



# LAW 543

## 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

3

Prerequisites

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

Corequisites

Co-badged status

Co-badged with LAW851.

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 change law at both the international and domestic level.

## 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 an 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 critically analyse the rationale for, and legal elements of, cap-and-trade and

other emission-reduction and offset models.

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

Demonstrate an 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 supported views on options for formulating long-term legal responses to climate change at the international level, including orally in class.

Display engagement with justice/ethical considerations particular to the field of climate change, including orally in class.

## 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: 1,200 words.** To be submitted through Turnitin as a Word document (no PDFs accepted).

On successful completion you will be able to:

- Display engagement with justice/ethical considerations particular to the field of climate change, including orally in class.

### 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 supported views on options for formulating long-term legal responses to climate change at the international level, including orally in class.
- Display engagement with justice/ethical considerations particular to the field of climate change, including orally in class.

## 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 might also 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: 3,800 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 an understanding of Australian laws and international treaties aimed at reducing greenhouse gas emissions by states or helping communities adapt to a changing climate.
- 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.

## 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

### 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 outcomes

- Express supported views on options for formulating long-term legal responses to climate change at the international level, including orally in class.
- Display engagement with justice/ethical considerations particular to the field of climate

change, including orally in class.

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

## 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 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 an 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

## 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 outcome**

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

### **Assessment tasks**

- Research paper outline
- Class participation

## **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**

- Explain and critically analyse the rationale for, and legal elements of, cap-and-trade and other emission-reduction and offset models.
- Critically compare legal and policy developments in Australia with those in other countries and regions.

### **Assessment task**

- Research paper

## **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 outcome**

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

(REDD).

## Assessment task

- Early reflection essay

## 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

- Demonstrate an 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 supported views on options for formulating long-term legal responses to climate change at the international level, including orally in class.

## Assessment tasks

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

## 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 outcome

- Display engagement with justice/ethical considerations particular to the field of climate change, including orally in class.

## 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 outcome**

- Display engagement with justice/ethical considerations particular to the field of climate change, including orally in class.