

ENVIRONMENTAL LAW AT THE UNIVERSITY OF SYDNEY

The Postgraduate Environmental Law Program in the Faculty of Law, University of Sydney, offers a range of courses in the dynamic and growing specialisation of Environmental Law. It has built up a strong reputation over more than a decade and is the largest program of its type in Australia.

The Program has expanded to meet the needs of both Australian environmental specialists and those from other countries. International and comparative environmental law units are offered with a focus on the Asia-Pacific region. One of the units offered is taught in the People's Republic of China in partnership with Chinese Universities.

The Environmental Law Program is open to lawyers and those with degrees in other disciplines. It thus gives students opportunities to meet and learn from others involved in environment-related disciplines. Candidates without a law background undertake a foundation unit in legal reasoning and the common law system.

The Environmental Law Program is characterised by a wide range of options and flexible learning arrangements, such as intensive units taught over a period of four to five days, field trips and the opportunity to take units from other related disciplines.

Environmental Law can be studied through the:

- Master of Environmental Law
- Master of Environmental Science and Law
- Graduate Diploma of Environmental Law
- Master of Law
- Graduate Diploma of Law
- Doctor of Juridical Studies
- Doctor of Philosophy

Environmental Law units can also be taken as single units. These units can subsequently form the basis of a Diploma or Masters degree.

Environmental Law teaching staff include:

- | | |
|---------------------------|--------------------------------------|
| • Professor Patricia Apps | Professor Ben Boer |
| • Gerry Bates | Bernard Dunne |
| • Nicola Franklin | Associate Professor Rosemary Lyster |
| • Kate Miles | The Honourable Justice Brian Preston |
| • Tim Stephens | |



DEGREES & DIPLOMAS

MASTER OF ENVIRONMENTAL LAW

Candidates for the degree of Master of Environmental Law (MEL) are required to hold an undergraduate degree (or equivalent qualification) at a level of merit that satisfies the Postgraduate Studies Committee that the candidate is able to undertake the course of study. The degree need not be law. Relevant work experience may be taken into account.

A full-time MEL candidate is required to complete the degree within a period of three years, but not less than one year. A part-time MEL candidate is required to complete the degree within a period of six years, but not less than two years. Semesters of suspended candidature are not included in the period.

The MEL requires the completion of 48 credit points. Most of the units on offer carry 6 credit points each. Credit points may be drawn from the units offered in the Program or, with permission, from other relevant law and non-law units (*see* page 5).

GRADUATE DIPLOMA OF ENVIRONMENTAL LAW

The Graduate Diploma in Environmental Law has been designed to meet the demand from those working, or intending to work, in the area of environmental law and policy who require thorough grounding in particular areas. The Diploma is open to both lawyers and those with degrees in other disciplines.

A full-time diploma candidate is required to complete the diploma in a period of not more than two years and not less than six months. A part-time candidate is required to complete the diploma within a period of three years, but not less than one year. Semesters of suspended candidature are not counted in the period.

Diploma candidates are required to complete 24 credit points drawn from units available to candidates for the Master of Environmental Law.

With the approval of the Faculty, candidates who have been admitted to the Diploma may transfer their candidature to the Master of Environmental Law.

ENROLMENT IN SINGLE ENVIRONMENTAL LAW UNITS

Single units may be “audited” by attending lectures and receiving Unit Materials. Units are worth 26 MCLE points (unless otherwise advertised)

For further information and registration, please contact Ms. Val Carey, Continuing Legal Education, tel +61 2 9351 0238, <Law.CLE@usyd.edu.au> or <V.Carey@usyd.edu.au>

MASTER OF ENVIRONMENTAL SCIENCE & LAW

The Master of Environmental Science and Law (MESL) program allows students to undertake complementary courses in the fields of environmental science and environmental law. It provides science graduates with the opportunity to extend their scientific knowledge into the area of the environment, as well as providing an introduction to the field of environmental law and policy. For law graduates, the opportunity is to extend their knowledge into environmental aspects of law, as well as to gain an understanding of some of the concepts underpinning environmental science. The program integrates disciplines which are normally considered separately and which are difficult to study coherently outside of the Environmental Science and Law program.

COURSE REQUIREMENTS:

Satisfactory completion of 48 credit points of study; 24 credit points from the Faculty of Science and 24 credit points from the Faculty of Law.

CONTACT:

Administrative Coordinator Geosciences Enquiry Desk
Room 348 Madsen Building F09 University of Sydney NSW 2006, Australia
Phone: + 61 2 9351 2927 Fax: + 61 2 9351 3644
enquiries@envsci.usyd.edu.au
www.usyd.edu.au/envsci

DOCTOR OF PHILOSOPHY

Candidates for a PhD degree are required to submit a supervised thesis of approximately 100,000 words. The thesis must make a substantially original contribution to the area of research. In addition to the thesis, candidates must complete three postgraduate research units (Legal Research 1, 2 & 3). There are two main conditions of admission, namely academic qualification and suitability of the proposed course of study.

