



# LAWS592

## Issues in Heritage Conservation

S1 External 2016

*Dept of Law*

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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

3

Prerequisites

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

Corequisites

Co-badged status

Law 859-Heritage Law and Policy

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 underwater cultural heritage, movable heritage, Indigenous intangible heritage and cultural expressions. 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:

1. Demonstrate an understanding of the philosophical and contextual frameworks underpinning definitions of heritage.
2. Display a sound knowledge of the scope of natural and cultural heritage, including intangible, tangible (moveable and immovable), Indigenous and underwater heritage.
3. Develop an appreciation of the international law framework for heritage conservation and the challenges involved in effective implementation of international heritage conventions at the domestic level.

4. Demonstrate an ability to identify and recommend potential law reforms to address issues in international, national, and local heritage conservation.
5. Demonstrate an ability to assess the effectiveness of heritage conservation under the Australian legal system at Federal, State and local government levels.
6. Demonstrate an enquiring, critical and creative approach to established heritage law and policy.

## General Assessment Information

All written assessments should be submitted via iLearn with a copy emailed to the Convenor.

## Assessment Tasks

Name	Weighting	Due
<a href="#"><u>Class Participation</u></a>	20%	22-24 April 2016 (Day 1-3)
<a href="#"><u>Research Essay</u></a>	40%	6 June 2016
<a href="#"><u>Group Presentation</u></a>	40%	24 April 2016 (Day 3)

### Class Participation

Due: **22-24 April 2016 (Day 1-3)**

Weighting: **20%**

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.

On successful completion you will be able to:

- 1. Demonstrate an understanding of the philosophical and contextual frameworks underpinning definitions of heritage.
- 2. Display a sound knowledge of the scope of natural and cultural heritage, including intangible, tangible (moveable and immovable), Indigenous and underwater heritage.
- 3. Develop an appreciation of the international law framework for heritage conservation and the challenges involved in effective implementation of international heritage conventions at the domestic level.
- 4. Demonstrate an ability to identify and recommend potential law reforms to address issues in international, national, and local heritage conservation.
- 5. Demonstrate an ability to assess the effectiveness of heritage conservation under the Australian legal system at Federal, State and local government levels.
- 6. Demonstrate an enquiring, critical and creative approach to established heritage law and policy.

## Research Essay

Due: **6 June 2016**

Weighting: **40%**

The research essay requires students to select a topic from the list of essay topics provided by the Unit Convenor on iLearn. If a student wishes to select his or her own topic, he or she must seek approval of the topic at least 3 weeks before the due date for the essay. The essay should be a maximum of 5,000 words including citations and bibliography. The essay should be fully referenced in compliance with the most recent edition of the *Australian Guide to Legal Citation*. This research essay will focus on independent writing and research.

On successful completion you will be able to:

- 1. Demonstrate an understanding of the philosophical and contextual frameworks underpinning definitions of heritage.
- 2. Display a sound knowledge of the scope of natural and cultural heritage, including intangible, tangible (moveable and immovable), Indigenous and underwater heritage.
- 3. Develop an appreciation of the international law framework for heritage conservation and the challenges involved in effective implementation of international heritage conventions at the domestic level.
- 4. Demonstrate an ability to identify and recommend potential law reforms to address issues in international, national, and local heritage conservation.

- 5. Demonstrate an ability to assess the effectiveness of heritage conservation under the Australian legal system at Federal, State and local government levels.
- 6. Demonstrate an enquiring, critical and creative approach to established heritage law and policy.

## Group Presentation

Due: **24 April 2016 (Day 3)**

Weighting: **40%**

Students will be divided into groups of up to 4 students and given an important judicial decision relating to heritage law. The presentation will be orally delivered and must be supported by a powerpoint presentation. The presentation must be a maximum of 10 minutes. Groups exceeding the time limit will be penalized by up to 10% of the mark.

Students will be assessed on the:

- Clarity of of the facts, ratio and rationale of the case.
- Reason for its importance in the context of the legal policy framework.
- Ability of the group to propose and lead appropriate class discussion questions.

This assessment requires the group to submit a summary paper of a maximum of 1,000 words consisting of the powerpoint presentation and any other relevant material.

