



# LAWS543

## Climate Change Law

S3 Block 2018

*Dept of Law*

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## General Information

Unit convenor and teaching staff

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Credit points

3

Prerequisites

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

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 an understanding of the fundamental concepts of the physical aspects of climate change, including its causes and impacts, as a basis for understanding of the climate law framework

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

Understand the rationale for and legal elements of carbon pricing, carbon trading, and other emission-reduction and offset models as financial mechanisms for climate mitigation.

Developing an understanding of the development of climate change law and climate litigation law in Australia and overseas, to assist with evaluating the effectiveness of the legal framework and litigation as a tool to assist improved climate governance.

Express supported views on options for formulating long-term legal responses to climate change at the domestic and international levels.

Develop engagement with justice/ethical considerations particular to the field of climate change and climate change law such as the impacts on natural and cultural heritage and human rights

Demonstrate an ability to integrate information and perspectives from other disciplines to understand why problems may be resolved through using multiple disciplinary perspectives

## General Assessment Information

Students are encouraged to carefully look through the Unit Guide well in advance of the course to ensure you are informed about the assessment tasks particularly that one of the assessment tasks is to be completed within the on campus session.

Students are also advised to complete the online inforMEA/Unitar e-courses assessment prior to the start of the OCS for preparation.

## *Late Assessment Penalty*

*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
<a href="#"><u>InforMEA/ Unitar Climate Law</u></a>	20%	No	14 December 2018, 5pm
<a href="#"><u>Reflection of Climate Issues</u></a>	30%	No	19 December 2018, 5pm
<a href="#"><u>Research Paper</u></a>	50%	No	13 January 2019, 5:00pm

### InforMEA/ Unitar Climate Law

Due: **14 December 2018, 5pm**

Weighting: **20%**

Students are to complete either the online InforMEA courses on Climate Change International Legal Regime found at <https://elearning.informea.org/course/index.php?categoryid=7> or the Unitar Introductory e-course on Climate Change found at <https://unccelearn.org/>.

Students are to upload the Certificate of Completion by 5pm on 14 December 2018 onto iLearn. Students are strongly recommended to complete the course prior to starting the on campus session to assist with understanding of the issues discussed in the course as well as to avoid any technical issues with undertaking the course.

On successful completion you will be able to:

- Demonstrate an understanding of the fundamental concepts of the physical aspects of climate change, including its causes and impacts, as a basis for understanding of the climate law framework
- Demonstrate an understanding of the international and domestic legal framework aimed at mitigation of greenhouse gas emissions or adaptation measures for multiple stakeholders in a changing climate.

### Reflection of Climate Issues

Due: **19 December 2018, 5pm**

Weighting: **30%**

Students are to select an article in the media that concerns issues relating to the effectiveness of legal framework regulating climate change preferably 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 nine months. This is a reflective piece and the focus is to write about your reaction to the issues discussed in the article and how your viewpoint may have changed and the reasons for the change.

The paper is a **maximum of 1,500 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:

- Demonstrate an understanding of the fundamental concepts of the physical aspects of climate change, including its causes and impacts, as a basis for understanding of the climate law framework
- Understand the rationale for and legal elements of carbon pricing, carbon trading, and other emission-reduction and offset models as financial mechanisms for climate mitigation.
- Developing an understanding of the development of climate change law and climate litigation law in Australia and overseas, to assist with evaluating the effectiveness of the legal framework and litigation as a tool to assist improved climate governance.
- Express supported views on options for formulating long-term legal responses to climate change at the domestic and international levels.
- Demonstrate an ability to integrate information and perspectives from other disciplines to understand why problems may be resolved through using multiple disciplinary perspectives

## Research Paper

Due: **13 January 2019, 5:00pm**

Weighting: **50%**

Students are to write a research paper based on one of the questions provided which will be uploaded to iLearn by 11 December 2018. Students are to refrain from requesting the research paper questions prior to the date of uploading as they will not be provided before this date.

Students are to upload their completed research paper by the due date and time, otherwise late penalties will apply. One (1) minute late is still late, and will attract a late penalty.

**Length: 4,000 words (exclusive of references and bibliography).**

Papers are to be submitted through Turnitin as a Word document (no PDFs accepted).

