



LAWS575

Advanced Topics in Environmental Law

S1 Block 2016

Dept of Law

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General Information

Unit convenor and teaching staff

Convenor

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Credit points

3

Prerequisites

(24cp in LAW or LAWS units) or (39cp including ENV267)

Corequisites

Co-badged status

Unit description

This unit examines specialised topics in environmental law, rotating on a yearly basis. Some of the topics covered include biodiversity and biotechnology law, environmental litigation and mediation, Indigenous peoples and resource management, and water and marine biodiversity law. Students will be advised as to the content of the unit each year.

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:

1. Apply comparative legal method in the context of global environmental issues
2. Compare legal policy options to support environmental sustainability and identify implications of choices between legal policy tools and other approaches

3. Evaluate the effectiveness of the domestic legal and policy response of different countries to global environmental issues.
4. Identify the roles of NGOs, civil society movements, legislators, judges and lawyers in environmental governance
5. Understand the significance of rights-based approaches to environmental governance from a comparative perspective
6. Apply independent research skills in analyzing the effectiveness of environmental legal governance systems using a comparative law method.

Assessment Tasks

Name	Weighting	Due
<u>Class Participation</u>	20%	Continuous
<u>Fundamental concepts test</u>	20%	8 April 2016
<u>Synopsis for Research Essay</u>	10%	29 April 2016
<u>Research Essay</u>	50%	17 June 2106

Class Participation

Due: **Continuous**

Weighting: **20%**

Students should ensure they have completed the required reading for the first six modules prior to the three-day intensive on-campus session and be prepared to discuss this material critically. Students will not be awarded participation marks just for attending class. Participation will be graded on the basis of each student's participation evidencing their understanding of comparative perspective of environmental legal governance in different legal traditions and regions. A student's ability to analyse the effectiveness of different environmental legal systems using comparative law method will also be taken into account. Depending on the number of students in the class, those students who wish to enhance their assessment of class participation may be given the opportunity to give a brief presentation to the class on an agreed topic.

On successful completion you will be able to:

- 1. Apply comparative legal method in the context of global environmental issues
- 3. Evaluate the effectiveness of the domestic legal and policy response of different

countries to global environmental issues.

- 4. Identify the roles of NGOs, civil society movements, legislators, judges and lawyers in environmental governance
- 5. Understand the significance of rights-based approaches to environmental governance from a comparative perspective

Fundamental concepts test

Due: **8 April 2016**

Weighting: **20%**

This task that aims to assist the student's understanding of the comparative methodology in Environmental Law and its relevance in legal analysis and to provide feedback to understanding gained from accessing the lecture material from the first six modules. This is a written task that requires students to complete a collection of short answer questions. It is to be submitted via Turnitin prior to the on-campus sessions.

On successful completion you will be able to:

- 1. Apply comparative legal method in the context of global environmental issues
- 3. Evaluate the effectiveness of the domestic legal and policy response of different countries to global environmental issues.

Synopsis for Research Essay

Due: **29 April 2016**

Weighting: **10%**

Students must submit a 500 word synopsis for their proposed research essay providing the working topic, the research question, the methodology and literature review, and the value of the research.

On successful completion you will be able to:

- 2. Compare legal policy options to support environmental sustainability and identify implications of choices between legal policy tools and other approaches
- 3. Evaluate the effectiveness of the domestic legal and policy response of different countries to global environmental issues.
- 6. Apply independent research skills in analyzing the effectiveness of environmental legal governance systems using a comparative law method.

Research Essay

Due: 17 June 2106

Weighting: 50%

Students must submit an essay that presents independent research comparing the legal and policy approaches available to overcoming a particular environmental problem that has been recognized as having international importance. A comparison will be made between at least two countries one of which may be Australia.

Legal and policy approaches include *inter alia*: choice of policy tools; provisions within relevant legislation; the role of institutions including the courts; and enforcement and compliance.

Students are to select the international treaty regime but can request guidance from the teacher.

Included as part of their response, the student must justify the selection of the countries that are the focus of the research essay; explain the basis for comparison; identify any obstacles that arise in making comparisons; illustrate how and why the comparison is useful in terms of better understanding of the prospects and limitations of legal approach adopted in each country; and lessons learned for effective environmental governance.

These factors are critical – an essay that lacks a useful basis for comparison will be poorly received.

The essay must submit a compelling argument on the topic – a submission that merely describes an environmental issue does not constitute a research essay.

Assessment will be based on the extent of research; demonstration of analytical skills; clarity of argument; structure and style of writing; and other generic skills in accordance with the learning outcomes.

Word limit is 5,000 words. Word limits will be strictly applied and work above the word limit will not be marked. The word limit will not include footnotes providing references but will include explanatory footnotes.

On successful completion you will be able to:

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countries to global environmental issues.

- 4. Identify the roles of NGOs, civil society movements, legislators, judges and lawyers in environmental governance
- 5. Understand the significance of rights-based approaches to environmental governance from a comparative perspective
- 6. Apply independent research skills in analyzing the effectiveness of environmental legal governance systems using a comparative law method.

Delivery and Resources

This course is on **Comparative Environmental Law** and as such the course is dedicated to environmental law content taught through using **comparative methodology**. The objective is to develop critical skills in assessing options that are available in meeting internationally agreed environmental protection goals. This will be done through understanding the scope and evolution of national and international environmental law, analysis of options in choice of legal policy tools; critical evaluation of legislative frameworks, as well as analysis of judicial decision making.

