



## UNSW Course Outline

# LAWS3361 Environmental Law - 2024

Published on the 28 Jan 2024

## General Course Information

**Course Code :** LAWS3361

**Year :** 2024

**Term :** Term 1

**Teaching Period :** T1

**Is a multi-term course? :** No

**Faculty :** Faculty of Law and Justice

**Academic Unit :** School of Law, Society and Criminology

**Delivery Mode :** In Person

**Delivery Format :** Standard

**Delivery Location :** Kensington

**Campus :** Sydney

**Study Level :** Undergraduate

**Units of Credit :** 6

### Useful Links

[Handbook Class Timetable](#)

## Course Details & Outcomes

### Course Description

This course introduces the fundamental principles and concepts of environmental law and policy. For the purposes of the course, 'environmental law' is defined to mean that area of law concerned with managing the impact of human activities on the environment. The course will

explore a number of cross-cutting themes that influence current debate within environmental law and policy about the goals of ecologically sustainable development. The course will cover areas of environmental law at the international, federal and at the local and state level in New South Wales. The course will provide students with a breadth of knowledge about environmental issues and legal responses to these pressing global challenges. It will be important for students whose future career will touch on these issues, including working as a lawyer or barrister, as a policy adviser in Government or an environmental regulatory agency, as an environmental advocate in an NGO or community legal centre or in other related areas fields.

### Main Topics:

The course will introduce a range of topics, including:

- Global environmental issues and the development of international environmental law
- The common law and statute as sources of environmental law
- Commonwealth, State and local responsibilities
- Commonwealth environmental law
- Environmental planning
- Development control
- Environmental assessment, enforcement and scrutiny
- Pollution control and enforcement
- Climate change
- Protection of biodiversity

## Course Aims

- Know the origins and sources of environmental laws including the international context of environmental law
- Be able to assess the efficacy of environmental law within the context of contemporary national and international challenges
- Have a good understanding of the principles of Ecologically Sustainable Development (ESD) and the difficulties faced by decision-makers in implementing these principles at an international, federal, state and local level
- Have a good understanding of the framework of laws for environmental planning, development control, environmental impact assessment, the protection of biodiversity and native vegetation as well as pollution regulation
- Have a good understanding of the workings of the New South Wales Land and Environment Court
- Have an appreciation and understanding of the difficulties and disadvantages the community faces when engaging in environmental decision making

# Course Learning Outcomes

Course Learning Outcomes
CLO1 : Demonstrate awareness of the central principles of environmental law, both international and domestic (PLOs 1, 8)
CLO2 : Demonstrate awareness of the framework of laws for environmental planning, development control, environmental assessment, the regulation of pollution and climate change and the protection of natural resources, biodiversity and native vegetation (PLOs 1, 2, 4, 8)
CLO3 : Identify the key principles and policies of Ecologically Sustainable Development (ESD) and explain the difficulties faced by decision makers in implementing ESD (PLOs 1, 7, 8)
CLO4 : Engage in critical analysis of public participation mechanisms and the Land and Environment Court in the context of environmental decision making and conflict resolution (PLOs 3, 7, 11)
CLO5 : Engage in critical analysis of environmental law's efficacy within the context of contemporary national and international environmental challenges (PLOs 1, 7, 8)
CLO6 : Navigate and apply key environmental legal texts, both statutory and judicial, to hypothetical fact scenarios (PLOs 1, 4, 5).
CLO7 : Demonstrate effective oral communication skills by discussing and debating course concepts in a scholarly, reflective and respectful manner (PLOs 9, 10, 12)
CLO8 : Demonstrate effective written communication skills by articulating legal concepts clearly, persuasively and appropriately (PLOs 6, 9)
CLO9 : Demonstrate an ability to incorporate a range of legal and interdisciplinary research sources in written communication with appropriate referencing (PLOs 6, 8, 9, 12)