DOCTOR OF JURIDICAL STUDIES

The degree of Doctor of Juridical Studies comprises both a coursework and a thesis component. Candidates are required to submit a thesis of approximately 75,000 words, which is supervised. The thesis is examined on the same criteria as the Doctor of Philosophy, namely that it amounts to a substantially original contribution to the area in which it is written. In addition to the thesis, candidates must complete units totalling 18 credit points that relate to the thesis and three postgraduate research units (Legal Research 1, 2 & 3). There are two main conditions of admission, namely academic qualification and suitability of the proposed course of study.



UNITS OF STUDY

The following units of study are available in environmental law. Not all units are offered each year (*see* page 10). Unless otherwise indicated, each unit carries 6 credit points. For compulsory units of study, please see the section that follows.

- *Administrative Law*
- *Asia Pacific Environmental Law*
- *Biodiversity Law*
- *Class Actions and Complex Litigation*
- *Comparative Environmental Law*
- *Corporate Environmental Responsibility*
- *Current Issues in Directors' Duties*
- *Energy and Climate Law*
- *Environmental Dispute Resolution*
- *Environmental Impact Assessment Law*
- *Environmental Law and Policy*
- *Environmental Planning Law*
- *European Environmental Law*
- *Genetically Modified Organisms & the Environment*
- *Heritage Law*
- *Integrated Natural Resource Management*
- *International Dispute Resolution: Theory & Practice*
- *International Environmental Law*
- *International Law and Australian Institutions*
- *International Trade and Environment*
- *Judicial Review – Principles, Policy and Procedure*
- *Law and Legal Culture in Asia/Pacific (12 credit points)*
- *Law of the Sea*
- *Legal Reasoning and the Common Law System*
- *Local Government Law*
- *Native Title – Perspectives on Co-existence*
- *Public Policy (Environmental Economics)*
- *Sustainable Development Law in China and Australia (12 credit points)*
- *Water Law*

COMPULSORY UNITS OF STUDY

Environmental Law and Policy is compulsory for MEL and Diploma students unless they have previously completed a substantially similar unit at undergraduate or postgraduate level. The unit should normally be completed in the candidate's first semester of study. Candidates given exemption from this unit do not obtain credit for the unit previously completed.

Legal Reasoning and the Common Law System is a compulsory unit of study for students who do not hold a legal qualification. The unit should normally be completed in the candidate's first semester of study.

OTHER UNITS THAT MAY BE CREDITED

As an alternative to environmental law units, MEL or Diploma candidates may, with permission, be granted credit for completion of law or non-law units offered towards another degree or diploma in this University or an equivalent provider of tertiary education – provided the unit has not been credited towards another degree or diploma obtained by the student. The unit for which credit is sought must be sufficiently relevant to the MEL or Diploma, must not be substantially similar to a unit offered by the Faculty of Law and must involve an equivalent workload.

Where units are taken outside the Faculty, a maximum of 24 credit points may be credited towards the MEL and a maximum of 12 credit points towards the Graduate Diploma. In the case of non-law units, the maximum is 12 credit points towards the MEL and 6 credit points towards the Diploma. Students should seek permission before enrolling on a cross-institutional basis. The appropriate form can be obtained from Postgraduate Administration or the Faculty's website.

STUDENT MATERIALS

Reading materials and, where relevant, field trip manuals are provided free of charge for all environmental law units offered in the Program. These are normally available for collection four weeks prior to commencement of classes. On request, the materials can be mailed to students.

Students, especially those who have enrolled late, are urged to contact their lecturer (or the administrative assistant for the Environmental Law Program) by email to ensure timely receipt of materials.

INTENSIVE UNITS

Most environmental law units are taught on an intensive basis. This generally involves attendance from 9 am to 5 pm over a period of four to five days and can include Saturdays.

Some units require participation in field trips. The field trips for *Biodiversity Law* and *Heritage Law* are combined.

The unit *Sustainable Development Law in China* is taught in Shanghai, China, over a period of two weeks, including a field trip.

Candidates are required to have a satisfactory attendance record. This entails attending at least 70% of scheduled classes.

BRIDGING PROGRAM FOR OVERSEAS STUDENTS

A bridging program, comprising a series of lectures and introductions over a period of two to three days prior to each semester, is offered to overseas students for the purpose of facilitating commencement of their studies in Australia. No unit credit is given for the program and no fees are charged.

