



**DIVISION OF LAW**

**LAW 510 ENVIRONMENTAL LAW**

**LAW 811/855  
ENVIRONMENTAL LAW &  
SUSTAINABLE DEVELOPMENT**

**STUDY GUIDE**

**2008**



**MACQUARIE UNIVERSITY  
DIVISION OF LAW  
(Centre for Environmental Law)  
STUDY GUIDE**

**Year and Semester:** 2008, First Semester

**Unit Code & Unit Name:** LAW510 Environmental Law  
LAW811/855 Environmental Law & Sustainable  
Development

**Credit points:** LAW510 – 4 credit points  
LAW811 – 6 postgraduate credit points  
LAW855 – 4 postgraduate credit points

**Unit Convenor:** Professor Michael Jeffery, QC

**Prerequisites/Co requisites for LAW510:** LAW302 or LAW307 or LAW309 or LAW311  
and LAW312 with a grade of “P” (Note: Pre-requisite can be waived by Convenor)

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 one of the teaching staff in the unit.

## **1. ABOUT THIS UNIT**

### **Unit description**

The unit provides an introduction to environmental policy, philosophy and the legal system with a focus on the evolution of modern approaches to “sustainable development”. This is the core Unit for all of the postgraduate programs in environmental law. The Unit explores key issues, concepts and principles involved in developing legal frameworks supporting sustainable development. The history, interdisciplinary context and legal techniques and processes will be the main focus. Most aspects will be developed further in other Units in the postgraduate programs with a greater emphasis on Australian and comparative legal regimes.

Australian Federal environment law is discussed to provide an introduction to sustainable development law at a national level and to provide a critique having regard to the objectives of sustainable development.

### **Unit rationale**

Environmental law has evolved as a huge and rapidly developing field, inextricably tied to ethical, scientific, political and policy developments. International standards and laws are often absorbed into Australian environmental law with surprising speed. Students can approach this subject as an essential dimension of international law, constitutional law, common law, administrative law and property law. Human rights, the rights of other living species and the deepening divide between North and South in our globalised world are also enduring issues.

Environmental law can also be approached “defensively” as a reaction to exploitative growth and ecologically destructive projects. Much of the early environmental law had this focus. Some environmental lawyers are seeking normative objectives involving social change through values such a deep respect for nature and commitments to the sustainable use of resources, social justice and equity. These themes are gradually giving stronger definition to the field of environmental law. In particular this unit highlights the importance of interdisciplinary approaches to law and the need to incorporate legal approaches and frameworks into wider and practical strategies for ecological sustainability.

## **2. TEACHING STAFF**

This Unit will be taught by Professor Michael Jeffery and Elaine Johnson

Contact details are as follows:

Professor Michael Jeffery, QC (**Convenor for Law 855/811/855**)

Ph: 9850 7042 (wk)

Office: W3A 444 (inside the Environmental Law Centre)

Fax: 9850 6157

Email: [michael.jeffery@mq.edu.au](mailto:michael.jeffery@mq.edu.au)

Consultation by appointment.

Elaine Johnson

Ph: 9850 7111

Office: W3A 443 (inside the Environmental Law Centre)

Email: To be advised

Consultation by appointment.

## **3. CLASSES AND STUDY TIMES**

THIS UNIT WILL BE TAUGHT AS BOTH AN EXTERNAL UNIT AND AN INTERNAL UNIT IN SEMESTER 1, 2008.

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

### **Internal students**

#### **Lecture Program: LAW 510/811/855**

One two hour lecture per week: Tuesday 12.00 – 2.00pm (W5A T2)

#### **Tutorial: LAW 510/811/855**

One 2 hour tutorial per week must be attended. There will be 3 internal tutorial groups to choose from:

Tuesday 4.00 – 6.00pm (C5A 310).

Thursday 9.00 -11.00am (C5A 226)

Thursday 12.00 – 2.00pm (W5A 205)

Internal Students must attend at least 80% of tutorials. This is mandatory to complete this unit.

