



# LAWS8051

## Climate Change Law

Session 2, Special circumstance 2020

*Macquarie Law School*

### Contents

<a href="#">General Information</a>	2
<a href="#">Learning Outcomes</a>	3
<a href="#">General Assessment Information</a>	3
<a href="#">Assessment Tasks</a>	4
<a href="#">Delivery and Resources</a>	6
<a href="#">Unit Schedule</a>	7
<a href="#">Policies and Procedures</a>	8
<a href="#">Changes from Previous Offering</a>	9

#### Disclaimer

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#### Notice

As part of [Phase 3 of our return to campus plan](#), most units will now run tutorials, seminars and other small group learning activities on campus for the second half-year, while keeping an online version available for those students unable to return or those who choose to continue their studies online.

To check the availability of face-to-face and online activities for your unit, please go to [timetable viewer](#). To check detailed information on unit assessments visit your unit's iLearn space or consult your unit convenor.

## General Information

### Unit convenor and teaching staff

#### Convenor

Paul Govind

[paul.govind@mq.edu.au](mailto:paul.govind@mq.edu.au)

Contact via iLearn

Room 620, 6 First Walk (Law Building)

By appointment

#### Lecturer

Kirsten Davies

[kirsty.davies@mq.edu.au](mailto:kirsty.davies@mq.edu.au)

Contact via iLearn

Room 505, 6 First Walk (Law Building)

By appointment

### Credit points

10

### Prerequisites

(Admission to JD and 80cp in LAWS or LAW units at 6000 level or above) or (admission to LLM)

### Corequisites

### Co-badged status

### Unit description

Climate change is the outstanding environmental issue of our time. This is a specialised unit that analyses law and policy relevant to managing the problems presented by climate change. Both the causes and impacts of climate change are pervasive and present significant challenges to conventional legal approaches. The unit investigates the role of law in driving society's response from the international law level through the United Nations Framework Convention on Climate Change and Paris Agreement, to federal and state responses in terms of both legislation and judicial decisions to local scale actions. At each jurisdictional level, focus is given to law that relates to the major pillars of climate policy – mitigation, adaptation and loss and damage.

## 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:

- ULO1:** Demonstrate an understanding of the fundamental bio-physical concepts of climate change, including its causes and impacts in the Anthropocene epoch, as a basis for understanding of the climate law framework
- ULO2:** Identify and examine the challenges of managing environmental change in a context of uncertainty and how scientific information is translated into law
- ULO3:** Critically analyse the development of climate legislation and climate litigation in Australia and overseas in order to express analytical and substantiated views about the effectiveness of the legal framework and use of litigation as a tool to assist with improved climate governance.
- ULO4:** Critically analyse the history, current operation and future growth of the international climate law regime, recognizing the different perspectives of relevant groups of nation states from both the Global North and Global South
- ULO5:** Evaluate perspectives from disciplines outside law in order to understand how to approach climate law problem-solving from a multi-disciplinary perspective

## General Assessment Information

General Assessment Information

**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.**

Detailed marking rubrics will be made available on iLearn.

All assessments that receive a FAIL grade are double marked.

All assessments in the Unit are to be submitted electronically (via Turnitin). Plagiarism detection software is used in this Unit.

Where there is a word limit no work over the limit will be read by the marker.

Law students - All written work must (where relevant) be referenced in accordance with the ***Australian Guide to Legal Citation (4th edition)***. Please use this link: <https://law.unimelb.edu.au/mulr/aglc>

## Assessment Tasks

Name	Weighting	Hurdle	Due
<u>Analytical Research Essay</u>	40%	No	Internal 14/09/20; External 18/09/20 - 11:59pm
<u>Reflective paper of learning experience</u>	10%	No	23/10/20 - 11:59pm
<u>Report on the status of climate change law</u>	50%	No	3/11/2020 - 11:59pm

### Analytical Research Essay

Assessment Type <sup>1</sup>: Essay

Indicative Time on Task <sup>2</sup>: 35 hours

Due: **Internal 14/09/20; External 18/09/20 - 11:59pm**

Weighting: **40%**

Students will prepare a research essay that analyses a topic relating to climate law

On successful completion you will be able to:

- Critically analyse the development of climate legislation and climate litigation in Australia and overseas in order to express analytical and substantiated views about the effectiveness of the legal framework and use of litigation as a tool to assist with improved climate governance.
- Critically analyse the history, current operation and future growth of the international climate law regime, recognizing the different perspectives of relevant groups of nation states from both the Global North and Global South
- Evaluate perspectives from disciplines outside law in order to understand how to approach climate law problem-solving from a multi-disciplinary perspective

### Reflective paper of learning experience

Assessment Type <sup>1</sup>: Reflective Writing

Indicative Time on Task <sup>2</sup>: 10 hours

Due: **23/10/20 - 11:59pm**

Weighting: **10%**

Students will write and submit a reflective paper on what they have learnt through the unit

On successful completion you will be able to:

- Demonstrate an understanding of the fundamental bio-physical concepts of climate change, including its causes and impacts in the Anthropocene epoch, as a basis for understanding of the climate law framework
- Evaluate perspectives from disciplines outside law in order to understand how to approach climate law problem-solving from a multi-disciplinary perspective

## Report on the status of climate change law

Assessment Type <sup>1</sup>: Report

Indicative Time on Task <sup>2</sup>: 20 hours

Due: **3/11/2020 - 11:59pm**

Weighting: **50%**

Students will submit a report on recent developments in the area of climate law legalisation/ policy or judicial decisions

On successful completion you will be able to:

- Demonstrate an understanding of the fundamental bio-physical concepts of climate change, including its causes and impacts in the Anthropocene epoch, as a basis for understanding of the climate law framework
- Identify and examine the challenges of managing environmental change in a context of uncertainty and how scientific information is translated into law
- Critically analyse the development of climate legislation and climate litigation in Australia and overseas in order to express analytical and substantiated views about the effectiveness of the legal framework and use of litigation as a tool to assist with improved climate governance.

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<sup>1</sup> If you need help with your assignment, please contact:

- the academic teaching staff in your unit for guidance in understanding or completing this type of assessment
- the Writing Centre for academic skills support.

<sup>2</sup> Indicative time-on-task is an estimate of the time required for completion of the assessment task and is subject to individual variation

## **Delivery and Resources**

The unit will be taught as both an External unit and as an Internal unit. Participation in tutorials whether face to face or online and On Campus Session (OCS) or alternative arrangements for external students is highly recommended as it links to the effective completion of assessment tasks.

### **Delivery**

It is critical that students have consistent access to a reliable internet connection.

This unit heavily utilizes iLearn for all communication purposes. Announcements, lecture recordings, assessments etc. all operate upon the iLearn platform. It is therefore vital that students familiarize themselves with the iLearn platform and its operations if they haven't done so previously.

Students should regularly check the unit web page on iLearn to keep up with information for students entered by the Unit Convenor. There may be information placed on the web page at short notice concerning attendance, cancelled or postponed classes and relevant assessment items and dates. Attending on the right dates is your responsibility and mistakes with attendance may result in your failing of the unit.

Further, iLearn is utilised for the purposes of discussion forums, both teacher led and those that are exclusively for the use of students. It is highly recommended that students keep up to date with forum discussion as it features topical news items relevant to the course etc.

All communication with academic staff in this unit is to be conducted via iLearn.

### **Resources**

There is no prescribed textbook for this course in 2020. The materials will consist of articles (peer reviewed and non-peer reviewed), book chapters, cases, legal instruments and other publications.

This will be detailed in a List of Readings published on iLearn in the week prior to the commencement of Session 2, 2020.

Some key chapters of the textbook used in previous years will be listed. Copies will be placed on reserve in the Library.

NB: A weekly lecture guide and tutorial questions will be supplied in a separate document posted on the iLearn website.

## Unit Schedule

### LAWS 5043/8051 2020 Schedule Overview

Week 1 – Introduction to and overview of the unit - Climate change and the Anthropocene epoch; Climate justice

Week 2 - Overview of climate science

Week 3 – International Climate Law - Mitigation, Adaptation, Loss and Damage

Week 4 – International Climate Law - Climate Change, Peace and Security

Week 5 – International Climate Law - Children of the Climate Revolution - (community uprising of young people, grass roots legal action and Human Rights

Week 6 – International Climate Law - Climate finance

Week 7 – Domestic Climate Law (Australia and NSW) – What is the current state of play? Where are we on climate law in Australia?

Week 8 - Domestic Climate Law (Australia and NSW) – Land use planning law – Mitigation

Week 9 - Domestic Climate Law (Australia and NSW) – Land use planning law – Adaptation

Week 10 – Domestic Climate Law (Australia and NSW) – Renewable Energy

Week 11 – Domestic Climate Law (Australia and NSW) – The continuing rise of ‘climate risk’ - Consumer Law; Corporations Law

Week 12 – The Future of Climate Law

Week 13 – Revision of course

## 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.*)

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 published on platform other than [eStudent](#), (eg. iLearn, Coursera etc.) 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](https://ask.mq.edu.au) or if you are a Global MBA student contact [globalmba.support@mq.edu.au](mailto:globalmba.support@mq.edu.au)

## Student Support

Macquarie University provides a range of support services for students. For details, visit <https://students.mq.edu.au/support/>

## Learning Skills

Learning Skills ([mq.edu.au/learningskills](https://mq.edu.au/learningskills)) provides academic writing resources and study strategies to help you improve your marks and take control of your study.



- [Getting help with your assignment](#)
- [Workshops](#)
- [StudyWise](#)
- [Academic Integrity Module](#)

The Library provides online and face to face support to help you find and use relevant information resources.

- [Subject and Research Guides](#)
- [Ask a Librarian](#)

## 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)

If you are a Global MBA student contact [globalmba.support@mq.edu.au](mailto:globalmba.support@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.

## Changes from Previous Offering

The course has been completely overhauled for 2020. Please note that earlier versions of the course are no longer relevant.