



LAWS11046 Law and the Environment

Term 1 - 2017

Profile information current as at 20/05/2024 02:03 am

All details in this unit profile for LAWS11046 have been officially approved by CQUniversity 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

Law and the Environment provides a basic grounding in the context and main sources of Environmental Law in Australia, together with the major State and Commonwealth legislative regimes that collectively comprise Australia's system of environmental regulation. You will study the basic structure and function of the Australian Legal System and undertake analysis of key environmental issues. By analysing case studies, you will learn to identify the types of legal problems commonly encountered in environment-related activities. Finally, you will examine the litigation process and dispute resolution procedures.

Details

Career Level: *Undergraduate*

Unit Level: *Level 1*

Credit Points: 6

Student Contribution Band: 10

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 - 2017

- Distance

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. **Written Assessment**

Weighting: 25%

2. **Presentation and Written Assessment**

Weighting: 25%

3. **Practical Assessment**

Weighting: 50%

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

Feedback

Positive comments on the content, delivery and assessment regime of this course

Recommendation

Continue with the general format of this course, including an increasing emphasis on issues associated with industry practice

Action

Continue with the assessment regime and the general format of this course. Update the course content to reflect the new planning regime introduced in Queensland, including an increasing emphasis on issues associated with industry practice.

Feedback from Student feedback and self-evaluation

Feedback

Interaction with students and between students using UCROO

Recommendation

Continue using UCROO as the primary means of online discussion with students and between students

Action

Continue using UCROO as the primary means of online discussion with students and between students.

Feedback from Student feedback and self-evaluation

Feedback

The text 'Environmental Law in Australia' by Gerry Bates

Recommendation

Continue using the text 'Environmental Law in Australia' by Gerry Bates as the prescribed text for LAWS11046. The text, while excellent, is nevertheless theoretically based. As a result, continue to supplement the theoretical material with practical work and access to up-to-date online materials, including legislation, caselaw, practice directions and court files.

Action

Consider sourcing a new text with a more practical component. If not, continue using the text 'Environmental Law in Australia' by Gerry Bates as the prescribed text for LAWS11046. The text, while excellent, is nevertheless theoretically based. As a result, continue to supplement the theoretical material with practical work and access to up-to-date online materials, including legislation, caselaw, practice directions and court files.

Unit Learning Outcomes

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

1. Describe the basic structure, institutions, key functions and processes of the Australian legal systems within which environmental law operates.
2. Analyse major topics and key issues such as environmental property rights, access to and management of the environment, environmental protection measures and environmental litigation with reference to the relevant sources of legal authority.
3. Identify and respond to the types of legal problems and issues likely to be embedded in commonly encountered environment-related activities.
4. Explain the environmental law litigation process and alternative dispute resolution procedures.

Alignment of Learning Outcomes, Assessment and Graduate Attributes

 N/A Level	 Introductory Level	 Intermediate Level	 Graduate Level	 Professional Level	 Advanced Level
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Alignment of Assessment Tasks to Learning Outcomes

Assessment Tasks	Learning Outcomes			
	1	2	3	4
1 - Written Assessment - 25%	•	•	•	•
2 - Presentation and Written Assessment - 25%	•	•	•	•
3 - Practical Assessment - 50%	•	•	•	•

Alignment of Graduate Attributes to Learning Outcomes

Graduate Attributes	Learning Outcomes			
	1	2	3	4
1 - Communication			•	•
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 - Written Assessment - 25%	•	•	•	•						
2 - Presentation and Written Assessment - 25%	•	•	•	•		•		•		
3 - Practical Assessment - 50%	•	•	•	•		•		•		

Textbooks and Resources

Textbooks

LAWS11046

Prescribed

Environmental Law in Australia

9th edition (2016)

Authors: Bates, Gerry

LexisNexis Butterworths

Sydney , New South Wales , Australia

ISBN: 9780409341935

Binding: Paperback

Additional Textbook Information

Environment Protection and Biodiversity Conservation Act 2000 (Cth) can be downloaded from ComLaw

<https://www.comlaw.gov.au/> or purchased from ComLaw Print on Demand.

Planning Act 2016 (Qld) and the *Environmental Protection Act 1994 (Qld)* Purchase direct from Publications at www.publications.qld.gov.au; alternately, they can be downloaded from the Queensland legislation website or the AUSTLII website.

[View textbooks at the CQUniversity Bookshop](#)

IT Resources

You will need access to the following IT resources:

- CQUniversity Student Email
- Internet
- Unit Website (Moodle)
- UCROO

Referencing Style

All submissions for this unit must use the referencing style: [Australian Guide to Legal Citation, 3rd ed](#)

For further information, see the Assessment Tasks.

