



The University of Southern Queensland

Course specification

Description: Environmental Law

Subject	Cat-nbr	Class	Term	Mode	Units	Campus
LAW	2107	34136	2, 2004	EXT	1.00	TWMBA

Academic group:	FOBUS
Academic org:	FOB010
Student contribution 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 Australian and Queensland regulatory framework.

OBJECTIVES

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

1. describe, interpret and explain the principles and mechanisms of international environmental law and the manner in which international environmental law deals with specified topics;
2. describe, interpret and explain the Australian Federal environmental law regime;
3. describe, interpret and explain the role of the common law in environmental regulation;
4. describe, interpret and explain issues in the use and regulation of genetically modified organisms;

5. describe, interpret and explain corporate liability in environmental protection;
6. describe, interpret and explain regulation of environmentally relevant activities in Queensland;
7. describe, interpret and explain land use planning in Queensland;
8. describe, interpret and explain issues in environmental compliance and dispute resolution;
9. demonstrate the process of applying environmental legal principles to factual situations;
10. compare, contrast and evaluate the international, national and State environmental legal systems;
11. recognise the importance of environmental protection and the tension between that and development; and
12. demonstrate an ability to communicate in a legal context.

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:

ALL textbooks and materials are available for purchase from USQ BOOKSHOP (unless otherwise stated). Orders may be placed via secure internet, free fax 1800642453, phone 07 46312742 (within Australia), or mail. Overseas students should fax +61 7 46311743, or phone +61 7 46312742. For costs, further details, and internet ordering, use the "Textbook

Search' facility at <http://bookshop.usq.edu.au> click 'Semester', then enter your 'Course Code' (no spaces).

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.

Bates, G 2002, *Environmental law in Australia*, 5th edn, Butterworths, Australia.

(There is no set text for this course. However this text on environmental law is **HIGHLY RECOMMENDED**.)

Fisher, DE 2003, *Australian environmental law*, Lawbook Co, Sydney.

(There is no set text for this course. However this text on environmental law is **HIGHLY RECOMMENDED**.)

REFERENCE MATERIALS:

Reference materials are materials that, if accessed by students, may improve their knowledge and understanding of the material in the course and enrich their learning experience.

STUDENT WORKLOAD REQUIREMENTS:

ACTIVITY	HOURS
Assessment	20.00
Directed Study	52.00
Private Study	93.00

ASSESSMENT DETAILS

Description	Marks out of	Wtg(%)	Due date
ESSAY ASSIGNMENT	30.00	30.00	30 Aug 2004
2.5 HOUR OPEN EXAMINATION	70.00	70.00	END S2 (see note 1)

NOTES:

1. 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:
If you are an international student in Australia you are advised to attend all classes at your campus. Failure to attend may infringe the conditions of your student visa. For all other students, there are no attendance requirements for this course. However, it is the students' responsibility 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.
- 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/corporateservices/calendar/part5.htm>. Students should also read the Faculty of Business Guide to Policies and Procedures of the Faculty which can be found at the URL <http://www.usq.edu.au/handbook/current/buspolproc.html>.

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 five days 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 in the appropriate assignment folders. (v) The Examiner will normally only accept assessments that have been written, typed or printed on paper-based media. (vi) The Examiner will not accept submission of assignments by facsimile. (vii) Students who do not have regular access to postal services or who are otherwise disadvantaged by these regulations may be given special consideration. They should contact the Examiner to negotiate such special arrangements. (viii) 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).