



**UNSW**

## UNSW Course Outline

# JURD7361 Environmental Law - 2024

Published on the 25 Aug 2024

## General Course Information

**Course Code :** JURD7361

**Year :** 2024

**Term :** Term 3

**Teaching Period :** T3

**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 :** Postgraduate

**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**

### **Course Objectives**

At the end of this course you should be able to:

- Have a good understanding of the international context of environmental law, particularly in relation to environmental conventions and other international instruments
- 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, heritage and pollution regulation in NSW and nationally
- 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>• Take Home Exam</li> <li>• Mid-Session Assessment (essay)</li> <li>• Class Participation</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>• Take Home Exam</li> <li>• Mid-Session Assessment (essay)</li> <li>• Class Participation</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>• Take Home Exam</li> <li>• Mid-Session Assessment (essay)</li> <li>• Class Participation</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>• Take Home Exam</li> <li>• Class Participation</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>• Take Home Exam</li> <li>• Class Participation</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>• Take Home Exam</li> <li>• Class Participation</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
Take Home Exam	50%	
Mid-Session Assessment (essay)	30%	
Class Participation	20%	Due Date: Not Applicable

## Assessment Details

### Take Home Exam

#### Assessment Overview

End of session assessment (take-home exam) = 50%

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

#### 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)
- 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)

#### Detailed Assessment Description

The take home exam provides an opportunity for students to apply their functioning and contextual knowledge of the subject, build their capacity to analyse and apply relevant principles to factual and other contexts, and develop capacity to engage in strategic thinking and argument.

## Generative AI Permission Level

### **Planning/Design Assistance**

You are permitted to use generative AI tools, software or services to generate initial ideas, structures, or outlines. However, you must develop or edit those ideas to such a significant extent that what is submitted is your own work, i.e., what is generated by the tool, software or service should not be a part of your final submission. You should keep copies of your iterations to show your Course Authority if there is any uncertainty about the originality of your work.

If your Convenor has concerns that your answer contains passages of AI-generated text or media that have not been sufficiently modified you may be asked to explain your work, but we recognise that you are permitted to use AI generated text and media as a starting point and some traces may remain. If you are unable to satisfactorily demonstrate your understanding of your submission you may be referred to UNSW Conduct & Integrity Office for investigation for academic misconduct and possible penalties.

For more information on Generative AI and permitted use please see [here](#).

As this assessment task involves some planning or creative processes, you are permitted to use software to generate initial ideas. However, you must develop or edit those ideas to such a significant extent that what is submitted is your own work, i.e. only occasional AI generated words or phrases may form part of your final submission. It is a good idea to keep copies of the initial prompts to show your lecturer if there is any uncertainty about the originality of your work.

If your Convenor has concerns that your answer contains passages of AI-generated text or media that have not been sufficiently modified you may be asked to explain your work, but we recognise that you are permitted to use AI generated text and media as a starting point and some traces may remain. If you are unable to satisfactorily demonstrate your understanding of your submission you may be referred to UNSW Conduct & Integrity Office for investigation for academic misconduct and possible penalties.

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

#### Assessment Overview

Mid-Session Assessment (essay) = 30%

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

#### 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)
- CLO5 : Engage in critical analysis of environmental law's efficacy within the context of contemporary national and international environmental challenges (PLOs 1, 7, 8).
- 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)

#### **Detailed Assessment Description**

The purpose of the assignment is to provide students with the opportunity to demonstrate their research and writing skills. In researching and writing an essay they will develop a greater understanding of the topic by analysing, evaluating and applying their research. The assignment provides further opportunities for students to take responsibility for their own learning.

#### **Assessment Length**

3000 words

#### **Generative AI Permission Level**

#### **Planning/Design Assistance**

You are permitted to use generative AI tools, software or services to generate initial ideas, structures, or outlines. However, you must develop or edit those ideas to such a significant extent that what is submitted is your own work, i.e., what is generated by the tool, software or service should not be a part of your final submission. You should keep copies of your iterations to show your Course Authority if there is any uncertainty about the originality of your work.

