LAW 855

Environmental Law and Sustainable Development

S1 External 2015

Dept of Law

Contents

General Information

Unit convenor and teaching staff
Lecturer and tutor
Alexander Zahar
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Contact via Email
W3A 441
Any time by prior appointment

Credit points
4

Prerequisites
Admission to MEnvLaw or PGDipEnvLaw or PGCertEnvLaw or MIntEnvLaw or PGDipIntEnvLaw or PGCertIntEnvLaw or MIntRel or MWldMgt or PGDipWldMgt or LLM in Environmental Law or MSocEntre or PGCertSocEntre or MIntLawGovPubPol or GradDipIntRel or 42cp in LAW units at 400 or 500 level or (admission to JD and 32cp in LAW or LAWS units at 800 level)

Corequisites

Co-badged status
LAW 560

Unit description
The unit provides an introduction to environmental policy, philosophy, and the legal system. Environmental law has evolved into a large and rapidly developing field. International standards and laws are often absorbed into Australian environmental law with surprising speed. Students can approach this subject as an essential dimension of international law, constitutional law, common law, administrative law, or property law. Human rights and the deepening divide between North and South in our globalised world are also enduring issues. Environmental law can also be approached 'defensively' as a reaction to exploitative growth and ecologically destructive projects. Much of the early environmental law had this focus. The unit also highlights the importance of interdisciplinary approaches to law and the need to incorporate legal frameworks into wider and practical strategies for ecological sustainability.

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:

Identify and critique key ethical and interdisciplinary perspectives on the environment.

Describe and analyse the history of environmental law and regulation in Australia, including the emergence of sustainable development as a key principle.

Define and critique different styles of environmental regulation and the regulatory tools available.

Recognise and assess how environmental law relates to other laws in Australia and at the international level and the extent of consistency/inconsistency.

Identify and interpret the most important cases and statutes in Australian environmental law and critique their content and significance.

Identify and analyse the major challenges facing environmental law in Australia and explain whether solutions exist taking into consideration past successes/failures.

Analyse and prepare sound recommendations for law reform, further research, or the creative application of existing law, to address environmental issues.

Assessment Tasks

Name	Weighting	Due
Short introductory essay	20%	Monday 16 March
Class participation	30%	Throughout
Research paper	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: 1,400 words. To be submitted through Turnitin. Deadline: 23:55 on March 16th.

On successful completion you will be able to:

- Identify and critique key ethical and interdisciplinary perspectives on the environment.
- Identify and analyse the major challenges facing environmental law in Australia and explain whether solutions exist taking into consideration past successes/failures.

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:

• Describe and analyse the history of environmental law and regulation in Australia, including the emergence of sustainable development as a key principle.

• Define and critique different styles of environmental regulation and the regulatory tools available.

• Recognise and assess how environmental law relates to other laws in Australia and at the international level and the extent of consistency/inconsistency.

• Identify and analyse the major challenges facing environmental law in Australia and explain whether solutions exist taking into consideration past successes/failures.

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: 4,200 words. To be submitted through Turnitin. Deadline: 23:55 on June 4th.

On successful completion you will be able to:

• Describe and analyse the history of environmental law and regulation in Australia, including the emergence of sustainable development as a key principle.

• Define and critique different styles of environmental regulation and the regulatory tools available.

• Recognise and assess how environmental law relates to other laws in Australia and at the international level and the extent of consistency/inconsistency.

- Identify and interpret the most important cases and statutes in Australian environmental law and critique their content and significance.
- Analyse and prepare 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**.

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Semester break.

On-Campus Session, 15-16 April.

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

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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

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 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/

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.

Macquarie 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 will receive a mark of zero.

Word limits will be strictly applied and work above the word limit will not be marked. Footnotes are only to be used for referencing. Substantive material in footnotes will not be marked.

All assessments in the unit are to be submitted electronically. Plagiarism detection software is used in this unit.

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) 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](#)

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 - 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 outcome

- Identify and interpret the most important cases and statutes in Australian environmental law and critique their content and significance.

Assessment task

- Research paper

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

- Describe and analyse the history of environmental law and regulation in Australia, including the emergence of sustainable development as a key principle.
- Recognise and assess how environmental law relates to other laws in Australia and at the international level and the extent of consistency/inconsistency.

Assessment task

- Class participation

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

- Identify and critique key ethical and interdisciplinary perspectives on the environment.
- Define and critique different styles of environmental regulation and the regulatory tools available.
- Identify and interpret the most important cases and statutes in Australian environmental law and critique their content and significance.
- Identify and analyse the major challenges facing environmental law in Australia and explain whether solutions exist taking into consideration past successes/failures.

Assessment tasks

- Class participation
- Research paper

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 outcome

- Define and critique different styles of environmental regulation and the regulatory tools

available.

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 outcome

- Analyse and prepare sound recommendations for law reform, further research, or the creative application of existing law, to address environmental issues.

Assessment tasks

- Short introductory essay
- Class participation

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 outcomes

- Identify and analyse the major challenges facing environmental law in Australia and explain whether solutions exist taking into consideration past successes/failures.
- Analyse and prepare sound recommendations for law reform, further research, or the creative application of existing law, to address environmental issues.

Assessment task

- Short introductory essay