



# LAWS8060

## Energy and Natural Resources Law

Session 2, Special circumstances, North Ryde 2021

*Macquarie Law School*

### Contents

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|   |   |
|---|---|
| <a href="#"><u>General Information</u></a>            | 2 |
| <a href="#"><u>Learning Outcomes</u></a>              | 2 |
| <a href="#"><u>General Assessment Information</u></a> | 3 |
| <a href="#"><u>Assessment Tasks</u></a>               | 3 |
| <a href="#"><u>Delivery and Resources</u></a>         | 5 |
| <a href="#"><u>Unit Schedule</u></a>                  | 6 |
| <a href="#"><u>Policies and Procedures</u></a>        | 8 |
| <a href="#"><u>Databases and Readings</u></a>         | 9 |

#### **Disclaimer**

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#### **Session 2 Learning and Teaching Update**

The decision has been made to conduct study online for the remainder of Session 2 for all units WITHOUT mandatory on-campus learning activities. Exams for Session 2 will also be online where possible to do so.

This is due to the extension of the lockdown orders and to provide certainty around arrangements for the remainder of Session 2. We hope to return to campus beyond Session 2 as soon as it is safe and appropriate to do so.

Some classes/teaching activities cannot be moved online and must be taught on campus. You should already know if you are in one of these classes/teaching activities and your unit convenor will provide you with more information via iLearn. If you want to confirm, see the list of [units with mandatory on-campus classes/teaching activities](#).

Visit the [MQ COVID-19 information page](#) for more detail.

## General Information

Unit convenor and teaching staff

Convenor

Tina Soliman Hunter

[tina.solimanhunter@mq.edu.au](mailto:tina.solimanhunter@mq.edu.au)

6 First Walk, Office 444

6-7pm Thursday

Credit points

10

Prerequisites

Admission to JD or LLM or MIntTrdeComLaw or MSusDev

Corequisites

Co-badged status

Unit description

This unit introduces students to energy and resources law and governance, a burgeoning and specialised field of law. The unit explores the legal response of states, international institutions and other relevant global actors to regulate the transboundary aspects of energy and resources law. Students will cover the historical development of the law, the need for cooperation, and the effectiveness of sustainable development in energy and resources law. Several important regimes are explored in addition to pivotal domestic and international case law and arbitration decisions. Students will be required to analyse the law within contemporary socio-legal and economic events and conditions impacting on the discipline.

## 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:** Articulate a thorough understanding of the basic functions and overarching principles of energy and resources law from national, international and sustainable perspectives.

**ULO2:** Describe and analyse the key institutions and actors involved in energy and resources law, and their respective roles in establishing and maintaining governance in

the energy and resources sector.

**ULO3:** Construct and evaluate arguments that survey the effectiveness of law in energy and resources, having regard to climate change, sustainability and political influence.

**ULO4:** Produce recommendations for law reform and/or further research which may be required to address national and global issues in energy and resources law.

**ULO5:** Critically examine and articulate intersections and interactions between energy and resources law and other disciplines.

## General Assessment Information

Unless a Special Consideration request has been submitted and approved,

(a) a penalty for lateness will apply – 10 marks out of 100 credit will be deducted per day for assignments submitted after the due date – and

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

## Assessment Tasks

| Name                                   | Weighting | Hurdle | Due              |
|--|-----------|--------|------------------|
| <a href="#">In class participation</a> | 20%       | No     | Ongoing          |
| <a href="#">Take home assessment</a>   | 40%       | No     | 23:59 17/09/2021 |
| <a href="#">Professional Writing</a>   | 40%       | No     | 23:59 12/11/2021 |

### In class participation

Assessment Type <sup>1</sup>: Participatory task

Indicative Time on Task <sup>2</sup>: 12 hours

Due: **Ongoing**

Weighting: **20%**

Students will prepare and participate in relevant discussion and fora during tutorials including resolving problem based tasks

On successful completion you will be able to:

- Articulate a thorough understanding of the basic functions and overarching principles of energy and resources law from national, international and sustainable perspectives.
- Describe and analyse the key institutions and actors involved in energy and resources

law, and their respective roles in establishing and maintaining governance in the energy and resources sector.

- Construct and evaluate arguments that survey the effectiveness of law in energy and resources, having regard to climate change, sustainability and political influence.
- Produce recommendations for law reform and/or further research which may be required to address national and global issues in energy and resources law.
- Critically examine and articulate intersections and interactions between energy and resources law and other disciplines.

