



# LAW 560

## Environmental Law

S1 Day 2015

*Dept of Law*

### Contents

---

<u>General Information</u>	2
<u>Learning Outcomes</u>	2
<u>Assessment Tasks</u>	3
<u>Delivery and Resources</u>	4
<u>Unit Schedule</u>	5
<u>Policies and Procedures</u>	5

---

#### **Disclaimer**

Macquarie University has taken all reasonable measures to ensure the information in this publication is accurate and up-to-date. However, the information may change or become out-dated as a result of change in University policies, procedures or rules. The University reserves the right to make changes to any information in this publication without notice. Users of this publication are advised to check the website version of this publication [or the relevant faculty or department] before acting on any information in this publication.

## General Information

Unit convenor and teaching staff

Lecturer and tutor

Alexander Zahar

[alexander.zahar@mq.edu.au](mailto:alexander.zahar@mq.edu.au)

Contact via Email

W3A 441

Any time by prior appointment

Credit points

3

Prerequisites

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

Corequisites

(39cp (including ENV300 or ENVE362 or ENVG340 or LAW490)) or admission to LLB or BAppFinLLB or BALLB or BA-MediaLLB or BA-PsychLLB or BBALLB or BComLLB or BCom-ProfAccgLLB or BEnvLLB or BITLLB or BIntStudLLB or BPsych(Hons)LLB or BScLLB or BSocScLLB

Co-badged status

LAW855

Unit description

Environmental law has evolved as a huge and rapidly developing field, inextricably tied to ethical, scientific, political and policy developments. The unit provides an introduction to environmental policy, philosophy and the legal system with a focus on the evolution of modern approaches to sustainable development. It explores key issues, concepts and principles involved in developing legal frameworks supporting sustainable development. The history, interdisciplinary context and legal techniques and processes will be the main focus.

## 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 knowledge of key ethical and interdisciplinary perspectives on the environment, and be able to use them in critical analysis of environmental issues.

Display a sound knowledge of the history of environmental law and regulation in Australia, including the emergence of sustainable development as a key principle.

Be knowledgeable about the different styles of legal regulation and the regulatory tools available, and be able to analyse their strengths and weaknesses in different contexts.

Demonstrate an understanding of how environmental law is related to other laws in Australia and at the international level.

Be familiar with the most important cases and statutes in Australian environmental law (including a critical grasp of their content and significance).

Have a sound understanding of the major challenges facing environmental law.

Be able to make sound recommendations for law reform, further research, or the creative application of existing law, to address environmental issues.

## Assessment Tasks

Name	Weighting	Due
<a href="#"><u>Short introductory essay</u></a>	20%	Monday 16 March
<a href="#"><u>Class participation</u></a>	30%	Throughout
<a href="#"><u>Research paper</u></a>	50%	Thursday 4 June

### Short introductory essay

Due: **Monday 16 March**

Weighting: **20%**

A short, early assessment, essay on a general aspect of environmental law. Topics and instructions will be posted on iLearn in Week 2 or earlier. It is meant as a reflective "ideas essay", rather than a research essay, but some reading and referencing will be required. Length: 1,200 words. To be submitted through Turnitin. Deadline: 23:55 on March 16th.

On successful completion you will be able to:

- Demonstrate knowledge of key ethical and interdisciplinary perspectives on the environment, and be able to use them in critical analysis of environmental issues.
- Have a sound understanding of the major challenges facing environmental law.

### Class participation

Due: **Throughout**

Weighting: **30%**

Students are expected to discuss relevant materials in class and answer tutorial questions and problems. You are also expected to engage with other students and the convenor/tutor in an

appropriate manner that involves analysis of the assigned material and informed responses to questions posed in class. Students will not be awarded the class participation mark simply for attending the tutorial sessions. For external students, the same principles apply in relation to the On-Campus Session.

On successful completion you will be able to:

- Display a sound knowledge of the history of environmental law and regulation in Australia, including the emergence of sustainable development as a key principle.
- Be knowledgeable about the different styles of legal regulation and the regulatory tools available, and be able to analyse their strengths and weaknesses in different contexts.
- Demonstrate an understanding of how environmental law is related to other laws in Australia and at the international level.
- Have a sound understanding of the major challenges facing environmental law.

## Research paper

Due: **Thursday 4 June**

Weighting: **50%**

Topics and instructions will be posted early in the semester. You can also submit your own essay topic for the convenor's approval. This is intended as a thought-provoking exercise to stimulate you to explore in depth a topic of genuine interest to you. Each student is required to **EMAIL** the convenor a one-page outline of his or her chosen research topic, method, and indicative sources for approval by Thursday 31 March. Research paper length: 3,800 words. To be submitted through Turnitin. Deadline: 23:55 on June 4th.

On successful completion you will be able to:

- Display a sound knowledge of the history of environmental law and regulation in Australia, including the emergence of sustainable development as a key principle.
- Be knowledgeable about the different styles of legal regulation and the regulatory tools available, and be able to analyse their strengths and weaknesses in different contexts.
- Demonstrate an understanding of how environmental law is related to other laws in Australia and at the international level.
- Be familiar with the most important cases and statutes in Australian environmental law (including a critical grasp of their content and significance).
- Be able to make sound recommendations for law reform, further research, or the creative application of existing law, to address environmental issues.

## Delivery and Resources

The textbook for the unit is Gerry Bates, *Environmental Law in Australia*, 8th edition, 2013.

Tutorial questions and other information about the unit will be communicated through iLearn.

## Unit Schedule

**Week 1:** Introduction to unit. History and context of environmental law. Required reading: **Chapters 1 and 2.**

Note: There will be no tutorial this week.

**Week 2:** Environmental legislation. Required reading: **Chapter 6.**

Note: Tutorials for internal students start in Week 2. Tutorial questions will be posted on iLearn a few days in advance.

**Week 3:** International environmental law. Required reading: **Chapter 4.**

**Week 4:** Sustainable development. Required reading: **Chapter 7.**

**Week 5:** Commonwealth environmental law. Required reading: **Chapter 5.**

**Week 6:** Biodiversity protection, Part I. Required reading: **Chapters 11 and 12.**

\*

**Semester break.**

**On-Campus Session, 15-16 April.**

A program for the OCS will be posted on iLearn prior to the semester break.

\*

**Week 7:** Biodiversity protection, Part II. Required reading: **Chapter 13.**

**Week 8:** Pollution and waste. Required reading: **Chapter 15.**

**Week 9:** Mining law. Required reading: **Chapter 14.**

**Week 10:** Climate change. Required reading: **Chapter 16.**

**Week 11:** Environmental crime. Required reading: **Chapters 18 and 19.**

**Week 12:** Limitations of environmental law. Required reading: **Chapter 20.**

**Week 13:** There will be **no lecture or tutorial** in this week. Use this week to put the final touches to your research paper.

## 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/)

## Results

Results shown in *iLearn*, or released directly by your Unit Convenor, are not confirmed as they are subject to final approval by the University. Once approved, final results will be sent to your student email address and will be made available in [eStudent](#). For more information visit [ask.mq.edu.au](http://ask.mq.edu.au).

## 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.