For information about the bridging program, contact Associate Dean International Graeme Coss <G.Coss@usyd.edu.au>

ASSESSMENT

Assessment is predominantly by way of research papers and problem-based assignments. In each unit, students can expect to submit one or two papers totalling 8,000 to 10,000 words. Some units include class participation or a practical exercise as a component of assessment. There are no formal examinations. In intensive units, assignments are completed over a period of eight weeks following the lectures.

Assessment varies from unit to unit. Assessment requirements for each unit are detailed in the unit descriptions that follow.

GRADES

Each unit is assessed in grades of High Distinction, Distinction, Credit, Pass and Fail.

The range of marks for each grade is as follows:

- High Distinction (HD) 85-100%
- Distinction (D) 75-84%
- Credit (Cr) 65-74%
- Pass (P) 50-64%
- Fail less than 50%

WHERE TO GET FURTHER INFORMATION



Further information can be obtained from the Law Faculty Handbook or the Faculty website:
www.law.usyd.edu.au

Enrolment enquiries should be directed to **Postgraduate Student Services**.

For academic advice, please contact Nicola Franklin, Environmental Law Program Coordinator or one of the lecturers in the Program. The Associate Deans for postgraduate research and coursework may also be contacted for assistance.

Contact numbers and addresses are provided on the last page of this booklet.

IMPORTANT DATES 2008

February Semester

Bridging Program: In the week prior to commencement of semester

Semester begins: Monday 3 March

Non-teaching Easter period: Friday 21 March to Friday 28 March

Lectures end: Friday 6 June

July Semester

Bridging Program: In the week prior to commencement of semester

Semester begins: Monday 28 July

Non-teaching period: Monday 29 September to Friday 3 October

Lectures end: Friday 31 October

Applications for coursework degrees and diplomas

	March Semester	July Semester
Applications close (local students):	30 Nov 2007	30 April 2008
Applications close (international students):	31 October 2007	30 April 2008

Applications submitted after closing dates may be considered.

Deadlines for enrolments in units and withdrawals

Semester-length units

	March Semester	July Semester
Last day to add	14 March	8 August
Last day to withdraw	31 March	29 August
Last day to discontinue without failure	6 June	31 October

Intensive units

Students should enrol at least 8 weeks prior to class commencement.

Students may withdraw from the unit prior to close of business on the first day of classes.

However, dates can change at short notice, therefore it is always **essential** to check the urls below:

<http://www.law.usyd.edu.au/fstudent/coursework/dates.shtml>

<http://www.law.usyd.edu.au/cstudent/coursework/dates.shtml>

FEES 2008

FOR LOCAL STUDENTS

Research Programs (PhD, SJD, LLM by Research)

Candidates are eligible for HECS exemption. For further information please visit: <http://www.law.usyd.edu.au/fstudent/research/fees.shtml>

Coursework Programs

All coursework programs attract up-front fees. Eligible students may apply to defer their tuition fee payment through the Government's FEE-HELP program (formerly PELS). FEE-HELP enables local postgraduate coursework students to obtain a loan from the Commonwealth Government to cover all or part of their tuition fees incurred. Please note that FEE-HELP loans do not cover compulsory subscription fees. Please refer to the booklet FEE-HELP information (available from the Sydney University Information Desk) or visit <http://www.goingtouni.gov.au/> for further details on the scheme. The Request for FEE-HELP Assistance form will be made available to students at the time of enrolment. Please ensure that you provide your tax file number or a certificate from the ATO stating that you have applied for one, when you come to enrol. You will not be able to participate in FEE-HELP without your tax file number. You should also provide proof of Australian citizenship or permanent residency status when making your application.

Coursework Programs – 2008 Fee per 6 credit point unit	
	\$
Master of Environmental Law	1,950
Graduate Diploma in Environmental Law	1,950
Master of Laws (Coursework)	2,340
Graduate Diploma in Law	2,340
Single Unit Enrolments	
Cross-Institutional	2,340
Non-Degree	2,340

Additional costs include the cost of a field trip for Biodiversity Law and Heritage Law. In 2007 the cost was \$665.

FOR INTERNATIONAL STUDENTS

2008 fee per 6 credit point unit is AU\$3,060 for postgraduates.

However, details regarding fees for both local and international students can change. The **most up to date details** can be found at the University of Sydney web page below:

<http://www.law.usyd.edu.au/fstudent/coursework/fees.shtml>

For further information on fees, scholarships and living costs in Sydney, visit the University's International Office: <http://www.usyd.edu.au/international/>



Australian Centre for
Environmental Law Sydney

The Environmental Law Program is supported by the Faculty's Australian Centre for Environmental Law – ACEL Sydney. The objectives of the Centre are to encourage, promote and support innovative and important scholarship including teaching, research, consultancy and public interest advocacy in all areas of environmental law and policy. These objectives are pursued within the University of Sydney, with other related Centres in Australia and overseas, with the legal profession and with the wider community both in Australia and internationally.

