



# LAWS13024 *Law and the Environment*

## Term 1 - 2024

Profile information current as at 05/09/2024 01:58 pm

All details in this unit profile for LAWS13024 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

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 3*

Credit Points: 6

Student Contribution Band: 10

Fraction of Full-Time Student Load: 0.125

### Pre-requisites or Co-requisites

Anti-requisite LAWS11046. Students seeking credit for LAWS13024 Laws and the Environment based on having passed LAWS11046 will have their requests approved by the Head of Course based on the fact that LAWS11046 was taught at AQF level 7 even though it was not labelled as such. This will be evidenced by the archived LAWS11046 moodle sites and this proposal.

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 - 2024

- 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. **Written Assessment**

Weighting: 25%

#### 2. **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 Evaluation

##### Feedback

Students have asked for more useful feedback & clarity of expectations.

##### Recommendation

Currently I provide oral feedback to each student on each of their assessments. In future, I will provide to the class some constructive overall feedback and assessment expectations.

#### Feedback from Self reflection

##### Feedback

Students struggle with the theory of environmental law .

##### Recommendation

I will revise the reading material to balance theory with practical content. In the previous term, a new edition textbook was released only shortly before start of term, The new term will provide an opportunity to integrate this new edition textbook more thoroughly.

## 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. Reflect on 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



### Alignment of Assessment Tasks to Learning Outcomes

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

## Textbooks and Resources

### Textbooks

LAWS13024

#### Prescribed

#### Environmental Law in Australia

Edition: 11th (2023)

Authors: Gerry Bates

LexisNexis Butterworths

Sydney , NSW , Australia

ISBN: 9780409357097

Binding: Paperback

[View textbooks at the CQUniversity Bookshop](#)

### IT Resources

**You will need access to the following IT resources:**

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

## Referencing Style

All submissions for this unit must use the referencing style: [Harvard \(author-date\)](#)

For further information, see the Assessment Tasks.

## Teaching Contacts

**Judith Jensen** Unit Coordinator

[a.jensen2@cqu.edu.au](mailto:a.jensen2@cqu.edu.au)

## Schedule

### Week 1 - 04 Mar 2024

Module/Topic	Chapter	Events and Submissions/Topic
Introduction to Environmental Law	Prescribed Readings - Refer to the Study Guide Environmental Law in Australia Edition: 11th (2023) Authors: Gerry Bates LexisNexis Butterworths Sydney, NSW, Australia	

### Week 2 - 11 Mar 2024

Module/Topic	Chapter	Events and Submissions/Topic
Environmental Governance	Prescribed Readings - Refer to the Study Guide Environmental Law in Australia Edition: 11th (2023) Authors: Gerry Bates LexisNexis Butterworths Sydney, NSW, Australia	

**Week 3 - 18 Mar 2024**

Module/Topic	Chapter	Events and Submissions/Topic
Influence of International Law and Federal Governance	Prescribed Readings - Refer to the Study Guide Environmental Law in Australia Edition: 11th (2023) Authors: Gerry Bates LexisNexis Butterworths Sydney, NSW, Australia	

**Week 4 - 25 Mar 2024**

Module/Topic	Chapter	Events and Submissions/Topic
Federal Governance and Environment Protection and Biodiversity Conservation Act 1999	Prescribed Readings - Refer to the Study Guide Environmental Law in Australia Edition: 11th (2023) Authors: Gerry Bates LexisNexis Butterworths Sydney, NSW, Australia	

**Week 5 - 01 Apr 2024**

Module/Topic	Chapter	Events and Submissions/Topic
Ecologically Sustainable Development	Prescribed Readings - Refer to the Study Guide Environmental Law in Australia Edition: 11th (2023) Authors: Gerry Bates LexisNexis Butterworths Sydney, NSW, Australia	<b>LAWS13024 Written Assessment #1</b> Due: Week 5 Tuesday (2 Apr 2024) 11:59 pm AEST

**Vacation Week - 08 Apr 2024**

Module/Topic	Chapter	Events and Submissions/Topic

**Week 6 - 15 Apr 2024**

Module/Topic	Chapter	Events and Submissions/Topic
Planning Law	Prescribed Readings - Refer to the Study Guide Environmental Law in Australia Edition: 11th (2023) Authors: Gerry Bates LexisNexis Butterworths Sydney, NSW, Australia	

**Week 7 - 22 Apr 2024**

Module/Topic	Chapter	Events and Submissions/Topic

Environmental Impact Assessment

Prescribed Readings - Refer to the Study Guide  
Environmental Law in Australia  
Edition: 11th (2023) Authors: Gerry Bates LexisNexis Butterworths Sydney, NSW, Australia

#### Week 8 - 29 Apr 2024

Module/Topic	Chapter	Events and Submissions/Topic
Protection of Biodiversity and Climate Change	Prescribed Readings - Refer to the Study Guide Environmental Law in Australia Edition: 11th (2023) Authors: Gerry Bates LexisNexis Butterworths Sydney, NSW, Australia	

#### Week 9 - 06 May 2024

Module/Topic	Chapter	Events and Submissions/Topic
Environmental Law Toolbox	Prescribed Readings - Refer to the Study Guide Environmental Law in Australia Edition: 11th (2023) Authors: Gerry Bates LexisNexis Butterworths Sydney, NSW, Australia	<b>LAWS13024 Written Assessment #2</b> Due: Week 9 Thursday (9 May 2024) 11:59 pm AEST

