



LAWS543

Climate Change Law

S3 Block 2019

Macquarie Law School

Contents

<u>General Information</u>	2
<u>Learning Outcomes</u>	2
<u>General Assessment Information</u>	3
<u>Assessment Tasks</u>	3
<u>Delivery and Resources</u>	6
<u>Unit Schedule</u>	6
<u>Policies and Procedures</u>	9
<u>Graduate Capabilities</u>	10

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General Information

Unit convenor and teaching staff

Convenor

Judith Preston

judith.preston@mq.edu.au

Contact via By email

By appointment

Ana Napoli Carneiro

ana.napolicarneiro@mq.edu.au

Credit points

3

Prerequisites

24cp in LAW or LAWS or (39cp at 100 level or above including ENV267)

Corequisites

Co-badged status

Unit description

Almost daily we encounter a new development or opinion concerning climate change, but what do we know about the legal framework that has formed around the subject? This unit is an introduction to the subject of climate change with a particular focus on its legal aspects. It is designed to help students understand the fundamentals of climate change law at the international and domestic levels.

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:

Demonstrate an understanding of the fundamental concepts on the physical aspects of climate change, including its causes and impacts, as a foundation from which to engage with other aspects of the field.

Demonstrate an understanding of the international and domestic climate law framework aimed at mitigation of greenhouse gas emissions or adaptation measures for multiple

stakeholders in a changing climate.

Demonstrate an understanding of the development of climate law and climate litigation law in Australia and overseas and express substantiated views about the effectiveness of climate law to assist with improved outcomes for the environment, the economy and society.

Compare legal and policy developments in climate law, climate litigation and renewable energy schemes in Australia with those in other countries and regions particularly the Asia and South-Pacific regions.

Express developing and supported views on options for formulating long-term legal responses to climate change at the domestic and international levels.

Display critical thinking and engagement with justice/ethical considerations particular to the field of climate change and relevant legal frameworks such as in relation to protection of natural and cultural heritage and human rights.

Demonstrate an ability to integrate information and perspectives from other disciplines as well as to understand how to approach climate law problem-solving from a multi-disciplinary perspective.

General Assessment Information

Students are encouraged to carefully look through the Unit Guide well in advance of the course to ensure you are informed about the assessment tasks particularly that one of the assessment tasks is to completed within the on campus session.

Students are also advised to complete the online inforMEA/Unitar e-courses assessment prior to the start of the OCS for preparation.

Late Assessment Penalty

Unless a Special Consideration request has been submitted and approved, (a) a penalty for lateness will apply – two (2) marks out of 100 will be deducted per day for assignments submitted after the due date – and (b) no assignment will be accepted more than seven (7) days (incl. weekends) after the original submission deadline. No late submissions will be accepted for timed assessments – e.g. quizzes, online tests.

Assessment Tasks

Name	Weighting	Hurdle	Due
<u>InforMEA/ Unitar Climate Law</u>	15%	No	6 December 2019, 5pm
<u>Reflection-Peoples' Tribunal</u>	20%	No	30 December 2019, 5pm

Name	Weighting	Hurdle	Due
Participation	15%	No	14-16 December 2019
Research Paper	50%	No	13 January 2019, 5pm

InforMEA/ Unitar Climate Law

Due: **6 December 2019, 5pm**

Weighting: **15%**

Students are to complete either the online InforMEA courses on Climate Change International Legal Regime found at <https://elearning.informeia.org/course/index.php?categoryid=7> or the Unitar Introductory e-course on Climate Change found at <https://unccelearn.org/>.

Students are to upload the Certificate of Completion by 5pm on 6 December 2019 onto iLearn. Students are to complete the course prior to starting the on campus session to assist with preparation for the course and to mitigate any technical problems that may be encountered in completing the online course.

On successful completion you will be able to:

- Demonstrate an understanding of the fundamental concepts on the physical aspects of climate change, including its causes and impacts, as a foundation from which to engage with other aspects of the field.