There will be an upfront focus on comparative methodology and environmental law policy tools and approaches that students will then be expected to carry through the course. This is reflected in the assessment tasks. The earlier modules will cover theory and concepts and the last five modules will focus on particularly pressing areas for development of environmental law allowing for more in depth case studies namely pollution control, protection of biodiversity, management of water resources and mitigation of greenhouse gas emissions.

The course will be taught through recorded lectures complemented by on-campus teaching through a three-day intensive series of seminars (six hours each day). The first two days will consist of brief lectures picking up the key points from each of the modules covered to date followed by discussion of the readings. There will be an opportunity to introduce the content that will arise in modules after the on-campus teaching although students will not be expected to have read the modules for these seminars. The face-to-face contact during the on-campus teaching will provide an opportunity for students to discuss their research topic with their teacher.

Consistent use of and reference to iLearn is absolutely essential. Students need to follow the course by completing the readings and exercises listed in the weekly reading list and seminar questions/discussion points. These will be supplied as separate documents via the iLearn page.

The materials will be uploaded onto the library e-reserve - please note there is no prescribed textbook for this subject.

The on-campus sessions will be conducted as seminars – not lectures. They are designed to provide students with the opportunity for critical discussion of the law and students must come having read the course materials and ready to participate. The on-campus session is compulsory for all students and is assessed as set out below. You should anticipate spending an additional 8 hours per week on the subject engaged in reading, reflection and research and undertaking assessment tasks.

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.

University regulations require that all classes, assignments and compulsory on-campus sessions be satisfactorily attended and completed. Non-completion of any piece of work, non-attendance at a compulsory on-campus Session (external students) without sufficient excuse will result in an F grade.

All written assessment work is to be submitted via Turnitin and marked using the Grademark platform. Turnitin is accessed via the iLearn page for this unit. Plagiarism detection software is used in this unit.

There are to be no hard copy, paper based submissions in this course.

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 electronically via

ask.mq.edu.au and should 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.

The expected method of citation is known as the Australian Guide to Legal Citation Third Edition (AGLC). Students must be familiar with this guide and apply the citation methodology. It is available to be downloaded at http://law.unimelb.edu.au/__data/assets/pdf_file/0007/1586203/FinalOnlinePDF-2012Reprint.pdf

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

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 outcomes

- 2. Compare legal policy options to support environmental sustainability and identify implications of choices between legal policy tools and other approaches
- 3. Evaluate the effectiveness of the domestic legal and policy response of different countries to global environmental issues.
- 5. Understand the significance of rights-based approaches to environmental governance from a comparative perspective
- 6. Apply independent research skills in analyzing the effectiveness of environmental legal governance systems using a comparative law method.

Assessment tasks

- Synopsis for Research Essay
- Research Essay

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

- 3. Evaluate the effectiveness of the domestic legal and policy response of different countries to global environmental issues.
- 4. Identify the roles of NGOs, civil society movements, legislators, judges and lawyers in environmental governance
- 6. Apply independent research skills in analyzing the effectiveness of environmental legal governance systems using a comparative law method.

Assessment task

- Research Essay

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

- 1. Apply comparative legal method in the context of global environmental issues
- 6. Apply independent research skills in analyzing the effectiveness of environmental legal governance systems using a comparative law method.

Assessment task

- Research Essay

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

- 1. Apply comparative legal method in the context of global environmental issues
- 2. Compare legal policy options to support environmental sustainability and identify implications of choices between legal policy tools and other approaches
- 3. Evaluate the effectiveness of the domestic legal and policy response of different countries to global environmental issues.
- 5. Understand the significance of rights-based approaches to environmental governance from a comparative perspective

Assessment tasks

- Class Participation
- Fundamental concepts test
- Synopsis for Research Essay
- Research Essay

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 outcomes

- 1. Apply comparative legal method in the context of global environmental issues
- 3. Evaluate the effectiveness of the domestic legal and policy response of different countries to global environmental issues.
- 5. Understand the significance of rights-based approaches to environmental governance from a comparative perspective

Assessment tasks

- Fundamental concepts test
- Synopsis for Research Essay
- Research Essay

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

- 2. Compare legal policy options to support environmental sustainability and identify implications of choices between legal policy tools and other approaches
- 3. Evaluate the effectiveness of the domestic legal and policy response of different countries to global environmental issues.
- 6. Apply independent research skills in analyzing the effectiveness of environmental legal governance systems using a comparative law method.

Assessment task

- Research 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

- 1. Apply comparative legal method in the context of global environmental issues
- 2. Compare legal policy options to support environmental sustainability and identify implications of choices between legal policy tools and other approaches
- 3. Evaluate the effectiveness of the domestic legal and policy response of different countries to global environmental issues.
- 6. Apply independent research skills in analyzing the effectiveness of environmental legal governance systems using a comparative law method.

Assessment tasks

- Class Participation
- Synopsis for Research Essay
- Research Essay

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 outcomes

- 4. Identify the roles of NGOs, civil society movements, legislators, judges and lawyers in environmental governance
- 5. Understand the significance of rights-based approaches to environmental governance from a comparative perspective

Assessment task

- Class Participation

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 outcomes

- 2. Compare legal policy options to support environmental sustainability and identify implications of choices between legal policy tools and other approaches
- 4. Identify the roles of NGOs, civil society movements, legislators, judges and lawyers in environmental governance
- 5. Understand the significance of rights-based approaches to environmental governance from a comparative perspective

Assessment task

- Class Participation