



DIVISION OF LAW

LAW814/850

**ENVIRONMENTAL LAW AND
CORPORATE REGULATION**

STUDY GUIDE

2008



**MACQUARIE UNIVERSITY
DIVISION OF LAW
STUDY GUIDE**

Year and Semester: 2008, Second Semester

**Unit Code
& Unit Name:** LAW 814/LAW850
ENVIRONMENTAL LAW AND CORPORATE
REGULATION

Credit Points: LAW 814 – 6 credit points
LAW 850 – 4 credit points

Unit Convenor: Professor Donna Craig

Students in this unit should read this study guide carefully at the start of semester. It contains important information about the unit. If anything in it is unclear, please consult the teaching staff in the unit.

1. ABOUT THIS UNIT

Unit description

The purpose of this course is to introduce students to new economic and legal aspects of sustainable development. Markets, regulatory strategies, taxes, financial institutions, investment approaches and the insurance industry have responded to some aspects of this global challenge. This provides the wider context for the changing role, and legal obligations, of the modern corporation. Corporate approaches to environmental management need to respond to new economic realities, requirements, risks and standards. Climate change is the current dramatic example.

This first chapter in the course emphasises the wider legal issues associated with the changing global economy (which is increasingly orientated to sustainable development). This is illustrated by the studies and assessments prepared under the United Nations Millennium Development Goals. The development of environmental markets and ecosystem services provide dramatic examples of this new orientation. This is one of the areas studied in this Unit.

This Unit assumes that students have done (or will soon do) Environmental law and Sustainable Development (LAW 855). Other related and specialized study is provided by Units on Trade and Environment (LAW 852), Pollution Law and Environmental Regulation (LAW 858 will focus on environmental management systems in 2009), International Environmental Law (LAW 860), Law Globalisation and Cultural Transformation (LAW 869) and Climate Change law (new Unit in 2009).

This Unit will not exhaustively deal with all aspects for this rapidly developing field of corporate environmental law. The focus will be on corporate environmental governance, ecosystem services, socially responsible investment, foreign investment and overseas development assistance

Rationale

Having gained an appreciation that environmental laws create opportunities risks and potential liabilities, corporations must develop their strategic planning, risk assessment and environmental management regimes (including insurance) in the same way that they have had to in other areas such as occupational health and safety and dangerous goods. The environmental regime has become just as crucial for corporate governance. Equally, many transactions that are part of day to day activities for corporations such as property transactions, loans, leases and contracts must be completely re-appraised and revised. Implicitly, the priorities and approaches to these negotiations are being changed. More significantly, the nature and profitability of economic activity is gradually being re-appraised. Areas such as environmental education, environmental technology, efficiency, design, demand management, carbon trading, clean development mechanism and ecosystem services are the first wave of this process. A key driver for sustainable development is socially responsible investment. This area is the other key focus of this Unit.

2. TEACHING STAFF

CONVENOR: Professor Donna Craig

Ph: 9850 7077 (wk): 9654 8325 (hm) 0439 873 223 (mobile)

When I am overseas, or undertaking research in remote areas, it is sometimes difficult to access my email – I will usually leave a message on my email with the dates that I will be away.

Email: donna.craig@mq.edu.au

Office: W3A 440 (inside the Environmental Law Centre)
Please make appointments for consultations.

3. CLASSES AND STUDY TIMES

THIS UNIT WILL BE TAUGHT AS BOTH AN EXTERNAL UNIT AND AN INTERNAL UNIT IN SEMESTER 2, 2008.

PLEASE NOTE: ALL INTERNATIONAL STUDENTS MUST ENROL AS INTERNAL STUDENTS TO COMPLY WITH VISA REQUIREMENTS

INTERNAL STUDENTS:

You must attend the block teaching session at the beginning of the Semester will be held on the following dates and Venues:

1. Thursday 7th August, 10 am - 2.00pm W3A 501 (Blackshield Room in Law Division Building)

Topic: Introduction to Unit and Assessment.