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

On successful completion you will be able to:

- Demonstrate an understanding of the international and domestic legal framework aimed at mitigation of greenhouse gas emissions or adaptation measures for multiple stakeholders in a changing climate.
- Understand the rationale for and legal elements of carbon pricing, carbon trading, and other emission-reduction and offset models as financial mechanisms for climate mitigation.
- Developing an understanding of the development of climate change law and climate litigation law in Australia and overseas, to assist with evaluating the effectiveness of the legal framework and litigation as a tool to assist improved climate governance.
- Express supported views on options for formulating long-term legal responses to climate change at the domestic and international levels.
- Develop engagement with justice/ethical considerations particular to the field of climate change and climate change law such as the impacts on natural and cultural heritage and human rights

## Delivery and Resources

Intensive Block from Friday December 7 to Monday December 10, 2018 (inclusive))

All teaching materials including Readings will be available on iLearn.

### Recommended textbook:

[The Oxford Handbook of International Climate Change Law](#)

Edited by Kevin R. Gray, Richard Tarasofsky, and Cinnamon Carlarne (2016). This is available online at Macquarie University Library.

## Unit Schedule

### Day 1 (Friday 7 December 2018)

#### Morning sessions (9.00-1.00pm)

##### 9.00am-10.45am

Introduction to the unit and assessments and overview of knowledges contributing to the understanding of climate science, law and policy. **(Judith Preston)**

**10.45 am -11.15am** Morning break

##### 11.15am -12.15 pm

Climate change and adaptation **(Dr Paul Adams)**

##### 12.15 pm-1.00pm

International Declaration on Human Rights and Climate Change (**Dr Kirsty Davies**)

**Lunch (1.00 pm-1.45pm)**

**Afternoon sessions (2.00pm- 5.30pm)**

**2.00pm -3.00pm**

The potential effects of humans and ecosystems existing in a climate warming by 3 degrees higher on average and the ways the legal framework may be able to support mitigation of that concerning outcome. (**The Honourable Justice Michael Wilson from the Supreme Court of Hawaii by Skype**)

**3.00pm- 3.15pm-Afternoon break**

**3.30pm-4.30pm**

International mechanisms engaging the Global South- REDD+ (**Lisa Ogle**)

**4.30pm-5.30pm**

World Heritage and Climate Change (**Judith Preston**)

**Day 2 (Saturday 8 December 2018)**

**Morning sessions (9.00am-1.00pm)**

**9.00am-11.00am**

Legal elements of the international climate change framework. (**The Honourable Justice Dr Brian Preston, Chief Judge of the Land and Environment Court**)

**11.00am-11.30am-Morning Break**

**11.30am-1.00pm**

Legal elements of the international climate change framework continued.

**Lunch (1.00-2.00pm)**

**Afternoon sessions (2.00-5.00pm)**

**2.00pm-3.30pm**

Australian climate change law framework at national and state level. (**The Honourable Justice Dr Brian Preston**)

**3.30pm-3.45pm-Afternoon Break**

**3.45pm-5.00pm**

Australian climate law framework continued

### **Day 3 (Sunday 9 December 2018)**

#### **Morning sessions (9.00am -1.00pm).**

**9.00am-11.00 am** Climate litigation ( **The Honourable Justice Dr Brian Preston**)

**11.30- 12 noon** Morning break

**12 noon- 1.00pm**

Climate Change and Planning (**Dr Les Stein**)

**Lunch ( 1pm-2.00pm)**

#### **Afternoon Sessions (2.00pm - 4.00pm)**

**2.00pm-3.00pm**-Renewable Energy and the work of the Australian Renewable Energy Authority (ARENA) (**Charlotte Hanson**)

**3.00pm-3.15pm**-Afternoon Break

**3.15pm-4.30pm** Climate Financing overview (**Registrar of the Land and Environment Court of NSW, Sarah Froh**)

### **Day 4 (Monday 10 December 2018)**

#### **Morning sessions (9.00am-1.00pm)**

**9.00-11.00am**

Human Rights and Climate Change (**Professor Donna Craig and Judith Preston**)

**11.00am-11.30am** Morning break

**11.30am-1.00pm**

Oral presentation by Law 851 students

**1.00-2.00pm**-Lunch

#### **Afternoon sessions (2.00-4.00pm)**

Oral presentations by Law 851 students continued

Course concluding session

## **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](http://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](http://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](http://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

