



The University of Southern Queensland

Course Specification

Description: Environmental Law

Subject	Cat-Nbr	Class	Term	Mode	Units	Campus
LAW	2107	14138	2, 2002	ONC	1.00	TWMBBA

Academic Group:	FOBUS
Academic Org:	FOB010
HECS Band:	3
ASCED Code:	090999

STAFFING

Examiner: Mark Tranter
Moderator: Rosalind Mason

SYNOPSIS

This course is designed to acquaint students with the legal issues involved in the protection of the environment. This to be achieved through exposure to the sources of Australian environmental regulation: international, national and state. There will be no prerequisite legal study necessary so the course commences with a broad overview of the Australian legal system and its origins. It then examines the various sources of environmental law demonstrating how international initiatives are translated into domestic regulation. Through this mechanism students are exposed to some of the difficulties in this area of the law such as definitional difficulties, translation of concepts such as ecologically sustainable development, intergenerational equity, biological diversity to regulation. There is also an examination of the different approaches to environmental regulation: sanction based and incentive based. This is achieved with a practical examination of the Queensland regulatory framework.

OBJECTIVES

On successful completion of this course students will be able to:

- identify the mechanisms of international environmental law making and the role of soft law;
- describe the manner in which international law is translated into Australian domestic regulation;
- describe the intergovernmental relationships in Australian environmental regulation;
- demonstrate an understanding of the main regulatory mechanisms of environmental law in Queensland;
- identify and describe the issues involved in environmental dispute resolution;

- demonstrate an understanding of the difficulty of the translation of environmental concepts into legal regulation;
- demonstrate satisfactory skills in communication.

TOPICS

Description	Weighting (%)
1. Introduction to the Australian legal framework	10.00
2. International framework and initiatives in environmental law	20.00
3. The Australian federal environmental law regime	20.00
4. The role of the common law in environmental regulation	10.00
5. Regulation of environmentally relevant activities in Queensland	15.00
6. Land use planning in Queensland	15.00
7. Issues in environmental compliance and dispute resolution	10.00

TEXT and MATERIALS required to be PURCHASED or ACCESSED:

Books can be ordered by fax or telephone. For costs and further details use the 'Book Search' facility at <http://bookshop.usq.edu.au> by entering the author or title of the text.

USQ Study Package (available from the University Bookshop).

Ramsay, R. & Rowe, G.C. *Environmental Law and Policy in Australia*, Butterworths, Sydney.

STUDENT WORKLOAD REQUIREMENTS

ACTIVITY	HOURS
Assessment	20
Lectures	26
Private Study	93
Tutorial	26

ASSESSMENT DETAILS

Description	Marks Out of	Wtg(%)	Required	Due Date
MULTIPLE CHOICE CMA TEST	10.00	10.00	Y	09 Aug 2002
ESSAY ASSIGNMENT	30.00	30.00	Y	02 Sep 2002
EXAMINATION (2.5 HOURS)	60.00	60.00	Y	END S2 (see note 3)

NOTES:

3. Students will be advised of the official examination date after the timetable has been finalised.

OTHER REQUIREMENTS

- 1 To be assured of a passing grade in this course, students must attempt all of the assessments, achieve at least 50% in the examination and at least 50% of the available marks for the course. Final grades for the course will be determined by the addition of the marks obtained in each assessment item, weighted as in the Assessment Details.
- 2 Students must retain a copy of all pieces of assessment which must be produced if/when required by the lecturer.
- 3 **LATE ASSIGNMENTS** (i) All assessments submitted after the due date (and not approved for extension) in accordance with university policy will be penalised 20% per working day. (ii) If students submit assignments after the due date and wish to claim extenuating circumstances then they shall provide validated documentary evidence with the assignment, explaining the circumstances. (iii) The course examiner shall consider the statement accompanying a late assignment and decide on the outcome.
- 4 Assignments not submitted in the appropriate assignment folders will be deemed as not being received.
- 5 **DISHONEST ACTIONS** (i) Any student who is alleged to having performed a dishonest action relating to any assessment in the course will have a course of action taken against him/her as outlined in the Academic Regulations. (ii) Pieces of assessment should be the work of individual students. Joint pieces of assessment are not permitted unless written approval has been obtained from the course leader. (iii) Dishonest action in relation to assessment includes: copying or attempting to copy the work of others; use of or attempting to use information prohibited from use in that form of assessment; submitting the work of another as your own; consciously committing acts of plagiarism, ie taking and using another's thoughts or writings as one's own with intent to deceive, which occurs when paragraphs, sentences, a single sentence or significant parts of a sentence which are copied directly, are not enclosed in quotation marks and appropriately footnoted or referenced in the text; direct quotations are not used, but text is paraphrased or summarised, and the source of the material is not acknowledged by footnoting or other reference in the text.
- 6 **DEFERRED EXAMINATIONS** (i) Deferred examinations will be granted at the Dean's discretion based on non-attendance for medical, compassionate or employment-related reasons having regard to item 1. If a deferred examination is granted, students shall sit the deferred examination in the next semester examination period. If, for whatever reason, this deferred examination is not taken then the student will be graded 'F'. (ii) To be eligible for consideration for a deferred examination, students must have submitted a genuine attempt at all mandatory assessment items. (iii) Deferral of an examination CANNOT be granted on an existing deferral in that course. (iv) Requests must be in writing to the Faculty Operations Manager clearly stating student name, student number, current address,

course alpha-numeric identifier and name for the examination not attended. (v) Requests MUST BE supported by original or suitably authenticated documentation. (vi) Requests and documentation must be submitted to the Faculty Operations Manager within ten (10) calendar days of the missed examination date. (vii) Requests based on medical reasons must be supported by medical evidence on the appropriate University of Southern Queensland medical certificate or doctor's certificate. A medical certificate must be dated with the same date as the period of illness for which the absence from examination is being sought and clearly indicate the student's name and, if possible, student number (retrospective medical certificates will not be accepted for either assignment work or examinations). Only original or authenticated medical certificates will be accepted. A student's medical condition must be stated clearly (IN ENGLISH). (Certificates stating a student has a 'medical condition' may not be sufficient grounds for deferment of examination). Medical evidence must cover the student for the day(s) of the missed examination(s). (viii) Requests based on family/personal reasons must be supported by a clear statement (IN ENGLISH) from a medical practitioner, counsellor or independent member of the community. (ix) Requests based on employment-related reasons must be supported by a clear statement (IN ENGLISH) from the student's employer. (x) Students who have a medical condition or genuine compassionate or employment-related problems on the day of the examination are advised to obtain the relevant documentary evidence and NOT attempt the examination. If a student makes an attempt at the examination, the assessment item will be marked and a grade awarded. In these cases, a student cannot, after receiving a 'fail' grade, request a deferred examination or special consideration. (xi) Students who have been granted deferred examinations will not be granted a waiver of prerequisites, without the permission of the Heads of Department, in subsequent semesters (if they do not have a passing grade).

7 Course weightings of topics should not be interpreted as applying to the number of marks allocated to questions testing those topics in an examination paper. The examination may test material already tested in assignments.

8 The examination will be OPEN.
