



LAWS5069

Energy and Natural Resources Law

Session 2, In person-scheduled-weekday, North Ryde 2022

Macquarie Law School

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Disclaimer

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General Information

Unit convenor and teaching staff

Tina Soliman-Hunter

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Credit points

10

Prerequisites

130cp of LAWS units

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 nation 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.

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 a thorough understanding of the basic functions and overarching principles of energy and resources law including sustainable development and transboundary harm

ULO2: Recognise and recall the key institutions and actors involved in energy and resources law, understand their respective roles in establishing and maintaining governance

ULO3: Critically analyse, interpret, and assess the contribution of cases, treaties and institutions to the development of energy and resources law;

ULO4: Engage in debate surrounding contemporary and emergent issues in the discipline including cooperation between different legal regimes; linkage between law and scientific knowledge; and the challenges of the new global order;

ULO5: Identify intersections and interactions between energy and resources law and other areas of law.

General Assessment Information

Late Assessment Submission Penalty

Unless a Special Consideration request has been submitted and approved, a 5% penalty (of the total possible mark) will be applied each day a written assessment is not submitted, up until the 7th day (including weekends). After the 7th day, a mark of '0' (zero) will be awarded even if the assessment is submitted. Submission time for all written assessments is set at 11.55pm. A 1-hour grace period is provided to students who experience a technical issue.

This late penalty will apply to non-timed sensitive assessment (incl essays, reports, posters, portfolios, journals, recordings etc). Late submission of time sensitive tasks (such as tests/exams, performance assessments/presentations, scheduled practical assessments/labs etc) will only be addressed by the unit convenor in a Special consideration application. Special Consideration outcome may result in a new question or topic.

Assessment Tasks

| Name | Weighting | Hurdle | Due |
|--|-----------|--------|------------------|
| <u>In class participation</u> | 10% | No | Ongoing |
| <u>Take home assessment</u> | 40% | No | 12/09/2022 23:55 |
| <u>Legal writing on a contemporary issue</u> | 50% | No | 11/11/2022 23:55 |

In class participation

Assessment Type ¹: Participatory task

Indicative Time on Task ²: 10 hours

Due: **Ongoing**

Weighting: **10%**

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

On successful completion you will be able to:

- Demonstrate a thorough understanding of the basic functions and overarching principles of energy and resources law including sustainable development and transboundary harm
- Recognise and recall the key institutions and actors involved in energy and resources law, understand their respective roles in establishing and maintaining governance
- Critically analyse, interpret, and assess the contribution of cases, treaties and institutions to the development of energy and resources law;
- Engage in debate surrounding contemporary and emergent issues in the discipline including cooperation between different legal regimes; linkage between law and scientific knowledge; and the challenges of the new global order;
- Identify intersections and interactions between energy and resources law and other areas of law.

Take home assessment

Assessment Type ¹: Quiz/Test

Indicative Time on Task ²: 20 hours

Due: **12/09/2022 23:55**

Weighting: **40%**

Students will submit responses to questions based on a hypothetical scenario

On successful completion you will be able to:

- Demonstrate a thorough understanding of the basic functions and overarching principles of energy and resources law including sustainable development and transboundary harm
- Recognise and recall the key institutions and actors involved in energy and resources law, understand their respective roles in establishing and maintaining governance
- Critically analyse, interpret, and assess the contribution of cases, treaties and institutions to the development of energy and resources law;
- Engage in debate surrounding contemporary and emergent issues in the discipline including cooperation between different legal regimes; linkage between law and scientific knowledge; and the challenges of the new global order;
- Identify intersections and interactions between energy and resources law and other areas of law.