## Take home assessment

Assessment Type <sup>1</sup>: Quiz/Test

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

Due: **23:59 17/09/2021**

Weighting: **40%**

Students will submit responses to questions based on a hypothetical scenario

On successful completion you will be able to:

- Articulate a thorough understanding of the basic functions and overarching principles of energy and resources law from national, international and sustainable perspectives.
- Describe and analyse the key institutions and actors involved in energy and resources law, and their respective roles in establishing and maintaining governance in the energy and resources sector.
- Construct and evaluate arguments that survey the effectiveness of law in energy and resources, having regard to climate change, sustainability and political influence.
- Produce recommendations for law reform and/or further research which may be required to address national and global issues in energy and resources law.
- Critically examine and articulate intersections and interactions between energy and resources law and other disciplines.

## Professional Writing

Assessment Type <sup>1</sup>: Professional writing

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

Due: **23:59 12/11/2021**

Weighting: **40%**

Students will prepare a written response to a contemporary problem in the energy and resources sector.

On successful completion you will be able to:

- Articulate a thorough understanding of the basic functions and overarching principles of energy and resources law from national, international and sustainable perspectives.
- Describe and analyse the key institutions and actors involved in energy and resources law, and their respective roles in establishing and maintaining governance in the energy and resources sector.
- Construct and evaluate arguments that survey the effectiveness of law in energy and resources, having regard to climate change, sustainability and political influence.
- Produce recommendations for law reform and/or further research which may be required to address national and global issues in energy and resources law.
- Critically examine and articulate intersections and interactions between energy and resources law and other disciplines.

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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

### A. LECTURES

Lectures are pre-recorded will be loaded on the iLearn page each week in conjunction with the accompanying PowerPoint slides. Lectures will be available in weeks 1 - 13. The schedule of topics to be covered in the lectures, required readings, and supplementary resources will be available in detail on iLearn.

A list of covered topics is provided below in the Unit Schedule.

**Weekly one hour tutorials begin in Week 2 and finish in Week 13 and all tutorial questions will be posted on iLearn.**

Students require access to a computer and a secure and reliable internet provider to access materials.

### B. Prescribed Text

Tina Soliman-Hunter, Ignacio Herrera-Anchustegui, Penelope Crossley, and Gloria Alvarez, *Routledge Handbook of Energy Law* (Routledge, 2020). this is available through Leganto as an e-book.

### C. Other Readings

All other readings will be posted to ilearn each week, and will be available in Leganto

## Unit Schedule

| Week No./commencing   | Topic   | Lecture Release Date | Online Seminar   |
|-----------------------|---|----------------------|--|
| 1 (31)<br>26th July   | <b>Topic 1: Introduction to energy and resources law</b> <ol style="list-style-type: none"> <li>1. Introduction and overview of the subject</li> <li>2. Ownership of resources</li> <li>3. Concept of energy security</li> <li>4. Energy security in Australia</li> </ol>   | 22 July              | Discussion Questions for Topic 1; Discussion of Assessment                           |
| 2 (32)<br>2nd August  | <b>Topic 2: International law/governance relating to ENR</b> <ol style="list-style-type: none"> <li>1. International law for energy and resources - transboundary harm, climate change, environment, sustainable development goals, sustainability/Brundtland, UNGA resolution relating to sovereignty over resources</li> <li>2. Energy Charter Treaty, International Energy Charter</li> <li>3. Concept of Lex Petrolea</li> <li>4. Oil spill regulation</li> <li>5. Regional arrangements- the example of OSPAR</li> </ol> | 29 July              |  |
| 3 (33)<br>9th August  | <b>Topic 3: Transboundary issues in energy and resource development*</b> <ol style="list-style-type: none"> <li>1. Case Study - Grand Ethiopian Renaissance Dam (GERD)</li> <li>2. Fisheries - Barents fishing agreement</li> <li>3. Transboundary petroleum development</li> </ol> <p>Norway/UK<br/>Norway/Russia</p>  | 5 August             | Discussion Questions for Topic 2 and 3 <b>AND</b> Discussion on Written Assessment 1 |
| 4 (34)<br>16th August | <b>Topic 4: Onshore petroleum law and governance</b> <ol style="list-style-type: none"> <li>1. Conventional</li> <li>2. Unconventional -fracking, etc</li> </ol>  | 12 August            |  |
| 5 (35)<br>23rd August | <b>NOT A LECTURE – HELD AS SEMINAR: (Guest - Gavin Scott, Norton Rose)</b><br>Topic 5: Indigenous issues in energy and resource development <ol style="list-style-type: none"> <li>1. Consent/FPIC</li> <li>2. ILUAs/native title</li> <li>3. Cultural Heritage</li> </ol>  | 19 August            | Both UG and PG ONLINE SEMINAR: Thursday 26 August 7-9pm                              |