- Understand the rationale for and legal elements of carbon pricing, carbon trading, and other emission-reduction and offset models as financial mechanisms for climate mitigation.
- Developing an understanding of the development of climate change law and climate litigation law in Australia and overseas, to assist with evaluating the effectiveness of the legal framework and litigation as a tool to assist improved climate governance.
- Express supported views on options for formulating long-term legal responses to climate change at the domestic and international levels.
- Demonstrate an ability to integrate information and perspectives from other disciplines to understand why problems may be resolved through using multiple disciplinary perspectives

### Assessment task

- Research Paper

### 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**

- Developing an understanding of the development of climate change law and climate litigation law in Australia and overseas, to assist with evaluating the effectiveness of the legal framework and litigation as a tool to assist improved climate governance.
- Develop engagement with justice/ethical considerations particular to the field of climate change and climate change law such as the impacts on natural and cultural heritage and human rights

## **Assessment tasks**

- InforMEA/ Unitar Climate Law
- Reflection of Climate Issues
- Research Paper

## **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**

- Developing an understanding of the development of climate change law and climate litigation law in Australia and overseas, to assist with evaluating the effectiveness of the legal framework and litigation as a tool to assist improved climate governance.
- Develop engagement with justice/ethical considerations particular to the field of climate change and climate change law such as the impacts on natural and cultural heritage and human rights
- Demonstrate an ability to integrate information and perspectives from other disciplines to understand why problems may be resolved through using multiple disciplinary perspectives

## **Assessment task**

- InforMEA/ Unitar Climate Law

## **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**

- Demonstrate an understanding of the fundamental concepts of the physical aspects of climate change, including its causes and impacts, as a basis for understanding of the climate law framework
- Demonstrate an ability to integrate information and perspectives from other disciplines to understand why problems may be resolved through using multiple disciplinary perspectives

## **Assessment task**

- InforMEA/ Unitar Climate Law

## **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**

- Demonstrate an understanding of the international and domestic legal framework aimed at mitigation of greenhouse gas emissions or adaptation measures for multiple stakeholders in a changing climate.
- Understand the rationale for and legal elements of carbon pricing, carbon trading, and other emission-reduction and offset models as financial mechanisms for climate mitigation.
- Developing an understanding of the development of climate change law and climate litigation law in Australia and overseas, to assist with evaluating the effectiveness of the legal framework and litigation as a tool to assist improved climate governance.

## **Assessment tasks**

- InforMEA/ Unitar Climate Law

- Reflection of Climate Issues
- Research Paper

## 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

- Demonstrate an understanding of the fundamental concepts of the physical aspects of climate change, including its causes and impacts, as a basis for understanding of the climate law framework
- Demonstrate an understanding of the international and domestic legal framework aimed at mitigation of greenhouse gas emissions or adaptation measures for multiple stakeholders in a changing climate.
- Express supported views on options for formulating long-term legal responses to climate change at the domestic and international levels.

### Assessment tasks

- InforMEA/ Unitar Climate Law
- Research Paper

## 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

- Demonstrate an ability to integrate information and perspectives from other disciplines to understand why problems may be resolved through using multiple disciplinary perspectives

### Assessment tasks

- Reflection of Climate Issues

- Research Paper

## 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

- Demonstrate an understanding of the fundamental concepts of the physical aspects of climate change, including its causes and impacts, as a basis for understanding of the climate law framework
- Demonstrate an understanding of the international and domestic legal framework aimed at mitigation of greenhouse gas emissions or adaptation measures for multiple stakeholders in a changing climate.
- Understand the rationale for and legal elements of carbon pricing, carbon trading, and other emission-reduction and offset models as financial mechanisms for climate mitigation.
- Develop engagement with justice/ethical considerations particular to the field of climate change and climate change law such as the impacts on natural and cultural heritage and human rights

### Assessment tasks

- InforMEA/ Unitar Climate Law
- Reflection of Climate Issues
- Research Paper

## 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

- Demonstrate an understanding of the fundamental concepts of the physical aspects of

climate change, including its causes and impacts, as a basis for understanding of the climate law framework

- Demonstrate an understanding of the international and domestic legal framework aimed at mitigation of greenhouse gas emissions or adaptation measures for multiple stakeholders in a changing climate.
- Understand the rationale for and legal elements of carbon pricing, carbon trading, and other emission-reduction and offset models as financial mechanisms for climate mitigation.
- Develop engagement with justice/ethical considerations particular to the field of climate change and climate change law such as the impacts on natural and cultural heritage and human rights

## **Assessment tasks**

- InforMEA/ Unitar Climate Law
- Reflection of Climate Issues