



LAWS560

Environmental Law

S1 Day 2018

Dept of Law

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General Information

Unit convenor and teaching staff

Convenor

Jeff Smith

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Contact via Email

Arrange via email

Jeffrey Smith

jeffrey.smith@mq.edu.au

Credit points

3

Prerequisites

(24cp in LAW or LAWS units) or (39cp at 100 level or above including ENV267)

Corequisites

ENV300 or ENVE362 or ENVG340 or LAW314 or LAW315 or LAWS398 or LAWS399 or LAW490 or LAWS540 or GEOP340 or ENVS362

Co-badged status

LAW855

Unit description

The unit provides an introduction to environmental law in Australia. Environmental law has evolved into a large and rapidly developing field. 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 divides in our globalised world are also enduring issues. Environmental law can also be seen as a reaction to exploitative growth and ecologically destructive projects. Much of the early environmental law had this focus. The unit also highlights the need for 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 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 different styles of environmental regulation and the regulatory tools available.

Recognise 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.

Identify and analyse the major challenges facing environmental law in Australia.

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

General Assessment Information

Details of the assessment tasks and detailed marking rubrics are available on iLearn. All written assessments are to be submitted electronically via Turnitin. Plagiarism detection software is used in this unit and the University's Academic Honesty Policy is strictly applied. All written assignments must be referenced in accordance with the Australian Guide to Legal Citation Volume 3. Word limits will be strictly applied. Material over the word limit will not be read.

Unless a Special Consideration request has been submitted and approved,

(a) a penalty for lateness will apply – two (2) marks out of 100 will be deducted per day for assignments submitted after the due date – and

(b) no assignment will be accepted more than seven (7) days (incl. weekends) after the original submission deadline.

No late submissions will be accepted for timed assessments – e.g. quizzes, online tests.

Assessment Tasks

Name	Weighting	Hurdle	Due
Short introductory essay	30%	No	11:59pm Friday 23rd March 2018
Class participation	20%	No	Throughout
Research essay	50%	No	11:59pm Sunday 10th June 2018

Short introductory essay

Due: **11:59pm Friday 23rd March 2018**

Weighting: **30%**

A short essay on a specific aspect of environmental law. Topics and instructions will be posted on iLearn in Week 3 or earlier. It is not a research essay, but some reading and referencing will be required. Length: 1,500 words (excluding footnotes and bibliography). To be submitted

through Turnitin in **Word format**.

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 different styles of environmental regulation and the regulatory tools available.

Class participation

Due: **Throughout**

Weighting: **20%**

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 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, class participation is assessed during the On-Campus Session.

On successful completion you will be able to:

- Identify 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 different styles of environmental regulation and the regulatory tools available.
- Recognise 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.
- Identify and analyse the major challenges facing environmental law in Australia.
- Analyse and prepare sound recommendations for law reform, further research, or the creative application of existing law, to address environmental issues.

Research essay

Due: **11:59pm Sunday 10th June 2018**

Weighting: **50%**

Essay topics and instructions will be posted early in the semester. This is to be a thought-provoking exercise to stimulate you to independently explore in depth a topic of genuine interest to you.

By **5pm Friday 6th April**, each student is required to **EMAIL** the convenor a one-page outline of their chosen research topic, method, and indicative sources for approval.

Research paper length: 4,000 words (excluding footnotes and bibliography). To be submitted through Turnitin in **Word format**.

On successful completion you will be able to:

- Identify and interpret the most important cases and statutes in Australian environmental law.
- Identify and analyse the major challenges facing environmental law in Australia.
- 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.

Textbook: Gerry Bates, *Environmental Law in Australia*, 9th edition, 2016.

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

Students will be required to use a computer to interact with online research databases and web-based research tools. This unit's iLearn page will also contain additional lessons with multimedia content to facilitate learning. All students need access to a secure and reliable server for access to iLearn and submission of assessment tasks.

Unit Schedule

Week 1: Introduction: history and context of environmental law

There will be **no tutorial** this week.

Week 2: Public interest environmental law and access to justice

Tutorials start this week. Tutorial questions will be posted on iLearn a few days in advance.

Week 3: International environmental law

Week 4: Principles of environmental law

Week 5: Commonwealth environmental law

Week 6: Pollution law

Week 7: Threatened species law

Mid-Semester Break

On-Campus Session for external students: Wednesday 18th April and Thursday 19th April (25a Wallys Wlk - G08 Tutorial Room)

Week 8: Climate change law

Week 9: Climate change and biodiversity: how can the law adapt?

Week 10: Mining law

Week 11: Environmental crime

Week 12: Limits of environmental law

Week 13: Private law and the environment

Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central \(https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central\)](https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central). Students should be aware of the following policies in particular with regard to Learning and Teaching:

- [Academic Appeals Policy](#)
- [Academic Integrity Policy](#)
- [Academic Progression Policy](#)
- [Assessment Policy](#)
- [Fitness to Practice Procedure](#)
- [Grade Appeal Policy](#)
- [Complaint Management Procedure for Students and Members of the Public](#)
- [Special Consideration Policy](#) (**Note:** *The Special Consideration Policy is effective from 4 December 2017 and replaces the Disruption to Studies Policy.*)

Undergraduate students seeking more policy resources can visit the [Student Policy Gateway \(https://students.mq.edu.au/support/study/student-policy-gateway\)](https://students.mq.edu.au/support/study/student-policy-gateway). It is your one-stop-shop for the key policies you need to know about throughout your undergraduate student journey.

If you would like to see all the policies relevant to Learning and Teaching visit [Policy Central \(https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central\)](https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/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/study/getting-started/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.

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

- Define different styles of environmental regulation and the regulatory tools available.
- Recognise how environmental law relates to other laws in Australia and at the international level and the extent of consistency/inconsistency.

Assessment tasks

- Short introductory essay

- Class participation

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

- Identify and interpret the most important cases and statutes in Australian environmental law.
- Analyse and prepare sound recommendations for law reform, further research, or the creative application of existing law, to address environmental issues.

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

- Identify and interpret the most important cases and statutes in Australian environmental law.
- Analyse and prepare sound recommendations for law reform, further research, or the creative application of existing law, to address environmental issues.

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

- Identify key ethical and interdisciplinary perspectives on the environment.
- Define different styles of environmental regulation and the regulatory tools available.
- Recognise 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.

Assessment tasks

- Short introductory essay
- Class participation

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

- Describe and analyse the history of environmental law and regulation in Australia, including the emergence of sustainable development as a key principle.
- Define different styles of environmental regulation and the regulatory tools available.
- Recognise 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.

Assessment tasks

- Short introductory essay
- 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

- Describe and analyse the history of environmental law and regulation in Australia, including the emergence of sustainable development as a key principle.
- Identify and interpret the most important cases and statutes in Australian environmental law.
- Identify and analyse the major challenges facing environmental law in Australia.

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 outcome

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

Assessment tasks

- Short introductory essay
- Class participation

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

- Identify key ethical and interdisciplinary perspectives on the environment.
- Define different styles of environmental regulation and the regulatory tools available.
- Identify and analyse the major challenges facing environmental law in Australia.
- Analyse and prepare sound recommendations for law reform, further research, or the creative application of existing law, to address environmental issues.

Assessment task

- Research essay

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

- Identify key ethical and interdisciplinary perspectives on the environment.
- Recognise 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.
- Analyse and prepare sound recommendations for law reform, further research, or the creative application of existing law, to address environmental issues.

Assessment task

- Class participation

Changes from Previous Offering

Some content has been updated or replaced in order to keep pace with developments in this area of the law.