



LAWS5069

Energy and Natural Resources Law

Session 2, In person-scheduled-weekday, North Ryde 2024

Macquarie Law School

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General Information

Unit convenor and teaching staff

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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

All written assessments submitted electronically must be submitted through the link provided in iLearn. This unit will utilise Turnitin plagiarism detection software. Students should carefully check that they submit the correct file for an assessment, as re-submissions will not be accepted after the due date and time, including instances where students upload an incorrect file in error.

The design, moderation and feedback of all assessments is in accordance with the Macquarie University Assessment Procedure (link provided under 'Policies and Procedures' below).

Late Submission Policy

A maximum penalty of five (5) percentage points of the total possible marks will be applied per day to late submissions, for up to a maximum of seven calendar days. Tasks that have not been submitted within the maximum number of additional late days will receive a mark of zero. This provision does not apply to online exams or other assessment with a time limit of less than 24 hours.

Penalties for late submission will be applied consistently and equitably to all students enrolled in the unit. Where short-term, serious and unavoidable circumstances have affected their ability to submit an assessment task, a student must submit a formal application for Special Consideration as per the Special Consideration Policy. Students should not request an informal arrangement from their tutor, lecturer or Unit Convenor.

Where an application for Special Consideration is approved, and the outcome is an extension to the due date of a task, submissions that are received after the new due date will be subject to late penalties that are calculated from the new due date. This only applies where the outcome is an extension to the due date – see the Special Consideration Policy for a schedule of all possible outcomes.

Special Consideration

Students should submit applications for Special Consideration electronically via ask.mq.edu.au, along with the supporting documentation. Before submitting their applications, students should refer to the Special Consideration Policy (link provided under 'Policies and Procedures' below).

Assessment Tasks

Name	Weighting	Hurdle	Due
<u>Take home assessment</u>	40%	No	2024-10-28
<u>In class participation</u>	10%	No	Student self assessment form due Week 13
<u>Legal writing on a contemporary issue</u>	50%	No	2024-09-23

Take home assessment

Assessment Type ¹: Quiz/Test

Indicative Time on Task ²: 10 hours

Due: **2024-10-28**

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.

In class participation

Assessment Type ¹: Participatory task

Indicative Time on Task ²: 0 hours

Due: **Student self assessment form due Week 13**

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.

Legal writing on a contemporary issue

Assessment Type **1**: Professional writing

Indicative Time on Task **2**: 20 hours

Due: **2024-09-23**

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

Delivery

Lectures: mix of prerecorded and other relevant lectures

Tutorials: 10 tutorials commencing week 2 of the semester

This unit is worth 10 credit points, which equates to 150 hours of work. Therefore, students should expect to commit an average of 10 hours per week to this unit, including all scheduled and unscheduled activities and preparing and executing the assessment tasks.

Resources

There are no required textbooks

Additional readings will be accessible through iLearn.

Students require access to a computer, internet with decent speed and a secure/reliable server. The iLearn page contains all Unit requirements and a weekly schedule for teaching, readings and tutorials. Information about all assessment tasks is also available on iLearn.

Unit Schedule

UG Unit Schedule

Week No./ commencing	Topic	Tutorial
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Topic 1 22 ^h July (Wk. 30)	Topic 1: Energy, the energy transition, net-zero emissions and natural resources <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
Topic 2 39 th July (Wk. 31)	Topic 2: Ownership, Sovereignty, Energy Security, and the Energy Trilemma <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 Discussion on low carbon, no carbon, green economy, NZE, and nexus
Topic 3 5 th August (Wk. 32)	Topic 3: International law/governance relating to ENRL <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 	Topic 2
Topic 4 12 th August (Wk. 33)	Topic 4: Transboundary issues in energy and resource development <ol style="list-style-type: none"> 1. Grand Ethiopian Renaissance Dam (GERD) <ol style="list-style-type: none"> 1. Underground Carbon Storage and transboundary issues 2. Chernobyl 3. Transboundary petroleum development <ol style="list-style-type: none"> 1. Norway/UK 2. Norway/Russia 	Topic 3
Topic 5 19 th August (Wk. 35)	Topic 5: The energy lifecycle I: Access to Energy and Natural resources <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/LCS/PSCs 4. Land Access – wind farms, solar farms, Carbon sequestration 	Topic 4

Topic 6 26th August (Wk. 35)	Topic 6: The energy lifecycle II: Offshore energy law and governance <ol style="list-style-type: none"> 1. Ownership of offshore energy resources – hydrocarbons vs renewable energy 2. Offshore minerals development 3. Deep seabed mining 4. Offshore wind and infrastructure 	Topic 5
Topic 7 2nd Sept (Wk. 36)	Topic 7: VRE and the energy transition in Australia (fireside chat with Cameron Kelly) <ol style="list-style-type: none"> 1. Technology as a vehicle for shifting to LCE 2. Changing state intervention (commanding heights) 3. VRE in the NEM 4. Energy Storage 5. Technology Roadmap ARENA <ol style="list-style-type: none"> 1. Hydrogen and ammonia 2. Options for the energy transition - ACCUs 	Topic 6
(Wks. 37 and 38)	SEMESTER BREAK	
Topic 8 23rd Sept (Wk. 39)	Topic 8: Climate change and the energy transition <ol style="list-style-type: none"> 1. Climate change overview 2. Fossil fuels, emissions and global perspectives (IEA/IRENA) 3. Shift to Low Carbon Energy: hydrocarbons to renewables 4. Transitioning Energy markets: the case of the NEM 	Topic 7
Topic 9 30th Sept (Wk. 40)	Topic 9: Critical Minerals <ol style="list-style-type: none"> 1. Australian resources statements 2. Critical and rare earth minerals 3. Conflict commodities- critical minerals, diamonds 	Topic 8
Topic 10 7th October (Wk. 41)	Topic 10: Nuclear Energy in Australia <ol style="list-style-type: none"> 1. Base load power – what do we do? 2. Nuclear in Australia – ban 3. Role of Nuclear in Australia's transition to Net Zero 4. Sorting fact from fiction 	Topic 9
Topic 11 14th October (Wk. 42)	Topic 11: Decommissioning energy infrastructure <ol style="list-style-type: none"> 1. Offshore petroleum decommissioning 2. Commissioning for decommissioning 3. Dismantling, recycling and disposal – what do we do with it all??? 	Topic 10

	ONLINE SEMINAR: TBC (Guest - Gavin Scott, Norton Rose)	Indigenous seminar
Topic 12	Topic 12: Indigenous issues in energy and resource development	
21 st Oct (Wk. 43)	<ol style="list-style-type: none"> 1. Native Title and ILUAs 2. Consent/FPIC 3. challenges and opportunities in future energy and resource developments <ol style="list-style-type: none"> 1. Underground carbon storage 2. Renewable energy sources and native title 	
Topic 13	Topic 13: Current issues in Energy and Natural Resources Law	Topic 11
28 th Oct (Wk. 44)		Australia as a critical minerals titan

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 connect.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 the [Service Connect Portal](#), 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.

Unit information based on version 2024.01 of the [Handbook](#)