**STUDENTS SHOULD CHECK LECTURE/CLASS LOCATIONS ON THE TIMETABLE ACCESSIBLE FROM THE MACQUARIE UNIVERSITY WEBSITE**

**External Students**

**Lecture Program: LAW 510/811/855**

Lectures will be recorded as ilectures and can be accessed by all students

**ON-CAMPUS SESSION (Intensive Teaching Session)**

The on campus session for external students will be held over three days on 22<sup>nd</sup>, 23<sup>rd</sup> and 24<sup>th</sup> April 2008

**THE ON-CAMPUS SESSION IS COMPULSORY FOR ALL EXTERNAL STUDENTS**

**POSTGRADUATE EXTERNAL STUDENTS MUST ATTEND ON ALL THREE DAYS.**

**UNDERGRADUATE STUDENTS MUST ATTEND THE FIRST TWO DAYS (22<sup>nd</sup> AND 23<sup>rd</sup> APRIL 2008 and MAY attend the third day, 24<sup>th</sup> April if they wish.**

**LOCATION:** Check with Center for Open Education when you sign in on first day for room allocation.

Separate Tutorial Groups will be organized for undergraduate and postgraduate students. LAW 811/855 external students will attend Tutorial Group A classes during the On Campus Sessions. LAW 510 external students will attend Tutorial Group B classes during the On Campus Session.

A detailed program for the on campus session will be available on the Unit web-page (see below) in the week beginning March 5.

**4. REQUIRED AND RECOMMENDED TEXTS AND/OR MATERIALS**

**The prescribed text will be available in the Library on Closed Reserve**

**PRESCRIBED FOR ALL STUDENTS:**

**Richardson B & Wood S, *Environmental Law for Sustainability: A Reader*, Hart Publishing, 2006.**

The Co-Op Bookstore has ordered 120 copies of the text to be available by the beginning of semester. A copy has been placed in Library Closed Reserve.

**PRESCRIBED FOR STUDENTS WITH A NON-LAW BACKGROUND:**

**Carvan, J, *Understanding the Australian Legal System*, 5<sup>th</sup> Edition, Law Book Co., 2005, available through Co-op Bookstore. This should be read as soon as possible at the**

commencement of the Unit.

### **Highly Recommended:**

The following books are very useful in this course and will be important references in other environmental law postgraduate Units:

**Lyster, R et al**, *Environmental Planning Law in New South Wales*, Federation Press, 2007

**Craig, D.G, Robinson, N.A, Koh Kheng Lian (eds)**, *Capacity Building for Environmental Law in the Asian and Pacific Region: Approaches and Resources*, Volume 1, Asian Development Bank, Manilla 2002 (available in CD Rom version which includes Volumes 1&2).

### **Legislation**

#### **Commonwealth:**

*Environment Protection and Biodiversity Act 1999*

#### **New South Wales:**

*Environmental Planning and Assessment Act 1979*

*Protection of the Environment Operations Act 1997*

All legislation can be accessed on a number of websites including:

<http://www.aph.gov.au/library/intguide/law/auslaw.htm>

<http://www.austlii.edu.au/>

[www.legislation.nsw.gov.au/](http://www.legislation.nsw.gov.au/)

### **Additional References:**

#### **Texts**

**Farrier, D and Stein, P**, *The Environmental Law Handbook*, **4th Edition**, University of New South Wales Press, 2006 (unswpress.com.au).

**Bates G**, *Environmental Law in Australia* (6<sup>th</sup> ed) LexisNexis (2006)

**Connelly J & Smith G**, *Politics and the Environment*, (2<sup>nd</sup> ed), Routledge, 2003

**Dovers S & Su Wild River (Eds)**, *Managing Australia's Environment* (The Federation Press) 2003.

**Fisher DE**, *Australian Environmental Law*, Law Book Co (2003)

**Holder and Lee**, *Environmental Protection, Law and Policy*, **2nd Edition**, Cambridge University press 2007

**Beder,S**, *Environmental Principles and Processes*, UNSW Press, 2006

### **Loose leaf services**

*Environmental Responsibilities Law*, 1 Loose Leaf Volume, Law Book Co.

*Local Government Planning and Environment*, Loose Leaf Service, Vols. A, B & C, Butterworths.

