LAW 851

Climate Change Law

S3 External 2017

Dept of Law

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General Information

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Credit points
4

Prerequisites
Admission to MEnvLaw or MIntEnvLaw or MIntTrdeComLaw or MIntRelMIntTrdeComLaw or MPPP or MPlan or LLM or MIntLawGovPP 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

Unit description
Almost daily we encounter a new development or opinion concerning climate change, but what do we know about the legal framework that has formed around the subject? This unit is an introduction to the subject of climate change with a particular focus on its legal aspects. It is designed to help students understand the fundamentals of climate change law at the international and domestic levels.

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 familiarity with basic concepts on the physical aspects of climate change, including its causes and impacts, as a foundation from which to engage with other aspects of the field.
Demonstrate a detailed understanding of the international and domestic framework aimed at mitigation of greenhouse gas emissions by states or adaptation measures for multiple stakeholders in a changing climate.
Understand and evaluate the rationale for and legal elements of carbon pricing, carbon trading, and other emission-reduction and offset models
Analyze policies and laws for and against state-supported or private initiatives that impact on climate change.
Demonstrate an advanced understanding of the evolution of climate law and climate litigation law in Australiaand overseas, with an ability to express analytical and substantiated views about its current and future applications
Critically compare legal and policy developments in Australia with those in other countries and regions particularly the Asia/ South Pacific region
Express developed and supported views on options for formulating long-term legal responses to climate change at the domestic and international levels.
Display confident engagement with justice/ethical considerations particular to the field of climate change and climate change law
Demonstrate an ability to integrate information and perspectives from other disciplines, as well as to understand why problems look different from diverse disciplinary perspective

Assessment Tasks

Name	Weighting	Hurdle	Due	Groupwork/Individual	Short Extension	AI Approach
InforMEA Climate Law(online)	10%	No	17 December 2017		No	
Reflection of Climate Issues	20%	No	29 December 2017		No	

Name	Weighting	Hurdle	Due	Groupwork/Individual	Short Extension	AI Approach
Class Presentation	20%	No	18 December 2017		No	
Research Paper abstract	0%	No	5pm 17 December 2017		No	
Research Paper	50%	No	5pm 17 January 2018		No	

InforMEA Climate Law(online)

Due: **17 December 2017**
Weighting: **10%**
Groupwork/Individual:
Short extension [3]: No
AI Approach:

Students are to complete online - two of the InforMEA courses on Climate Atmosphere and Land at https://e-learning.informea.org/course/index.php?categoryid=7 (free registration) being the UNFCCC and the Kyoto Protocol course as well as the Paris Agreement course.

Students are to email the Certificate of Completion for both courses to the Convenor before the conclusion of Day 3 of the OCS which is Sunday 17 December 2017.

On successful completion you will be able to:

- Demonstrate familiarity with basic concepts on the physical aspects of climate change, including its causes and impacts, as a foundation from which to engage with other aspects of the field.
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- Critically compare legal and policy developments in Australia with those in other countries and regions particularly the Asia/ South Pacific region

Reflection of Climate Issues

Due: **29 December 2017**
Weighting: **20%**

Groupwork/Individual:
Short extension [3]: No
AI Approach:

Students are to select an article in the media that concerns issues relating to the effectiveness of legal framework regulating climate change in Australia or the Asia /Pacific region.

The article has to be sourced from a reputable journal or newspaper and have been written within the last six months,This a reflective piece and the focus is to write about your reaction to the issues and how your viewpoint may have changed and the reasons for the change.

The paper is a **maximum of 1,000 words** exclusive of references and a bibliography.References must be **compliant with the Australian Guide to Legal Citation**.

On successful completion you will be able to:

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Class Presentation

Due: **18 December 2017**
Weighting: **20%**
Groupwork/Individual:
Short extension [3]: No
AI Approach:

Students are to prepare a short oral presentation of maximum 10 minutes about a **key** climate law case.

The presentation should include a brief outline of the facts,the outcome and the judicial reasoning as well how this case develops climate law jurisprudence and its broader impact in society(if applicable).

Students should submit a concise summary (max 500 words) of their presentation to the Convenor at the time of the delivery.

Presentations should be supported by online tools such as Powerpoint,Google Docs,OpenOffice and Zoho Show.

On successful completion you will be able to:

- Demonstrate a detailed understanding of the international and domestic framework aimed at mitigation of greenhouse gas emissions by states or adaptation measures for multiple stakeholders in a changing climate.

Research Paper abstract

Due: **5pm 17 December 2017**
Weighting: **0%**
Groupwork/Individual:
Short extension [3]: No
AI Approach:

A **one-page** plan on how you plan to tackle your choice of research topic, structured in accordance with the information in the essay-writing instructions. The outline is to be emailed to the Convenor by 5pm Sunday 17 December 2017 While no marks are awarded for this item, it is compulsory. The Convenor will give you feedback on your outline. Its purpose is to ensure that you are on track to complete a high-quality research paper.

On successful completion you will be able to:

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Research Paper

Due: **5pm 17 January 2018**
Weighting: **50%**
Groupwork/Individual:

Short extension [3]: No
AI Approach:

Suggestions may be given on topics although you may propose your own topic. This is intended to be a thought-provoking exercise to stimulate students to explore in depth a topic of genuine interest to them. **Length: 4,000 words**. To be submitted through Turnitin as a Word document (no PDFs accepted).

The word limit is exclusive of references and a bibliography.

