

LAWS70464 Toxics, Waste and Contamination Law

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| Credit Points: | 12.50 |
| Level: | 7 (Graduate/Postgraduate) |
| Dates & Locations: | This subject is not offered in 2014. |
| Time Commitment: | Contact Hours: The total class time is between 24 and 26 hours. Total Time Commitment: Not available |
| 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/ |
| Contact: | For more information, contact the Melbourne Law Masters office. 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: | <p>This subject provides an examination of current environmental tort, waste management and contaminated land laws from Victoria, Australia and beyond, critiqued against the concepts of responsibility and justice, and contextualised through case study examples and by practitioner perspectives.</p> <p>It will ask: What are the risks and advantages of relying on each law to regulate waste, pollution and contamination? The subject will present Victoria as a case study for these laws, while also offering comparative insights, analysing developments in the law of torts, waste projects and contamination laws from Australia and abroad. Also, it will draw on recent controversies and experiences of practitioners to learn about the law in action.</p> <p>Principal topics will include:</p> <ul style="list-style-type: none"> # Toxic torts <ul style="list-style-type: none"> # An introduction to the notion of a 'toxic tort' (Vic) # The origins of the toxic tort discourse # Perspectives from the United States # Toxic tort actions and environmental justice # Environmental harm, trespass, nuisance and negligence <ul style="list-style-type: none"> # Recent developments in the environmental torts landscape, particularly within the <i>Wrongs Act 1958</i> (Vic) # Environmental torts and notions of tortious responsibility |

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| | <ul style="list-style-type: none"> # A comparative analysis of environmental torts in Australia and the United States # Australian torts case studies # Waste management laws <ul style="list-style-type: none"> # An overview of waste management laws # A case study-based critique of international, national, state and local laws and policy # Discussion on Australia's efforts to locate a nuclear waste storage facility # Contaminated land <ul style="list-style-type: none"> # An examination of Victoria's contaminated land laws under the <i>Environment Protection Act 1970</i> (Vic) # A comparison with other Australian and overseas jurisdictions # Discussion of the possible liability of a broader community of responsible parties—including financiers and company directors # Practitioner perspectives on how clients manage contaminated land and pollution risk under the <i>Environment Protection Act 1970</i> (Vic) and how lawyers can minimise potential future liability for contamination through due diligence and contract drafting. |
| Learning Outcomes: | <p>A student who has successfully completed this subject will have an advanced and integrated understanding of, and be able to critically analyse and synthesise complex information, problems, concepts and theories in relation to, the following issues:</p> <ul style="list-style-type: none"> # Contaminated land laws and their practical operation. # The environmental torts landscape, especially, insofar as they guide judgment on liability for environmental harm, the torts of trespass, private nuisance and negligence. # Environmental assessments and conflicts about the regulation of waste management. # The difference and similarity that exists in pollution laws (in statute and the common law) across jurisdictions within Australia and abroad. # The notions of responsibility and environmental justice and their relevance to laws and decisions that affect human health and the environment. # Case study examples and practitioner perspectives of the law in action. <p>A student who has successfully completed this subject will also have the reflective, cognitive, creative, communication, technical and research skills to evaluate the law in relation to these issues.</p> |
| Assessment: | Reflective journal comprising three short essays (1,000 words each) (30%) (16 July) 6,000 word research paper (70%) (29 September) on a topic approved by the subject coordinator |
| 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/LAWS70464/2014 |