*Planning and Development Service*, NSW, Law Book Co, 2 Loose Leaf Vols (Annotated).

Students should purchase the Prescribed Materials. Other material need not be purchased but are useful references. The *Environmental Law Reporter* can also be consulted. It reports cases from the NSW Land and Environment Court. The *Local Government and Environmental Reports of Australia* report the most important decisions on environmental law (planning and pollution).

### **Journals**

Students should also consult the *Environmental and Planning Law Journal*. This journal is held in the Law Library. The *Local Government Law Journal* also contains a number of articles which are relevant to environmental law issues within the area of local government.

## **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 also contains the Study Guide but will also provide access to the prescribed course readings and 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 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 theoretical underpinnings of environmental law and conceptual frameworks for analysing the adequacy of our legal system in this field.
- b) The historical, philosophical and contextual background of environmental law and the role of multidisciplinary approaches.
- c) The concepts of sustainable development and related legal principles.
- d) The sources of environmental law and the legal frameworks in Australia.
- e) Critiques of these legal frameworks having regard to the concepts of 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 lectures will provide students with an overview of the policy and applicable legislative framework governing environmental management in each of the topic areas to be covered. The tutorials for both internal and external classes will be conducted as interactive seminars. Each internal seminar will be of two hour duration and will build upon the themes/issues raised in lecture presentations. Students will be expected to have read for each class and be prepared for discussion.

## 9. ASSESSMENT

### LAW 510 Due Date

Assignment 1 Essay (3,000 words): 30% 11/4/2008

Assignment 2 Take home exam 60% 13/6/2008

Class participation 10%

### LAW 855

Assignment 1 Essay (3,000 words): 30% 11/4/2008

Assignment 2 Research Assignment (3,000 words) 60% 13/6/2008

Class participation: 10%

### LAW 811

Assignment 1 Essay (3,000 words): 30% 11/4/2008

Assignment 2 Research Assignment (6,000 words) 60% 13/6/2008

Class participation: 10%

## Assignments

Assignment 1 for all students is included in this Study Guide.

Assignment 2 for LAW 811/855 students (research assignment) is included in this Study Guide.

Arrangements for the Take Home Exam for all Law 510 students will be advised in lectures and on the unit web site

All students (LAW 510, 811 and 855) must do Assignment 1.

## 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

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.

For **internal students**, assignments must be placed in the LAW 510 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 Centre for Open Education. The cover of the assignment should be date stamped by the post office/courier before dispatch by mail.

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 tutorial classes.** This means you are required to attend 10 of the 13 scheduled tutorial 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, 2<sup>nd</sup> 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. Assignment 1 will relate to the conceptual and philosophical material covered in Topics 1-5. When we cover the Australian and NSW legal frameworks, we expect that you will have a good understanding of the legal framework, clear issue identification, ability to apply the law to a variety of factual situations and good analytical and critical skills. This will be tested for LAW 510 students in the take home examination.

LAW 811/855 students will have the opportunity to undertake a significant piece of research on a topic of their choice, subject to approval from Professor Michael Jeffery.

## **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](http://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 FOR INTERNAL AND EXTERNAL STUDENTS

**NOTE: For Prescribed Reading (other than the Prescribed Text) you should check the Web page for this Unit or access the web site provided. This material will provide the content for lectures and tutorials (Internal Students) and the On-Campus Session (External Students). The On-Campus Session Program will be on the University website but students should immediately commence the Required Reading indicated below. The first assignment for all students is based on the required reading.**

### 1. INTRODUCTION TO LAW AND ENVIRONMENTAL LAW (NATIONAL AND INTERNATIONAL)

**Prescribed reading for all students:**

- **Fisher DE**, *Australian Environmental Law*, Law Book Co (2003), Chapter One
- **Text**, Chapter One

**Prescribed reading for all non-law students and overseas students:**

- **Carvan, J**, *Understanding the Australian Legal System*, 5<sup>th</sup> Edition, Law Book Co., 2005.