ACEL Sydney has links with the Australian Centre for Environmental Law at the Australian National University, known as ACEL ANU. It is also linked with other universities in the Asia Pacific region, including the Asia Pacific Centre for Environmental Law, National University, Singapore and environmental law research institutes in the People's Republic of China.

A key aspect of the Centre's governance structure is the Advisory Board, which comprises the following members:

- Dr Nicolas Brunton, Partner, Henry Davis York, Solicitors
- Mr Mark Fogarty, Greenbank Capital
- The Honourable Justice Nicola Pain, NSW Land and Environment Court
- Mr Jeff Smith, Director, Environmental Defender's Office NSW
- Mr Simon Smith, Executive Director, Policy, Economics & Environmental Reporting, NSW Department of Environment and Conservation
- The Honourable Justice Paul Stein, formerly of the NSW Court of Appeal

ENVIRONMENTAL LAW JOURNALS

ACEL Sydney publishes an international journal – the *Asia Pacific Journal of Environmental Law* (Editors: Nicola Franklin & Rosemary Lyster).

Dr Gerry Bates edits the leading Australian journal *Environmental and Planning Law Journal* (Lawbook Co).

Student contributions to these Journals are encouraged. Submissions should be made by email to the relevant Editor. A style guide is available on request.

THE ACEL RESOURCES ROOM

The ACEL Resources Room is located on Level 4 of the Law School. It is equipped with a computer for use by students and has a collection of environmental publications to complement the principal holdings of the Law Library on Level 8 of the Law Faculty. Students are welcome to use the Resources Room as a place to meet and study. The ACEL part-time Librarian is Chris Cain, tel 9351 0266 or email <c.cain@usyd.edu.au>.

POSTGRADUATE ENVIRONMENTAL LAW PROGRAM 2008

SEMESTER 1/2008

UNIT	LECTURER	DATES
1. Environmental Law & Policy	Gerry Bates	13-15, 17 March
2. International Environmental Law	Ben Boer	3-5, 7 April
3. Environmental Planning Law	Nicola Franklin	11-12, 14-15 April
4. Environmental Dispute Resolution	Rosemary Lyster, Kate Miles, Nicola Franklin and Guest Lecturer (6 hours)	18-19, 21-22 April
5. Integrated Natural Resource Management (formerly known as Natural Resources Law)	Gerry Bates	1-3, 5 May
6. GMOs & Environmental Law	Rosemary Lyster, Prof Han Somsen	12-14 & 16 June
7. Law of the Sea	Tim Stephens	Weekly seminar Tuesday

SEMESTER 2/2008

UNIT	LECTURER	DATES
1. Environmental Impact Assessment Law	Bernard Dunne	Weekly seminar Tuesday
2. Environmental Law & Policy	Gerry Bates	6-9 August
3. Energy and Climate Law	Rosemary Lyster	14-16, 18 August
4. Corporate Environmental Responsibility (formerly known as Pollution Law)	Nicola Franklin, Gerry Bates, Rosemary Lyster	21-23, 25 August
5. International Trade & Environment	Kate Miles	28-30 Aug & 1 Sept
6. Heritage Law	Ben Boer	8-10 Sept (classes at Law School) 15-19 Sept (Field Trip)
7. Biodiversity Law	Brian Preston	11-13 Sept (classes at Law School) 15-19 Sept (Field Trip)
8. Public Policy (Environmental Economics)	Patricia Apps	23-27 Sept
9. Comparative Environmental Law	Ben Boer, Rosemary Lyster	25-27 & 29 September
10. Water Law	Rosemary Lyster	8-11,13 October

DESCRIPTION OF ENVIRONMENTAL LAW UNITS

BIODIVERSITY LAW

The Honourable Justice Brian Preston 6 credit points LAWS6165 9

11-13 Sept 2008 Lectures in Sydney 15-19 Sept 2008 Field Trip (linked with Heritage Law)

Assessment: 8,000 word research paper (100%)

The unit takes an interdisciplinary approach to the conservation of biodiversity. Key concepts in ecology are explained to provide a foundation for the legal framework. This framework is examined at international, national, and state levels, in terms of conventions and legislation, as well as policy and organisations. The legal framework is explored both by analysing the proper purpose, scope and effect of the laws, as well as how they work in practice. The latter is achieved by lectures and field exercises assisted by officers of government agencies, including State Forests, the National Parks and Wildlife Service and the Department of Infrastructure, Planning and Natural Resources. An integral component of the unit is a field trip to areas of relevance to biodiversity conservation, focusing on northern New South Wales. Areas to be studied include State-listed habitats of threatened species and ecological communities and World Heritage areas listed under the Commonwealth legislation. Field studies provide a unique opportunity to understand how principles of international and domestic law are implemented locally.