Required reading:

Global Context:

(a) United Nations Millenium Development Project, Task Force Publication: *Environment and Human Sustainability: Summary Report*

http://www.unmillenniumproject.org/reports/tf_environment.htm

Corporate Governance:

(b) <http://www.environment->

[agency.gov.uk/commondata/acrobat/corpenvgovernance_1959803.pdf](http://www.environment-agency.gov.uk/commondata/acrobat/corpenvgovernance_1959803.pdf)

(c) <http://publications.environment-agency.gov.uk/pdf/GEHO0904BKFE-e-e.pdf?lang=e>

2. Friday 8th August, 10.00am - 4.00 pm (Prof. Craig's office: W3A 440)

Topic: Student Sessions: Individual Meetings on Assigned Tutorial Topic and Assignment 1 (Research paper). These meetings will be by appointment.

3. Tuesday 12th August, 10.00am - 4.00 pm (Prof. Craig's office: W3A 440)

Topic: Student Sessions: Individual Meetings on Assigned Tutorial Topic and Assignment 1 (Research paper). These meetings will be by appointment.

4. Thursday 14th August, 10 am - 2.00pm W3A 501 (Blackshield Room in Law Division Building)

Topic: Introduction to Unit

Required Reading:

Role of Financial Institutions

(d) Richardson, B "Environmental Regulation through Financial Institutions: New Pathways for Disseminating Environmental Policy" *Environmental and Planning Law Journal* Vol 19, No 1: 58

Recommended Reading:

(e) Hunter, D et al, *International Environmental Law and Policy*, 3rd Edition, Foundation Press, 2007, Chapter 22

The large part of the content of this course will be delivered during the 3 day ON-CAMPUS SESSION held on Friday 26th September, Saturday 27th September and Sunday 28th September 2008. All Internal Students must attend the On-Campus Session as well as the Intensive Block Sessions at the beginning of the Semester

EXTERNAL STUDENTS:

You must attend the ON-CAMPUS SESSION: held on Friday 26th September, Saturday 27th September and Sunday 28th September. The three day session will be held in Room E6A 109. Students should download a campus map from the Macquarie University website

You may attend the Internal block teaching sessions but this is not compulsory.

The On-Campus Session is COMPULSORY and ALL EXTERNAL AND INTERNAL STUDENTS MUST attend.

ALL External STUDENTS should sign in with the Centre for Open Education (COE) in Building X5B on the morning of the first day. You should also check your Blackboard site for this Unit (see section 5 of this Study Guide) under ANNOUNCEMENTS.

5.REQUIRED AND RECOMMENDED TEXTS AND/OR MATERIALS

PRESCRIBED

REQUIRED READING FOR ALL (Internal and External) STUDENTS IN THIS UNIT IS DETAILED IN THE ON-CAMPUS SESSION PROGRAM (see section 13 of this Study Guide). All required reading can be obtained from the internet (particularly SSRN and IED sites) or Macquarie University Library Databases.

There is no prescribed Text for this Unit.

HIGHLY RECOMMENDED REFERENCES:

Richardson,B, *Socially Responsible Investment Law*, Oxford University Presss, 2008

D. Dunphy, J. Benveniste, A Griffiths, P. Sutton (Eds), *Sustainability: The Corporate Challenge of the 21st Century*, Allen and Unwin, 2000

Richardson, B, *Environmental Regulation Through Financial Organisations: Comparative Perspectives on the Industrialised Nations (Comparative Environmental Law & Policy)*, Kluwer, 2002

If you wish to purchase any of these references, I suggest that you go through Amazon as they will deliver much more quickly than going through publishers

Internet

- Macquarie University Centre for Environmental Law
- Asia-Pacific Centre for Environmental Law (APCEL)
- *International Environmental Law and Policy: A Comprehensive Reference Source*. The website is designed to be used in conjunction with Hunter, David. *International Environmental Law and Policy*. Available at: <http://www.wcl.american.edu/environment/iel/index.cfm>.
- International Institute for Sustainable Development. Available at: <http://www.iisd.org/>
- United Nations Conference on Trade and Development. Available at: <http://www.unctad.org>.
- International Centre for Trade and Sustainable Development. Available at: <http://www.ictsd.com/>

