



The University of Southern Queensland

## Course specification

The current and official versions of the course specifications are available on the web at <http://www.usq.edu.au/coursespecification/current>.  
Please consult the web for updates that may occur during the year.

### Description: Environmental Law

Subject	Cat-nbr	Class	Term	Mode	Units	Campus
LAW	2107	90080	2, 2009	EXT	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: Noeleen McNamara  
Moderator: Des Taylor

### OTHER REQUISITES

Students are required to have access to a personal computer, e-mail capabilities and Internet access to UConnect. Current details of computer requirements can be found at <http://www.usq.edu.au/ict/students/standards/default.htm>.

### 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

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
2. describe, interpret and explain the Australian federal environmental law regime
3. describe, interpret and explain issues in the use and regulation of cultural and natural heritage

4. describe, interpret and explain individual and corporate liability in environmental protection
5. describe, interpret and explain regulation of environmentally relevant activities in Queensland
6. describe, interpret and explain regulation of contaminated land 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
12. demonstrate an ability to communicate in a legal context.

## 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. Issues in the use and regulation of natural and cultural heritage (10%)	
1.5. Pollution/liability for environmental protection (10%)	
1.6. Regulation of contaminated land (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.

**LEGISLATION:** You will need to have access to relevant sections (as discussed in the study guide) of the following legislation: Environmental Protection Act 1994 (Qd); Environment Protection and Biodiversity Conservation Act 1999 (Cth). Latest editions of the legislation are required. Legislation can be purchased from the Government Printers or downloaded from <<http://www.legislation.qld.gov.au>>. or <<http://www.austlii.edu.au>>.

Bates, G 2006, *Environmental law in Australia*, 6th edn, LexisNexis Butterworths, Chatswood, New South Wales.

## 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.

Fisher, DE 2003, *Australian environmental law*, Thomson Legal & Regulatory, Pyrmont, New South Wales.

## STUDENT WORKLOAD REQUIREMENTS

ACTIVITY	HOURS
Assessments	20.00
Directed Study	52.00
Private Study	93.00

## ASSESSMENT DETAILS

Description	Marks out of	Wtg (%)	Due date	Objectives assessed	Graduate skill	Level assessed
ESSAY ASSIGNMENT	30.00	30.00	07 Sep 2009	1, 2, 8, 9, 10, 11, 12		
2-HOUR EXAMINATION	70.00	70.00	END S2 (see note 1)	2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12		

### 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. 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:  
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 of the examiner, then a penalty of 5% of the total marks gained by the student for the assignment may apply for each working day late up to ten working days at which time a mark of zero may be recorded.
  - 4 Requirements for student to be awarded a passing grade in the course:  
To be assured of receiving a passing grade a student must achieve 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 will be an open examination. Candidates may have access to any printed or written material and a calculator during the examination. In line with regulation 5.6.4.2 'Use of Electronic Devices during Examinations', laptop and notebook computers are not permitted.
  - 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 Student Academic Misconduct for further information and to avoid actions which might contravene university regulations. These regulations can be found at <http://www.usq.edu.au/corporateservices/calendar/part5.htm>. Students should also read the Faculty of Business Procedures which can be found at <http://www.usq.edu.au/business/aboutfob.htm>.

## 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 assignment submitted for assessment. This must be produced within 24 hours if required by the examiner. (iii) In accordance with university policy, the examiner may grant an extension of the due date of an assignment in extenuating circumstances. (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 Referencing in assignments: Students studying this course as part of a Bachelor of Laws or Juris Doctor must use the Australian Guide to Legal Citation (AGLC) style. Students who are not enrolled in either of these programs may use either Harvard (AGPS) or the Australian Guide to Legal Citation (AGLC) in their assignments to format details of the information sources they have cited in their work. For AGLC style guide enquiries, consult the AGLC manual from the USQ Library's referencing guide at <<http://www.usq.edu.au/library/help/referencing/default.htm>>, or contact the Law librarian. The Harvard (AGPS) style to be used is defined by the USQ Library's referencing guide at <<http://www.usq.edu.au/library/help/referencing/default.htm>>.
- 4 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 Computer, e-mail and Internet access: Students are required to have access to a personal computer, e-mail capabilities and Internet access to UConnect. Current details of computer requirements can be found at <<http://www.usq.edu.au/ict/students/standards/default.htm>>.
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