Teaching Contacts

John Milburn Unit Coordinator

j.a.milburn@cqu.edu.au

Schedule

Week 1 - 06 Mar 2017

Module/Topic	Chapter	Events and Submissions/Topic
Legal Principles and Resources	Bates chapter 1	

Week 2 - 13 Mar 2017

Module/Topic	Chapter	Events and Submissions/Topic
Constitution of Australia and the Evolution of the Australian Legal System	Bates chapter 2	

Week 3 - 20 Mar 2017

Module/Topic	Chapter	Events and Submissions/Topic
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Environmental Issues and the
Common Law

Bates chapter 3

Week 4 - 27 Mar 2017

Module/Topic	Chapter	Events and Submissions/Topic
International Environmental Law and Commonwealth Environmental Law- making Ability	Bates chapters 4, 5 & 6	

Week 5 - 03 Apr 2017

Module/Topic	Chapter	Events and Submissions/Topic
Statutory Instruments, Regulatory Tools and Ecologically Sustainable Development	Bates chapters 7 & 8	

Vacation Week - 10 Apr 2017

Module/Topic	Chapter	Events and Submissions/Topic
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Week 6 - 17 Apr 2017

Module/Topic	Chapter	Events and Submissions/Topic
Planning Law	Bates chapters 9 & 10	

Week 7 - 24 Apr 2017

Module/Topic	Chapter	Events and Submissions/Topic
Environmental Impact Assessment	Bates chapter 11	

Week 8 - 01 May 2017

Module/Topic	Chapter	Events and Submissions/Topic
Natural Resource Law	Bates chapters 12-18	LAWS11046 Written Assessment #1 Due: Week 8 Thursday (4 May 2017) 11:45 pm AEST

Week 9 - 08 May 2017

Module/Topic	Chapter	Events and Submissions/Topic
Environmental Law Toolbox	Bates chapter 19	

Week 10 - 15 May 2017

Module/Topic	Chapter	Events and Submissions/Topic
Environmental Prosecutions	Bates chapter 20	LAWS11046 Written Assessment #2 Due: Week 10 Thursday (18 May 2017) 11:45 pm AEST

Week 11 - 22 May 2017

Module/Topic	Chapter	Events and Submissions/Topic
Community Litigants and ADR Procedures	Bates chapters 21 & 22	

Week 12 - 29 May 2017

Module/Topic	Chapter	Events and Submissions/Topic
Review		Practical Assessment Due: Week 12 Thursday (1 June 2017) 11:45 pm AEST

Review/Exam Week - 05 Jun 2017

Module/Topic	Chapter	Events and Submissions/Topic
Review		

Exam Week - 12 Jun 2017

Module/Topic	Chapter	Events and Submissions/Topic
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Assessment Tasks

1 LAWS11046 Written Assessment #1

Assessment Type

Written Assessment

Task Description

Key Aspects

Both 25% term assignments require students to review and/or critically appraise and apply legal, environmental concepts and policies.

The first 25% term assignment concerns the analysis of a Queensland Planning & Environment Court appeal case.

Assessment Due Date

Week 8 Thursday (4 May 2017) 11:45 pm AEST

Thursday, 4 May, 2017 11:45 PM AEST (Australian Eastern Standard Time). I expect student to present their assignment work on time. Please note that I will not consider any request for an extension of time unless you upload an application in the appropriate manner, supported by documentation and made prior to the due time/date. I will impose a penalty deduction of 5% per day for late work until the nominated cut-off date, Saturday, 13 May 2017.

Return Date to Students

Monday (15 May 2017)

Weighting

25%

Assessment Criteria

Problem Solving. The focus of many parts of the assignments is upon developing applied problem and policy solving skills. This requires students to read and analyse a fact scenario matrix or policy measure - hypothetical or actual - and identify legal, regulatory and broad planning or environmental policy issues and apply these to develop a reasoned outcome with respect to the issues presented.

Critical Thinking. Students are required to critically analyse and evaluate information, facts, law and policy in a problem solving context. The skills being emphasised involve the critical appraisal and reflection of legal, planning and environmental issues plus the application of case law, legislation and policy (theoretical or actual) against a factual matrix or stated assumptions.

Information Literacy. The two assignments test understanding and comprehension of critical legal, planning and environmental knowledge, legislation and policy measures discussed in the course in topics covered prior to submission of the assignments. Students need to develop understanding and familiarity with relevant terms, concepts and issues addressed. This information literacy is tested in an applied as well as descriptive manner.

Information Technology Competence. The two assignments test students' aptitude and capability to access web-based information and resources. Competence in producing academic written work with use of technology forms part of the assignment exercises.

Ethical/sustainability policy issues and practice. In formulating responses to questions in the two assignments, students will frequently be making judgments about societal ethics and planning or environmental sustainability policy matters.

Referencing Style

- [Australian Guide to Legal Citation, 3rd ed](#)

Submission

Online

Submission Instructions

I request students submit their work in a single document.

