



The University of Southern Queensland

Course Specification

Description: Environmental Law

| Subject | Cat-Nbr | Class | Term | Mode | Units | Campus |
|---------|---------|-------|---------|------|-------|--------|
| LAW | 2107 | 24139 | 2, 2003 | ONC | 1.00 | TWMBBA |

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

STAFFING

Examiner: Mark Tranter

Moderator: Pauline Collins

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. | 100.00 |
| 1.1. Introduction to the Australian legal framework (not assessed) | |
| 1.2. International framework and initiatives in environmental law (15%) | |
| 1.3. The Australian federal environmental law regime (15%) | |
| 1.4. The role of the common law in environmental regulation (10%) | |
| 1.5. Issues in the use and regulation of genetically modified organisms (10%) | |
| 1.6. Corporate liability in environmental protection (10%) | |
| 1.7. Regulation of environmentally relevant activities in Queensland (15%) | |
| 1.8. Land use planning in Queensland (15%) | |
| 1.9. Issues in environmental compliance and dispute resolution (10%) | |

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.

LAW2107 study package available from the USQ Bookshop.

Access to the Internet: Due to the fluid nature of legal regulation of the environment and the extensive amount of legislation and other material required to be accessed for this course, students must have regular access to a computer with printing facilities linked to the Internet. The access to the Internet should be functional and effective having regard to present standards. If you do not own such a computer, then suitable access may be possible through USQ regional liaison centres, your place of work (with your employer's permission), libraries, schools or businesses which provide such access.

Internet access will also enable effective e-mail communication with the Examiner and other USQ facilities as well as participation in the course discussion group.

Ramsay, R & Rowe, *GC 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 |
|----------------------|--------------|--------|----------|-----------------------|
| ESSAY ASSIGNMENT | 30.00 | 30.00 | Y | 15 Sep 2003 |
| 2.5 HOUR EXAMINATION | 70.00 | 70.00 | Y | END S2 (see note) |

NOTES:

- . The examination is scheduled to be held in the end-of-semester examination period. Students will be advised of the official examination date after the timetable has been finalised.

IMPORTANT ASSESSMENT INFORMATION

- 1 Attendance requirements:
It is the students' responsibility to attend and participate appropriately in all activities (such as lectures, tutorials, laboratories and practical work) scheduled for them, and to study all material provided to them or required to be accessed by them to maximise their chance of meeting the objectives of the course and to be informed of course-related activities and administration. If you are an International student in Australia it is a requirement of your student visa that you attend all classes at your campus.
- 2 Requirements for students to complete each assessment item satisfactorily:
Students must submit assignments that represent a reasonable attempt as determined by the Examiner. Students must obtain at least 50% of the marks available for the examination.
- 3 Penalties for late submission of required work:
If students submit assignments after the due date without prior approval then a penalty of 20% of the total marks gained by the student for the assignment will apply for each working day late.
- 4 Requirements for student to be awarded a passing grade in the course:
To be assured of receiving a passing grade a student must attempt all of the summative assessment items, achieve at least 50% in the examination and achieve an aggregated mark of at least 50% of the available weighted marks for the summative assessment items.

- 5 Method used to combine assessment results to attain final grade:
The final grades for students will be assigned on the basis of the weighted aggregate of the marks obtained for each of the summative assessment items in the course.
- 6 Examination information:
This is an open examination. Candidates may have access to any material during the examination except the following: electronic communication devices (eg mobile telephones, pagers), bulky materials, devices requiring mains power and material likely to disturb other students.
- 7 Examination period when Deferred/Supplementary examinations will be held:
Any Deferred or Supplementary examinations for this course will be held during the next examination period.
- 8 University Regulations:
Students should read USQ Regulations 5.1 Definitions, 5.6 Assessment, and 5.10 Academic Misconduct for further information and to avoid actions which might contravene University Regulations. These regulations can be found at the URL: <http://www.usq.edu.au/SECARIAT/calendar/Part5/> or in the printed version of the current USQ Handbook. Students should also read The Guide to Policies and Procedures of the Faculty which can be found at the URL: <http://www.usq.edu.au/handbook/2003/title663.html> or in the printed version of the current USQ Handbook.

ASSESSMENT NOTES

- 1 Assignments: (i) The due date for an assignment is the date by which a student must despatch the assignment to the USQ. The onus is on the student to provide proof of the despatch date, if requested by the Examiner. (ii) Students must retain a copy of each item submitted for assessment. This must be produced within 24 hours if required by the Examiner. (iii) The Examiner may grant an extension of the due date of an assignment in extenuating circumstances. 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. The Examiner shall consider the statement accompanying a late assignment and decide on the outcome. (iv) Assignments are to be submitted with the appropriate assignment cover. (v) The Examiner will normally only accept assessments that have been written, typed or printed on paper-based media. (vi) In the event that a due date for an assignment falls on a local public holiday in their area, such as a Show holiday, the due date for the assignment will be the next day. Students are to note on the assignment cover the date of the public holiday for the Examiner's convenience.
- 2 Course Weightings: 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.
- 3 Deferred Work: Students who, for medical, family/personal, or employment-related reasons, are unable to complete an assignment or to sit for an examination at the scheduled time may apply to defer an assessment in a course. Such a request must be accompanied by appropriate supporting documentation. One of the following temporary grades may be awarded: IDS (Incomplete - Deferred Examination);

IDM (Incomplete Deferred Make-up); IDB (Incomplete - Both Deferred Examination and Deferred Make-up).