

BUSL100

Global Legal Frameworks for a Sustainable Planet

S1 Day 2014

Dept of Accounting & Corporate Governance

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General Information

Unit convenor and teaching staff

Unit Convenor

Trish Blazey

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E4A Room 240

Unless otherwise announced on ILearn Thursday 5-7pm

Credit points

3

Prerequisites

Corequisites

Co-badged status

Unit description

This unit reviews the forms of legal controls associated with environmental protection in a commercial context. Corporate social responsibility for the protection of the planet must be paramount and traverse transnational borders. The unit evaluates the comparative costs and benefits of private and public law controls by reference to Australian and overseas models. This unit reflects on how international politics influence the development of Australian environmental law and policy. The unit is designed to provide a basic understanding of environmental legal issues across a broad range of disciplines.

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 an ability to understand scientific articles in the popular press that relate to sustainability

Evaluate international and national legal frameworks that address climate change, deforestation, fishing and waste

Explain the concept of a sustainable planet and its capacity to sustain the current level of

economic development

Assess current mitigation and adaptation strategies that relate to sustainability

Assessment Tasks

Name	Weighting	Due
Assessed Coursework	5%	13/14 March 2014
Class participation	20%	Each week of the session
Assignment	45%	28 April 2013
Final examination	30%	To be advised

Assessed Coursework

Due: 13/14 March 2014

Weighting: 5%

Students are to reference a short passage according to the 3rd ed. of the Australian Guide to Legal Citation on line at www.usq.edu.au/libary/help/referencing/agle and provide a bibliography and write a short essay

On successful completion you will be able to:

 Explain the concept of a sustainable planet and its capacity to sustain the current level of economic development

Class participation

Due: Each week of the session

Weighting: 20%

Due date: Attendance at tutorials is compulsory

Weight: 20 %

Assessment criteria: Students are expected to undertake the prescribed readings in advance of the tutorials and are expected to actively participate in the class activities.

Students will be assessed on a weekly basis. Please see guide to assessment on iLearn for details on how marks are awarded for participation in tutorials at https://ilearn.mq.edu.au/login/MQ/).

Estimated Student workload (outside class time) on average 1 hour per week from week 1 to week 11.

On successful completion you will be able to:

- Demonstrate an ability to understand scientific articles in the popular press that relate to sustainability
- Evaluate international and national legal frameworks that address climate change, deforestation, fishing and waste
- Explain the concept of a sustainable planet and its capacity to sustain the current level of economic development

Assignment

Due: 28 April 2013 Weighting: 45%

The Assignment is comprised of 3 questions. Each question is worth 15 marks. Students are to undertake their own research in order to answer each of the questions. The questions examine the student's understanding of the materials, knowledge and ability to analyse and evaluate issues concerning the topics covered in the unit. As the questions relate to the material presented in the lectures students are strongly advised to attend.

Referencing and a bibliography are required. Instructions on how to footnote and write a bibliography are contained in the tutorial guide on iLearn. You can if you prefer adopt a referencing style that you are familiar with providing it is consistent.

Feedback to individual students will be given in writing when the assignments are handed back.

Extensions:

No extension will be granted

Penalties:

A mark of ZERO will be assigned for late submission

On successful completion you will be able to:

- Demonstrate an ability to understand scientific articles in the popular press that relate to sustainability
- Evaluate international and national legal frameworks that address climate change, deforestation, fishing and waste
- Explain the concept of a sustainable planet and its capacity to sustain the current level of economic development
- Assess current mitigation and adaptation strategies that relate to sustainability

Final examination

Due: **To be advised** Weighting: **30**%

Date: University Examination period. Please check the University's webpage for the University Examination period after the mid term break at http://exams.mq.edu.au/exam.

You are expected to present yourself for the examination at the time and place designated in the University Examination Timetable. The only exception to not sitting an examination at the designated time is because of documented illness or unavoidable disruption. In these circumstances you may wish to consider applying for Special Consideration. The policy is to be found at: http://www.mq.edu.au/policy/docs/special_consideration/policy.html.