Course Learning Outcomes	Assessment Item
CLO1 : Demonstrate awareness of the central principles of environmental law, both international and domestic (PLOs 1, 8)	<ul style="list-style-type: none"> <li>• Class Participation</li> <li>• Take Home Exam</li> <li>• Mid-Session Assessment (essay)</li> </ul>
CLO2 : Demonstrate awareness of the framework of laws for environmental planning, development control, environmental assessment, the regulation of pollution and climate change and the protection of natural resources, biodiversity and native vegetation (PLOs 1, 2, 4, 8)	<ul style="list-style-type: none"> <li>• Class Participation</li> <li>• Take Home Exam</li> <li>• Mid-Session Assessment (essay)</li> </ul>
CLO3 : Identify the key principles and policies of Ecologically Sustainable Development (ESD) and explain the difficulties faced by decision makers in implementing ESD (PLOs 1, 7, 8)	<ul style="list-style-type: none"> <li>• Class Participation</li> <li>• Take Home Exam</li> <li>• Mid-Session Assessment (essay)</li> </ul>
CLO4 : Engage in critical analysis of public participation mechanisms and the Land and Environment Court in the context of environmental decision making and conflict resolution (PLOs 3, 7, 11)	<ul style="list-style-type: none"> <li>• Class Participation</li> <li>• Take Home Exam</li> </ul>
CLO5 : Engage in critical analysis of environmental law's efficacy within the context of contemporary national and international environmental challenges (PLOs 1, 7, 8)	<ul style="list-style-type: none"> <li>• Mid-Session Assessment (essay)</li> <li>• Class Participation</li> <li>• Take Home Exam</li> </ul>
CLO6 : Navigate and apply key environmental legal texts, both statutory and judicial, to hypothetical fact scenarios (PLOs 1, 4, 5).	<ul style="list-style-type: none"> <li>• Class Participation</li> <li>• Take Home Exam</li> </ul>
CLO7 : Demonstrate effective oral communication skills by discussing and debating course concepts in a scholarly, reflective and respectful manner (PLOs 9, 10, 12)	<ul style="list-style-type: none"> <li>• Class Participation</li> </ul>
CLO8 : Demonstrate effective written communication skills by articulating legal concepts clearly, persuasively and appropriately (PLOs 6, 9)	<ul style="list-style-type: none"> <li>• Mid-Session Assessment (essay)</li> <li>• Take Home Exam</li> </ul>
CLO9 : Demonstrate an ability to incorporate a range of legal and interdisciplinary research sources in written communication with appropriate referencing (PLOs 6, 8, 9, 12)	<ul style="list-style-type: none"> <li>• Mid-Session Assessment (essay)</li> <li>• Take Home Exam</li> </ul>

## Learning and Teaching Technologies

Moodle - Learning Management System

# Assessments

## Assessment Structure

Assessment Item	Weight	Relevant Dates
Class Participation Assessment Format: Individual	20%	
Take Home Exam Assessment Format: Individual	50%	
Mid-Session Assessment (essay) Assessment Format: Individual	30%	

## Assessment Details

### Class Participation

#### Assessment Overview

#### Class Participation

Feedback includes formative feedback, peer feedback in class, online and the use of rubric.

#### Course Learning Outcomes

- CL01 : Demonstrate awareness of the central principles of environmental law, both international and domestic (PLOs 1, 8)
- CL02 : Demonstrate awareness of the framework of laws for environmental planning, development control, environmental assessment, the regulation of pollution and climate change and the protection of natural resources, biodiversity and native vegetation (PLOs 1, 2, 4, 8)
- CL03 : Identify the key principles and policies of Ecologically Sustainable Development (ESD) and explain the difficulties faced by decision makers in implementing ESD (PLOs 1, 7, 8)
- CL04 : Engage in critical analysis of public participation mechanisms and the Land and Environment Court in the context of environmental decision making and conflict resolution (PLOs 3, 7, 11)
- CL05 : Engage in critical analysis of environmental law's efficacy within the context of contemporary national and international environmental challenges (PLOs 1, 7, 8)
- CL06 : Navigate and apply key environmental legal texts, both statutory and judicial, to hypothetical fact scenarios (PLOs 1, 4, 5).
- CL07 : Demonstrate effective oral communication skills by discussing and debating course concepts in a scholarly, reflective and respectful manner (PLOs 9, 10, 12)

### Take Home Exam

#### Assessment Overview

End of session assessment (take-home exam)

Feedback includes formative feedback, peer feedback in class, online and the use of rubric.