Learning Outcomes Assessed

- Describe the basic structure, institutions, key functions and processes of the Australian legal systems within which environmental law operates.
- Analyse major topics and key issues such as environmental property rights, access to and management of the environment, environmental protection measures and environmental litigation with reference to the relevant sources of legal authority.
- Identify and respond to the types of legal problems and issues likely to be embedded in commonly encountered environment-related activities.
- Explain the environmental law litigation process and alternative dispute resolution procedures.

Graduate Attributes

- Communication
- Problem Solving
- Critical Thinking
- Information Literacy

2 LAWS11046 Written Assessment #2

Assessment Type

Presentation and Written Assessment

Task Description

Key Aspects

Both assignments require students to review, or critically appraise and apply legal, planning, and environmental concepts and policies.

Fundamental Information

The second 25% term assignment requires an audio-visual analysis of statutory approval processes.

Assessment Due Date

Week 10 Thursday (18 May 2017) 11:45 pm AEST

Thursday, 18 May 2016 at 11:45 PM AEST (Australian Eastern Standard Time). I expect student to present their assignment work on time. Please note that I will not consider any request for an extension of time unless you upload an application in the appropriate manner, supported by documentation and made prior to the due time/date. I will impose a penalty deduction of 5% per day for late work until the nominated cut-off date, Saturday, 27 May 2017.

Return Date to Students

Monday (29 May 2017)

Weighting

25%

Assessment Criteria

The second assignment comprises a theoretical and practical assessment of planning and environmental law process, policy and implementation. You are required to provide an audio-visual presentation including evidence of sound understanding, effective communication, structured argument and critical thinking within a well presented format. It is not necessarily the case that all the criteria will be met at a particular standard, as there may be superior performance on one of the criteria and not so satisfactory performance on another. A mark will be calculated by reference to an overall assessment of the criteria. Standards required to the various grades of pass use the university grades and results procedures.

Assessment criteria

I assess students on their ability to demonstrate thinking and writing and presentation skills, to comprehend the material, to process the material and to provide a critical analysis and logical discussion of the law.

Students are required to communicate clearly and logically and in a concise manner. I expect you to present in a professional manner. You must appropriately reference and attribute the work of others.

Fail

You will have shown evidence of the following:

- your expression is poor and difficult to understand
- the answer is poorly organised
- referencing is generally inadequate
- lack of familiarity with the legislation and its application
- failure to identify and address the issues in the question
- reasoning and application demonstrated is poor

Pass

You will have:

- made a conscientious attempt to address the topic and/or answer the question
- shown evidence of having done the required reading and of having understood the reading
- presented a reasonable argument to back up your conclusions
- demonstrated a reasonable level of presentation
- used referencing but this may need improvement
- issues that may need to be identified and addressed in more depth

Credit

You will have:

- addressed the topic and/or answered the question directly

- presented soundly based arguments and backed these up with reasons
- gone beyond description to analysis of key issues
- used the English language well
- shown evidence of reading widely
- demonstrated understanding of the reading
- used referencing that is satisfactory

Distinction

You will have:

- met the above criteria for a credit
- demonstrated the attainment of a high degree of understanding of the concepts of the course
- demonstrated deep insight into the application of knowledge and skills acquired to complex theoretical and practical situations
- used referencing correctly
- made reference to all appropriate legislation

High Distinction

You will have:

- met the above criteria for a distinction
- demonstrated the attainment of an outstanding level of achievement regarding the objectives of this course
- demonstrated an interesting and/or original approach/idea/argument
- demonstrated mastery of the relevant referencing system
- ensured your conclusions are backed by well-reasoned arguments demonstrating a detailed insight and analysis of issues

Referencing Style

- [Australian Guide to Legal Citation, 3rd ed](#)

Submission

Online

Submission Instructions

I require students to submit their work by providing a link in a single document.

Learning Outcomes Assessed

- Describe the basic structure, institutions, key functions and processes of the Australian legal systems within which environmental law operates.
- Analyse major topics and key issues such as environmental property rights, access to and management of the environment, environmental protection measures and environmental litigation with reference to the relevant sources of legal authority.
- Identify and respond to the types of legal problems and issues likely to be embedded in commonly encountered environment-related activities.
- Explain the environmental law litigation process and alternative dispute resolution procedures.