Legal writing on a contemporary issue

Assessment Type ¹: Professional writing

Indicative Time on Task ²: 35 hours

Due: 11/11/2022 23:55

Weighting: 50%

Students will prepare written material for an NGO, government or company as required

On successful completion you will be able to:

- Demonstrate a thorough understanding of the basic functions and overarching principles of energy and resources law including sustainable development and transboundary harm
- Recognise and recall the key institutions and actors involved in energy and resources law, understand their respective roles in establishing and maintaining governance
- Critically analyse, interpret, and assess the contribution of cases, treaties and institutions to the development of energy and resources law;
- Engage in debate surrounding contemporary and emergent issues in the discipline including cooperation between different legal regimes; linkage between law and scientific knowledge; and the challenges of the new global order;
- Identify intersections and interactions between energy and resources law and other areas of law.

¹ 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.

² 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

There are 13 topics for this course, in weeks 1 - 13.

This course will be taught using a new type of delivery, known as Articulate. For each Topic, you will have a number of *lessons*, that will cover the content outlined in the unit schedule. Each *lesson* will comprise of written information, recorded lectures*, readings, and other information.

the final lesson will comprise tutorial questions, and any additional resources needed for the Tutorial.

Lectures* are a mix of pre-recorded lectures, and other appropriate recorded material, that together will equate to two hours of material per week. Where there are accompanying lecture slides, these will be part of the lesson in the relevant week.

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.

Tutorials begin in Week 2 and finish in Week 13.

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

B. Prescribed Text and Readings

There is no prescribed text. Readings will be available on Leganto and in each Topic Lesson

Unit Schedule

Energy And Natural Resources Law 2022

| Week No./ commencing | Topic | Tutorial |
|-----------------------------|--|-----------------|
| 1 26th July | <p>Topic 1: Energy, the energy transition, net-zero emissions and natural resources</p> <ol style="list-style-type: none"> 1. Introduction to Energy and NRL 2. the concept of energy, the energy transition, 3. net zero emissions by 2050 (compared to green economy) 4. shift to a low carbon economy 5. nexus between energy and natural resources | No Tutorial |
| 2 2nd August | <p>Topic 2: Introduction to energy and resources law</p> <ol style="list-style-type: none"> 1. Ownership of resources 2. natural resources: law, policy and economics 3. the concept of energy security 4. Concept of energy security 5. Energy security in an era of climate change | Topic 1 |

| | | |
|---|--|----------------|
| <p>3</p> <p>9th August</p> | <p>Topic 3: International law/governance relating to ENR</p> <ol style="list-style-type: none"> 1. International law for energy and resources - transboundary harm, climate change, environment, sustainable development goals, sustainability/Brundtland, UNGA resolution relating to sovereignty over resources 2. UNCLOS 3. Energy Charter Treaty, International Energy Charter 4. Concept of Lex Petrolea | <p>Topic 2</p> |
| <p>4</p> <p>16th August</p> | <p>Topic 4: Transboundary issues in energy and resource development</p> <ol style="list-style-type: none"> 1. Grand Ethiopian Renaissance Dam (GERD) 2. Fisheries - Barents fishing agreement <ol style="list-style-type: none"> 1. IUU fishing 3. Chernobyl 4. Transboundary petroleum development <ol style="list-style-type: none"> 1. Norway/UK 2. Norway/Russia | <p>Topic 3</p> |
| <p>5</p> <p>23rd August</p> | <p>Topic 5: The energy lifecycle I: Access to Energy and Natural resources</p> <ol style="list-style-type: none"> 1. Concept of ownership 2. The role of the state 3. Licencing for mineral and petroleum resources <ol style="list-style-type: none"> 1. Concessions 2. PSCs 3. LCS 4. Access – wind farms, solar farms, carbon sequestration | <p>Topic 4</p> |
| <p>6</p> <p>30th August</p> | <p>Topic 6: The energy lifecycle II: Offshore energy and resources law and governance</p> <ol style="list-style-type: none"> 1. Unitisation 2. Oil and gas -regulating operations – environment, health and safety 3. Maximising recovery of resources – Australian, Norwegian and UK approaches 4. Offshore minerals development 5. Deep seabed mining 6. Offshore wind and infrastructure 7. decommissioning | <p>Topic 5</p> |
| <p>7</p> <p>6th September</p> | <p>Topic 7: Blue Carbon and the energy transition</p> <ol style="list-style-type: none"> 1. The concept of blue carbon 2. Coastal blue carbon 3. Nearshore blue carbon 4. Deep ocean blue carbon 5. Challenges and opportunities in implementing and regulating a blue carbon regime <ol style="list-style-type: none"> 1. Capacity of international legal framework 2. Cooperation and Political will (cooperative federalism) | <p>Topic 6</p> |
| <p>SEMESTER BREAK</p> | | |

