



# LAWS8051

## Climate Change Law

Session 2, Online-scheduled-weekday 2024

*Macquarie Law School*

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#### **Disclaimer**

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## General Information

Unit convenor and teaching staff Convenor; Lecturer; Tutor Paul Govind Contact via iLearn See iLearn
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**

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](https://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
<a href="#">Class participation</a>	10%	No	06/09/2024 - 11:55pm
<a href="#">Report on the status of climate change law</a>	50%	No	30/10/2024 - 11:55pm
<a href="#">Analytical Research Essay</a>	40%	No	Ongoing

### Class participation

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

Indicative Time on Task <sup>2</sup>: 0 hours

Due: **06/09/2024 - 11:55pm**

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

## Report on the status of climate change law

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

Indicative Time on Task <sup>2</sup>: 15 hours

Due: **30/10/2024 - 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.

## Analytical Research Essay

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

Indicative Time on Task <sup>2</sup>: 15 hours

Due: **Ongoing**

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
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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

### Delivery

Lectures: There is 1 lecture per week of approximately 2 hours.

Tutorials: Tutorials are every two weeks and are online. **The first tutorial is August 5. Tutorials are not recorded.**

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 is no prescribed textbook for this course. Weekly resources will be available through Leganto or directly via the library database. The Reading List will be published 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

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

Topic 2 - The International Climate Law Treaty Regime - Part 1 (Lecture Week 2; Tutorial Week

3)

Topic 3 - The International Climate Regime Part 2 (Lecture Week 3; Tutorial Week 4)

Topic 4 - The intersection between international climate law and other international environmental law systems (Lecture Week 4; Tutorial Week 5)

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

Topic 6 - Climate litigation/Australian context (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 Statutory Climate Law (Lecture Week 8; Tutorial Week 9)

Topic 9 – Climate Law and Corporate Risk (Lecture Week 9; Tutorial Week 10)

Topic 10 – Climate law and 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 \(https://students.mq.edu.au/support/study/policies\)](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)

## 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/](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.

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