



LAW 859

Heritage Law and Policy

S2 Day 2018

Dept of Law

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Disclaimer

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General Information

Unit convenor and teaching staff

Convener, lecturer

Judith Preston

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Contact via 0410-108-371

N/A

By appointment only

Credit points

4

Prerequisites

Admission to MEnvLaw or MIntEnvLaw or LLM or MIntLawGovPP or GradDiplntRel or MPPP or GradDipPP or MCTerrorism or MIntell or MSecStrategicStud 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 592 Issues in Heritage Conservation

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 world heritage, underwater cultural heritage, movable heritage, Indigenous conceptions of heritage, intangible heritage and cultural expression. 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 legal regime for conserving heritage and the challenges involved in effectively implementing 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

Word Limit for written Assessments

Any work over the word limit will not be marked.

Moderation

Detailed marking rubrics will be made available on iLearn. Markers in this unit undertake a process of 'blind marking' to establish a common marking standard and all Fail papers are double marked

Penalties for Lateness

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
<u>Class Participation</u>	10%	No	Ongoing
<u>Research Essay</u>	50%	No	11 November 2018 5pm
<u>Heritage Reflection</u>	40%	No	5pm 11 October 2018

Class Participation

Due: **Ongoing**

Weighting: **10%**

Class participation will be assessed on the basis of involvement in the weekly tutorials. Students should ensure they have completed the required reading for each class, and be prepared to discuss the issues arising. Guiding questions are set out in the *Course Readings* 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 class 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.
- You may be asked to prepare a short response on one of the topics for discussion arising out of the lectures or readings.

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 immoveable), Indigenous and underwater heritage.
- 3. Develop an appreciation of the international legal regime for conserving heritage and the challenges involved in effectively implementing 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: **11 November 2018 5pm**

Weighting: **50%**

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 word length is a maximum of 3,500 words exclusive of citations and a bibliography. The essay should be fully referenced in compliance with the most recent edition of the *Australian Guide to Legal Citation*.

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.
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- 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.

Heritage Reflection

Due: **5pm 11 October 2018**

Weighting: **40%**

Students are to select an article in the media- print and online occurring in the last 12 months concerning an issue impacting on the protection of either natural or cultural heritage (or both) at either the international or domestic level. Please do not select academic journal articles.

An oral presentation of 5 minutes must be made to the classes in Week 9 (11 October 2018) and Week 10 (11 October 2018) supported by multimedia source such as powerpoint.(15%). **Please be ready to make your presentation in Week 9, the additional date is provided for backup.**

A reflective paper about the issues raised in the media article should be contained in a written paper of up to 1,500 words(excluding footnotes and bibliography) (25%) and submitted by the

due date(5pm 11 October 2018).

On successful completion you will be able to:

- 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 legal regime for conserving heritage and the challenges involved in effectively implementing international heritage conventions at the domestic level.
- 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.

Unit Schedule

This Unit is being delivered by weekly recorded lectures held Thursday 9-11am in 25a Wally's Walk Room 207. The schedule aims to include guest lectures by specialists in international and environmental law from academia, the Land and Environment Court, the Aboriginal community and the EDO NSW and may be subject to adjustment to accommodate the availability of the experts.

Week 1

Introduction

The context and concepts in heritage both natural and cultural, Indigenous and non-Indigenous.

Week 2

Issues in Heritage

Issues include over-development, pressures of population, colonial expansion, armed conflict, illegal wildlife trade, climate change and pollution.

Week 3-International Legal framework

Overview of international conventions related to natural and cultural heritage.

Week 4 and 5

World Heritage

The World Heritage Convention and its implementation in Australia-protection and loss

Impacts of climate change on world heritage sites and how the legal framework responds

Week 6- and 7

Heritage protection at Federal level

Overview of Commonwealth laws related to natural and heritage protection at Federal level including selected case studies

Week 8

State heritage

Overview of the State heritage framework

Week 9

Heritage, Planning and Development

Week 10 and 11

Aboriginal Heritage

Issues related to protection of intangible/tangible cultural heritage and use of non-environmental laws such as intellectual property and contract to ensure that free, prior and informed consent for the use of Aboriginal knowledge and its manifestations by custodians occurs.

Aboriginal Cultural Heritage laws-reform proposals

Week 12

Public Interest Litigation and Heritage

Week 13

Local government and heritage

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](http://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central) (<http://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

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

- 4. Demonstrate an ability to identify and recommend potential law reforms to address issues in international; national; and local heritage conservation.
- 6. Demonstrate an enquiring, critical and creative approach to established heritage law and policy.

Assessment task

- Class Participation

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

- 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 legal regime for conserving heritage and the challenges involved in effectively implementing 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
- Heritage Reflection

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

- 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 legal regime for conserving heritage and the challenges involved in effectively implementing 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
- Heritage Reflection

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

- 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 legal regime for conserving heritage and the challenges involved in effectively implementing 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.

Assessment tasks

- Class Participation
- Research Essay
- Heritage Reflection

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 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
- Research Essay
- Heritage Reflection

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

- 1. Demonstrate an understanding of the philosophical and contextual frameworks underpinning definitions of heritage.
- 3. Develop an appreciation of the international legal regime for conserving heritage and the challenges involved in effectively implementing 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.
- 6. Demonstrate an enquiring, critical and creative approach to established heritage law and policy.

Assessment tasks

- Class Participation
- Heritage Reflection

Changes from Previous Offering

There is no external offering for this course.

OCS and assessments

There is no OCS and assessments are outlined in the Unit Guide.