



ENVH12002 *Environmental Health Law*

Term 1 - 2023

Profile information current as at 27/04/2024 02:30 pm

All details in this unit profile for ENVH12002 have been officially approved by CQU University and represent a learning partnership between the University and you (our student). The information will not be changed unless absolutely necessary and any change will be clearly indicated by an approved correction included in the profile.

General Information

Overview

This unit aims to provide students with an understanding of the interpretation and application of statutes, legislative frameworks and principles that form the foundation for environmental health practice. In particular, this unit will detail various legislative tools for the management of public health issues in different settings. The prosecution process and gathering of evidence will be discussed, along with a detailed discussion on the role of the environmental health practitioner in relation to public health, environmental and planning legislation. Major topics covered include: an introduction to law and government, public health law, planning and environmental law, local laws, investigation processes and procedures.

Details

Career Level: *Undergraduate*

Unit Level: *Level 2*

Credit Points: 6

Student Contribution Band: 8

Fraction of Full-Time Student Load: 0.125

Pre-requisites or Co-requisites

There are no requisites for this unit.

Important note: Students enrolled in a subsequent unit who failed their pre-requisite unit, should drop the subsequent unit before the census date or within 10 working days of Fail grade notification. Students who do not drop the unit in this timeframe cannot later drop the unit without academic and financial liability. See details in the [Assessment Policy and Procedure \(Higher Education Coursework\)](#).

Offerings For Term 1 - 2023

- Online

Attendance Requirements

All on-campus students are expected to attend scheduled classes – in some units, these classes are identified as a mandatory (pass/fail) component and attendance is compulsory. International students, on a student visa, must maintain a full time study load and meet both attendance and academic progress requirements in each study period (satisfactory attendance for International students is defined as maintaining at least an 80% attendance record).

Website

[This unit has a website, within the Moodle system, which is available two weeks before the start of term. It is important that you visit your Moodle site throughout the term. Please visit Moodle for more information.](#)

Class and Assessment Overview

Recommended Student Time Commitment

Each 6-credit Undergraduate unit at CQUniversity requires an overall time commitment of an average of 12.5 hours of study per week, making a total of 150 hours for the unit.

Class Timetable

[Regional Campuses](#)

Bundaberg, Cairns, Emerald, Gladstone, Mackay, Rockhampton, Townsville

[Metropolitan Campuses](#)

Adelaide, Brisbane, Melbourne, Perth, Sydney

Assessment Overview

1. **Online Quiz(zes)**

Weighting: 15%

2. **Online Quiz(zes)**

Weighting: 40%

3. **Written Assessment**

Weighting: 45%

Assessment Grading

This is a graded unit: your overall grade will be calculated from the marks or grades for each assessment task, based on the relative weightings shown in the table above. You must obtain an overall mark for the unit of at least 50%, or an overall grade of 'pass' in order to pass the unit. If any 'pass/fail' tasks are shown in the table above they must also be completed successfully ('pass' grade). You must also meet any minimum mark requirements specified for a particular assessment task, as detailed in the 'assessment task' section (note that in some instances, the minimum mark for a task may be greater than 50%). Consult the [University's Grades and Results Policy](#) for more details of interim results and final grades.

CQUniversity Policies

All University policies are available on the [CQUniversity Policy site](#).

You may wish to view these policies:

- Grades and Results Policy
- Assessment Policy and Procedure (Higher Education Coursework)
- Review of Grade Procedure
- Student Academic Integrity Policy and Procedure
- Monitoring Academic Progress (MAP) Policy and Procedure – Domestic Students
- Monitoring Academic Progress (MAP) Policy and Procedure – International Students
- Student Refund and Credit Balance Policy and Procedure
- Student Feedback – Compliments and Complaints Policy and Procedure
- Information and Communications Technology Acceptable Use Policy and Procedure

This list is not an exhaustive list of all University policies. The full list of University policies are available on the [CQUniversity Policy site](#).

Previous Student Feedback

Feedback, Recommendations and Responses

Every unit is reviewed for enhancement each year. At the most recent review, the following staff and student feedback items were identified and recommendations were made.