Reflection-Peoples' Tribunal

Due: **30 December 2019, 5pm**

Weighting: **20%**

The case review concerns choosing a significant legal decision by an Australian court or tribunal in the last five years that is primarily concerned with climate change regulation and evaluating its importance for climate law jurisprudence in Australia and globally.

The paper is a **maximum of 1,000 words** exclusive of references and a bibliography.

References must be **compliant with the Australian Guide to Legal Citation Version 4.**

On successful completion you will be able to:

- Demonstrate an understanding of the international and domestic climate law framework aimed at mitigation of greenhouse gas emissions or adaptation measures for multiple stakeholders in a changing climate.
- Demonstrate an understanding of the development of climate law and climate litigation law in Australia and overseas and express substantiated views about the effectiveness of climate law to assist with improved outcomes for the environment, the economy and

society.

- Display critical thinking and engagement with justice/ethical considerations particular to the field of climate change and relevant legal frameworks such as in relation to protection of natural and cultural heritage and human rights.
- Demonstrate an ability to integrate information and perspectives from other disciplines as well as to understand how to approach climate law problem-solving from a multi-disciplinary perspective.

Participation

Due: **14-16 December 2019**

Weighting: **15%**

Students are to actively participate in the OCS by undertaking the essential reading, physically attending all sessions, asking relevant questions or making pertinent comments within the sessions. Participation also includes being present at of the sitting of Peoples' Tribunal on Sunday 16 December 2019.

On successful completion you will be able to:

- Demonstrate an understanding of the fundamental concepts on the physical aspects of climate change, including its causes and impacts, as a foundation from which to engage with other aspects of the field.
- Demonstrate an understanding of the international and domestic climate law framework aimed at mitigation of greenhouse gas emissions or adaptation measures for multiple stakeholders in a changing climate.
- Demonstrate an understanding of the development of climate law and climate litigation law in Australia and overseas and express substantiated views about the effectiveness of climate law to assist with improved outcomes for the environment, the economy and society.
- Compare legal and policy developments in climate law, climate litigation and renewable energy schemes in Australia with those in other countries and regions particularly the Asia and South-Pacific regions.
- Express developing and supported views on options for formulating long-term legal responses to climate change at the domestic and international levels.
- Display critical thinking and engagement with justice/ethical considerations particular to the field of climate change and relevant legal frameworks such as in relation to protection of natural and cultural heritage and human rights.
- Demonstrate an ability to integrate information and perspectives from other disciplines as well as to understand how to approach climate law problem-solving from a multi-

disciplinary perspective.

Research Paper

Due: **13 January 2019, 5pm**

Weighting: **50%**

Students are to write a research paper on one of three questions to be uploaded on iLearn.
Length: 3,500 words (exclusive of references and bibliography).

Paper is to be submitted through Turnitin as a Word document (no PDFs accepted). All references are to be **compliant** with the **Australian Guide to Legal Citation**.

On successful completion you will be able to:

- Compare legal and policy developments in climate law, climate litigation and renewable energy schemes in Australia with those in other countries and regions particularly the Asia and South-Pacific regions.
- Express developing and supported views on options for formulating long-term legal responses to climate change at the domestic and international levels.
- Demonstrate an ability to integrate information and perspectives from other disciplines as well as to understand how to approach climate law problem-solving from a multi-disciplinary perspective.

Delivery and Resources

Intensive Block from Saturday December 14, 2019 to Monday December 16, 2019 (inclusive). All teaching materials including readings will be available on iLearn.

Recommended textbooks:

Kevin R. Gray, Richard Tarasofsky, and Cinnamon Carlarne (eds), *[The Oxford Handbook of International Climate Change Law](#)* (Oxford University Press, 2016).

D.A. Peeters and Marjan Peeters, *Climate Change Law* (Edward Elgar Publishing, 2016).

[Both books are available online at Macquarie University Library.](#)

Unit Schedule

Day 1 (Saturday 14 December 2019)

Morning sessions (9.00am - 1.00pm)

9.00am - 10.45am

Welcome to Country.

Introduction to the unit and assessments and overview of knowledges contributing to the understanding of climate science, law and policy (**Judith Preston**).

10.45am - 11.15am

Morning break.