The field trip component will be arranged in conjunction with the field trip for *LAWS6055* Heritage Law. Students are encouraged to take both units of study. They are designed to complement each other.



The Honourable Justice Brian Preston is Chief Judge of the New South Wales Land and Environment Court. He has lectured part-time in the Faculty's Environmental Law Program since its inception in 1992, specialising in Biodiversity Law and Environmental Dispute Resolution.

COMPARATIVE ENVIRONMENTAL LAW

Professor Ben Boer & Associate Professor Rosemary Lyster 6 credit points LAWS6021

25–27 & 29 September 2008

Assessment: 1 research paper (80%) and class participation (20%)

This unit examines different approaches to environmental law in various constitutional, administrative, political, judicial, social, economic and cultural contexts. It familiarises students with environmental management regimes in a range of developed and developing countries. These countries may include the United States, New Zealand, Australia, South Africa, the People's Republic of China, Indonesia and various Pacific Island jurisdictions. Four topics focus on: Environmental Impact Assessment, Indigenous Peoples, Cultural Heritage Conservation, and the conservation of Biodiversity. The international legal and policy context is referred to throughout the course. The responses of various countries to the obligations undertaken through the United Nations Conference on Environment and Development are a theme of the unit.

CORPORATE ENVIRONMENTAL RESPONSIBILITY

Ms Nicola Franklin, Assoc Prof Rosemary Lyster, Dr Gerry Bates 6 credit points LAWS6899

21-23 & 25 August 2008

Assessment: 1 problem based 4,000 word assignment (50%) and 1 4,000 word essay (50%)

This unit examines the environmental regulation of corporations and how regulation has evolved from “command and control” to incorporate a diverse range of instruments designed to inculcate corporate environmental responsibility. Traditional regulation is studied along with market-based strategies (price-based and rights-based), information strategies (such as emissions inventories and corporate reporting), environmental auditing and environment management systems (including ISO14001).

The unit explores regulatory flexibility, co-regulation and voluntary agreements, and the participation of non-government entities, such as financial institutions, in corporate environmental regulation. Regulation of small, medium and large enterprises is explored with a view to designing appropriate regulatory strategies. An important theme is the role of corporate social responsibility (CSR) in driving changes in corporate attitudes towards the environment and articulating the corporate benefits of going beyond compliance with the letter of environmental laws. The unit also explores the role of criminal law in bringing about changes in corporate management and behaviour and in equipping environmental regulators with the range of tools needed to develop effective strategies.

Candidates who have previously completed “Pollution Law” LAWS6082 are not permitted to enrol in this unit.



Rosemary Lyster is Director of the Australian Centre of Environmental Law Sydney (ACEL Sydney) and Co-Editor of the *Asia Pacific Journal of Environmental Law*.

She specialises in Asia Pacific Environmental Law, Biotechnology Law, Energy Law and Water Law.

ENERGY AND CLIMATE LAW

Assoc Professor Rosemary Lyster 6 credit points LAWS6163 14-16 & 18 August 2008

Assessment: 7,000 word essay (80%) and class participation (20%)

This unit adopts an inter-disciplinary and integrative approach to understanding the dynamics of one of the most pressing global environmental concerns – ecologically sustainable energy use. Working loosely within the framework of the Climate Change Convention, the unit relies on the perspectives of scientists, lawyers and economists to develop an integrated approach to sustainable energy use. The unit identifies current patterns of energy use in Australia and examines Australia’s response to the Climate Change Convention. It also analyses the strengths and weaknesses of various political, legal and economic mechanisms for influencing the choice of energy use. The initiatives of the Commonwealth and New South Wales governments, as well as local councils, to promote sustainable energy use and to combat global warming are scrutinised.

ENVIRONMENTAL DISPUTE RESOLUTION

Associate Professor Rosemary Lyster, Ms Kate Miles & Ms Nicola Franklin LAWS6041

18 - 19 & 21 - 22 April 2008 Quota of 28 Students

Assessment: 7,000 word essay (80%) and class participation (20%)

This unit aims to explore the nature of environmental disputes and the means of resolving them. The means examined include judicial review, administrative appeals and public inquiries, and non-adjudicative or consensual means such as mediation. Critical evaluation of the forms and limits of dispute resolution strategies, including appropriateness of each means in resolving different types of environmental disputes, is explored.