**2. ENVIRONMENTAL LAW: INTERDISCIPLINARY CONTEXT, PHILOSOPHIES AND ETHICS**

**Prescribed reading:**

- **Holder, J and Lee, M**, *Environmental Protection, Law and Policy*, Chapter One
- **Connelly J & Smith G**, *Politics and the Environment*, (2<sup>nd</sup> ed), Routledge, 2003, Pages 13-40, 65-74
- **Tietenberg, T**, *Environmental and Natural Resource Economics*, Addison Wesley, 2002, Pages 16-30, 61-83

**Further Reading:**

- **International Union for the Conservation of Nature (IUCN)**, *Environmental Economics*. Available at: [http://www.iucn.org/places/vietnam/our\\_work/cross-cutting%20issues/env\\_economics.htm](http://www.iucn.org/places/vietnam/our_work/cross-cutting%20issues/env_economics.htm)
- **Europa, European Commission**, *Environmental Economics*. Available at: <http://ec.europa.eu/environment/enveco/others/index.htm#>

**3. GOVERNANCE, ENVIRONMENTAL JUSTICE AND PUBLIC PARTICIPATION**

**Prescribed Reading:**

- **Connelly J & Smith G**, *Politics and the Environment*, (2<sup>nd</sup> ed), Routledge, 2003, Pages 215-249, 293-309, 327-350
- **Text**, Chapters 5 and 6
- **Halle, Mark**, “The UNEP That We Want- Reflections on UNEP’s future challenges”. International Institute for Sustainable Development, *IISD Commentary* October 2007. Available at: [http://www.iisd.org/pdf/2007/unep\\_we\\_want.pdf](http://www.iisd.org/pdf/2007/unep_we_want.pdf)
- **Craig, D & Jeffery, M**, *Global Environmental Governance and the United Nations in the 21st Century*, Paper presented to: European Union Forum Strengthening International Environmental Governance Sydney Opera House, 24th November 2006
- **Craig, D.G, Robinson, N.A, Koh Kheng Lian (eds)**, *Capacity Building for Environmental Law in the Asian and Pacific Region: Approaches and Resources*, Volume 1, Asian Development Bank, Manila 2002 (available in CD Rom version which includes Volumes 1&2), Chapter 10 (Citizen Participation, Access To Decision Making and Empowerment)

**4. SUSTAINABLE DEVELOPMENT AND ENVIRONMENTAL LAW**

**Prescribed Reading:**

- **Craig, D.G, Robinson, N.A, Koh Kheng Lian (eds)**, *Capacity Building for Environmental Law in the Asian and Pacific Region: Approaches and Resources*, Volume 1, Asian Development Bank, Manila 2002 (available in CD Rom version

which includes Volumes 1&2) Pages 45-56, 87-100, 106-110, 197-202

- **The Earth Charter, 2000** Available at <http://www.earthcharter.org/>
- **Johannesburg Declaration on Sustainable Development.** Available at: <http://www.un.org/esa/sustdev/documents/Johannesburg%20Declaration.doc>
- **Millennium Development Goals.** Available at: <http://www.un.org/millenniumgoals/>

#### **Further Reading:**

- **Millennium Ecosystem Assessment.** Available at: <http://www.millenniumassessment.org/en/index.aspx>
- **Beder, S,** *Environmental Principles and Processes*, UNSW Press, 2006

### **5. ENVIRONMENT LAW CONCEPTS, TECHNIQUES AND PROCESSES**

#### **Required Reading:**

- **Environmental Regulation and Administration - Text,** Part 1 (pages 19-127)
- **Economic and Financial Dimensions - Text,** Part 3 (Pages 229-341)

### **6. INTRODUCTION TO AUSTRALIAN ENVIRONMENTAL LAW**

#### **Required reading:**

- **Overview of Australian Environmental Law - Lyster, R et al,** *Environmental Planning Law in New South Wales*, Federation Press, 2007, Chapter One
- **Resource Allocation and Management - Fisher DE,** *Australian Environmental Law*, Law Book Co (2003), Chapter Seven
- **Environmental Planning and Assessment - Farrier, D and Stein, P,** *The Environmental Law Handbook, 4th Edition*, University of New South Wales Press, Chapter Three
- **Thomas, I & Elliot, M,** "EIA Context and Content" in *Environmental Impact Assessment and Theory and Practice in Australia* (2005) 4th edition, Chapter 2, pp 9-23
- **Biodiversity Conservation and Heritage - Lyster, R et al,** *Environmental Planning Law in New South Wales*, Federation Press, 2007, pp 304-318, 342-349, 380-384

