



# LAW 859

## Heritage Law and Policy

S1 Day 2015

*Dept of Law*

### Contents

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<a href="#"><u>General Information</u></a>	2
<a href="#"><u>Learning Outcomes</u></a>	2
<a href="#"><u>Assessment Tasks</u></a>	3
<a href="#"><u>Delivery and Resources</u></a>	5
<a href="#"><u>Unit Schedule</u></a>	5
<a href="#"><u>Policies and Procedures</u></a>	6
<a href="#"><u>Graduate Capabilities</u></a>	7

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#### **Disclaimer**

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## General Information

Unit convenor and teaching staff

Judith Preston

[judith.preston@mq.edu.au](mailto:judith.preston@mq.edu.au)

Credit points

4

Prerequisites

Admission to MEnvLaw or PGDipEnvLaw or PGCertEnvLaw or MIntEnvLaw or PGDipIntEnvLaw or PGCertIntEnvLaw or MPP or PGDipPP or LLM in (Environmental Law or International Environmental Law) 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

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 world heritage, underwater cultural heritage, movable heritage, Indigenous conceptions of heritage, intangible heritage and cultural expression. 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 a thorough understanding of the philosophical and contextual frameworks which shape definitions of heritage

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

Display a thorough knowledge of existing global laws to conserve heritage and the

challenges involved in effectively implementing them

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

Make recommendations for law reform and/or further research needed to address issues in international; national; and local heritage conservation taking into account the perspectives of various actors

Make a sound assessment of heritage conservation under the Australian legal system at Federal, State and local government levels and in particular the policy rationales which underpin domestic/national legal responses to heritage

## Assessment Tasks

Name	Weighting	Due
<u><a href="#">Class Participation</a></u>	10%	27-29 March 2015
<u><a href="#">Essay Topic</a></u>	35%	24 April 2015
<u><a href="#">Research Paper</a></u>	55%	12 June 2015

### Class Participation

Due: **27-29 March 2015**

Weighting: **10%**

Class participation will be assessed on the basis of involvement in the on campus session (OCS). 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. Guiding questions are set out in the *Course Readings and Preparation* document on iLearn and students should be prepared to participate in further discussion and analysis beyond these. 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:

- The level of preparedness for each OCS assessed by responses to questions, 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 make an educated and legally feasible arguments in class;
- The way in which you engage in a constructive way with other students and the Unit Convenor in class.

Please note that the onus to participate in class is on you not the Unit Convenor. In other words, it is not the job of the Unit 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:

- Display a sound knowledge of the scope of natural and cultural heritage, including intangible, tangible (moveable and immoveable), Indigenous and underwater heritage
- Display a thorough knowledge of existing global laws to conserve heritage and the challenges involved in effectively implementing them
- Demonstrate an enquiring, critical and creative approach to established heritage law and policy
- Make recommendations for law reform and/or further research needed to address issues in international; national; and local heritage conservation taking into account the perspectives of various actors

## Essay Topic

Due: **24 April 2015**

Weighting: **35%**

Students will be required to do an essay based on the course readings and additional references as set out on the *Course Schedule and Reading List* but some further research should also be undertaken. Essay topics will be distributed at the OCS.

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 3,500 words.]

On successful completion you will be able to:

- Demonstrate a thorough understanding of the philosophical and contextual frameworks which shape definitions of heritage
- Display a sound knowledge of the scope of natural and cultural heritage, including intangible, tangible (moveable and immoveable), Indigenous and underwater heritage
- Display a thorough knowledge of existing global laws to conserve heritage and the challenges involved in effectively implementing them
- Demonstrate an enquiring, critical and creative approach to established heritage law and policy
- Make a sound assessment of heritage conservation under the Australian legal system at Federal, State and local government levels and in particular the policy rationales which

underpin domestic/national legal responses to heritage

## Research Paper

Due: **12 June 2015**

Weighting: **55%**

Students are to complete an independent research paper on a topic of their choice related to this Unit. This task allows students to undertake in depth research and analysis of a specific aspect of heritage law, the legal frameworks in a given country or the legal issues associated with a particular site. A brief outline of the research question and structure of the paper should be submitted to the Convenor for approval by 8 May 2014. This is for your benefit to ensure that the topic is suitable and the structure and content appropriate.