The unit involves the use of innovative teaching techniques: lectures are alternated with small group workshops, mediation simulations, a public inquiry and a mock court hearing. In addition to the lecturers, there are guest lecturers including (subject to availability) a Land and Environment Court judge, Commissioner of Inquiry, Senior Counsel, and a trained mediator from the Land and Environment Court. Participation in the practical exercises is a compulsory component of the unit.

ENVIRONMENTAL IMPACT ASSESSMENT LAW

Bernard Dunne 6 credit points LAWS6043 Weekly Seminar on Tuesday in Semester 2

Assessment: 4,000 word essay (50%) and take-home examination (50%)

This unit has three fundamental aims. The first is to provide a sound analysis of Environmental Impact Assessment (EIA) procedures in New South Wales and at the Commonwealth level. The second aim is to develop a critical understanding of EIA as a distinctive regulatory device by examining its historical, ethical and political dimensions as well as relevant aspects of legal theory. The third and ultimate aim is to combine these doctrinal and theoretical forms of knowledge so we can suggest possible improvements to the current practice of EIA in Australia.

ENVIRONMENTAL LAW & POLICY

Dr Gerry Bates 6 credit points LAWS6044

February Semester: 13 - 15 & 17 March 2008 July Semester: 6 - 9 August 2008

Assessment: 2 x 4,000 words essays (50% each)

The aim of this unit is to introduce students to overarching themes in environmental law and policy as a foundation to their more detailed studies for the degree of Master of Environmental Law, Master of Environmental Science and Law or the Graduate Diploma in Environmental Law.

This is an overview unit addressing a number of environmental issues at various levels of analysis; policy making, implementation of policy and dispute resolution. The unit covers the law and policy relating to environmental planning, environmental impact assessment, pollution and heritage. The concept of ecologically sustainable development and its implications for environmental law and policy is a continuing theme.

The unit is designed to develop multi-dimensional thinking about environmental issues and the strategies needed to address them. As the basic unit it provides a broad background to the political and economic context in which the legal issues must be resolved.

ENVIRONMENTAL PLANNING LAW

Ms Nicola Franklin 6 credit points LAWS6045 11-12 & 14-15 April 2008

Assessment: 4,000w essay (50%), 4,000w problem-based assignment (50%)

This unit examines the legal and institutional structures in New South Wales for land-use regulation and the resolution of land-use conflicts. The focus is on environmental planning, development control, and environmental impact assessment under the Environmental Planning and Assessment Act 1979 (NSW) and cognate legislation. The unit provides an opportunity to explore contemporary urban issues, such as urban consolidation and infrastructure funding. Federal interest in the cities is also examined.

While an important aim of the unit is to provide students with an understanding of the New South Wales environmental planning system, the unit also aims to develop the capacity to evaluate environmental policies and programs through exploring theoretical perspectives on the function of environmental planning. The unit will critically evaluate the design of environmental planning systems and the legal ambit of planning discretion. Significant influences, such as escalating environmental and social concerns about unsustainable cities will be discussed, together with an evaluation of processes and forums for public participation in land-use policy and decision-making.



Nicola Franklin is the Coordinator of the Environmental Law Program, Deputy Director of the Australian Centre of Environmental Law Sydney (ACEL Sydney) and Associate Dean (Postgraduate Coursework). She co-edits the *Asia Pacific Journal of Environmental Law* with Rosemary Lyster. She specialises in Environmental Planning Law, Environmental Regulation and Local Government Law.

GMOS & ENVIRONMENTAL LAW

Assoc Professor Rosemary Lyster (Coordinator), Professor Johannes Somsen

6 Credit Points LAWS6864 12-14 & 16 June 2008

Assessment: class participation (20%) and 1x6000-8000wd essay (80%)

The potential risks presented by GM crops include: the impact on non-target organisms; gene transfer from the GM crop into related species; persistence or invasiveness of GM crops; presence of antibiotic resistance genes in the GM crop; and danger of GM crops to human health. This unit will investigate the appropriate regulation of GMOs from interdisciplinary perspectives including science, ethics, economics and environmental law. The unit will be co-taught by A/Prof Rosemary Lyster and a distinguished visiting professor, Johannes Somsen, from Amsterdam University. Prof Somsen is one of the European Union's leading environmental lawyers in the area of biotechnology.

HERITAGE LAW

Professor Ben Boer 6 credit points LAWS6055

8-10 Sept Lectures in Sydney 15-19 Sept Field Trip (linked with Biodiversity Law)

Assessment: 4,000w essay (50%), 4,000w problem-based assignment (50%)

This unit focuses on the conservation of cultural and natural heritage, including intangible heritage, underwater heritage and Australian Aboriginal and Torres Strait Islander heritage. International, national, state and local regimes for heritage conservation are looked at and put into the context of broader environmental decision making.