If a Supplementary Examination is granted as a result of the Special Consideration process, the examination will be scheduled after the conclusion of the official examination period. Please note the supplementary examination will be of a similar format to the final examination.

Policy details relating to the principles and conduct of examinations is to be found at :http://www.mq.edu.au/policy/docs/examination/policy.html.

Length of exam :Two (2) hour examination with ten (10) minutes reading time .

Content of exam: The final examination will cover all topics covered after the mid term semester break. It is an open book formal examination.

Students are **not** required to pass the final examination in order to pass the unit.

Estimated Student Workload (outside class time)

On average 2 -3 hours per week from Week 1 to the Final Examination.

On successful completion you will be able to:

- Evaluate international and national legal frameworks that address climate change, deforestation, fishing and waste
- Explain the concept of a sustainable planet and its capacity to sustain the current level of economic development
- Assess current mitigation and adaptation strategies that relate to sustainability

Delivery and Resources

The unit is comprised of one 2-hour lecture and a 1-hour tutorial each week.

Tutorials begin in the second week of the session. The questions to be answered in the tutorials will be posted on iLearn a week in advance of each lecture.

The timetable for classes can be found on the University web site at: http://www.timetables.mq.edu.au/

Lecture attendance is critical to student learning in this unit. The lecture provides an overview of the topics listed for each week of the semester. The lectures are interactive and multi media. Some lectures will only be partially recorded and some will not be recorded due to copyright issues.

Non-attendance at lectures may result in students not being successful in passing this unit.

Power points will be posted on iLearn prior to each lecture which can be located on the web at http:learn.mq.edu.au.

Attendance at tutorials is compulsory. The roll will be taken for each tutorial. You are expected to attend at least 10 of the 12 tutorials. The criteria on which you are assessed in tutorials can be found on iLearn. Students are to arrive on time and not leave until the class ends unless they inform the lecturer prior to the class.

Mobile phones must not ring during a lecture or tutorial.

Required Text:

Phillipe Sands, Jacqueline Peel Principles of Environmental Law Cambridge University Press 2013

The text can be purchased from the Macquarie University Co-op Bookshop and also in the Special Reserve Section of the Library.

Other references will be supplied on iLearn.

This area of law is subject to changes in government policy and innovations in science. During the delivery of this unit students will be informed of new and important legal issues arising both at the international and national level. When new legislation or relevant material is published it will be uploaded on iLearn. Students are encouraged to advise the unit co-ordinator of any new material that may be of interest to other students undertaking this unit.

Tehcnology Used and Required

Technology used: learning managment system (iLearn: https://iLearn.mq.edu.au/login/MQ/

Unit Web Page

Lecture Notes (power point sides and other materials) are available on ILearn

Teaching and Learning Strategy

The tutorials will take place a week after the lecture. The work for the tutorials will be posted each week in advance of the lecture. Assessment includes participation in the tutorials and students will be required to undertake the prescribed readings prior to class and to contribute to class activies. Tutorials will commence in the second week of the session.

Unit Schedule

WEEK AND DATE	LECTURE TOPICS and READINGS FOR TUTORIALS - BUSL100 The tutorials commence in the second week of the session.
Lecture 1 Week 1 3 March 2014	Topic: What is meant by sustainability and sustainable development and scientific literacy? Readings: textbook Sands pages: 9-10, 30 – 33 39, 40 – 45, 47 - 49 Power points
Lecture 2 Week 2 10 March	Topic: Introduction to the international community's approach to managing environmental issues through regulation. Overview of environmental principles of international law. Readings: textbook Sands pages 10 – 14, 94 - 124 Power Points