Feedback from Student feedback evaluation

Feedback

The final investigation report was a great exercise, however students were not provided adequate details in terms of expected legal referencing, or a report template. The relationship between the topic and local government laws were not adequately explained as this real world investigation would not immediately warrant use of the Public Health Act 2005 for enforcement. Local Government Councils would first and foremost utilise local laws for compliance/enforcement action due to the nature of the offence. Discussions amongst students involved many students not realising Local Laws were a realistic and most likely used tool in the remediation of such breaches of this type.

Recommendation

The number of live birds in the case studies will need to be increased to over 1000 so students can use both local government laws or the Public Health Act 2005 to determine their course of actions when responding to the described offence.

Feedback from Personal reflection

Feedback

There were no weekly tutorial and therefore students might have felt less interaction with the teaching unit through weekly tutorial. The structure of the unit involved students completing weekly activities and learning materials, with only one-on-one support provided at the request of the student.

Recommendation

Given the low attendance of tutorials in this unit from past experiences, it is recommended that instead of running a weekly tutorial, the teaching staff should assign a weekly one hour drop in session to allow students to seek help without having to contact the teaching staff to arrange for a meeting.

Feedback from Face-to-face discussion with a student

Feedback

The nature of offence provided in the assessment case study (investigation) is for less than 1000 live birds. Under certain local government laws, facilities with less than 1000 live birds are not legally required to report breaches although reporting is warranted under the Public Health Act 2005. Students were confused about whether to use local government laws or the Public Health Act 2005 to guide their actions. This issue was raised by a student in a face-to-face discussion. The student was advised to use Public Health Act 2005 to determine a course of action because it is the overriding legislative instrument in Queensland.

Recommendation

The number of live birds in the case studies will need to be increased to over 1000 so students can use both local government laws or the Public Health Act 2005 to determine their course of actions when responding to the described offence.

Unit Learning Outcomes

On successful completion of this unit, you will be able to:

1. Interpret and apply the provisions of key public health legislation related to environmental health practice
2. Interpret and apply the provisions of key environmental and planning legislation related to environmental health practice
3. Identify and manage public health issues using legal frameworks within relevant environmental and public health legislation
4. Apply legal procedures relevant to the administration of environmental and public health legislation

This unit meets the following criteria for accreditation by Environmental Health Australia:

L1 Introduction to legislative frameworks for environmental health.

L2 Introduction to the law making process and factors that influence policy and legislation.

L3 Knowledge of how to interpret legislation.

L4 Knowledge of public and environmental health legislation.

L5 Introduction to development assessment processes.

L7 Introduction to grounds for internal and external reviews, appeals, etc.

L9 Knowledge of legal authority and requirements to act in accordance with the purpose of legislation and ethical standards for authorised persons/officers (e.g. duty of care, confidentiality, powers of entry).

L10 Knowledge of compliance options (legislative and non-legislative) including their strengths, limitations and legislative requirements.

L11 Introduction to interviewing, investigation and risk-based inspection techniques, prosecution processes, court procedures, etc.

L12 Introduction to enforcement guidelines/policies/protocols.

L13 Introduction to governance principles and strategies, ethics and decision making.

L14 Overview of the jurisdiction and role of agencies relevant to environmental health in all tiers of government.

L15 Introduction to key government strategies and intergovernmental agreements in the context of environmental health.

L17 Knowledge of criteria and general procedures for assessing, approving, determining conditions and licences, notices, orders and fines.

Alignment of Learning Outcomes, Assessment and Graduate Attributes



Alignment of Assessment Tasks to Learning Outcomes

Assessment Tasks	Learning Outcomes			
	1	2	3	4
1 - Online Quiz(zes) - 15%	•	•	•	
2 - Online Quiz(zes) - 40%	•	•		•
3 - Written Assessment - 45%	•		•	•

Alignment of Graduate Attributes to Learning Outcomes

Graduate Attributes	Learning Outcomes			
	1	2	3	4
1 - Communication	•	•	•	•

Graduate Attributes	Learning Outcomes			
	1	2	3	4
2 - Problem Solving	•	•	•	•
3 - Critical Thinking	•	•	•	•
4 - Information Literacy				
5 - Team Work				
6 - Information Technology Competence				
7 - Cross Cultural Competence				
8 - Ethical practice	•	•	•	•
9 - Social Innovation				
10 - Aboriginal and Torres Strait Islander Cultures				