- The Centre for International Environmental Law. Available at: <http://www.ciel.org/>
- United Nations Environment Programme. Available at: <http://www.unep.org/>
- United Nations Development Programme
- South Pacific Regional Environmental Programme (SPREP)
- The World Conservation Union (IUCN) Environmental Law Programme. Available at: <http://www.iucn.org/themes/law/> (New Zealand Centre for Environmental Law)

Journals

- *Macquarie Journal of International and Comparative Environmental Law* available at: http://www.law.mq.edu.au/html/MqJICEL/pastedit_vol1no2.htm
- *Review of European Community and International Environmental Law*
- *Environmental Policy and Law* (good for recent developments – see unbound journal section in library)
- *Yale Journal of International Law*
- *Asia Pacific Journal of Environmental Law*
- *Georgetown International Environmental Law Journal*
- *American Journal of International Law*
- *Pace Environmental Law Review*
- *Pace International Law Review*
- *New Zealand Journal of Environmental Law*
- *Journal of South Pacific Law*

Environmental Law journals can be accessed online through databases on the library website. The library databases can be accessed externally with a student username and password. The databases include:

- (i) Hein Online
- (ii) LexisNexis
- (iii) EBSCOhost
- (iv) ExpandedAcademic ASAP
- (v) Wiley Interscience
- (vi) FirstSearch
- (vii) Web of science

5. UNIT WEB PAGE

Study Guides and information on this unit can be found at :
<http://www.law.mq.edu.au/html.postgraduate/studyguides.htm>

There is also a Blackboard CE6 (formerly WebCT) site for this Unit. This contains the Study Guide but will also provide access to additional materials such as PowerPoint slides, tutorial questions, web links and further readings. This is accessible at <http://learn.mq.edu.au>. When students enrol in this Unit they are automatically granted access to the web site. If you have technical problems please follow the instructions on the web site. But if you still cannot log into the site, then please contact University IT support.

Notices to students concerning classes and assessment will be posted on this site – please check it each week to keep up to date!!

6. LEARNING OBJECTIVES

At the end of the course, students should have developed an understanding of:

- a) The approaches, issues and concepts involved in developing new legal regimes for sustainable development;
- b) The diversity of approaches to the study of corporate environmental law
- c) The evolving role of markets, economic instruments, environmental and corporation law requirements and environmental standards and management systems;
- d) The legal aspects of ecosystem services
- e) Understanding the role of socially responsible investment, foreign investment and overseas development assistance in sustainable development

7. GENERIC SKILLS

In addition to the discipline-based learning objectives, all academic programs at Macquarie seek to develop students' generic skills in a range of areas. One of the aims of this unit is that students develop their skills in the following:

Communication skills;
Critical analysis skills;
Problem-solving skills;
Creative-thinking skills.
Interdisciplinary skills

A guide to the University's generic skills is on the Law network drive.

8. TEACHING AND LEARNING STRATEGY

The focus is on innovative and practical corporate governance and investment law, policies and strategies applicable to sustainable development. The Internal seminars and on-campus session is designed provide the opportunity for extensive discussion of the issues covered and will provide the student with an understanding and appreciation of study in the area of corporate environmental law. The tutorials for both internal and external classes will be conducted as interactive seminars. Each of the internal and external (on-campus session) seminars will build upon the themes/issues raised in the interdisciplinary readings for the

Unit. Students will be expected to have read for each class and be prepared for discussion. In addition, there will be assigned topics for class presentations for all students. Research skills and writing are promoted by a supervised research paper and through individual tutoring and supervision sessions related to the student tutorial presentations.

9. ASSESSMENT

ALL INTERNAL AND EXTERNAL STUDENTS

LAW 850 (4 Credit points)

Class Participation : 10%

Assigned Tutorial Presentation (**Sunday 28th September 2008**): 20%

Research Assignment No. 1 (3,500 words): 70% **Due 20th November 2008**

LAW 814 (6 Credit Points)

Class Participation : 10%

Assigned Tutorial Presentation (**Sunday 28th September 2008**): 20%

Research Assignment No. 1 (5000 words): 70% **Due 20th November 2008**

Please note: I have only 10 DAYS to mark the second assignment before the University deadline for results for the end of semester. Email a copy of all assignment to donna.craig@mq.edu.au as well as lodging copies as specified in this Study Guide.