Lecture 3	Topic: The causes and effect of climate change and global warming
Week 3	Readings:
17 March	Power points
	Analysis and critique of the film 'An Inconvenient Truth' to be shown in the lecture
	Case study relating to the film - Dimmock v Secretary of State for Education & Skills [2007] EWHC 2288 (Admin) (10 October 2007)
Lecture 4	Topic: The international community's response to climate change
Week 4	Readings: textbook Sands Chapter 7 pages 274 – 302
24 March	(Which includes a review of The IPCC Assessment Reports 1988, 2001, 2007, 2013 and the Stern Review 2006)
Lecture 5	Topic: Australia's response to climate change
Week 5	Readings: Power points
31 March	You need to visit the website below to gain an understanding of the role of the Department of the Environment and read the Emissions Reduction Fund Green paper on iLearn. You are to visit the Renewable Energy Target (RET) website below to understand how the Federal government approaches renewable energy issues
	Department of the Environment -
	http://www.environment.gov.au/aggregation/topics
	Emissions Reduction Fund Green Paper
	http://www.environment.gov.au/system/files/resources/66237232-3042-4cd8-99a3-040705fead3b/files/ersources/66237232-3040-4cd8-99a3-040705fead3b/files/ersources/66237232-3040-4cd8-99a3-040705fead3b/files/ersources/66237232-3040-4cd8-99a3-040705fead3b/files/ersources/66237232-3040-4cd8-99a3-040705fead3b/files/ersources/66237232-3040-4cd8-99a3-040705fead3b/files/ersources/66237232-3040-4cd8-99a3-040705fead3b/files/ersources/66237230-4cd8-99a3-040705fead3b/files/ersources/66237230-4cd8-99a0-4cd8-99a0-4cd8-99a0-4cd8-99a0-4cd8-99a0-4cd8-99a0-4cd8-99a0-4cd8-99a0-4cd8-99a0-4cd8-99a0-4cd8-99a0-4cd8-99a0-4cd8-99a0-4cd8-99a0-4cd8-99a0-4cd8-99a0-4cd8-99a0-4cd8-99a0-4cd8-99
	http://ret.cleanenergyregulator.gov.au/
Lecture 6	Topics: Renewable energy, emissions trading, the carbon market
Week 6	carbon capture and storage
7 April	Power points
	Introduction to the carbon market to be found at on iLearn at
	http://www.fern.org/sites/fern.org/files/FERN_designedtofail_internet_0.pdf
MID SESSION BREAK 14 TO 25 APRIL	

Lecture 7 Week 10 28 April	Topic: The problem of world waste Readings: Sands chapter 12 Power points
Lecture 8 Week 11 5 May	Topics: Carbon Sequestration, the effect on the planet of unsustainable tropical rainforest deforestation, the UN-REDD+Programme 2008 Readings: Sands pages 495 – 512 Power points Analysis and critque of excerpts from Film on Australia's tropical rainforest (WTWHA) and the <i>Wild Amazon</i> to be shown in the lecture
Lecture 9 Week 12 12 May	Topic: The Convention on Biological Diversity 1992 - its effect and limitations Readings: Sands Chapter 10 pages 449 - 478 Power points
Lecture 10 Week 13 19 May	Topic: Oceans, seas and marine living resources Readings: Sands chapter 9 342 - 349 Power points Discussion on the DVD <i>End of the Line</i> to be shown in the lecture
Lecture 11 Week 14 26 MAY	Topics: Oceans, seas and marine living resources, UNCLOS, management and supervision of territorial waters Readings: Sands chapter 9 Pages 349 – 352, 396 – 411, 423 - 448 Power points Specific legislative provisions that govern territorial waters posted on iLearn
Lecture 12 Week 15 2 June	Revision

Policies and Procedures

Macquarie University policies and procedures are accessible from <u>Policy Central</u>. 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.ht ml

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

Disruption to Studies Policy 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 <u>Learning and Teaching Category</u> 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/

The nature of scholarly endeavour, dependent as it is on the work of others, binds all members of the University community to abide by the principles of academic honesty. Its fundamental

principle is that all staff and students act with integrity in the creation, development, application and use of ideas and information. This means that:

- all academic work claimed as original is the work of the author making the claim
- · all academic collaborations are acknowledged
- · academic work is not falsified in any way
- · when the ideas of others are used, these ideas are acknowledged appropriately.