The unit aims to bring together a range of interdisciplinary strands in archaeology, anthropology, cultural and natural history, art, architecture and urban planning, and to weave them into a framework for the legal protection of world, national, state and local heritage.

An integral component of the unit is a field trip to areas of relevance to cultural and natural heritage conservation, focusing on northern New South Wales. Places to be studied include various towns and sites on the New South Wales State Heritage Register and on local government heritage lists, as well as listed habitats of threatened species and ecological communities and World Heritage areas listed under the Commonwealth legislation. The field trip provides a unique opportunity to understand how principles of international and domestic law are implemented locally.

The field trip component will be arranged in conjunction with the field trip for *LAWS6165 Biodiversity Law*. Students are encouraged to take both units of study; they are designed to complement each other closely.



Ben Boer is Professor of Environmental Law, specialising in International Environmental Law, International Trade and the Environment, Asia Pacific Environmental Law and Heritage Law.

INDEPENDENT RESEARCH PROJECT

LAWS6147 or LAWS6182 and LAWS6183 Supervisor of choice

Note that this unit is not offered to Diploma Students

6 cr pt: substantial research paper of 10,000w (LAWS6147)

12 cr pt: substantial research paper of 20,000w (LAWS6182 & LAWS6183)

This unit of study provides students with an opportunity to pursue advanced research in an area of their choosing, under the supervision of a Faculty staff member. The unit is only available in special circumstances and with the approval of the Associate Dean (Coursework) or his or her delegate, in consultation with the Environmental Law Program Coordinator.

The unit is available as a one semester unit of study worth 6 or 12 credit points, or as a full year unit of study worth 12 credit points. Given the nature of the unit, there are no set topics. This will be determined on a case-by-case basis. The project undertaken must involve a fresh piece of research and writing. Material that has been previously submitted for assessment in any other unit of study may not form part of the project. No more than 12 credit points of the Independent Research Project may be credited towards a Masters or SJD degree in respect of any student. The unit is not available to diploma candidates or to candidates for the Master of International Law or the Master of Criminology by coursework.

In the case of students enrolled over a single semester, the project must be submitted for assessment by the last day of classes in the semester in which the student is enrolled in this unit of study. In the case of students enrolled over a full year, the project must be submitted for assessment by the last day of classes in the second semester in which the student is enrolled in this unit of study. The project will normally be assessed by the Faculty member who acts as supervisor. However, the Associate Dean or delegate may designate an independent assessor, who may or may not be a member of the Faculty.

Enrolment in this unit is contingent upon:

- The student formulating, in advance of enrolment, a well-defined research project, including a statement of methodology to be used and availability of necessary research materials.
- The student providing a written statement outlining the special circumstances justifying enrolment in this unit;
- Approval in writing from a member of Faculty who agrees to serve as supervisor and assessor of the project;
- Approval in writing from the Environmental Law Program Coordinator; and
- Approval in writing from the Associate Dean or delegate. Approval will only be given where the Associate Dean or delegate is satisfied that the above conditions are met; and no other unit of study is being offered in the year of enrolment which would permit the student to undertake study in the proposed area.

INTEGRATED NATURAL RESOURCE MANAGEMENT

Dr Gerry Bates 6 credit points LAWS6898 1-3 & 5 May 2008

Assessment: problem based 4000 word assignment (50%) and 4000 word essay (50%)

This unit examines how natural resources, including forestry, minerals, soil, water and fisheries, can be managed in an integrated manner in the context of mining, agriculture, tourism and Aboriginal land rights. The unit explores the concept and implications of Integrated Natural Resource Management – a planning and decision-making process that attempts to coordinate resource use to optimise its long-term sustainable benefits and to minimise conflicts among users of the resource. It attempts to balance economic, environmental, and social requirements, consistently with the principles of ecologically sustainable development. Legal and other strategies to achieve Integrated Natural Resource Management are discussed, as are the roles of the Commonwealth and New South Wales. The international context is also referred to.

Candidates who have previously completed “Natural Resources Law” LAWS6081 are not permitted to enrol in this unit.

INTERNATIONAL ENVIRONMENTAL LAW

Professor Ben Boer 6 credit points LAWS6061 3-5 & 7 April 2008

Assessment: 5,500 word essay (70%), 2,500 word problem-based assignment (30%)

This unit aims to provide students with an overview of the development of international environmental law through the twentieth century. Attention will primarily be devoted to the international law and policy responses to global and regional environmental and resource management issues. Basic principles will be discussed prior to taking a sectoral approach in looking at the application of international environmental law in specific issue areas. The unit includes material on implementation of international environmental law in the Asia Pacific region. Relevant Australian laws and initiatives will be referred to from time to time. The focus is on law and policy that has been applied to deal with environmental problems in an international and transboundary context.