### **Course Learning Outcomes**

- CL01 : Demonstrate awareness of the central principles of environmental law, both international and domestic (PLOs 1, 8)
- CL02 : Demonstrate awareness of the framework of laws for environmental planning, development control, environmental assessment, the regulation of pollution and climate change and the protection of natural resources, biodiversity and native vegetation (PLOs 1, 2, 4, 8)
- CL03 : Identify the key principles and policies of Ecologically Sustainable Development (ESD) and explain the difficulties faced by decision makers in implementing ESD (PLOs 1, 7, 8)
- CL04 : Engage in critical analysis of public participation mechanisms and the Land and Environment Court in the context of environmental decision making and conflict resolution (PLOs 3, 7, 11)
- CL05 : Engage in critical analysis of environmental law's efficacy within the context of contemporary national and international environmental challenges (PLOs 1, 7, 8)
- CL06 : Navigate and apply key environmental legal texts, both statutory and judicial, to hypothetical fact scenarios (PLOs 1, 4, 5).
- CL08 : Demonstrate effective written communication skills by articulating legal concepts clearly, persuasively and appropriately (PLOs 6, 9)
- CL09 : Demonstrate an ability to incorporate a range of legal and interdisciplinary research sources in written communication with appropriate referencing (PLOs 6, 8, 9, 12)

### **Mid-Session Assessment (essay)**

#### **Assessment Overview**

#### **Mid-Session Assessment (essay)**

Feedback includes formative feedback, peer feedback in class, online and the use of rubric.

### **Course Learning Outcomes**

- CL01 : Demonstrate awareness of the central principles of environmental law, both international and domestic (PLOs 1, 8)
- CL02 : Demonstrate awareness of the framework of laws for environmental planning, development control, environmental assessment, the regulation of pollution and climate change and the protection of natural resources, biodiversity and native vegetation (PLOs 1, 2, 4, 8)
- CL03 : Identify the key principles and policies of Ecologically Sustainable Development (ESD) and explain the difficulties faced by decision makers in implementing ESD (PLOs 1, 7, 8)
- CL05 : Engage in critical analysis of environmental law's efficacy within the context of contemporary national and international environmental challenges (PLOs 1, 7, 8)
- CL08 : Demonstrate effective written communication skills by articulating legal concepts clearly, persuasively and appropriately (PLOs 6, 9)
- CL09 : Demonstrate an ability to incorporate a range of legal and interdisciplinary research

sources in written communication with appropriate referencing (PLOs 6, 8, 9, 12)

## General Assessment Information

1. Class Participation(20%)[CLO1,CLO2,CLO3,CLO4,CLO5,CLO6,CLO7]
2. Mid-Session Assessment (essay)(30%)[CLO1,CLO2,CLO3,CLO5,CLO8,CLO9]
3. Take Home Exam(50%)[CLO1,CLO2,CLO3,CLO4,CLO5,CLO6,CLO8,CLO9]

### Grading Basis

Standard

## Course Schedule

### Attendance Requirements

Please see information about attendance requirements in **Law & Justice Assessment Procedure and Student Information** located in the Other Useful Information tab in the Academic Information field.

Please be advised there will be no classes on public holidays. If your class falls on a public holiday, alternative arrangements will be made by the course convenor to make up the missed class.

## Course Resources

### Prescribed Resources

The prescribed text book for the course is G Bates, Environmental Law in Australia, 11th Edition (2023) - You can access it via the bookshop.

The course moodle page will contain a reading list identified in each week's tab, which set out the weekly topics and provides details of relevant readings.

## Staff Details

Position	Name	Email	Location	Phone	Availability	Equitable Learning Services Contact	Primary Contact
	Cameron Holley					Yes	Yes
	Christopher McElwain					No	No

# Other Useful Information

## Academic Information

Upon your enrolment at UNSW, you share responsibility with us for maintaining a safe, harmonious and tolerant University environment.