Further information on the academic honesty can be found in the Macquarie University Academic Honesty Policy at http://www.mq.edu.au/policy/docs/academic_honesty/policy.html

Grades

Macquarie University uses the following grades in coursework units of study:

HD - High Distinction

D - Distinction

CR - Credit

P - Pass

F - Fail

Grade descriptors and other information concerning grading are contained in the Macquarie University Grading Policy which is available at:

http://www.mq.edu.au/policy/docs/grading/policy.html

Grading Appeals and Final Examination Script Viewing

If, at the conclusion of the unit, you have performed below expectations, and are considering lodging an appeal of grade and/or viewing your final exam script please refer to the following website which provides information about these processes and the cut off dates in the first instance. Please read the instructions provided concerning what constitutes a valid grounds for appeal before appealing your grade.

http://www.businessandeconomics.mq.edu.au/new_and_current_students/undergraduate_current_students/how_do_i/grade_appeals

Special Consideration Policy

The University is committed to equity and fairness in all aspects of its learning and teaching. In

stating this commitment, the University recognises that there may be circumstances where a student is prevented by unavoidable disruption from performing in accordance with their ability. A special consideration policy exists to support students who experience serious and unavoidable disruption such that they do not reach their usual demonstrated performance level. In order to apply for special consideration a student must have achieved satisfactory progress in terms of coursework to the date of the request otherwise the request will be rejected.

The University policy is available at: http://www.mq.edu.au/policy/docs/special_consideration/policy.html.

Technology used and required

Students will need to access:

- Library databases to source materials for the assignment which can be done electronically
- Electronic internet access to iLearn to download materials required for class activities and assignments
- · Microsoft word for assignments
- · Unit web page

Course material is available on the learning managment system referred to as iLearn. The web page for this unit can be fund at: https://ilearn.mq.edu.au.

You must visit this website on a regular basis to access materials and announcements. It is a resource centre for this unit.

These are some of the materials you will find on iLearn.

- Tutorial guide containing questions to be undertaken each week
- Guide to footnoting and undertaking a bibliography is contained in the tutorial guide
- Weekly power point slides for the lectures
- All relevant material for the unit reports, u-tube, useful url's.

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 (<u>mq.edu.au/learningskills</u>) 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 <u>Disability Service</u> 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

IT Help

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

When using the University's IT, you must adhere to the <u>Acceptable Use Policy</u>. The policy applies to all who connect to the MQ network including students.

If you are unable to access the website for any reason please contact the IT helpdesk which will be able to assist you with using iLearn. Remember to log out when you have finished using iLearn to prevent unauthorised access to your iLearn account.

Graduate Capabilities

Discipline Specific Knowledge and Skills

Our graduates will take with them the intellectual development, depth and breadth of knowledge, scholarly understanding, and specific subject content in their chosen fields to make them competent and confident in their subject or profession. They will be able to demonstrate, where relevant, professional technical competence and meet professional standards. They will be able to articulate the structure of knowledge of their discipline, be able to adapt discipline-specific knowledge to novel situations, and be able to contribute from their discipline to inter-disciplinary solutions to problems.

This graduate capability is supported by:

Learning outcomes

- Demonstrate an ability to understand scientific articles in the popular press that relate to sustainability
- Evaluate international and national legal frameworks that address climate change, deforestation, fishing and waste
- Explain the concept of a sustainable planet and its capacity to sustain the current level of economic development
- · Assess current mitigation and adaptation strategies that relate to sustainability

Assessment tasks

- · Assessed Coursework
- · Class participation
- Assignment
- · Final examination

Critical, Analytical and Integrative Thinking

We want our graduates to be capable of reasoning, questioning and analysing, and to integrate and synthesise learning and knowledge from a range of sources and environments; to be able to critique constraints, assumptions and limitations; to be able to think independently and systemically in relation to scholarly activity, in the workplace, and in the world. We want them to have a level of scientific and information technology literacy.