#### Week 10 - 13 May 2024

Module/Topic	Chapter	Events and Submissions/Topic
Environmental Prosecutions	Prescribed Readings - Refer to the Study Guide Environmental Law in Australia Edition: 11th (2023) Authors: Gerry Bates LexisNexis Butterworths Sydney, NSW, Australia	

#### Week 11 - 20 May 2024

Module/Topic	Chapter	Events and Submissions/Topic
Community Litigants and ADR Procedures	Prescribed Readings - Refer to the Study Guide Environmental Law in Australia Edition: 11th (2023) Authors: Gerry Bates LexisNexis Butterworths Sydney, NSW, Australia	

#### Week 12 - 27 May 2024

Module/Topic	Chapter	Events and Submissions/Topic
Review		

## Review/Exam Week - 03 Jun 2024

Module/Topic	Chapter	Events and Submissions/Topic
Review/Exam Week	Own study	<b>LAWS13024 Practical Assessment</b> Due: Review/Exam Week Thursday (6 June 2024) 11:59 pm AEST

## Exam Week - 10 Jun 2024

Module/Topic	Chapter	Events and Submissions/Topic
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## Assessment Tasks

### 1 LAWS13024 Written Assessment #1

#### Assessment Type

Written Assessment

#### Task Description

#### Assessment 1

Fundamental Information as follows:

**The first 25% term assignment** will require you to answer a series of short-answer questions about factors that influence and inform the development of environmental law and the environmental legal system.

#### Assessment Due Date

Week 5 Tuesday (2 Apr 2024) 11:59 pm AEST

Students are to present their assignment work on time. Please note that I will not consider any request for an extension of time unless you make an application via Moodle in the appropriate manner, supported by documentation and made prior to the due time/date. Penalties will be applied according to the relevant CQU Policy.

#### Return Date to Students

Week 6 Friday (19 Apr 2024)

Results will be returned online

#### Weighting

25%

#### Assessment Criteria

I assess students on their ability to demonstrate thinking and writing, 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. You must appropriately reference and attribute the work of others. The grades will be based on the following criteria:

#### 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, legal principles, fundamental concepts and their 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**

- [Harvard \(author-date\)](#)

#### **Submission**

Online

#### **Submission Instructions**

Students should submit their written assignment online via Moodle as a single MSWord document (doc or docx) file. Submissions in other forms (e.g. zip) will be treated as a non-submission.

#### **Graduate Attributes**

- Communication
- Problem Solving
- Critical Thinking
- Information Literacy

#### **Learning Outcomes Assessed**

- Describe the basic structure, institutions, key functions and processes of the Australian legal systems within which environmental law operates
- Reflect on 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.

## **2 LAWS13024 Written Assessment #2**

#### **Assessment Type**

Written Assessment

#### **Task Description**

Assessment 2

Fundamental Information as follows:

- **The second 25% term assignment** will require analysis of an environmental statutory assessment and approval process. You will be required to answer a series of short answer questions. It comprises an assessment of environmental law, regulatory assessment and implementation.

#### **Assessment Due Date**

Week 9 Thursday (9 May 2024) 11:59 pm AEST

Students are to present their assignment work on time. Please note that I will not consider any request for an extension of time unless you make an application via Moodle in the appropriate manner, supported by documentation and made prior to the due time/date. Penalties will be applied according to the relevant CQU Policy.

### **Return Date to Students**

Week 11 Friday (24 May 2024)

Results will be released online

### **Weighting**

25%

### **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 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. The grades will be assessed on the following criteria:

#### **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**

- [Harvard \(author-date\)](#)

### **Submission**

Online

### **Submission Instructions**

Students are to submit their work via Moodle as a single MSWord (docx) file.

### **Graduate Attributes**

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

### **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
- Reflect on the types of legal problems and issues likely to be embedded in commonly encountered environment-related activities

## **3 LAWS13024 Practical Assessment**

### **Assessment Type**

Practical Assessment

### **Task Description**

For the **50% practical assessment**, you will be presented with a factual scenario and will be required to answer a series of questions under two tasks. The first task will involve you preparing guidance to an environmental regulator (as a longer essay style answer) on actions to be taken to ensure compliance with the environmental regulatory framework they administer. The second task will be to demonstrate your understanding of the environmental regulatory framework and associated environmental policy in which the factual scenario is based by providing short answers to a series of questions.

Further details of what is required for this assessment will be provided on Moodle closer to the submission date.

### **Assessment Due Date**

Review/Exam Week Thursday (6 June 2024) 11:59 pm AEST

Students are to submit their work via Moodle as a single MSWord (docx) file.

### **Return Date to Students**

The result of the final assessment will not be released until certification of grades.

### **Weighting**

50%

### **Assessment Criteria**

#### **Weighting**

**50%**

#### **Assessment Criteria**

Students will be assessed 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. The paper is to be presented in a professional manner. You must appropriately reference and attribute the work of others. The grades will be assessed on the following criteria:

#### **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**

- [Harvard \(author-date\)](#)

### **Submission**

Online

#### **Submission Instructions**

I will only accept online submission of your work. Upload your work via Moodle in a MSWord file (docx). I expect students to present their work on time. Extensions of time are not normally allowed for take-home assessments.

#### **Graduate Attributes**

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

#### **Learning Outcomes Assessed**

- 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
- Explain the environmental law litigation process and alternative dispute resolution procedures.

## 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