Extensions must be requested, in writing, before the due date of assignments and late penalties apply (See below in this Study Guide). Academics teaching in the Postgraduate Program will keep records of extension requests and consistently apply this policy.

COPIES OF ASSIGNMENTS ARE INCLUDED IN THIS COURSE GUIDE

Class participation

As assessment for this unit also includes class participation students should ensure they have completed the required reading for that week before each class, and be prepared to discuss this material in class. Students will not be awarded class participation just for attending class. The following non-exhaustive criteria list will be used to assess your class participation:

- The level of preparedness for each seminar/on campus session gauged by your responses to questions and answers and opinions offered throughout each class
- The level of analysis you display in class
- Your ability to answer questions put directly to you in class
- Your ability to make an educated and legally feasible argument in class
- The way in which you engage in a constructive way with other students and the convenor in the class
- The quality, not quantity, of your work in class
- The quality and presentation of assigned tutorial topics

Please note that the onus to participate in class is on you not on the Convenor. In other words, it is not the job of the Convenor to engage you in discussion so that you may avail yourself of the class participation assessment.

Submission of Assignments

Students should ensure that their tutorial group is set out on the first (cover) page of the research assignment. **Assignments should be typed in 14 point typeface and double spaced.** All pages must be firmly stapled or pinned together. The Cover Sheet attached to the rear of this Study Guide should be completed and attached to the front of your assignment.

For **internal students**, assignments must be placed in the Postgraduate Environmental Law box located at W3A Room 341 by 5pm on the due date.

External students are to send assignments by Australia Post or by courier and such assignments must be dispatched by the relevant due date **in the COE folder provided** to the Macquarie University Centre for Open Education (COE). The cover of the assignment should be date stamped by the post office/courier before dispatch by mail. Other modes of submission organised by COE will also be accepted.

Internal students should place their assignments in the box provided. Do not push assignments under your tutor's door or post them in your tutor's pigeon hole in the Law Division's mail room. These methods of delivery are *not* secure.

Students are advised to always make and retain a backup copy of all pieces of work submitted. It is University policy to place upon the students the onus of producing a copy of work which goes astray.

Students are required to email an additional copy of assignments to the Course Convenor. This overcomes any issues in relation to submission date and time and also operates as a back-up copy of students' work.

Attendance and Class Participation

Assessment for class participation will count for ten percent (10%) of the final mark in the unit. The assessment is based on the quality of your response, not the quantity, which is why at times discussions will be directed by your tutor. Please note that the onus to participate in class is on **you not on your tutor**. In other words, it is not the job of your tutor to engage you in discussion so that you may avail yourself of the class participation assessment.

Internal students are required to attend eighty percent (80%) of all scheduled classes. For external students, this means attending all compulsory days of the compulsory on-campus session. Clashes with other units are your responsibility.

Word Length

Word length of assignments should be indicated. Word limits should be adhered to. The word length indicated for the assignments is exclusive of footnotes and Bibliography. The word limit should not be exceeded by more than 10%. Excessively long assignments will be penalised.

Citations/Footnotes/Bibliography

All assignments must be footnoted and have a comprehensive Bibliography. Students should refer to the *Australian Guide to Legal Citation* (Melbourne University Law Review Association, 1998). This can be accessed via the Melbourne University website: <http://mulr.law.unimelb.edu.au/aglc.asp> or can be purchased from the Co-op Bookshop.

Footnotes: Why, when and what

All academic writing must be adequately and appropriately referenced. This is important because, first, it is required as a matter of style and, secondly, referencing supports your argument.

Rozenberg P, *Australian Guide to Uniform Legal Citation* (Sydney: Lawbook Co, 2nd ed, 2003), p 20, provides the following as a guide to when footnotes are required and what needs to be in a footnote:

You must reference everything that is sourced or taken from another work. Whether or not you actually quote from it, you must still reference any ideas that appear in some other work. If you do not, you are under referencing and are passing off as your ideas the work and ideas of others.