|                             |   |                 |  |
|-----------------------------|---|-----------------|--|
| 6 (36)<br>30th August       | <p><b>Topic 6: Offshore energy and resources law</b></p> <ol style="list-style-type: none"> <li>1. UNCLOS</li> <li>2. Oil and gas -regulating access and operations</li> <li>3. Offshore minerals development</li> <li>4. Deep seabed mining</li> <li>5. Renewable resources- IIA Fishing</li> </ol>                                      |                 |  |
| 7 (37)<br>6th September     | <p><b>Topic 7: The energy transition</b></p> <ol style="list-style-type: none"> <li>1. Climate change</li> <li>2. Net-zero emissions</li> <li>3. Shift to Low Carbon Energy (LCE)</li> </ol>  | 2<br>September  | Discussion Questions for<br>Topic 4, 6, 7  |
| SEMESTER BREAK              |   |                 |  |
| 8 (40)<br>27th<br>September | <p><b>Topic 8: VRE and the energy transition in Australia*</b></p> <ol style="list-style-type: none"> <li>1. Changing state intervention (the concept of the commanding heights)</li> <li>2. VRE in the NEM</li> <li>3. Energy Storage</li> <li>4. Hydrogen and ammonia</li> <li>5. Technology Roadmap and The role of ARENA</li> </ol>   | 23<br>September |  |
| 9 (41)<br>4th October       | <p><b>Topic 9: Fossil fuel alternatives and global energy</b></p> <ol style="list-style-type: none"> <li>1. Wind and solar energy</li> <li>2. Hydropower</li> <li>3. Nuclear energy</li> <li>4. Social issues associated with non-fossil fuel energy sources</li> </ol>   | 30<br>September | <b>Discussion questions for<br/>topic 8 and 9, AND</b><br><br>Written Assessment 2                         |
| 10 (42)<br>11th October     | <p><b>Topic 10: Energy and resource development and conflict</b></p> <ol style="list-style-type: none"> <li>1. Land use conflict- CSG/SG, solar farms, wind turbines (Guest Lecture by Dr Madeline Taylor)             <ol style="list-style-type: none"> <li>1. Conflict commodities- critical minerals, diamonds</li> </ol> </li> </ol> | 7 October       |  |
| 11 (43)<br>18th October     | <p><b>Topic 11: Mineral resources law and governance</b></p> <ol style="list-style-type: none"> <li>1. Bulk commodities (case study: third party access to facilities)</li> <li>2. Critical minerals</li> <li>3. Australian resources statements</li> </ol>   | 14<br>October   | Community Consultation<br><br>Nuclear Power Station<br>(Topic 9) +<br><br>Discussion Questions<br>Topic 10 |
| 12 (44)<br>25th October     | <p><b>Topic 12: Governance of renewable natural resources</b></p> <ol style="list-style-type: none"> <li>1. Forestry</li> <li>2. Agriculture (cropping and pasture)</li> <li>3. Fisheries</li> <li>4. Other</li> </ol>  | 21<br>October   |  |

|                            |  |               |   |
|----------------------------|--|---------------|---|
| 13 (45)<br>1st<br>November | <b>Topic 13: Future directions in energy and resources law and governance</b> <ol style="list-style-type: none"><li>1. Climate change and net-zero emissions</li><li>2. Conflict over land use</li><li>3. Petroleum</li><li>4. Mining</li><li>5. Water</li></ol> | 28<br>October | Discussion Questions for<br>Topic 11 and 12 |
|----------------------------|--|---------------|---|

## Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central \(https://policies.mq.edu.au\)](https://policies.mq.edu.au). 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](#)

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

To find other policies relating to Teaching and Learning, visit [Policy Central \(https://policies.mq.edu.au\)](https://policies.mq.edu.au) and use the [search tool](#).

## Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: <https://students.mq.edu.au/admin/other-resources/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](http://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 <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 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.

## Databases and Readings

All of the statutory provisions referred to in each Topic may be accessed via Austlii or Casebase

Most of the Australian cases referred to in each topic can be accessed via the Macquarie University law reports databases:

<https://libguides.mq.edu.au/law/Cases>

English cases in the authorised reports can be accessed through the ICLR database:

<https://www-iclr-co-uk.simsrad.net.ocs.mq.edu.au/search/fullSearch>

Where a case is not available through the on-line databases a scanned copy will be made available on the iLearn Page (Leganto).