Alignment of Assessment Tasks to Graduate Attributes

Assessment Tasks	Graduate Attributes									
	1	2	3	4	5	6	7	8	9	10
1 - Online Quiz(zes) - 15%			•	•		•				
2 - Online Quiz(zes) - 40%		•	•	•		•				
3 - Written Assessment - 45%	•	•	•	•		•		•		

Textbooks and Resources

Textbooks

ENVH12002

Prescribed

Public and Environmental Health Law

Edition: 3rd edn (2011)

Authors: Reynolds, C

Federation Press

Annandale, NSW, Australia

ISBN: 9781862878327

Binding: Paperback

Additional Textbook Information

The prescribed textbook can be accessed online at the CQUniversity Library website. If you would prefer your own copy, purchase either paper or eBook versions at the CQUni Bookshop here:

<http://bookshop.cqu.edu.au> (search on the Unit code)

[View textbooks at the CQUniversity Bookshop](#)

IT Resources

You will need access to the following IT resources:

- CQUniversity Student Email
- Internet
- Unit Website (Moodle)
- Zoom Conferencing (Webcam and Microphone)

Referencing Style

All submissions for this unit must use the referencing style: [Australian Guide to Legal Citation, 4th ed](#)
For further information, see the Assessment Tasks.

Teaching Contacts

William Mude Unit Coordinator

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Schedule

Week 1 - 06 Mar 2023

Module/Topic	Chapter	Events and Submissions/Topic
Introduction to environmental health law	Reynolds (2011) Ch 1	

Week 2 - 13 Mar 2023

Module/Topic	Chapter	Events and Submissions/Topic
The governance of public health and the Court system in Australia	Reynolds (2011) Ch 2 & 3	

Week 3 - 20 Mar 2023

Module/Topic	Chapter	Events and Submissions/Topic
Theory of Regulation	Reynolds (2011) Ch 5	

Week 4 - 27 Mar 2023		
Module/Topic	Chapter	Events and Submissions/Topic
Statutory powers and the interpretation of statutes	Reynolds (2011) Ch 2 & 4	
Week 5 - 03 Apr 2023		
Module/Topic	Chapter	Events and Submissions/Topic
Public Health Legislation	Reynolds (2011) Ch 6 & 12	Assessment 1: Online Quiz Due: Week 5 Friday (7 Apr 2023) 11:59 pm AEST
Vacation Week - 10 Apr 2023		
Module/Topic	Chapter	Events and Submissions/Topic
Week 6 - 17 Apr 2023		
Module/Topic	Chapter	Events and Submissions/Topic
Public Health Legislation cont'd	Reynolds (2011) Ch 6 & 12	
Week 7 - 24 Apr 2023		
Module/Topic	Chapter	Events and Submissions/Topic
Environmental protection law	Reynolds (2011) Ch 7	Assessment item 2A: Short answers (public health) Due: Week 7 Friday 5:00 PM AEST
Week 8 - 01 May 2023		
Module/Topic	Chapter	Events and Submissions/Topic
Planning and development law		Assessment item 2B- Short answers (environmental protection) Due: Week 8 Friday 5:00 PM AEST
Week 9 - 08 May 2023		
Module/Topic	Chapter	Events and Submissions/Topic
Legal procedure and prosecution	Reynolds (2011) Ch 3 & 4	Assessment item 2C- Short answers (planning and development) Due: Week 9 Friday 5:00 PM AEST
Week 10 - 15 May 2023		
Module/Topic	Chapter	Events and Submissions/Topic
Local Government and local laws	Selected readings	Assessment item 2D- Short answers (legal procedure and prosecution) Due: Week 10 Friday 5:00 PM AEST
Week 11 - 22 May 2023		
Module/Topic	Chapter	Events and Submissions/Topic
Common law & the tort of negligence	Selected readings	
Week 12 - 29 May 2023		
Module/Topic	Chapter	Events and Submissions/Topic
Future challenges in environmental health law	Reynolds (2010) Ch 8	Assessment item 3- Legal analysis Due: Week 12 Friday (2 June 2023) 11:59 am AEST
Review/Exam Week - 05 Jun 2023		
Module/Topic	Chapter	Events and Submissions/Topic
Exam Week - 12 Jun 2023		
Module/Topic	Chapter	Events and Submissions/Topic