On successful completion you will be able to:

- 1. Demonstrate an understanding of the philosophical and contextual frameworks underpinning definitions of heritage.
- 2. Display a sound knowledge of the scope of natural and cultural heritage, including intangible, tangible (moveable and immovable), Indigenous and underwater heritage.
- 3. Develop an appreciation of the international law framework for heritage conservation and the challenges involved in effective implementation of international heritage conventions at the domestic level.
- 4. Demonstrate an ability to identify and recommend potential law reforms to address issues in international, national, and local heritage conservation.
- 5. Demonstrate an ability to assess the effectiveness of heritage conservation under the Australian legal system at Federal, State and local government levels.
- 6. Demonstrate an enquiring, critical and creative approach to established heritage law and policy.

## 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 delivered by recorded seminars in **E3ARoom 165** and as an intensive where internal and external students will study together during the On Campus sessions. The seminars are compulsory for internal students.

The intensive face to face session will take place on 22-24 April 2016 at **E5A Room 120** from 9am-6pm. **The entire OCS is compulsory for all students**. If you cannot attend the compulsory sessions you will not be able to complete the unit.

## Learning and Teaching Activities

### OCS Outline

The outline will be uploaded to iLearn

### 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)

**New Assessment Policy in effect from Session 2 2016** [http://mq.edu.au/policy/docs/assessment/policy\\_2016.html](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/](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](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](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](#).

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 documentation required.

## 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/](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

- 3. Develop an appreciation of the international law framework for heritage conservation and the challenges involved in effective implementation of international heritage conventions at the domestic level.
- 6. Demonstrate an enquiring, critical and creative approach to established heritage law and policy.

## Assessment tasks

- Class Participation
- Research Essay
- Group Presentation

## 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

- 5. Demonstrate an ability to assess the effectiveness of heritage conservation under the Australian legal system at Federal, State and local government levels.
- 6. Demonstrate an enquiring, critical and creative approach to established heritage law and policy.

## Assessment tasks

- Class Participation
- Group Presentation

## 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:



## Assessment tasks

- Class Participation
- Research Essay
- Group Presentation

## 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. Demonstrate an understanding of the philosophical and contextual frameworks underpinning definitions of heritage.
- 2. Display a sound knowledge of the scope of natural and cultural heritage, including intangible, tangible (moveable and immoveable), Indigenous and underwater heritage.
- 3. Develop an appreciation of the international law framework for heritage conservation and the challenges involved in effective implementation of international heritage conventions at the domestic level.
- 4. Demonstrate an ability to identify and recommend potential law reforms to address issues in international, national, and local heritage conservation.
- 5. Demonstrate an ability to assess the effectiveness of heritage conservation under the Australian legal system at Federal, State and local government levels.
- 6. Demonstrate an enquiring, critical and creative approach to established heritage law and policy.

## Assessment tasks

- Class Participation
- 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. Demonstrate an understanding of the philosophical and contextual frameworks underpinning definitions of heritage.
- 2. Display a sound knowledge of the scope of natural and cultural heritage, including intangible, tangible (moveable and immovable), Indigenous and underwater heritage.
- 3. Develop an appreciation of the international law framework for heritage conservation and the challenges involved in effective implementation of international heritage conventions at the domestic level.
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- 5. Demonstrate an ability to assess the effectiveness of heritage conservation under the Australian legal system at Federal, State and local government levels.
- 6. Demonstrate an enquiring, critical and creative approach to established heritage law and policy.

## **Assessment tasks**

- Class Participation
- 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**

- 4. Demonstrate an ability to identify and recommend potential law reforms to address issues in international, national, and local heritage conservation.
- 5. Demonstrate an ability to assess the effectiveness of heritage conservation under the Australian legal system at Federal, State and local government levels.
- 6. Demonstrate an enquiring, critical and creative approach to established heritage law and policy.

## Assessment tasks

- Research Essay
- Group Presentation

## 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. Demonstrate an understanding of the philosophical and contextual frameworks underpinning definitions of heritage.
- 2. Display a sound knowledge of the scope of natural and cultural heritage, including intangible, tangible (moveable and immoveable), Indigenous and underwater heritage.
- 3. Develop an appreciation of the international law framework for heritage conservation and the challenges involved in effective implementation of international heritage conventions at the domestic level.
- 5. Demonstrate an ability to assess the effectiveness of heritage conservation under the Australian legal system at Federal, State and local government levels.

## Assessment tasks

- Class Participation
- Group Presentation

## Changes since First Published

Date	Description
08/02/2016	The delivery of the unit has been extended to weekly recorded seminars compulsory for internal students, the OCS is compulsory for all students as it includes assessments, guest lectures and a field trip.