The paper should be well structured including sub-headings where appropriate. The introduction should set out the scope of the paper. You need to include sufficient detail of the specific legal principles or regime and analysis/application of that law. Your conclusion should include recommendations for new law, law reform, further research and/or creative application of the existing law where appropriate. The essay should be fully referenced according to the Australian Guide to Legal Citation. [Maximum Word Length 5,500 words.]

55

On successful completion you will be able to:

- Demonstrate an enquiring, critical and creative approach to established heritage law and policy
- Make recommendations for law reform and/or further research needed to address issues in international; national; and local heritage conservation taking into account the perspectives of various actors
- Make a sound assessment of heritage conservation under the Australian legal system at Federal, State and local government levels and in particular the policy rationales which underpin domestic/national legal responses to heritage

## 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

This Unit is being held as an intensive where internal and external students will study together during the On Campus sessions.

The intensive face to face session will take place on 27, 28 and 29 March. This is compulsory and students unable to attend these sessions cannot undertake the unit.

You will not be able to register in classes if you are an internal student - there are no internal classes. As long as you have enrolled in the Unit, this will be sufficient.

## 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).

Students must note that they will receive zero in the event that they do not receive special consideration.

## 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

### 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

- Make recommendations for law reform and/or further research needed to address issues in international; national; and local heritage conservation taking into account the perspectives of various actors

#### Assessment tasks

- Class Participation
- 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

- Demonstrate a thorough understanding of the philosophical and contextual frameworks which shape 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
- Display a thorough knowledge of existing global laws to conserve heritage and the challenges involved in effectively implementing them
- Make a sound assessment of heritage conservation under the Australian legal system at Federal, State and local government levels and in particular the policy rationales which underpin domestic/national legal responses to heritage

## **Assessment tasks**

- Class Participation
- Essay Topic
- Research Paper

## **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**

- Demonstrate a thorough understanding of the philosophical and contextual frameworks which shape definitions of heritage
- Demonstrate an enquiring, critical and creative approach to established heritage law and policy
- Make a sound assessment of heritage conservation under the Australian legal system at Federal, State and local government levels and in particular the policy rationales which underpin domestic/national legal responses to heritage

## **Assessment tasks**

- Class Participation
- Essay Topic
- 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 outcomes**

- Display a sound knowledge of the scope of natural and cultural heritage, including intangible, tangible (moveable and immoveable), Indigenous and underwater heritage
- Demonstrate an enquiring, critical and creative approach to established heritage law and policy
- Make recommendations for law reform and/or further research needed to address issues in international; national; and local heritage conservation taking into account the perspectives of various actors
- Make a sound assessment of heritage conservation under the Australian legal system at Federal, State and local government levels and in particular the policy rationales which underpin domestic/national legal responses to heritage

## **Assessment tasks**

- Class Participation
- Essay Topic
- 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 outcomes**

- Demonstrate a thorough understanding of the philosophical and contextual frameworks which shape definitions of heritage
- Display a sound knowledge of the scope of natural and cultural heritage, including intangible, tangible (moveable and immoveable), Indigenous and underwater heritage
- Display a thorough knowledge of existing global laws to conserve heritage and the challenges involved in effectively implementing them
- Demonstrate an enquiring, critical and creative approach to established heritage law and policy
- Make recommendations for law reform and/or further research needed to address issues in international; national; and local heritage conservation taking into account the

perspectives of various actors

## **Assessment tasks**

- Class Participation
- Essay Topic
- Research Paper

## **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**

- Display a sound knowledge of the scope of natural and cultural heritage, including intangible, tangible (moveable and immoveable), Indigenous and underwater heritage
- Make recommendations for law reform and/or further research needed to address issues in international; national; and local heritage conservation taking into account the perspectives of various actors

## **Assessment tasks**

- Class Participation
- Essay Topic
- Research Paper