#### **Further reading:**

- **Farrier, D and Stein, P,** *The Environmental Law Handbook, 4th Edition*, University of New South Wales Press, 2006: Chapter 6 (NSW Assessment) and Chapter 7 (Commonwealth Assessment)
- **UNEP,** *Environmental Impact Assessment Training Manual*, Second Edition. Available at: [http://www.unep.ch/etu/publications/EIAMan\\_2edition\\_toc.htm](http://www.unep.ch/etu/publications/EIAMan_2edition_toc.htm)
- **Europa, European Commission-** *Environmental Impact Assessment.* Available at: <http://ec.europa.eu/environment/eia/>
- **National Strategy for Ecologically Sustainable Development 1992.** Accessible at: <http://www.environment.gov.au/esd/national/nsesd/index.html>
- *National Environment Protection Council Act 1994* (Cth) ss 12, 13, 14-22
- *National Environment Protection Measures (Implementation) Act 1998* (Cth) ss 9, 11, 16, 23, 24, Parts 2-5
- **Intergovernmental Agreement on the Environment 1992** accessible at <http://www.environment.gov.au/esd/national/igae/index.html>

- **Thomas, I**, *Environmental Policy Australian Practice in the Context of Theory* (2007) Federation Press
- **Bates G**, *Environmental Law in Australia* (6<sup>th</sup> ed) LexisNexis (2006) Chapter 3
- **Dovers S & Su Wild River** (Eds), *Managing Australia's Environment* (The Federation Press) 2003

## **7. INTERNATIONAL ENVIRONMENTAL LAW**

### **Required Reading:**

- Text, pp 341-381

### **Further Reading:**

- Text, pp 381-445

## **8. AUSTRALIAN NATIONAL APPROACHES TO ENVIRONMENTAL LAW: SUSTAINABLE DEVELOPMENT RE-VISITED**

### **Required Reading:**

To be posted on the Unit website

## **ASSIGNMENTS**

### **LAW 510/ 855 /811: ASSIGNMENT 1**

**DUE DATE: 11th April 2008**

**MAXIMUM WORD LENGTH: 3,000 WORDS**

**ASSESSMENT WEIGHT: 30%**

**Students should do ONE of the following questions. Students will be expected to have read relevant prescribed material for this Unit.**

1. Science, politics and economics often dominate environmental decision making and minimise the impact of environmental values. However, it is difficult to regulate or change a "problem" without a true understanding of it. How can these disciplines be used to enhance environmental law and policy? What role can law play to support environmental values consistent with sustainable development?
2. Ecological justice and public participation in environmental decision-making are key aspects of environmental law. Discuss how they can contribute to developing legal approaches supportive of sustainable development and related human rights.

### **ASSIGNMENT TWO FOR LAW 811 AND 855 ONLY**

**Due Date: 13th June 2008**

**Weight: This Research Assignment is worth 60% of your marks**

**Word Length: LAW 855 - 3,000 words  
LAW 811 - 6,000 words**

**TOPIC:**

Choose any topic relevant to Environmental Law and Sustainable Development. It is recommended that you discuss your topic with the academic staff in this Unit.

**Discuss the key issues and legal framework relevant to your topic.** Make it clear what jurisdiction(s) and environmental laws and policies you will be discussing. Make sure that you define your topic and its scope (range of issues and areas covered) at the beginning of your assignment.

You should also include a critique of the legal framework. The critique should also suggest measures to:

- (a) improve relevant laws and policies; and
- (b) implement sustainable development, and
- (c) develop environmental values held by the community.

**THIS IS A RESEARCH PAPER AND STUDENTS ARE EXPECTED TO UNDERTAKE RESEARCH BEYOND THE PRESCRIBED MATERIALS**

**SECOND ASSESSMENT FOR LAW 510 WILL BE A TAKE HOME EXAM**

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