| | | |
|---------------------------------|---|-----------------|
| <p>8 27th September</p> | <p>NOT A LECTURE – HELD AS SEMINAR: (Guest - Gavin Scott, Norton Rose)</p> <p>Topic 8: Indigenous issues in energy and resource development</p> <ol style="list-style-type: none"> 1. Consent/FPIC 2. ILUAs/native title 3. Future energy and resource developments – challenges and opportunities | |
| <p>9 4th October</p> | <p>Topic 9: Climate change and the energy transition</p> <ol style="list-style-type: none"> 1. 1. Climate change 2. Fossil fuels, emissions and global perspectives (IEA and ARENA) 3. Shift to Low Carbon Energy (LCE) – challenges and opportunities 4. Options for the energy transition - Carbon trading | <p>Topic 7</p> |
| <p>10 11th October</p> | <p>Topic 10: VRE and the energy transition in Australia</p> <ol style="list-style-type: none"> 1. Technology as a vehicle for shifting to LCE 2. Changing state intervention (the concept of the commanding heights) 3. VRE in the NEM 4. Base load power – what do we do? NUCLEAR 5. Energy Storage 6. Technology Roadmap and the role of ARENA <ol style="list-style-type: none"> 1. Hydrogen and ammonia 7. Export? The example of Sun Cable | <p>Topic 9</p> |
| <p>11 18th October</p> | <p>Topic 11: Investment in energy and resources: the global legal framework – past, present, and future</p> <ol style="list-style-type: none"> 1. Guest | <p>Topic 10</p> |
| <p>12 25th October</p> | <p>Topic 12: Mineral resources law and governance</p> <ol style="list-style-type: none"> 1. Australian resources statements 2. Critical and rare earth minerals 3. Conflict commodities- critical minerals, diamonds | <p>Topic 11</p> |
| <p>13 1st November</p> | <p>Topic 13: Current issues in Energy and Natural Resources Law</p> | <p>Topic 12</p> |

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](#)
- [Assessment Procedure](#)
- [Complaints Resolution 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 or if you are a Global MBA student contact globalmba.support@mq.edu.au

Academic Integrity

At Macquarie, we believe [academic integrity](#) – honesty, respect, trust, responsibility, fairness and courage – is at the core of learning, teaching and research. We recognise that meeting the expectations required to complete your assessments can be challenging. So, we offer you a range of resources and services to help you reach your potential, including free [online writing and maths support](#), [academic skills development](#) and [wellbeing consultations](#).

Student Support

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

The Writing Centre

[The Writing Centre](#) provides resources to develop your English language proficiency, academic writing, and communication skills.

- [Workshops](#)
- [Chat with a WriteWISE peer writing leader](#)
- [Access StudyWISE](#)
- [Upload an assignment to Studiosity](#)
- [Complete the 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

Macquarie University offers a range of [Student Support Services](#) including:

- [IT Support](#)
- [Accessibility and disability support](#) with study
- Mental health [support](#)
- [Safety support](#) to respond to bullying, harassment, sexual harassment and sexual assault
- [Social support including information about finances, tenancy and legal issues](#)

Student Enquiries

Got a question? Ask us via [AskMQ](#), or contact [Service Connect](#).

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.

Changes from Previous Offering

There are some minor changes to the topics covered, in light of developments in Australia's energy landscape- for example, the current gas shortage and energy crisis affecting the east coast of Australia. These changes ensure that subject remains relevant and cutting edge.