This graduate capability is supported by:

Learning outcomes

- Demonstrate an ability to understand scientific articles in the popular press that relate to sustainability
- Evaluate international and national legal frameworks that address climate change, deforestation, fishing and waste
- Explain the concept of a sustainable planet and its capacity to sustain the current level of economic development
- Assess current mitigation and adaptation strategies that relate to sustainability

Assessment tasks

- Class participation
- Assignment
- · Final examination

Engaged and Ethical Local and Global citizens

As local citizens our graduates will be aware of indigenous perspectives and of the nation's historical context. They will be engaged with the challenges of contemporary society and with knowledge and ideas. We want our graduates to have respect for diversity, to be open-minded, sensitive to others and inclusive, and to be open to other cultures and perspectives: they should have a level of cultural literacy. Our graduates should be aware of disadvantage and social justice, and be willing to participate to help create a wiser and better society.

This graduate capability is supported by:

Learning outcomes

Demonstrate an ability to understand scientific articles in the popular press that relate to

sustainability

- Evaluate international and national legal frameworks that address climate change, deforestation, fishing and waste
- Explain the concept of a sustainable planet and its capacity to sustain the current level of economic development

Assessment tasks

- · Class participation
- Assignment

Socially and Environmentally Active and Responsible

We want our graduates to be aware of and have respect for self and others; to be able to work with others as a leader and a team player; to have a sense of connectedness with others and country; and to have a sense of mutual obligation. Our graduates should be informed and active participants in moving society towards sustainability.

This graduate capability is supported by:

Learning outcomes

- Demonstrate an ability to understand scientific articles in the popular press that relate to sustainability
- Explain the concept of a sustainable planet and its capacity to sustain the current level of economic development
- · Assess current mitigation and adaptation strategies that relate to sustainability

Assessment tasks

- · Class participation
- Assignment

Overview of unit

Development must be sustainable so that future generations can continue to access the many benefits this planet provides. In light of this statement, this unit explores the effects of economic development and the associated depletion of natural resources and environmental degradation which affect the atmosphere, the land and the sea. The unit focuses on how scientific research promotes the introduction of international and national legal frameworks that seek to address the challenge of sustainable management and utilization of resources. This necessarily involves taking into account issues of equity and justice and considering the needs of developing countries.

The unit focuses on the following challenges:

- 1. The need to move away from fossil fuel use because it releases harmful greenhouse gases into the atmosphere which cause pollution, climate change and global warming.
- 2. Addressing unsustainable deforestation whereby large quantities of carbon are emitted into the atmosphere and existing carbon sinks destroyed. The loss of forests is a major threat to biodiversity, rain production and the harnessing of fresh water.
- 3. Over fishing in the oceans

The unit looks at the causes of these problems and assesses the effectiveness of international and national legal agreements that attempt to address these problems.

Unit rationale

The unit gives students an understanding of the relationship between the sciences and the law that address the sustainable management of the world's natural resources both internationally and nationally. Students will critically evaluate whether enough is being done by governments, non-government organizations and citizens to promote and foster a sustainable and healthy planet for current and future generations.