11.15am - 12.15 pm

Situating Climate Change in the Sixth Mass Extinction. Can Earth law support regulation of adverse climate impacts? (**Dr Michelle Maloney**, Convenor of Australian Earth Laws Alliance).

12.15pm - 1.00pm

First Nations, developing countries and climate justice (**Dr Michelle Maloney** (AELA), **Quintin Gravatt** (Special Technical Advisor at Vaturisu) and **Professor Donna Craig** (Western Sydney University)).

1.00pm - 1.45pm

Lunch.

Afternoon sessions (2.00pm - 5.30pm)

2.00pm - 3.00pm

The International climate law framework (**The Honourable Justice Dr Brian Preston**, Chief Judge of the Land and Environment Court).

3.00pm - 3.15pm

Afternoon break.

3.30pm - 5.30pm

International climate framework and domestic implementation (**The Honourable Justice Dr Brian Preston**, Chief Judge of the Land and Environment Court).

Day 2 (Sunday 15 December 2019)

Morning sessions (9.00am - 1.00pm)

9.00am - 11.00am

Climate litigation (**The Honourable Justice Dr Brian Preston**, Chief Judge of the Land and Environment Court).

11.00am - 11.30am

Morning break.

11.30am - 1.00pm

Human Rights heritage and climate law (**Professor Ben Boer**, University of Sydney and Wuhan University).

1.00pm - 2.00pm

Lunch.

Afternoon sessions (2.00pm - 5.30pm)

2.00pm - 3.15pm

Australian climate change law framework at national and state level (**The Honourable Justice Dr Brian Preston**, Chief Judge of the Land and Environment Court).

3.15pm - 3.30pm

Afternoon break.

3.30pm - 4.15pm

Renewable energy and trends in Australia and the Asia Pacific region (**Mr David Robinson**, solicitor with Epuron Pty Ltd and Renewable Energy Education Projects Ltd).

4.30pm - 5.30pm

Climate Change legislation in the Asia Pacific region - Recent developments in Fiji (**Sophie Whitehead** - solicitor at Baker McKenzie Lwyers).

Day 3 (Monday 16 December 2019)

Morning sessions (9.00am - 1.00pm)

9.00am - 10.00am

Intergenerational equity and youth climate advocacy (**Shannon Peters** and **Judith Preston**).

10.00am - 11.00am

Climate change adaptation and urban areas (**Dr Jenny Scott**, Kuring-gai Council and **Ana Carneiro**, PhD candidate).

11.00am - 11.15am

Morning break.

11.15am - 1.15pm

Student preparation for submissions to Peoples' Tribunal.

1.15pm - 2.00pm

Lunch.

Afternoon sessions (2.00pm - 5.30pm)

2.30pm - 5.30pm

Peoples' Tribunal hearing on the question of 'Whether Australia is meeting its obligations under the UNFCCC Paris Agreement with regard to the climate change impacts of the Federal and Queensland governments approving a major coal mine in the Galilee Basin in Queensland in 2020?'

Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central \(https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central\)](https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central). 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](#) (**Note:** *The Special Consideration Policy is effective from 4 December 2017 and replaces the Disruption to Studies Policy.*)

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

If you would like to see all the policies relevant to Learning and Teaching visit [Policy Central \(https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central\)](https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central).

Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: <https://students.mq.edu.au/study/getting-started/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

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) provides academic writing resources and study strategies to improve your marks and take control of your study.

- [Workshops](#)
- [StudyWise](#)
- [Academic Integrity Module for Students](#)
- [Ask a Learning Adviser](#)

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

If you are a Global MBA student contact 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/.

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.

Graduate Capabilities

Creative and Innovative

Our graduates will also be capable of creative thinking and of creating knowledge. They will be imaginative and open to experience and capable of innovation at work and in the community. We want them to be engaged in applying their critical, creative thinking.

This graduate capability is supported by:

Learning outcomes

- Demonstrate an understanding of the development of climate law and climate litigation law in Australia and overseas and express substantiated views about the effectiveness of climate law to assist with improved outcomes for the environment, the economy and society.