You will always need to provide the most specific references you can. This includes identifying the specific pages you are referring to: this is called a ‘pinpoint reference’.

The ability to reference appropriately also means that you can instantly understand and easily locate material that another person has referred to in their work.

When to use quotation marks

When drawing on somebody else’s work you always need to acknowledge that you have done so. You do not always need to use quotation marks.

If you are quoting directly from that work, the phrase must be placed in quotation marks and a footnote provided.

If you are paraphrasing that work, or expressing in your own words a point or idea from another author, then quotation marks are not required but a footnote must still be provided.

In considering whether you need to use quotation marks, and whether an acknowledgment of an author is appropriate, put yourself in the position of the original author: if *you* had written an article and a fellow student was drawing on it to write her or his essay, would you think it appropriate that they acknowledged the use of your words and ideas? Of course the answer is “yes”.

Citation Style

You should note that different disciplines have different approaches to citation. Many humanities journals use what is known as the ‘Harvard system’ of referencing, where citation of author, year and page number is provided in brackets in the text of an article. Law journals do not generally use this system. Legal writing generally uses footnotes for citation of sources. You should use footnotes for citation in your essays.

When referencing, always keep the following mind:

- Be consistent throughout your essay

- Be accurate
- The use of italics and brackets is important as a matter of style – get it right.
- The following is a short style-guide that must be adhered to in your assignment for this unit. It is based primarily on the style set out in the *Australian Guide to Uniform Legal Citation*.

Books

Provide:

- the author's surname and initial(s), or all authors if there is more than one;
- the book title in italics;
- in brackets, the place of publication, the publisher, the edition and the year of publication; and
- the pinpoint page references, prefaced by the word 'at'.

Articles from journals

Provide:

- the author's surname and initial, or all authors if there is more than one;
- the title of the article, in single quotation marks;
- the year of the journal, in brackets;
- the volume number of the journal;
- the full name of the journal, in italics;
- the page number of the journal at which the article commences; and
- the pinpoint page references (if required), prefaced by the word 'at'

Cases

Provide:

- the parties' names, in italics;
- the year of the decision, in brackets;
- the volume number of the law report series;
- the standard abbreviation of the name of the law report series;
- the page number at which the case commences; and
- the pinpoint page references (if required), prefaced by the word 'at'.

The year should be placed in 'round brackets' when the report series are consecutively numbered and it would not be essential to know the year in order to locate the volume in which the case has been reported.

The year should be placed in 'square brackets' when the report series are numbered within each year and thus it would be essential to know the year in order to locate volume in which the case has been reported.

Legislation

Provide:

- the name and year of the statute, in italics;
- the jurisdiction, in brackets; and
- the pinpoint reference (if required) to the relevant section(s).

Repeated citations

When citing a reference you have already referred to earlier in your essay, you need not repeat the citation in full. There are a range of styles that can be used for repeated citations, but you must be consistent. Do not chop and change from one to the other. Refer to the Australian Guide to Legal Citation.

Provide:

- an appropriately brief form of the name of the author, case or legislation;
- the number of the footnote where you first cited the work; and
- the pinpoint reference (if required), prefaced by the word ‘at’ (or by ‘s’ if it is legislation).

Late Submission

Illness or serious misadventure may be sufficient excuse, preventing submission on time, but complete details must be notified to tutors, *in writing, before the due date*, and be supported by a medical certificate or other appropriate documentation.

Pressure of work is generally *not* an acceptable ground for delay.

If an extension of time is granted by a tutor, then the assignment must be submitted within this time.

In cases where illness or misadventure is likely to affect more than one assignment, students are advised to apply for a withdrawal (W) grade. After the end of the eighth week, a case must be made out for withdrawal without penalty. Your tutor must be separately notified in writing.

It is possible to fail the course on penalties.