Assessment Tasks

1 Assessment 1: Online Quiz

Assessment Type

Online Quiz(zes)

Task Description

Details

It is rare that you will ever need to read a piece of legislation from front to back, or know specific provisions by rote. In most cases you will need to search through the legislation to find the provisions that apply. The layout of almost all Australian legislation conforms to a general framework and the interpretation of provisions should always be done in accordance with the rules of statutory interpretation. This assessment task is designed to assess your ability to find and interpret specific provisions in legislation according to these principles.

Some information about the quiz:

- The quiz will become available from Week 2 of term and will remain **open until 11:59 pm on the Friday of Week 5.**
- The quiz will consist of **30 multiple-choice questions.**
- There is **no time limit** to complete the quiz and you can save your quiz and return to it later (while the quiz is available)
- You should **choose the most correct answer**
- Your final result will show which questions you got right or wrong. **This will let you know what areas you need to study/revise.**

For this quiz, Queensland legislation must be used.

Number of Quizzes

1

Frequency of Quizzes

Assessment Due Date

Week 5 Friday (7 Apr 2023) 11:59 pm AEST

Return Date to Students

Results will be available to students once the quiz has closed.

Weighting

15%

Assessment Criteria

This assessment task assesses the student's ability to find and interpret specific provisions in legislation according to the rules of statutory interpretation.

Referencing Style

- [Australian Guide to Legal Citation, 4th ed](#)

Submission

Online

Learning Outcomes Assessed

- Interpret and apply the provisions of key public health legislation related to environmental health practice
- Interpret and apply the provisions of key environmental and planning legislation related to environmental health practice
- Identify and manage public health issues using legal frameworks within relevant environmental and public health legislation

Graduate Attributes

- Critical Thinking
- Information Literacy
- Information Technology Competence

2 Assessment 2: Short answer assignments

Assessment Type

Online Quiz(zes)

Task Description

Details

Four short answer assignments relating to the following topics will be posted on Moodle. Each assignment will be worth 10% of the overall grade for the unit.

- Part A- Public Health legislation
- Part B- Environmental protection legislation
- Part C- Planning and development legislation
- Part D- Prosecution procedures and legal process

Answers should be clear and concise and should include a reference to the relevant legislative provision, including the name of the Act (you may use an abbreviated form), the section and the subsection where appropriate. In some cases you may need to only refer to the Act and the relevant Part or Chapter.

You will need to have the relevant legislation available to refer to when you are completing the assignment.

Students who are located outside Queensland may use their local legislation to complete this assignment. If you are using legislation from another jurisdiction, you will need to specify this in each answer when you identify the legislative provision you have applied.

Number of Quizzes

4

Frequency of Quizzes

Weekly

Assessment Due Date

Part A- Friday Week 7 at 11:59 PM; Part B- Friday Week 8 at 11:59 PM; Part C- Friday Week 9 at 11:59 PM; Part D- Friday Week 10 at 11:59 PM

Return Date to Students

Two weeks after each task closes.

Weighting

40%

Assessment Criteria

- Correct identification, interpretation and application of statutory provisions (60%)
- Correct legal referencing (40%)

Referencing Style

- [Australian Guide to Legal Citation, 4th ed](#)

Submission

Online

Learning Outcomes Assessed

- Interpret and apply the provisions of key public health legislation related to environmental health practice
- Interpret and apply the provisions of key environmental and planning legislation related to environmental health practice
- Apply legal procedures relevant to the administration of environmental and public health legislation

Graduate Attributes

- Problem Solving
- Critical Thinking
- Information Literacy
- Information Technology Competence

3 Assessment item 3- Legal analysis

Assessment Type

Written Assessment

Task Description

Details

A case study will be provided to you on Moodle. Write a report discussing the case in its legal context, addressing the following:

- Identify the statute and legislative provisions that apply to the case.
- Into which government agency's jurisdiction does the case fall?
- What action should be taken by the regulatory body? If you would recommend an improvement notice or similar type of legal requisition, prepare the documentation and include it as an Appendix.
- Discuss how you would escalate the action should the offender fail to comply with this requisition.
- Is there evidence that an offence has been committed? If so, describe the evidence and how it constitutes an offence under the provisions of the legislation. In particular, identify the elements of the offence.
- Describe the evidence relating to each element and how it could be collected if you were to prosecute the case in Court.
- Develop a series of questions that you would ask in a formal interview, which would form the framework for a legal statement presented as evidence in Court. Include these questions as an Appendix.
- Can action be taken under common law? If so, briefly describe what action that would be.
- What is the expected outcome? Consider best, worst and most likely scenarios.

Students who are located outside Queensland may use their local legislation to complete this assignment. If legislation from another State is used, this must be clearly specified in the introduction of the report.

Assessment Due Date

Week 12 Friday (2 June 2023) 11:59 am AEST

Return Date to Students

After certification of grades.

Weighting

45%

Minimum mark or grade

Students must achieve an overall composite grade of 50% AND a minimum of 50% (22.5/45) for this assessment task to be eligible to pass the unit.

Assessment Criteria

This assessment task will be graded according to the following criteria:

- Demonstrated knowledge and application of relevant statute law (25%)
- Competent analysis and evaluation of the facts as presented in relation to legal frameworks, including statutory and common law (20%)
- Recommends appropriate legal action (20%)
- Prepares appropriate legal documentation, including notices, orders, statements, etc (15%)
- Structure and written expression (10%)
- Legal referencing (10%)

Referencing Style

- [Australian Guide to Legal Citation, 4th ed](#)

Submission

Online

Learning Outcomes Assessed

- Interpret and apply the provisions of key public health legislation related to environmental health practice
- Identify and manage public health issues using legal frameworks within relevant environmental and public health legislation
- Apply legal procedures relevant to the administration of environmental and public health legislation

Graduate Attributes

- Communication
- Problem Solving
- Critical Thinking
- Information Literacy
- Information Technology Competence
- Ethical practice

Academic Integrity Statement

As a CQUniversity student you are expected to act honestly in all aspects of your academic work.

Any assessable work undertaken or submitted for review or assessment must be your own work. Assessable work is any type of work you do to meet the assessment requirements in the unit, including draft work submitted for review and feedback and final work to be assessed.

When you use the ideas, words or data of others in your assessment, you must thoroughly and clearly acknowledge the source of this information by using the correct referencing style for your unit. Using others' work without proper acknowledgement may be considered a form of intellectual dishonesty.

Participating honestly, respectfully, responsibly, and fairly in your university study ensures the CQUniversity qualification you earn will be valued as a true indication of your individual academic achievement and will continue to receive the respect and recognition it deserves.

As a student, you are responsible for reading and following CQUniversity's policies, including the [Student Academic Integrity Policy and Procedure](#). This policy sets out CQUniversity's expectations of you to act with integrity, examples of academic integrity breaches to avoid, the processes used to address alleged breaches of academic integrity, and potential penalties.

What is a breach of academic integrity?

A breach of academic integrity includes but is not limited to plagiarism, self-plagiarism, collusion, cheating, contract cheating, and academic misconduct. The Student Academic Integrity Policy and Procedure defines what these terms mean and gives examples.

Why is academic integrity important?

A breach of academic integrity may result in one or more penalties, including suspension or even expulsion from the University. It can also have negative implications for student visas and future enrolment at CQUniversity or elsewhere. Students who engage in contract cheating also risk being blackmailed by contract cheating services.

Where can I get assistance?

For academic advice and guidance, the [Academic Learning Centre \(ALC\)](#) can support you in becoming confident in completing assessments with integrity and of high standard.

What can you do to act with integrity?



Be Honest

If your assessment task is done by someone else, it would be dishonest of you to claim it as your own



Seek Help

If you are not sure about how to cite or reference in essays, reports etc, then seek help from your lecturer, the library or the Academic Learning Centre (ALC)



Produce Original Work

Originality comes from your ability to read widely, think critically, and apply your gained knowledge to address a question or problem