- Express developing and supported views on options for formulating long-term legal responses to climate change at the domestic and international levels.
- Demonstrate an ability to integrate information and perspectives from other disciplines as well as to understand how to approach climate law problem-solving from a multi-disciplinary perspective.

Assessment tasks

- Reflection-Peoples' Tribunal
- Research Paper

Capable of Professional and Personal Judgement and Initiative

We want our graduates to have emotional intelligence and sound interpersonal skills and to demonstrate discernment and common sense in their professional and personal judgement. They will exercise initiative as needed. They will be capable of risk assessment, and be able to handle ambiguity and complexity, enabling them to be adaptable in diverse and changing environments.

This graduate capability is supported by:

Learning outcomes

- Compare legal and policy developments in climate law, climate litigation and renewable energy schemes in Australia with those in other countries and regions particularly the Asia and South-Pacific regions.
- Express developing and supported views on options for formulating long-term legal responses to climate change at the domestic and international levels.
- Display critical thinking and engagement with justice/ethical considerations particular to the field of climate change and relevant legal frameworks such as in relation to protection of natural and cultural heritage and human rights.

Assessment task

- Participation

Commitment to Continuous Learning

Our graduates will have enquiring minds and a literate curiosity which will lead them to pursue knowledge for its own sake. They will continue to pursue learning in their careers and as they participate in the world. They will be capable of reflecting on their experiences and relationships with others and the environment, learning from them, and growing - personally, professionally and socially.

This graduate capability is supported by:

Learning outcomes

- Demonstrate an understanding of the fundamental concepts on the physical aspects of climate change, including its causes and impacts, as a foundation from which to engage with other aspects of the field.
- Demonstrate an understanding of the international and domestic climate law framework aimed at mitigation of greenhouse gas emissions or adaptation measures for multiple stakeholders in a changing climate.
- Compare legal and policy developments in climate law, climate litigation and renewable energy schemes in Australia with those in other countries and regions particularly the Asia and South-Pacific regions.
- Display critical thinking and engagement with justice/ethical considerations particular to the field of climate change and relevant legal frameworks such as in relation to protection of natural and cultural heritage and human rights.

Assessment tasks

- InforMEA/ Unitar Climate Law
- Reflection-Peoples' Tribunal

Discipline Specific Knowledge and Skills

Our graduates will take with them the intellectual development, depth and breadth of knowledge, scholarly understanding, and specific subject content in their chosen fields to make them competent and confident in their subject or profession. They will be able to demonstrate, where relevant, professional technical competence and meet professional standards. They will be able to articulate the structure of knowledge of their discipline, be able to adapt discipline-specific knowledge to novel situations, and be able to contribute from their discipline to inter-disciplinary solutions to problems.

This graduate capability is supported by:

Learning outcomes

- Demonstrate an understanding of the fundamental concepts on the physical aspects of climate change, including its causes and impacts, as a foundation from which to engage with other aspects of the field.
- Compare legal and policy developments in climate law, climate litigation and renewable energy schemes in Australia with those in other countries and regions particularly the Asia and South-Pacific regions.

Assessment tasks

- InforMEA/ Unitar Climate Law

- Reflection-Peoples' Tribunal
- Research Paper

Critical, Analytical and Integrative Thinking

We want our graduates to be capable of reasoning, questioning and analysing, and to integrate and synthesise learning and knowledge from a range of sources and environments; to be able to critique constraints, assumptions and limitations; to be able to think independently and systemically in relation to scholarly activity, in the workplace, and in the world. We want them to have a level of scientific and information technology literacy.

This graduate capability is supported by:

Learning outcomes

- Demonstrate an understanding of the international and domestic climate law framework aimed at mitigation of greenhouse gas emissions or adaptation measures for multiple stakeholders in a changing climate.
- Demonstrate an understanding of the development of climate law and climate litigation law in Australia and overseas and express substantiated views about the effectiveness of climate law to assist with improved outcomes for the environment, the economy and society.
- Compare legal and policy developments in climate law, climate litigation and renewable energy schemes in Australia with those in other countries and regions particularly the Asia and South-Pacific regions.
- Demonstrate an ability to integrate information and perspectives from other disciplines as well as to understand how to approach climate law problem-solving from a multi-disciplinary perspective.