Research and Practice

The unit uses research by the Macquarie University researcher

In press: Patricia Blazey 'The Trials and Tribulations of Gaining world Heritage Listing for the World Tropics World Heritage Area' (2014) vol 4 no 4 *International Journal of Public Law*

Tim Cadman, Tek Maraseni, Patricia Blazey, 'Perspectives on the Quality of Global Environmental Governance: An evaluation of NGO participation in global climate negotiations in the Asia-Pacific and beyond' with Australia and New Zealand (2012) *Third Sector Review* (vol. 18, no. 1)

Patricia Blazey, 'Challenges Faced in Sustainably Managing the Tropical Rainforest in Papua New Guinea' OIDA (2012) vol 4 no. 4 International Journal of Sustainable Development 35 – 48

Patricia Blazey, 'China's Approach to Dealing with Increasing Desertification in Northern China' (2012) vol 45 no 3 *The Chinese Economy*

Patricia Blazey, 'Will China's 12th Five-Year Plan Allow for Sufficient Nuclear Power to Support its Booming Economy in the Next Twenty Years?' (2012) vol 21 *Pacific Rim Law and Policy Journal University of Washington Law School*

Patricia Blazey, 'Theoretical Issues That Underlie The Drafting Of A Binding Treaty To Prevent Further Deforestation And Degradation Of The World's Tropical Rainforest's (2012) vol 2 176 *Int. J. Public Law And Policy,*

Patricia Blazey, 'Sustainable management of world forests – to what extent can regulation drive it?' (2011) vol 1 no 2 Int. J. Public Law and Policy

Patricia Blazey, 'Competing Theories on Protecting the World's Remaining Rainforests - Public Good Global Commons or Sovereignty' in Sylvia Mercado Kierkegaard *Law Across Nations Governance Policy and Statutes* International Association of IT Lawyers 2011

Patricia Blazey, Kaywah Chan 'Commercial Law of the People's Republic of China' (Lawbook Co Thomson Reuters Legal 2012)

Responses to Deforestation and Desertification

China's New Approach to Energy and Clean Energy in the $\mathbf{21}^{\mathsf{St}}$ century

The Challenges of Environmental Protection

China's Approach to Water Shortage and Pollution - with Wei Li

The Legal Response to Increasing Problem to Waste Disposal in China

Patricia Blazey, B Connors, C DeLacey, 'The Vicissitudes of Emissions Trading' (Green Power Monash University

Unit guide BUSL100 Global Legal Frameworks for a Sustainable Planet

Publication 2010)

Patricia Blazey, B Connors, C DeLacey, 'The Australian Emissions Trading Scheme' (Green Power Monash University Publication 2010)

Patricia Blazey, P.Gillies 'Feed-In Tariffs in Australia – Fiscal Incentives and Regulatory Regimes – Current Developments – Policies for the Future' (2010) International Journal of Private Law

Patricia Blazey 'Fiscal and Regulatory Challenges of Managing Sinks on the Basis of the Australian Experience' in Critical Issues in Environmental Taxation; International and Comparative Perspectives (Vol VI Oxford University Press UK March 2009)

Patricia Blazey, P Gillies, 'China - Growth and Current Challenges' (2009) June Business Law Journal

P Gillies, Patricia Blazey, 'Sustainable Housing in Australia – Fiscal Incentives and Regulatory Regimes - Current Developments – Policies for the Future' in *Critical Issues in Environmental Taxation; International and Comparative Perspectives* Vol VI (Oxford University Press UK March 2009)

Patricia Blazey, P Gillies, 'Reducing Emissions from Coal in Australia: Fiscal and Related Instruments – the Current State of Play' (2008) July *Murdoch University E-Law Journal*

Patricia Blazey, B Connors, 'Emissions Trading Schemes – Traps for New Players' (2008) November Macquarie Business Law Journal.

Patricia Blazey, P Govind, 'Environment Law in China' 'Intellectual Property Law in China' in *Chinese Commercial law* and Legal System (Thomson Legal and Regulatory Ltd 2008)

Paticia Blazey, 'China's Rapid Economic Growth and Resultant Negative Externalities', (2007) November *University of New South Wales Law Journal*

Patricia Blazey, P Govind, 'Financial Adaptation Challenges for the Insurance Industry due to Climate Change' (2007) November Macquarie Journal of Business Law