Graduate Attributes

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

3 Practical Assessment

Assessment Type

Practical Assessment

Task Description

Environmental Law is an area of practice subject to substantial change due to new legislation and new policy implementation at an executive level. Your task is to research current environmental legislation and extrinsic materials to provide a response to a problem based question that will be provided to you in the form of a take-home examination. A take-home examination provides a 'middle ground' between assignment work and an invigilated examination – and is consistent with life 'in practice'. In this assessment, you should aim to make use of recent legislation, cases and other

materials, to make your work as up-to date as possible and to obtain the best possible mark. Materials on this assessment task will be available on the Moodle site for this course, to give you further support. This assessment task must be completed in week 12. In the absence of an approved extension, there will be no opportunity to complete the task after this date and there will be no opportunity to apply a late penalty of 5% per day and you will receive a mark of zero for this assessment task. Please note the following details:

- Please consider the assignment writing material that I provide in Moodle.
- As a guideline, the length of the main body of your essay should be around 2000 words or so, excluding references - essays that are substantially longer than this (say over 2200 words) or shorter than this (say less than 1500 words) are unlikely to score as highly as those that make the best use of the 2000 word length (being on-target and making the best use of the word allocation is always better than being off-message). However, you should not worry about a few words either way (this is a guideline only, and I do not have a 'negative marking scheme' where marks are deducted if the word count is more than 10% over the guideline).
- Text should be word-processed, with appropriate layout and use of headings/sub-headings. Please provide consistent font and line spacing as part of a professionally presented paper.
- Diagrams and flowcharts may be used to illustrate specific aspects - a picture paints ten thousand words! (Please ensure that you correctly cite/reference all sources of diagrams used, unless they are original and composed by you, since this is an important aspect of academic integrity). Please avoid images with very large file sizes, as this will make your essay too large to upload/download (save any images as lower resolution, to decrease the file size).
- The list of references should form the last page or two, at the end of the assessment.
- Referencing should be consistent with the Australian Guide to Legal Resources.

Assessment Due Date

Week 12 Thursday (1 June 2017) 11:45 pm AEST
Thursday, 1 June 2017 at 11:45 PM AEST (Australian Eastern Standard Time)

Return Date to Students

The final take home paper will not be returned to students, you will receive your mark when grades for this course are finalised

Weighting

50%

Assessment Criteria

I assess students on their ability to demonstrate thinking and writing skills, to comprehend the material, to process the material and to provide a critical analysis and logical discussion of the law. Students are required to communicate an answer clearly and logically and in a concise manner. I expect you to present your paper in a professional manner. Please paginate shall paper and used correct spelling and grammar. You must appropriately reference and attribute the work of others.

Fail

You will have shown evidence of the following:

- the written expression is poor and difficult to understand
- the answer is poorly organised
- referencing is generally inadequate
- lack of familiarity with the legislation and its application
- failure to identify and address the issues in the question
- reasoning and application demonstrated is poor

Pass

You will have:

- made a conscientious attempt to address the topic and/or answer the question
- shown evidence of having done the required reading and of having understood the reading
- presented a reasonable argument to back up your conclusions
- demonstrated a reasonable level of spelling and grammatical usage
- used referencing but this may need improvement
- issues that may need to be identified and addressed in more depth

Credit

You will have:

- addressed the topic and/or answered the question directly
- presented soundly based arguments and backed these up with reasons
- gone beyond description to analysis of key issues
- used the English language well
- shown evidence of reading widely

- demonstrated understanding of the reading
- used referencing that is satisfactory

Distinction

You will have:

- met the above criteria for a credit
- demonstrated the attainment of a high degree of understanding of the concepts of the course
- demonstrated deep insight into the application of knowledge and skills acquired to complex theoretical and practical situations
- used referencing correctly
- made reference to all appropriate legislation

High Distinction

You will have:

- met the above criteria for a distinction
- demonstrated the attainment of an outstanding level of achievement regarding the objectives of this course
- demonstrated an interesting and/or original approach/idea/argument
- demonstrated mastery of the relevant referencing system
- ensured your conclusions are backed by well-reasoned arguments demonstrating a detailed insight and analysis of issues
- ensured your references are made to the appropriate legislation for particular issues

Referencing Style

- [Australian Guide to Legal Citation, 3rd ed](#)

Submission

Online

Submission Instructions

I will only accept online submission of your work. Upload your work in a Word document (not PDF). I expect student to present their assignment work on time. Take care with your submission. Avoid obvious mistakes, such as basic spelling and grammatical errors. Read your paper out aloud, word by word. It is slow however; it may be a productive exercise. Alternatively, or in addition, ask a friend to read your material. Generally, you should submit one document (even if the assessment is in two or more parts) and ensure that your name is included in the name of the saved document.

Learning Outcomes Assessed

- Describe the basic structure, institutions, key functions and processes of the Australian legal systems within which environmental law operates.
- Analyse major topics and key issues such as environmental property rights, access to and management of the environment, environmental protection measures and environmental litigation with reference to the relevant sources of legal authority.
- Identify and respond to the types of legal problems and issues likely to be embedded in commonly encountered environment-related activities.
- Explain the environmental law litigation process and alternative dispute resolution procedures.

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