All references are to be **compliant** with the **Australian Guide to Legal Citation.**

On successful completion you will be able to:

- Demonstrate a detailed understanding of the international and domestic framework aimed at mitigation of greenhouse gas emissions by states or adaptation measures for multiple stakeholders in a changing climate.
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Delivery and Resources

Intensive Block from Friday December 15 to Monday December 18 2017 (inclusive))

All teaching materials including Readings will be available on iLearn.

Recommended textbook: A. Zahar, J. Peel, and L. Godden, *Australian Climate Law in Global Context*, Cambridge University Press, 2012. Several copies are held in the Library and are available online through the Library.

Unit Schedule

Day 1 (Friday 15 December 2017)

Morning sessions (9.00-1.00pm)

Introduction unit outline and sources. (All readings will be on iLearn.) **(Judith Preston)**

The science of climate change.(**Professor Lesley Hughes**-video)

Lunch (1.00 pm-2pm)

Afternoon sessions (2.00- 4.00pm)

Overview of the international legal framework to regulate climate change (**Justice Brian Preston/Judith Preston**)

International mechanisms engaging developing countries overview- Clean development mechanisms and Forest protection .

REDD+ and climate change (Lisa Ogle)

Climate change, forests and Indonesia (Windu Kisworo HDR student at MQU)

Day 2 (Saturday 16 December 2017)

Morning sessions (9.00am-1.00pm)

Legal elements of the international climate change regime continued-the UNFCCC ,Kyoto Protocol and the Paris Agreement.(**Paul Govind**)

Lunch (**1.00-2.00pm**)

Afternoon sessions (2.00-5.00pm)

Australian climate change law.-at Federal level and with a focus on NSW (**Justice Brian Preston/Judith Preston)**

Climate Change Act 2017 (Victoria)

International climate law developments- model statutes,draft Climate Compensation Act of Vanuatu, Oslo Principles on Global Climate Obligations, Principles on Climate Obligations of Enterprises (**Justice Brian Preston)**

Day 3 (Sunday 17 December 2017)

Morning sessions (9.00am -1.00pm).

Climate litigation **(Justice Brian Preston)**

Adaptation to climate change and the agriculture sector (**Professor Paul Martin)**

Lunch (1.00pm-2.00pm)

Afternoon Sessions (2.00pm -5.00pm)

Mock Trial- Nature And Others versus Commonwealth of Australia and the State of Queensland **(Laws 543 students)**

Judgment and session feedback

Day 4 (Monday 18 December 2017)

Morning sessions (9.00 am-1.00pm)

International climate finance as a key legal obligation.(**Paul Govind**)

Climate change conflict and World Heritage (**Acting Justice Simon Molesworth)**

Lunch (1.00pm-2.00pm)

Afternoon sessions (2.00pm-4.00pm)

Law 851 Student Presentations

4.00pm-5.00pm-(Judith Preston)

Future Shocks and Solutions

Natural disasters, risk and management- overview and legal responses

Transition to a low-carbon life: Can it happen fast enough?

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

Assessment Policy http://mq.edu.au/policy/docs/assessment/policy_2016.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 (in effect until Dec 4th, 2017): http://www.mq.edu.au/policy/docs/disruption_studies/policy.html

Special Consideration Policy (in effect from Dec 4th, 2017): https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policies/special-consideration

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.

Late Submission Penalties

Any assessment that is received after the due date and time without an approved Disruption to Studies application will attract a 2% per day late penalty (2 marks per 100 for the individual assessment item). No assessments will be accepted beyond 7 days after the due date and time.

This policy does not apply to quizzes or timed assessments (where the assessment is due less than one week after the question is released). No late assessments are accepted in these instances.

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 outcomes

- Display confident engagement with justice/ethical considerations particular to the field of climate change and climate change law
- Demonstrate an ability to integrate information and perspectives from other disciplines, as well as to understand why problems look different from diverse disciplinary perspective

Assessment tasks

- Reflection of Climate Issues
- 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 familiarity with basic concepts on the physical aspects of climate change, including its causes and impacts, as a foundation from which to engage with other aspects of the field.
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- Demonstrate an advanced understanding of the evolution of climate law and climate litigation law in Australiaand overseas, with an ability to express analytical and substantiated views about its current and future applications

Assessment tasks

- InforMEA Climate Law(online)
- Reflection of Climate Issues

- 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 detailed understanding of the international and domestic framework aimed at mitigation of greenhouse gas emissions by states or adaptation measures for multiple stakeholders in a changing climate.
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- Demonstrate an ability to integrate information and perspectives from other disciplines, as well as to understand why problems look different from diverse disciplinary perspective

Assessment tasks

- InforMEA Climate Law(online)
- Reflection of Climate Issues
- Class Presentation
- Research Paper abstract
- 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

- Understand and evaluate the rationale for and legal elements of carbon pricing, carbon trading, and other emission-reduction and offset models
- Express developed and supported views on options for formulating long-term legal responses to climate change at the domestic and international levels.

Assessment tasks

- Reflection of Climate Issues
- 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:

Assessment task

- Research Paper abstract

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

- Demonstrate familiarity with basic concepts on the physical aspects of climate change, including its causes and impacts, as a foundation from which to engage with other aspects of the field.
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- Display confident engagement with justice/ethical considerations particular to the field of climate change and climate change law

Assessment tasks

- InforMEA Climate Law(online)
- Reflection of Climate Issues
- Class Presentation
- Research Paper

Changes since First Published

Date	Description
18/10/2017	Policies and Procedures Late Submission Penalties