Note: *The current Divisional policy on penalties for lateness is 10% up to 7 days; 20% up to 14 days; work later than 14 days after the due date need not be accepted.*

Failure to Submit Work or Attend Classes

It should be noted that University regulations require that all classes, assignments and compulsory On-Campus sessions be satisfactorily attended and completed. Non-completion of any piece of work or non-attendance at a compulsory On-Campus Session without sufficient excuse will result in an F grade.

10. RELATIONSHIP BETWEEN ASSESSMENT AND LEARNING OBJECTIVES

Many fundamental questions and issues will be raised and the consideration of various issues, debates, perspectives and readings are what is important. There is rarely a “right” answer to these fundamental questions. The controversial and rapidly developing concepts and strategies in corporate environmental governance and socially responsible investment require interdisciplinary research, discussion and debate. Therefore, this will be facilitated through a strong emphasis on class participation. The class participation assessment will be divided into two parts – general class participation and assigned tutorial topic for presentation (20%). The tutorial topic will be tutored and supervised in individual sessions. Students will also have the opportunity to undertake a significant piece of supervised research on a topic of their choice

(Assignment 1). This should be discussed and approved by the Unit Convenor. This topic is also intended to expand the range of research skills and sources.

11. PLAGIARISM

The University defines plagiarism in its rules: "**Plagiarism involves using the work of another person and presenting it as one's own.**" Plagiarism is a serious breach of the University's rules and carries significant penalties. You must read the University's policies and procedures on plagiarism. These can be found in the *Handbook of Undergraduate Studies* or on the web at: <http://www.student.mq.edu.au/plagiarism/>

Penalties may include a deduction of marks, failure in the unit, and/or referral to the University Discipline Committee.

YOU WILL BE GUILTY OF PLAGIARISM

If you take and use the work of another person without clearly stating or acknowledging your source, you are falsely claiming that material as your own work and committing an act of **PLAGIARISM**. This is a very serious violation of good practice and an offence for which you will be penalised. If you do any of the following in an assignment, or in any piece of work which is to be assessed, ***without clearly acknowledging your source(s)*** for each quotation or piece of borrowed material, you are guilty of **PLAGIARISM**:

- Copy out part(s) of any document, including computer and web-based material;
- Use or extract someone else's concepts or experimental results or conclusions, even if you put them into your own words;
- Copy out or take ideas or summarise from the work of another student, even if you put the borrowed material into your own words;
- Submit substantially the same final version of any material as a fellow student, even if you put the borrowed material into your own words.

There is nothing wrong with using the work of others as a basis for your own work, nor is it evidence of inadequacy on your part, provided you ***do not attempt to pass off someone else's work as your own.***

The University defines plagiarism in its rules: "Plagiarism involves using the work of another person and presenting it as one's own." Plagiarism is a serious breach of the University's rules and carries significant penalties. You must read the University's policies and procedures on plagiarism. These can be found in the *Handbook of Undergraduate Studies* or on the web at: <http://www.student.mq.edu.au/plagiarism/>

The policies and procedures explain what plagiarism is, how to avoid it, the procedures that will be taken in cases of suspected plagiarism, and the penalties if you are found guilty. Penalties may include a deduction of marks, failure in the unit, and/or referral to the University Discipline Committee.

Macquarie University holds a licence to the plagiarism detection software, turnitin®. This software may be used at the discretion of the Convenor, and electronically compares your work to that of your classmates, previous students from Macquarie and other universities, material available on the Internet, and both freely available and subscription-based electronic journals. You can read more about turnitin® at www.copyright.mq.edu.au/plag.html

12. UNIVERSITY POLICY ON GRADING

The University requires all Divisions to adhere to a policy relating to the distribution of grades across high distinction, distinction, credit and pass grades. This means that on occasion a student's raw mark for a unit (i.e., the total of their marks for each assessment item) may not be the same as that which they receive on their transcript. This is because the total raw mark may be scaled up or down so that the grades of all students in each unit sit within the distribution bands set down by the University. The policies do not require that any number of students is to be failed in any unit.

