UNSW Course Outline

LAWS9801 Aspects of Environmental Policy and Law - 2024

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General Course Information

Course Code : LAWS9801
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 : Undergraduate
Units of Credit : 6

<u>Useful Links</u>

<u>Handbook</u> <u>Class Timetable</u>

Course Details & Outcomes

Course Description

This course is available to undergraduate students enrolled in an Environmental Science

program. The course examines the legal and policy issues likely to be encountered by an environmental scientist and addresses the question: Is the adversary system the most appropriate method of dealing with conflict in determining the appropriate use of resources? The difficulties encountered with the multiplicity of authorities and interactions between local government regulations, state and federal laws and international law are considered. Case studies examined at each of these levels are used to provide a brief overview of current environmental law in Australia and the World, with examples.

The aim of this course is to acquaint students with the fundamental principles of environmental law; and to explain how these principles are applied. The course assumes that participants have little or no background in the law, and so the course also provides some basic instruction about important legal concepts and structures as well as policy approaches to implementation of regulation and enforcement of the law.

The learning outcomes expected on the completion of this course include:

- Demonstrate knowledge of the various sources of environmental law and policy
- Identify the influence of common law and international environmental law on the development of Australian law
- Explain the structure of environmental laws and engage in critical analysis of the different methods, both regulatory and incentive based, that may be used to implement environmental policy
- Demonstrate comprehension of the different ways in which environmental disputes may be resolved
- Navigate and apply knowledge of environmental planning and assessment processes in the context of natural resources
- Demonstrate awareness of the social and economic context in which environmental law and policy has to be made and recognise the various pressures and influences on the search for optimal environmental protection laws
- Demonstrate effective oral communication skills by delivering accurate and insightful contributions in class;
- Demonstrate effective written communication skills by articulating legal and policy concepts clearly, persuasively and appropriately
- Demonstrate an ability to incorporate a range of legal and interdisciplinary research sources in written communication with appropriate referencing.

Main Topics

- legal institutions and sources of law
- influences on environmental policy and law: common law and international law
- federal environmental law
- sustainable development

- environmental planning and assessment
- biodiversity
- resolving environmental disputes and enforcing environmental law

Course Aims

The aim of this course is to acquaint students with the fundamental principles of environmental law and policy; and to explain how these principles are applied particularly in Australia. The course assumes that participants have little or no background in the law, and so the course also provides some basic instruction about important legal concepts and structures as well as policy approaches to implementation of regulation and enforcement of the law. Although NSW is the default jurisdiction for this course, the concepts and principles that are discussed are referrable to all jurisdictions in Australia.

Relationship to Other Courses

This course is available to undergraduate students enrolled in an Environmental Science program. The course examines the legal and policy issues likely to be encountered by an environmental scientist and addresses the question: Is the adversary system the most appropriate method of dealing with conflict in determining the appropriate use of resources? The difficulties encountered with the multiplicity of authorities and interactions between local government regulations, state and federal laws and international law are considered. Case studies examined at each of these levels are used to provide a brief overview of current environmental law in Australia and the world, with examples.

The aim of this course is to acquaint students with the fundamental principles of environmental law; and to explain how these principles are applied. The course assumes that participants have little or no background in the law, and so the course also provides some basic instruction about important legal concepts and structures as well as policy approaches to implementation of regulation and enforcement of the law.

Course Learning Outcomes

Course Learning Outcomes
CLO1 : Demonstrate knowledge of the various sources of environmental law and policy
CLO2 : Identify the influence of common law and international environmental law on the development of Australian law
CLO3 : Explain the structure of environmental laws and engage in critical analysis of the different methods, both regulatory and incentive based, that may be used to implement environmental policy
CLO4 : Demonstrate comprehension of the different ways in which environmental disputes may be resolved
CLO5 : Navigate and apply knowledge of environmental planning and assessment processes in the context of natural resources
CLO6 : Demonstrate awareness of the social and economic context in which environmental law and policy has to be made and recognise the various pressures and influences on the search for optimal environmental protection laws
CLO7 : Demonstrate effective oral communication skills by delivering accurate and insightful contributions in class
CLO8 : Demonstrate effective written communication skills by articulating legal and policy concepts clearly, persuasively and appropriately
CLO9 : Demonstrate an ability to incorporate a range of legal and interdisciplinary research sources in written communication with appropriate referencing.

