.
- Demonstrate an ability to integrate information and perspectives from other disciplines, as well as to understand why problems look different from diverse disciplinary perspectives, including in classroom settings.

#### Assessment tasks

- Research paper outline
- Class participation



## PG - Research and Problem Solving Capability

Our postgraduates will be capable of systematic enquiry; able to use research skills to create new knowledge that can be applied to real world issues, or contribute to a field of study or practice to enhance society. They will be capable of creative questioning, problem finding and problem solving.

This graduate capability is supported by:

### Learning outcomes

- Demonstrate an ability to make sophisticated legal submissions on aspects of emission trading, and in particular on the Clean Development Mechanism and the forest-protection scheme (REDD).
- Critically compare legal and policy developments in Australia with those in other countries and regions.

### Assessment task

- Research paper

## PG - Effective Communication

Our postgraduates will be able to communicate effectively and convey their views to different social, cultural, and professional audiences. They will be able to use a variety of technologically supported media to communicate with empathy using a range of written, spoken or visual formats.

This graduate capability is supported by:

### Learning outcomes

- Demonstrate an advanced understanding of the evolution of climate law in Australia, with an ability to express analytical and substantiated views about its current and future uses.
- Express developed and supported views on options for formulating long-term legal responses to climate change at the international level, including in classroom settings.

### Assessment tasks

- Early reflection essay
- Research paper outline
- Class participation
- Research paper

## PG - Engaged and Responsible, Active and Ethical Citizens

Our postgraduates will be ethically aware and capable of confident transformative action in relation to their professional responsibilities and the wider community. They will have a sense of

connectedness with others and country and have a sense of mutual obligation. They will be able to appreciate the impact of their professional roles for social justice and inclusion related to national and global issues

This graduate capability is supported by:

### **Learning outcome**

- Display confident engagement with justice/ethical considerations particular to the field of climate change, including in classroom settings.

## **PG - Capable of Professional and Personal Judgment and Initiative**

Our postgraduates will demonstrate a high standard of discernment and common sense in their professional and personal judgment. They will have the ability to make informed choices and decisions that reflect both the nature of their professional work and their personal perspectives.

This graduate capability is supported by:

### **Learning outcomes**

- Express developed and supported views on options for formulating long-term legal responses to climate change at the international level, including in classroom settings.
- Demonstrate an ability to integrate information and perspectives from other disciplines, as well as to understand why problems look different from diverse disciplinary perspectives, including in classroom settings.