



# LAW 592

## Issues in Heritage Conservation

S1 Day 2014

*Dept of Law*

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## General Information

Unit convenor and teaching staff

Unit Convenor

Robert Stokes

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Credit points

3

Prerequisites

(6cp in LAW or LAWS units at 300 level) or (39cp including ENV267)

Corequisites

Co-badged status

Unit description

This unit examines the concept of heritage and the various mechanisms for conservation of natural and cultural, intangible and tangible, elements of heritage. Specific areas include underwater cultural heritage, movable heritage, Indigenous intangible heritage and cultural expressions. Legal regimes for heritage conservation at international, national, state and local levels are examined and case studies are used to illustrate the policy tensions inherent in environmental decision making in this area. International initiatives to address issues in heritage conservation are examined and the challenges to effective implementation in developed and developing countries assessed.

## 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 understanding of the philosophical and contextual frameworks underpinning definitions of heritage.

Display a sound knowledge of the scope of natural and cultural heritage, including intangible, tangible (moveable and immovable), Indigenous and underwater heritage.

Evince an appreciation of the international legal regime for conserving heritage and the challenges involved in effectively implementing international heritage conventions.

Ability to identify and recommend potential law reforms to address issues in international; national; and local heritage conservation.

Ability to assess the effectiveness of heritage conservation under the Australian legal system at Federal, State and local government levels.

Demonstrate an enquiring, critical and creative approach to established heritage law and policy.

## Assessment Tasks

Name	Weighting	Due
<a href="#"><u>Assessment One</u></a>	10%	On campus session
<a href="#"><u>Assessment Two</u></a>	30%	28th April 2014
<a href="#"><u>Assessment Three</u></a>	60%	9th June 2014

### Assessment One

Due: **On campus session**

Weighting: **10%**

Class participation will be assessed on the basis of involvement in the on campus sessions. Students should ensure they have completed the required reading for each session before the on campus sessions commence, and be prepared to discuss this material in each session. Specific questions are set out in the *Course Schedule and Reading List* on ilearn, and should be prepared in advance. But students should be prepared to participate in further discussion and analysis beyond the set questions. Students will not be awarded participation marks just for attending class. The following non-exhaustive list of criteria will be used to assess your class participation:

- Your preparedness for the on campus session assessed by your responses to questions and answers and opinions offered throughout class
- The level of analysis you display in class
- Your ability to answer questions put directly to you in class
- Your ability to articulate an educated and legally feasible argument in class
- The way in which you engage in a constructive way with other students and the Convenor in the class
- The quality NOT quantity of your contribution in class

Please note that the onus to participate in class is on you not on the Convenor. In other words, it is not the job of the Convenor to engage you in discussion so that you may avail yourself of the class participation assessment.

On successful completion you will be able to:

- Demonstrate an understanding of the philosophical and contextual frameworks underpinning definitions of heritage.
- Display a sound knowledge of the scope of natural and cultural heritage, including intangible, tangible (moveable and immovable), Indigenous and underwater heritage.
- Evince an appreciation of the international legal regime for conserving heritage and the challenges involved in effectively implementing international heritage conventions.
- Ability to identify and recommend potential law reforms to address issues in international; national; and local heritage conservation.
- Ability to assess the effectiveness of heritage conservation under the Australian legal system at Federal, State and local government levels.
- Demonstrate an enquiring, critical and creative approach to established heritage law and policy.

## Assessment Two

Due: **28th April 2014**

Weighting: **30%**

*Heritage is far from being a fixed concept. Rather it is a cultural construct, mutable in its meanings, and often contested (Aplin 2002, p. 27).*

Discuss how changing conceptions of heritage are reflected in heritage laws.

References:

Aplin, G. 2002, *Heritage: Identification, Conservation and Management*, Oxford University Press, South Melbourne.

<http://www.environment.gov.au/soe/2006/publications/integrative/heritage/recognising-heritage-values.html>

Students should utilise the course readings and additional references as set out on the *Course Schedule and Reading List* but some further research should also be undertaken.

The paper should be well structured including sub-headings where appropriate. The introduction should set out the scope of the paper. Be sure to answer the question asked. The essay should be fully referenced according to the Australian Guide to Legal Citation. [Maximum Word Length: 2,000 words.]

On successful completion you will be able to:

- Demonstrate an understanding of the philosophical and contextual frameworks underpinning definitions of heritage.

- Display a sound knowledge of the scope of natural and cultural heritage, including intangible, tangible (moveable and immovable), Indigenous and underwater heritage.

## Assessment Three

Due: **9th June 2014**

Weighting: **60%**

On successful completion you will be able to:

- Demonstrate an understanding of the philosophical and contextual frameworks underpinning definitions of heritage.
- Evince an appreciation of the international legal regime for conserving heritage and the challenges involved in effectively implementing international heritage conventions.
- Ability to identify and recommend potential law reforms to address issues in international; national; and local heritage conservation.
- Ability to assess the effectiveness of heritage conservation under the Australian legal system at Federal, State and local government levels.
- Demonstrate an enquiring, critical and creative approach to established heritage law and policy.

## Delivery and Resources

You will find all resources and required reading list in the online unit available at [ilearn.mq.edu.au](http://ilearn.mq.edu.au).

