



LAWS8051

Climate Change Law

Session 2, Online-scheduled-weekday 2023

Macquarie Law School

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General Information

Unit convenor and teaching staff

Paul Govind

paul.govind@mq.edu.au

Credit points

10

Prerequisites

Admission to LLM or MSusDev or (Admission to JD and LAWS600 or LAWS8001)

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

Late Submission Penalty

Unless a Special Consideration request has been submitted and approved, (a) a penalty for lateness will apply – 5 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. No late submissions will be accepted for timed assessments - e.g. quizzes, online tests.

Submission

All assessments are submitted electronically. Turnitin plagiarism detection software is used to check all written assessments.

Students should carefully check that they submit the correct file for an assessment as no re-submissions will be accepted after the due date and time, including instances where students upload an incorrect file in error.

Word count

Word limits are strictly applied. Work above the word limit will not be marked. Footnotes are to be used only for referencing.

Assessment Tasks

Name	Weighting	Hurdle	Due
<u>Analytical Research Essay</u>	40%	No	14 September 2023 - 11:55pm
<u>Report on the status of climate change law</u>	50%	No	November 3 2023 - 11:55pm
<u>Class participation</u>	10%	No	Week 1 - 13 Ongoing

Analytical Research Essay

Assessment Type ¹: Essay

Indicative Time on Task ²: 15 hours

Due: **14 September 2023 - 11:55pm**

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

Report on the status of climate change law

Assessment Type ¹: Report

Indicative Time on Task ²: 15 hours

Due: **November 3 2023 - 11:55pm**

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.

Class participation

Assessment Type ¹: Participatory task

Indicative Time on Task ²: 0 hours

Due: **Week 1 - 13 Ongoing**

Weighting: **10%**

Students will be assessed on their participation in tutorial discussions, debates and/or presentations

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.
- 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

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

Classes:

Lecture material will be delivered each week.

Tutorials are fortnightly and take place online on the following dates:

7/8/23, 21/8/23, 4/9/23, 2/10/23, 16/10/23, 30/10/23.

Lectures will be exclusively online and recorded and uploaded using Zoom.

Zoom invitations will be sent to all students in the online tutorials in the week prior to the commencement of Session 2.

Readings and materials:

There is no prescribed textbook for the course. The readings are a combination of journal articles, book chapters and extracts, case law, statutes, treaties and other reports/government material.

The Reading List will be available on the iLearn page and the materials through Leganto in the week prior to the commencement of Session 2.

Unit Schedule

Tutorial Week 1 – NB: There is no lecture or set readings for this tutorial, the class will be dedicated to a reflective discussion of what you understand and expect of the law in regulating climate change. Some topical media publications will be provided through iLearn prior to Week 1.

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Topic 1 – Introduction to and overview of the unit - What is 'Climate Law'? (Lecture Week 1; Tutorial Week 2)

Topic 2 - Law and the challenge of regulating climate change (Lecture Week 2; Tutorial Week 3)

Topic 3 – The International Climate Law Treaty Regime - Part 1 (Lecture Week 3; Tutorial Week 4)

Topic 4 - The International Climate Regime Part 2 (Lecture Week 4; Tutorial Week 5)

Topic 5 - Transnational Climate Law (Lecture Week 5; Tutorial Week 6)

Topic 6 – Australia and global climate law (Lecture Week 6; Tutorial Week 7)

Topic 7 - Domestic Climate Law (Australia and NSW) – Overview and the relationship between statutory law and climate litigation (Lecture Week 7; Tutorial Week 8)

Topic 8 - Domestic Climate Law (Australia and NSW) - Adaptation in Law (Lecture Week 8; Tutorial Week 9)

Topic 9 – Domestic Climate Law (Australia and NSW) - Corporate Risk (Lecture Week 9; Tutorial Week 10)

Topic 10 – Domestic Climate Law (Australia and NSW) – Renewable Energy (Lecture Week 10; Tutorial Week 11)

Topic 11 – The Future of Climate Law ((Lecture Week 11; Tutorial Week 12)

Topic 12 – Revision of course (Lecture Week 12; Tutorial Week 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](#)
- [Assessment Procedure](#)
- [Complaints Resolution Procedure for Students and Members of the Public](#)
- [Special Consideration Policy](#)

Students seeking more policy resources can visit [Student Policies \(https://students.mq.edu.au/su\)](https://students.mq.edu.au/su)

[pport/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>) 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 Advocacy](#) provides independent advice on MQ policies, procedures, and processes

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.