Course Learning Outcomes	Assessment Item
CLO1 : Demonstrate knowledge of the various sources of environmental law and policy	• Class Participation • Mid-session Assessment • End of Session Assessment
CLO2 : Identify the influence of common law and international environmental law on the development of Australian law	• Class Participation • Mid-session Assessment • End of Session Assessment
CLO3 : Explain the structure of environmental laws and engage in critical analysis of the different methods, both regulatory and incentive based, that may be used to implement environmental policy	• Class Participation • End of Session Assessment
CLO4 : Demonstrate comprehension of the different ways in which environmental disputes may be resolved	• Class Participation • End of Session Assessment
CLO5 : Navigate and apply knowledge of environmental planning and assessment processes in the context of natural resources	• Mid-session Assessment • Class Participation • End of Session Assessment
CLO6 : Demonstrate awareness of the social and economic context in which environmental law and policy has to be made and recognise the various pressures and influences on the search for optimal environmental protection laws	• Class Participation • End of Session Assessment
CLO7 : Demonstrate effective oral communication skills by delivering accurate and insightful contributions in class	• Class Participation
CLO8 : Demonstrate effective written communication skills by articulating legal and policy concepts clearly, persuasively and appropriately	• Mid-session Assessment • End of Session Assessment
CLO9 : Demonstrate an ability to incorporate a range of legal and interdisciplinary research sources in written communication with appropriate referencing.	• Mid-session Assessment • End of Session Assessment

Learning and Teaching Technologies

Moodle - Learning Management System

Assessments

Assessment Structure

Assessment Item	Weight	Relevant Dates
Class Participation Assessment Format: Individual	10%	
Mid-session Assessment Assessment Format: Individual	30%	
End of Session Assessment Assessment Format: Individual	60%	

Assessment Details

Class Participation

<u>Assessment Overview</u>

Class Participation

Contribution to class discussion.

Verbal feedback in class throughout the course regarding questions, contributions, discussion, group work and problem questions that will enable students to make judgments about their learning and how they can improve their learning outcomes.

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

<u>Course Learning Outcomes</u>

- CLO1 : Demonstrate knowledge of the various sources of environmental law and policy
- CLO2 : Identify the influence of common law and international environmental law on the development of Australian law
- CLO3 : Explain the structure of environmental laws and engage in critical analysis of the different methods, both regulatory and incentive based, that may be used to implement environmental policy
- CLO4 : Demonstrate comprehension of the different ways in which environmental disputes may be resolved
- CLO5 : Navigate and apply knowledge of environmental planning and assessment processes in the context of natural resources
- CLO6 : Demonstrate awareness of the social and economic context in which environmental law and policy has to be made and recognise the various pressures and influences on the search for optimal environmental protection laws
- CLO7 : Demonstrate effective oral communication skills by delivering accurate and insightful contributions in class

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.

Mid-session Assessment

Assessment Overview

Mid-session Assessment (essay)

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

Course Learning Outcomes

- CLO1 : Demonstrate knowledge of the various sources of environmental law and policy
- CLO2 : Identify the influence of common law and international environmental law on the development of Australian law
- CLO5 : Navigate and apply knowledge of environmental planning and assessment processes in the context of natural resources
- CLO8 : Demonstrate effective written communication skills by articulating legal and policy concepts clearly, persuasively and appropriately
- CLO9 : Demonstrate an ability to incorporate a range of legal and interdisciplinary research sources in written communication with appropriate referencing.

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.

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End of Session Assessment

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

- CLO1 : Demonstrate knowledge of the various sources of environmental law and policy
- CLO2 : Identify the influence of common law and international environmental law on the development of Australian law
- CLO3 : Explain the structure of environmental laws and engage in critical analysis of the different methods, both regulatory and incentive based, that may be used to implement environmental policy
- CLO4 : Demonstrate comprehension of the different ways in which environmental disputes may be resolved
- CLO5 : Navigate and apply knowledge of environmental planning and assessment processes in the context of natural resources
- CLO6 : Demonstrate awareness of the social and economic context in which environmental law and policy has to be made and recognise the various pressures and influences on the search for optimal environmental protection laws
- CLO8 : Demonstrate effective written communication skills by articulating legal and policy concepts clearly, persuasively and appropriately
- CLO9 : Demonstrate an ability to incorporate a range of legal and interdisciplinary research sources in written communication with appropriate referencing.

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General Assessment Information

1. Class Participation(10%) [CLO1,CLO2,CLO3,CLO4,CLO5,CLO6,CLO7]
2. Mid-session Assessment (30%) [CLO1,CLO2,CLO5,CLO8,CLO9]
3. End of Session Assessment(60%) [CLO1,CLO2,CLO3,CLO4,CLO5,CLO6,CLO8,CLO9]

The specifics of assessment change each term the course is offered. Students enrolled in this course may check their Moodle course page for details.

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.

Standard

Course Schedule

Attendance Requirements

Please note that lecture recordings are not available for this course. Students are strongly encouraged to attend all classes and contact the Course Authority to make alternative arrangements for classes missed.

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 Holley					Yes	Yes
Lecturer	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 Plagarism

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.