

LAWS70185 Water Law & Natural Resources Management

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| Credit Points: | 12.5 |
| Level: | 7 (Graduate/Postgraduate) |
| Dates & Locations: | 2015, Parkville This subject commences in the following study period/s: May, Parkville - Taught on campus. |
| Time Commitment: | Contact Hours: The total class time is between 24 and 26 hours. Total Time Commitment: The pre-teaching period commences four weeks before the subject commencement date. From this time, students are expected to access and review the Reading Guide that will be available from the LMS subject page and the subject materials provided by the subject coordinator, which will be available from Melbourne Law School. Refer to the Reading Guide for confirmation of which resources need to be read and what other preparation is required before the teaching period commences. |
| Prerequisites: | None |
| Corequisites: | None |
| Recommended Background Knowledge: | Applicants without legal qualifications should note that subjects are offered in the discipline of law at an advanced graduate level. While every effort will be made to meet the needs of students trained in other fields, concessions will not be made in the general level of instruction or assessment. Most subjects assume the knowledge usually acquired in a degree in law (LLB, JD or equivalent). Applicants should note that admission to some subjects in the Melbourne Law Masters will be dependent upon the individual applicant's educational background and professional experience. |
| Non Allowed Subjects: | None |
| Core Participation Requirements: | The Melbourne Law Masters welcomes applications from students with disabilities. The inherent academic requirements for study in the Melbourne Law Masters are: The ability to attend a minimum of 75% of classes and actively engage in the analysis and critique of complex materials and debate; The ability to read, analyse and comprehend complex written legal materials and complex interdisciplinary materials; The ability to clearly and independently communicate in writing a knowledge and application of legal principles and interdisciplinary materials and to critically evaluate these; The ability to clearly and independently communicate orally a knowledge and application of legal principles and interdisciplinary materials and critically evaluate these; The ability to work independently and as a part of a group; The ability to present orally and in writing legal analysis to a professional standard. Students who feel their disability will inhibit them from meeting these inherent academic requirements are encouraged to contact the Disability Liaison Unit: www.services.unimelb.edu.au/disability/ |
| Coordinator: | Prof Lee Godden |
| Contact: | For more information: Email: law-masters@unimelb.edu.au (mailto:law-masters@unimelb.edu.au) Phone: +61 3 8344 6190 Website: www.law.unimelb.edu.au/masters (http://www.law.unimelb.edu.au/masters) |
| Subject Overview: | Water Law and Natural Resources Management are fundamental to human society, environmental protection, and many aspects of economic productivity. Legal rules around water co-evolved with the development of many societies. Water is both necessary for life but also a source of conflict. This subject considers the international laws governing water; including principles addressing trans-boundary harm and trans-jurisdictional water governance for major river systems. It canvasses emerging questions, such as whether there is a human right to water and climate change impacts on water availability. It examines the development of common law rules around water allocation and quality that retain an important role in water management. The general development of statutory-based water law, concentrating on the Australian federal and Victorian situation provides the main case study of water law and governance. The subject |

examines the water law reforms leading to adoption of the national *Water Act 2007*; and covers the federal legislation, such as the development of environmental water regulation and water trading. It provides an examination of the Victorian water legislation, which is currently undergoing significant change, and explores catchment and natural resources management issues; together with potential groundwater impacts due to factors such as mining and fracking. This subject covers urban water laws, with a focus on novel uses, such as water recycling and storm water capture.

Principal topics include:

- # International law and policy governing water, including examination of relevant treaties and conventions
- # Water rights: including human rights and cultural rights – especially those of Indigenous peoples
- # An overview of the development and current system of Australian statutory regimes for surface water and groundwater allocation and use
- # Australian national water and resource management reforms; including the National Water Initiative
- # The *Water Act 2007* (Cth); including water trading and water planning
- # Environmental Water regulation
- # Victorian Water laws; including water authority governance models
- # Water quality: addressing point source and diffuse pollution
- # Integrated catchment and natural resource management including relevant catchment management legislation
- # Urban water laws, including alternative water uses, such as stormwater and recycling innovative models such as water sensitive urban design.

Learning Outcomes:

A student who has successfully completed this subject will:

- # Have an advanced understanding of the diverse legal models for regulating water at an international, national and regional level; including trans-boundary water laws
- # Have an advanced understanding of the 'rights' dimensions of water access and discrimination, in an international, national and human rights context
- # Have an integrated understanding of the problems confronting management of water resources in the face of numerous and often conflicting pressures together with the legal rules and principles that have developed to implement water allocation and water quality controls historically and in contemporary contexts
- # Be able to critically examine, analyse, interpret and assess the effectiveness of these legal rules together with the recent policy and law reform measures that have seen widespread changes to water law and practice within Australia
- # Be able to critically evaluate the main aspects of the Council of Australian Government's water reform process and the National Water Initiative; including water trading; environmental water and community engagement aspects
- # Be able to critically evaluate how Australia's federal structure has impacted water law reform in the Murray Darling Basin and to assess current developments in the field; including the drivers for change in Victorian water law and policy
- # Have an advanced understanding of the key components of Victorian water laws and the regulatory trends that have driven experimentation with, and adoption of a wide range of tools and mechanisms for water governance
- # Have the cognitive and technical skills to generate critical, but creative approaches to water resource planning and management; including examination of regimes for catchment management
- # Be able demonstrate autonomy, and expert judgment in examining legal and policy matters in the field of water law and natural resource management and have the capacity to apply these in relevant areas of practice
- # Have the cognitive and technical skills to independently examine, research and analyse legal issues relating to water law and natural resource management in a variety of contemporary regulatory contexts and to develop a sustained argument in relation to these issues
- # Have the highly developed oral and written communication skills to clearly articulate and convey complex information regarding a water law case study that is accessible to professional and non-specialist audiences and to explain its relevance to subject themes.

Assessment:

In-class presentation and a 1,000–1,500 word written presentation (10% oral and 15% written – total 25%) (15 June) 7,500 word research paper (75%) (31 August) on a topic approved by the subject coordinator A minimum of 75% attendance is a hurdle requirement.

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| Prescribed Texts: | Core subject materials will be provided free of charge to all students. Some subjects require further texts to be purchased. Details regarding any prescribed texts will be provided prior to the commencement of the subject. |
| Breadth Options: | This subject is not available as a breadth subject. |
| Fees Information: | Subject EFTSL, Level, Discipline & Census Date, http://enrolment.unimelb.edu.au/fees |
| Links to further information: | www.law.unimelb.edu.au/subject/LAWS70185/2015 |
| Notes: | This subject has a quota of 30 students. Please refer to the website www.law.unimelb.edu.au/masters/courses-and-subjects/subjects/subject-timing-and-format (http://www.law.unimelb.edu.au/masters/courses-and-subjects/subjects/subject-timing-and-format) for further information about the management of subject quotas and waitlists. |
| Related Majors/Minors/Specialisations: | Integrated Water Catchment Management Integrated Water Catchment Management Tailored Specialisation Tailored Specialisation |