You are required to:

- Comply with the University's conditions of enrolment.
- Act responsibly, ethically, safely and with integrity.
- Observe standards of equity and respect in dealing with every member of the UNSW community.
- Engage in lawful behaviour.
- Use and care for University resources in a responsible and appropriate manner.
- Maintain the University's reputation and good standing.

For more information, visit the [UNSW Student Code of Conduct Website](#).

## UNSW Law & Justice Assessment Policy

It is essential that all students undertaking this course read and abide by the [UNSW Law & Justice Assessment Policy & Student Information](#). This document includes information on Class Attendance, Late Work, Word Limits, Marking, Special Consideration, Workload, and Academic Misconduct & Plagiarism. More information can also be found at [Assessment & Exam Information](#).

Information regarding Course Outlines are subject to change and students are advised to check updates. If there is a discrepancy between the information posted here and the handbook or the UNSW Law & Justice website, please contact [Student Services via The Nucleus Hub](#) for advice. UNSW Law & Justice reserves the right to discontinue or vary such courses or staff allocations at any time. If your course is not here, please visit [Handbook](#) for information.

## Academic Honesty and Plagiarism

As a student at UNSW you are expected to display [academic integrity](#) in your work and interactions. Where a student breaches the [UNSW Student Code](#) with respect to academic integrity, the University may take disciplinary action under the Student Misconduct Procedure. To assure academic integrity, you may be required to demonstrate reasoning, research and the process of constructing work submitted for assessment.



To assist you in understanding what academic integrity means, and how to ensure that you do comply with the UNSW Student Code, it is strongly recommended that you complete the [Working with Academic Integrity](#) module before submitting your first assessment task. It is a free, online self-paced Moodle module that should take about one hour to complete.

## Submission of Assessment Tasks

Before submitting assessment items all students must read and abide by the [UNSW Law & Justice Assessment Policy & Student Information](#).

## Special consideration

Special consideration is primarily intended to provide you with an extra opportunity to demonstrate the level of performance of which you are capable. To apply, and for further information, see Special Consideration on the UNSW [Current Students](#) page.

## Feedback

UNSW Law & Justice appreciates the need for students to have feedback on their progress prior to the last date for withdrawal without failure. All courses will therefore provide feedback to students prior to this date, as well as throughout the course. However, students should note that feedback does not take the form only of formal grades and written comments on written assessments. Rather, formative feedback, which helps students to self-assess, to identify misunderstandings, and to identify areas requiring further work, will occur during class and possibly online. For example, where a teacher asks the class a question, all students should think about how they might answer. Even though not all students will necessarily be able to respond orally, everyone can reflect on their tentative answer in light of the teacher's response and subsequent class discussion. If you are struggling to understand what is being asked in class, or if your tentative answers prove incorrect and subsequent discussion does not clear things up, then you should continue to ask questions (of yourself, your peers or your teacher). Similarly, you can get a sense of your ability in a course through peer feedback during group work, your teacher's responses to your in-class contributions, and your own response to in-class problems and examples (whether or not you are called on to relay your answer to the class) and also your online activities and responses by others to those activities. Students enrolled in this course may check their Moodle course page for details on the specific feedback used in this course.

## Faculty-specific Information

### Additional support for students

- Student support: <https://www.student.unsw.edu.au/support>
- Academic Skills and Support: <https://student.unsw.edu.au/academic-skills>
- Student Wellbeing, Health and Safety: <https://student.unsw.edu.au/wellbeing>
- Equitable Learning Services: <https://student.unsw.edu.au/els>
- UNSW IT Service Centre: <https://www.myit.unsw.edu.au>

### Course improvement

Student feedback is very important to continual course improvement. This is demonstrated within the Faculty of Law & Justice by the implementation of the UNSW online student survey myExperience, which allows students to evaluate their learning experiences in an anonymous way. myExperience survey reports are produced from each survey. They are released to staff after all student assessment results are finalised and released to students. Course convenors will use the feedback to make ongoing improvements to the course. Students enrolled in this course may check their Moodle course page for details on the actions taken in response to evaluation feedback in Student Survey.

## School Contact Information

Please contact [Nucleus Student Hub](#) for all enquiries. The Nucleus acts as a central communications hub for UNSW and will distribute your enquiry to the best person to respond.