Assessment tasks

- InforMEA/ Unitar Climate Law
- Reflection-Peoples' Tribunal
- Participation
- Research Paper

Problem Solving and Research Capability

Our graduates should be capable of researching; of analysing, and interpreting and assessing data and information in various forms; of drawing connections across fields of knowledge; and they should be able to relate their knowledge to complex situations at work or in the world, in order to diagnose and solve problems. We want them to have the confidence to take the initiative in doing so, within an awareness of their own limitations.

This graduate capability is supported by:

Learning outcomes

- Demonstrate an understanding of the development of climate law and climate litigation law in Australia and overseas and express substantiated views about the effectiveness of climate law to assist with improved outcomes for the environment, the economy and society.
- Demonstrate an ability to integrate information and perspectives from other disciplines as well as to understand how to approach climate law problem-solving from a multi-disciplinary perspective.

Assessment task

- Research Paper

Effective Communication

We want to develop in our students the ability to communicate and convey their views in forms effective with different audiences. We want our graduates to take with them the capability to read, listen, question, gather and evaluate information resources in a variety of formats, assess, write clearly, speak effectively, and to use visual communication and communication technologies as appropriate.

This graduate capability is supported by:

Learning outcome

- Express developing and supported views on options for formulating long-term legal responses to climate change at the domestic and international levels.

Assessment tasks

- Reflection-Peoples' Tribunal
- Participation
- Research Paper

Engaged and Ethical Local and Global citizens

As local citizens our graduates will be aware of indigenous perspectives and of the nation's historical context. They will be engaged with the challenges of contemporary society and with knowledge and ideas. We want our graduates to have respect for diversity, to be open-minded, sensitive to others and inclusive, and to be open to other cultures and perspectives: they should have a level of cultural literacy. Our graduates should be aware of disadvantage and social justice, and be willing to participate to help create a wiser and better society.

This graduate capability is supported by:

Learning outcomes

- Demonstrate an understanding of the fundamental concepts on the physical aspects of climate change, including its causes and impacts, as a foundation from which to engage with other aspects of the field.
- Demonstrate an understanding of the international and domestic climate law framework aimed at mitigation of greenhouse gas emissions or adaptation measures for multiple stakeholders in a changing climate.
- Demonstrate an understanding of the development of climate law and climate litigation law in Australia and overseas and express substantiated views about the effectiveness of climate law to assist with improved outcomes for the environment, the economy and society.
- Display critical thinking and engagement with justice/ethical considerations particular to the field of climate change and relevant legal frameworks such as in relation to protection of natural and cultural heritage and human rights.
- Demonstrate an ability to integrate information and perspectives from other disciplines as well as to understand how to approach climate law problem-solving from a multi-disciplinary perspective.

Assessment tasks

- InforMEA/ Unitar Climate Law
- Reflection-Peoples' Tribunal
- Participation

Socially and Environmentally Active and Responsible

We want our graduates to be aware of and have respect for self and others; to be able to work with others as a leader and a team player; to have a sense of connectedness with others and country; and to have a sense of mutual obligation. Our graduates should be informed and active participants in moving society towards sustainability.

This graduate capability is supported by:

Learning outcomes

- Demonstrate an understanding of the fundamental concepts on the physical aspects of climate change, including its causes and impacts, as a foundation from which to engage with other aspects of the field.
- Demonstrate an understanding of the development of climate law and climate litigation law in Australia and overseas and express substantiated views about the effectiveness of climate law to assist with improved outcomes for the environment, the economy and

society.

- Compare legal and policy developments in climate law, climate litigation and renewable energy schemes in Australia with those in other countries and regions particularly the Asia and South-Pacific regions.
- Display critical thinking and engagement with justice/ethical considerations particular to the field of climate change and relevant legal frameworks such as in relation to protection of natural and cultural heritage and human rights.

Assessment tasks

- Reflection-Peoples' Tribunal
- Participation