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If your Convenor has concerns that your answer contains passages of AI-generated text or media that have not been sufficiently modified you may be asked to explain your work, but we recognise that you are permitted to use AI generated text and media as a starting point and some traces may remain. If you are unable to satisfactorily demonstrate your understanding of your submission you may be referred to UNSW Conduct & Integrity Office for investigation for academic misconduct and possible penalties.

## Class Participation

### Assessment Overview

Class Participation = 20%

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

### 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)

### Detailed Assessment Description

Assessable class participation is designed to:

encourage preparation for class

encourage students to learn, think, analyse, reflect and evaluate legal material prior to covering that content in class

assist students to develop the capacity to think clearly and to present oral and online arguments. It is also believed that as students will necessarily put much effort into class preparation, it is fair that they receive some reward for this work.

#### **Generative AI Permission Level**

**Not Applicable**

Generative AI is not considered to be of assistance to you in completing this assessment. If you do use generative AI in completing this assessment, you should attribute its use.

For more information on Generative AI and permitted use please see [here](#).

## **General Assessment Information**

For further information on generative AI use in the Faculty of Law & Justice, please review the section titled 'Academic Honesty and Plagiarism' under the 'Other Useful Information' tab.

#### **Grading Basis**

Standard

## **Course Schedule**

Teaching Week/Module	Activity Type	Content
Week 1 : 9 September - 15 September	Topic	Introduction to environmental law
Week 2 : 16 September - 22 September	Topic	International level
Week 3 : 23 September - 29 September	Topic	National level
Week 4 : 30 September - 6 October	Topic	State level
Week 5 : 7 October - 13 October	Topic	Climate change, renewable energy & the law
Week 6 : 14 October - 20 October	Topic	Courts and litigation (online only)
Week 7 : 21 October - 27 October	Topic	Biodiversity and water
Week 8 : 28 October - 3 November	Topic	Pollution control and waste management
Week 9 : 4 November - 10 November	Topic	Food systems, saving food & wasting food
Week 10 : 11 November - 17 November	Topic	Future directions in environmental law & recap

## **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 textbook for the course is Peter Williams (ed), *The Environmental Law Handbook Seventh Edition* (Thomson Reuters, 2024). 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
Convenor	Cameron Holl ey					Yes	No
Lecturer	Christopher M cElwain					No	Yes

# 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.

## Generative AI

Using generative AI to conduct research or to organise your argument is not prohibited but is not encouraged. We note that the output from generative AI tools is often incorrect and almost always more superficial than is required to achieve a passing grade. Moreover, any substantive errors in the assessment, such as inappropriate references or incorrect statements, will be regarded negatively by the marker, just as they would if not generated by AI. You should limit your use of AI to simple editorial assistance, such as standard editing and referencing functions in word processing software in the creation of your submission. You must not use any functions that generate or paraphrase passages of text, whether based on your own work or not. If your marker or Turnitin identify the use of generative AI in the text of your assessment submission, including the use of paraphrasing software, your assessment may be referred to the Student

Integrity team for investigation. Please go to the link for further information about [referencing and acknowledging the use of artificial intelligence tools](#).

### Prohibition on use of translation apps

With limited exceptions for language study, the course of study and assessment in Australian universities must be in English (Higher Education Standard Framework (Threshold Standards) 2021 1.5 6(c)).

In Law & Justice many classes have assessable class participation. This must be in English. **Use of a translation device to assist with contributions to class discussion is not allowed.** Similar prohibitions apply to use of any other generative text app that is not specifically permitted by the class teacher. However, use of translation software to assist a student to understand material outside of class, or to assist with preparation for assessment is generally permitted.

Further considerations apply to LLB and JD students. International lawyers who seek to be admitted in NSW must satisfy an English proficiency test. That test is expressed as equivalent to IELTS scores of 7.0 -8.0 across the tests. It is assumed that UNSW graduates are at or above those levels of English proficiency. Use of translation apps can impede the attainment of that level of proficiency. Students should avoid behaviours that put them at risk of breach of legal requirements which can have significant consequences, including potential consequences for your admission as a lawyer.

### 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.