13. SCHEDULE OF TOPICS

INTERNAL AND EXTERNAL STUDENTS ON-CAMPUS (INTENSIVE TEACHING BLOCK PROGRAMME)

LAW 814/850 ENVIRONMENTAL LAW AND CORPORATE REGULATION

DATES: Friday 26th September, Saturday 27th September and Sunday 28th September, 2008

LOCATION: Room E6A 109 (check map on Macquarie University website)

ALL students should check the Blackboard website for this Unit (under ANNOUNCEMENTS)

The readings below are required for the on-campus session and constitute the Required Reading for this Unit for all Internal and External Students

Friday 26th September

9.30-10.30 am

1. Introduction to Corporate Governance, Economy and Sustainability

Required Reading: Global Context

(a) United Nations Millennium Development Project, Task Force Publication: *Environment and Human Sustainability: Summary Report*

http://www.unmillenniumproject.org/reports/tf_environment.htm

Required Reading: Corporate Governance

(b) http://www.environment-agency.gov.uk/commondata/acrobat/corpenvgovernance_1959803.pdf

(c) <http://publications.environment-agency.gov.uk/pdf/GEHO0904BKFE-e-e.pdf?lang=e>

Required Reading: Role of Financial Institutions

(d) Richardson, B "Environmental Regulation through Financial Institutions: New Pathways for Disseminating Environmental Policy" *Environmental and Planning Law Journal* Vol 19, No 1: 58

Recommended Reading:

(e) Hunter, D et al, *International Environmental Law and Policy*, 3rd Edition, Foundation Press, 2007, Chapter 22

10:30-11:00 MORNING TEA

11:00 -1.00 pm

2 .*Ecosystem Services*

Required Reading:

(f) Ruhl, J.B. and Salzman, James E., "The Law and Policy Beginnings of Ecosystem Services" . *Journal of Land Use & Environmental Law*, Vol. 22, No. 2, 2007 Available at SSRN: <http://ssrn.com/abstract=1028759>

(g) Salzman, James E., "A Field of Green? The Past and Future of Ecosystem Services" . *Journal of Land Use & Environmental Law*, Vol. 21, p. 133, 2006 Available at SSRN: <http://ssrn.com/abstract=991668>

(h) IUCN, *Pay: Establishing Payment for Watershed Services*
<http://data.iucn.org/dbtw-wpd/edocs/2006-054.pdf>

Recommended Reading

(i) Salzman, James E., "Creating Markets for Ecosystem Services: Notes from the Field" . *New York University Law Review*, Vol. 80, No. 6, 2005 Available at SSRN: <http://ssrn.com/abstract=796772>

(j) Pagiola et al *Selling forest Environmental Services*

http://books.google.com.au/books?hl=en&lr=&id=mwR49PpJMDUC&oi=fnd&pg=PR7&dq=Developing+Future+of+Environmental+Service+payments+in+China&ots=SUf-8fWw_T&sig=aR4BUJLIZLaUK6ppUuFUVSLwGns#PPR1,M1

(k) IUCN, *Financial Incentives for Ecosystem Conservation: A Review of Development of Market for Environmental Services in Sri Lanka*

<http://data.iucn.org/dbtw-wpd/edocs/2006-054.pdf>

(l) Forest Trends, *Developing Future of Environmental Service Payments in China*

<http://www.forest-trends.org/documents/publications/ChinaPES%20from%20Caro.pdf>

(m) Michael Jenkins, Sara J. Scherr and Mira Inbar, *Environment* Vol. 46, No.6

http://www.forest-trends.org/documents/publications/Markets%20for%20Biodiversity%20Services_Environment.pdf

(n) Smith, J and Scherr, S *Forest Carbon and Local Livelihoods*

http://www.forest-trends.org/documents/publications/Forest_Carbon_Local_Livelihoods.pdf

ALSO REFER TO PUBLICATIONS OF THE KATOOMBA GROUP

1.00-2.00pm LUNCH

2.00-3.30pm

2 .Ecosystem Services (Continued)

3.30 - 4.00 pm AFTERNOON TEA

4:00 - 5.00pm

2 .Ecosystem Services (Continued)

Saturday 27th September

9.00- 10.30 am

3. Foreign Investment and Trade

Required Reading:

(o) Miles, K, *International Investment Law and Climate Change*
<http://www.law.mq.edu.au/html/MqLJ/volume7/05Miles.pdf>

(p) Cotula,L, *Sustainable Markets Investment Briefings: Overview*
<http://www.iied.org/pubs/display.php?o=17012IIED&n=12&l=78&c=markets>

(q) Cotula,L, *Sustainable Markets Investment Briefings: Investment treaties*
<http://www.iied.org/pubs/pdfs/17013IIED.pdf>

Recommended Reading:

(r) IISD, *IISD Model International Agreement on Investment for Sustainable Development*
<http://www.iisd.org/publications/pub.aspx?pno=686>

10.30-11.00 am MORNING TEA

11.00-1.00pm

3. Foreign Investment and Trade (Continued)

1.00 - 2.00 LUNCH

2.00 - 3.00pm

4. Corporate Social Responsibility

Required Reading:

(s) Richardson, Benjamin J., "Putting Ethics into Environmental Law: Fiduciary Duties for Ethical Investment" . Available at SSRN: <http://ssrn.com/abstract=1127412>

(t) Ward, H, *Legal Issues in Corporate Citizenship*
<http://www.iied.org/pubs/pdfs/16000IIED.pdf>

(u) Overland, Juliette, "Corporate Social Responsibility in Context: The Case for Compulsory Sustainability Disclosure for Listed Public Companies in Australia?" (September 2007). Macquarie Law Working Paper No. 2007-7 Available at SSRN: <http://ssrn.com/abstract=1016606>

(v) Kinley, David, Nolan, Justine and Zerial, Natalie, "The Politics of Corporate Social Responsibility: Reflections on the United Nations Human Rights Norms for Corporations" . *Company and Securities Law Journal*, Vol. 25, No. 1, pp. 30-42, 2007 Available at SSRN: <http://ssrn.com/abstract=962981>

(w) Richardson, Benjamin J., "Protecting Indigenous Peoples Through Socially Responsible Investment" . Available at SSRN: <http://ssrn.com/abstract=995303>

3.00 -3.30pm Afternoon Tea

4.00-5.00pm

6. *Corporate Social Responsibility (Continued)*

Sunday 28th September

9.00 – 12.30pm:

Student Presentations on Assigned Topics (Topics to be confirmed with Professor Craig during August prior to On-Campus Session)

12.30-1.30pm LUNCH

1.30-5.00pm:

Interviews (appointments will be arranged) with students to discuss individual research projects (Assignment 1) and research skills.

TUTORIAL ASSESSMENT

LAW 814/850: GENERAL CLASS PARTICIPATION - 10%

ASSIGNED TUTORIAL PARTICIPATION - 20%

To be presented on Sunday 28th September 2008.

Topic to be agreed with Prof Craig by 25th August.

The Assessment will be based on the quality of presentation. Students should submit a list of references and outline of presentation prior to the On-Campus Session to assist in this process.

Presentation should be approximately 10-15 minutes in length.

ASSIGNMENT 1 : (All Students)

LAW 814/850 Environmental Law and Corporate Regulation

Due Date: 20th November, 2008

**Maximum Word Length: 3,500 words (LAW850)
5000 words (LAW814)**

Weight: 70% (LAW850 and 814)

Students are not only required to be familiar with the **Required Reading** (identified in the On-Campus Session Programme) but should also undertake independent **research**. Please note that environmental law changes rapidly. Some of the case studies in your text may be based on legal regimes that have changed or been modified. You cannot be exhaustive but students should make their best efforts to use their research to **update** this material using what is available in the public domain.

RESEARCH QUESTION

Choose topic relevant to LAW 814/850 Environmental Law and Corporate Regulation. **Discuss the issues and relevant legal framework.** Make it clear what jurisdiction(s) and environmental laws (and related fields of law), theories, strategies, principles and policies that you will be discussing. Major emphasis should be placed on a critique of this framework having regard to the objectives of sustainable development. This is your opportunity to put forward your own views on an area of specific interest to you and to advance legal research in the context of the course.