INTERNATIONAL TRADE AND ENVIRONMENT

Ms Kate Miles 6 credit points LAWS6820 (Replaces Trade & Environment) 28-30 Aug & 1 Sept

Assessment: 6000word assignment (60%) and problem assignment (40%)

This unit of study examines the sources of tension between the law and policy aspects of the international trade liberalisation regime, environmental protection and ecologically sustainable development. It examines the obligations imposed by the World Trade Organisation (WTO) framework and the scope and operation of environmental exceptions that have been considered in recent trade environment disputes. It explores these

developments from the perspective of parallel initiatives in international law aimed at promoting Ecologically Sustainable Development domestically and globally. The Agreements on Food Safety Standards and Technical Barriers to Trade are also covered to the extent that they impose limitations on nations' ability to specify the manner in which the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS) and the rights and duties created by the Convention on Biodiversity are also discussed.

The unit contrasts the WTO regime with that implemented by regional trade groups such as the European Union, the North American Free Trade Agreement (NAFTA) and the Asia Pacific Economic Cooperation Forum (APEC) and attempts some evaluation of their relative strengths in promoting ESD. It also reflects on the attempts to negotiate an agreement on investment liberalisation and the issues that raises for environmental protection initiatives. By the end of the unit participants should be able to critically assess the prospects for future harmonisation of global free trade regimes and ESD principles in the context of the Australian debate on these issues.

Candidates who have previously completed "Trade & Environment" LAWS6173 are not permitted to enrol in this unit.

LAW OF THE SEA

Dr Tim Stephens 6 credit points LAWS6047 Weekly seminar on Tuesday in Semester 1

Assessment: essay (60%), take-home exam (40%)

This unit reviews the major areas of the law of the sea in the 1982 UN Convention on the Law of the Sea, additional international conventions and agreements and current state practice. Each of the major maritime zones is assessed in addition to a specific review of sectoral issues such as navigation rights and the marine environment. Appropriate reference will be made to Australian law and practice.

LEGAL REASONING & THE COMMON LAW SYSTEM

6 credit points LAWS6252 February Semester 5-9 March July Semester: 22-26 July

Assessment: Class participation (30%) and assignment on case analysis, statutory interpretation and substantive legal principles (70%)

This is a compulsory unit for all students without a legal qualification entering specialist postgraduate programs in January 2002 and thereafter. Thus students enrolling in the Masters of Environmental Law or Masters of Environmental Science and Law, or Graduate Diplomas offered in these programs, must complete this unit. It is offered early in both the February and July Semesters.

The unit has been designed to equip students with the necessary legal skills and legal knowledge to competently apply themselves in their chosen area of law. Instruction will cover the legislative process; the judiciary and specialist tribunals; precedents; court hierarchies; legal reasoning; constitutional law; administrative law; contracts and torts.

PUBLIC POLICY (ENVIRONMENTAL ECONOMICS)

Professor Patricia Apps 6 credit points LAWS6257 23- 27 September

Assessment: research essay (90%), problem-based assignment and class presentation (10%)

The aim of the unit is to provide an understanding of the role of government policy within the analytical framework of welfare economics. Questions of central interest include:

- What are the conditions that justify government intervention?
- How can policies be designed to support basic principles of social justice?
- What kinds of reforms promote economic efficiency?

Applications will range from taxation and social security to environmental regulation and protection, and will cover the following specific topics:

- The structure of the Australian tax-benefit system
- Uncertainty and social insurance
- Unemployment, health and retirement income insurance
- Externalities, environmental taxes and tradeable permits
- Monopoly and environmental regulation
- Utility pricing and access problems
- Cost benefit analysis, intergenerational equity and growth

The unit will provide an overview of the main empirical methodologies used in evaluating policy reforms in these areas.

Candidates who have previously completed "Public Sector Policy I", "Taxation & Social Policy" or "Environmental Economics" are not permitted to enrol in this unit.

WATER LAW

Rosemary Lyster 6 credit points LAWS6191 8-11 & 13 Oct

Assessment: 7,000 word essay (80%) and class participation (20%)

This unit examines the law and policy of management of water resources by reference to three principal themes: the ecologically sustainable allocation and use of water, and the provision of water to consumers in an ecologically sustainable manner. The unit is interdisciplinary, including legal, scientific and economic analysis of these themes. The legal analysis includes a discussion of: international principles of water law; the legal and constitutional implications of the reallocation of rights to use water in an ecologically sustainable manner; the use of water to generate electricity; the implications of allocation and use for Indigenous peoples; the regulation of water pollution; and the corporatisation and privatisation of utilities that provide water to consumers. Case studies from a number of jurisdictions are used to explore these themes.

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