



LAW 855

Environmental Law and Sustainable Development

S1 External 2016

Dept of Law

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Disclaimer

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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 or MSocEntre or PGCertSocEntre or MIntLawGovPP or GradDipIntRel or MPPP or GradDipPP or MIntLawGovPubPol or 42cp in LAW or LAWS 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
<u>Short introductory essay</u>	20%	Monday 21 March
<u>Class participation</u>	30%	Throughout
<u>Research paper</u>	50%	Thursday 9 June

Short introductory essay

Due: **Monday 21 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 to be a reflective "ideas essay", rather than a research essay, but some reading and referencing will be required. Length: 1,300 words. To be submitted through Turnitin in **Word format**. Deadline: 23:55 on March 21st.

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.

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 9 June**

Weighting: **50%**

Essay 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 to be a thought-provoking exercise to stimulate you to independently explore in depth a topic of genuine interest to you. By **Tuesday 5 April**, 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. Research paper length: 4,000 words. To be submitted through Turnitin in **Word format**. Deadline: 23:55 on June 9th.

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

Readings for each week will be posted in advance on iLearn.

Recommended textbooks: Gerry Bates, *Environmental Law in Australia*, 8th edition, 2013; and D. E. Fisher, *Australian Environmental Law*, 3rd edition, 2014.

Weekly tutorial questions and other information about the unit will also be communicated through iLearn.

Unit Schedule

Week 1: Introduction to unit. History and context of environmental law. There will be **no tutorial** this week.

Week 2: Readings for this week must be completed and will be discussed in Week 3. There will be **no lecture or tutorial** this week.

Week 3: Introduction to international environmental law. **Tutorials start** this week. Tutorial questions will be posted on iLearn a few days in advance.

Week 4: Environmentally sustainable development.

Week 5: Commonwealth environmental law.

Week 6: Biodiversity protection and the law on biodiversity offsetting.

*** Semester break. ***

Week 7: Protection of forests.

Week 8: Pollution and waste.

Week 9: Coal mining and coal-seam gas.

Week 10: Climate change law.

Week 11: Environmental crime and enforcement.

Week 12: Limits of environmental law.

Week 13: There will be **no lecture or tutorial** in this week. Use this week to finalise your research essay.

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

New Assessment Policy in effect from Session 2 2016 http://mq.edu.au/policy/docs/assessment/policy_2016.html. For more information visit http://students.mq.edu.au/events/2016/07/19/new_assessment_policy_in_place_from_session_2/

Assessment Policy prior to Session 2 2016 <http://mq.edu.au/policy/docs/assessment/policy.html>

Grading Policy prior to Session 2 2016 <http://mq.edu.au/policy/docs/grading/policy.html>

Grade Appeal Policy <http://mq.edu.au/policy/docs/gradeappeal/policy.html>

Complaint Management Procedure for Students and Members of the Public http://www.mq.edu.au/policy/docs/complaint_management/procedure.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.

Assessment policy

In the absence of a successful application for special consideration due to a disruption to studies, any assessment task submitted after its published deadline will not be graded and will receive a mark of zero. Applications for a Disruption to Studies are made via ask.mq.edu.au and must be accompanied by supporting documentation. Students should refer to the Disruption to Studies policy for complete details of the policy and a description of the supporting documentation required.

Word limits will be strictly applied and work above the word limit will not be marked.

All assessments in the unit are to be submitted through Turnitin. 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://www.mq.edu.au/about_us/offices_and_units/information_technology/help/.

When using the University's IT, you must adhere to the [Acceptable Use of IT Resources 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