## Unit Schedule

ON CAMPUS SESSION DATES: 15<sup>th</sup> and 16<sup>th</sup> April 2014.

**All students** participating in the on-campus session **must sign in** between 8:30-8:50am with the **Centre for Open Education** (COE) in Building X5B first thing on 15<sup>th</sup> April 2013 and ALL students should check with COE for the room location for the on-campus session. Attendance and participation at these sessions is compulsory.

Tuesday 15<sup>th</sup> April 2014

9.00-10.00      **Introduction, consideration of the meaning of heritage**

10.00-11.00      **Concepts and approaches to heritage law and policy**

11.00-11.30 MORNING COFFEE

11.30-12.30 **International Heritage Law Framework**

12.30 - 1.30 LUNCH

1.30 - 2.30 **The World Heritage Convention**

2.30 - 3.30 **Safeguarding Intangible Cultural Heritage**

3.30 – 4.00 AFTERNOON TEA

4.00 – 5.00 **Moveable Cultural Heritage**

Wednesday 16<sup>th</sup> April 2014

9.00 - 10.30 **Australian Commonwealth Heritage Law**

10.30 -11.00 MORNING COFFEE

11.00 -12.30 **Australian State and Local Heritage Law**

12.30 - 1.30 LUNCH

1.30 - 3.00 **Underwater Cultural Heritage**

3.00 –3.30 AFTERNOON TEA

3.30 - 5.00 **Indigenous People, Culture and Heritage**

## 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

### Capable of Professional and Personal Judgement and Initiative

We want our graduates to have emotional intelligence and sound interpersonal skills and to demonstrate discernment and common sense in their professional and personal judgement. They will exercise initiative as needed. They will be capable of risk assessment, and be able to handle ambiguity and complexity, enabling them to be adaptable in diverse and changing environments.

This graduate capability is supported by:

#### Learning outcome

- Ability to assess the effectiveness of heritage conservation under the Australian legal system at Federal, State and local government levels.

### Commitment to Continuous Learning

Our graduates will have enquiring minds and a literate curiosity which will lead them to pursue knowledge for its own sake. They will continue to pursue learning in their careers and as they participate in the world. They will be capable of reflecting on their experiences and relationships with others and the environment, learning from them, and growing - personally, professionally and socially.

This graduate capability is supported by:

#### Learning outcome

- Ability to identify and recommend potential law reforms to address issues in international; national; and local heritage conservation.

### 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**

- Display a sound knowledge of the scope of natural and cultural heritage, including intangible, tangible (moveable and immovable), Indigenous and underwater heritage.
- Evince an appreciation of the international legal regime for conserving heritage and the challenges involved in effectively implementing international heritage conventions.

## **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 understanding of the philosophical and contextual frameworks underpinning definitions of heritage.
- Display a sound knowledge of the scope of natural and cultural heritage, including intangible, tangible (moveable and immovable), Indigenous and underwater heritage.
- Demonstrate an enquiring, critical and creative approach to established heritage law and policy.

## **Problem Solving and Research Capability**

Our graduates should be capable of researching; of analysing, and interpreting and assessing data and information in various forms; of drawing connections across fields of knowledge; and they should be able to relate their knowledge to complex situations at work or in the world, in order to diagnose and solve problems. We want them to have the confidence to take the initiative in doing so, within an awareness of their own limitations.

This graduate capability is supported by:

### **Learning outcomes**

- Demonstrate an understanding of the philosophical and contextual frameworks underpinning definitions of heritage.
- Ability to identify and recommend potential law reforms to address issues in international; national; and local heritage conservation.

- Ability to assess the effectiveness of heritage conservation under the Australian legal system at Federal, State and local government levels.
- Demonstrate an enquiring, critical and creative approach to established heritage law and policy.

## Creative and Innovative

Our graduates will also be capable of creative thinking and of creating knowledge. They will be imaginative and open to experience and capable of innovation at work and in the community. We want them to be engaged in applying their critical, creative thinking.

This graduate capability is supported by:

### Learning outcomes

- Ability to identify and recommend potential law reforms to address issues in international; national; and local heritage conservation.
- Demonstrate an enquiring, critical and creative approach to established heritage law and policy.

## Effective Communication

We want to develop in our students the ability to communicate and convey their views in forms effective with different audiences. We want our graduates to take with them the capability to read, listen, question, gather and evaluate information resources in a variety of formats, assess, write clearly, speak effectively, and to use visual communication and communication technologies as appropriate.

This graduate capability is supported by:

### Learning outcomes

- Ability to assess the effectiveness of heritage conservation under the Australian legal system at Federal, State and local government levels.
- Demonstrate an enquiring, critical and creative approach to established heritage law and policy.

## 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 understanding of the philosophical and contextual frameworks underpinning definitions of heritage.
- Evince an appreciation of the international legal regime for conserving heritage and the challenges involved in effectively implementing international heritage conventions.

## 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

- Display a sound knowledge of the scope of natural and cultural heritage, including intangible, tangible (moveable and immovable), Indigenous and underwater heritage.
- Evince an appreciation of the international legal regime for conserving heritage and the challenges involved in effectively implementing international heritage conventions.