



The University of Southern Queensland

## Course specification

| <b>Description: Environmental Law</b> |         |       |         |      |       |           |
|---------------------------------------|---------|-------|---------|------|-------|-----------|
| Subject                               | Cat-nbr | Class | Term    | Mode | Units | Campus    |
| LAW                                   | 2107    | 54112 | 2, 2006 | ONC  | 1.00  | Toowoomba |

|                                   |        |
|-----------------------------------|--------|
| <b>Academic group:</b>            | FOBUS  |
| <b>Academic org:</b>              | FOB010 |
| <b>Student contribution band:</b> | 3      |
| <b>ASCED code:</b>                | 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 is to be achieved through exposure to the sources of Australian environmental regulation: international, national and state. While there is no set prerequisite legal study required, it is recommended that students have completed Introduction to Law LAW1101 or Technology and Society ENG2002. The course 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 as well as the incorporation of concepts such as ecologically sustainable development, intergenerational equity and the precautionary principle into regulation. This is achieved by an examination of the Australian and Queensland environmental regulatory framework. Such practical issues as increasing Commonwealth involvement in environmental matters, the regulation of environmentally relevant activities and land use planning are dealt with.

### OBJECTIVES

The course objectives define the student learning outcomes for a course. The assessment item(s) that may be used to assess student achievement of an objective are shown in parentheses after each objective. On successful completion of this course, students should 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 (Assignment)
2. describe, interpret and explain the Australian Federal environmental law regime (Assignment, Examination)
3. describe, interpret and explain the role of the common law in environmental regulation (Examination)
4. describe, interpret and explain issues in the use and regulation of genetically modified organisms (Examination)

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

## TOPICS

| Description   | Weighting (%) |
|---|---------------|
| 1. Topics   | 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.

There is no set text for this course, apart from the study package. However, the Bates Text and Fisher Text on Environmental Law are recommended.

LAW2107 study package available from the USQ Bookshop.

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 2006, *Environmental law in Australia*, 6th edn, Butterworths, Australia.

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

## 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 |
| Lectures      | 26.00 |
| Private Study | 93.00 |
| Tutorials     | 26.00 |

## ASSESSMENT DETAILS

| Description               | Marks out of | Wtg(%) | Due date               |
|---------------------------|--------------|--------|------------------------|
| ESSAY ASSIGNMENT          | 30.00        | 30.00  | 04 Sep 2006            |
| 2.5 HOUR OPEN EXAMINATION | 70.00        | 70.00  | END S2<br>(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:  
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.
- 2 Requirements for students to complete each assessment item satisfactorily:

To satisfactorily complete an individual assessment item a student must achieve at least 50% of the marks. (Depending upon the requirements in Statement 4 below, students may not have to satisfactorily complete each assessment item to receive a passing grade in this course.)

- 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 make a reasonable attempt in all of the weighted assessment items, achieve at least 50% in the examination and at least 50% of the total weighted marks available for the course.
- 5 Method used to combine assessment results to attain final grade:  
The final grades for students will be assigned on the basis of the aggregate of the weighted 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 devices (eg mobile telephones, pagers, computers), bulky materials, devices requiring 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) Assignments must be submitted in the drop box located at the Faculty of Business reception area on level 4 of L-Block by 5:00PM on the due date. (ii) Students must retain a copy of each assignment 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).

### **OTHER REQUIREMENTS**

- 1 Learning resources: Prescribed texts and materials (see above); recommended reference materials (see above); printed Introductory Book\*, Study Book/s\*, and Book/s of Selected Readings\*; and course Website accessible via USQConnect. \*part of the study package available from the USQ Bookshop.
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