

LAWS6038: Law and Economics of Climate Change

Online

Trimester 3 - 2023



THE UNIVERSITY OF
NEWCASTLE
AUSTRALIA

OVERVIEW

Course Description

This course will provide students with advanced and specialized knowledge of the evolution and architecture of the international climate regime, including the 1992 United Nations Framework Convention on Climate Change (UNFCCC), the 1997 Kyoto Protocol, the 2009 Copenhagen Accord and the 2015 Paris Agreement. Bonus materials will cover the challenges and opportunities for climate litigation in post-Paris Agreement era. The course will also critically assess environmental economics theory and its application to climate change policy. A special focus will be put on the use of market-based policy instruments such as environmental taxes and emissions trading. Based on a law and economics approach, students will examine and evaluate differing approaches to domestic implementations of international climate policy obligations through case studies on carbon pricing in Australia, the EU, North America and Japan. Students will also be exposed to a range of controversial debates, reflecting the highly politicised nature of international and domestic climate change law, and learn about the political barriers to sustainable climate policy.

Skills Focus

This course will focus on assisting students to develop the following skills:

	Practical Skills	Legal Skills	Research and Writing Skills
Global awareness (future ready)	X		
Policy analysis		X	
Identify, research, evaluate and synthesise relevant factual, legal and policy issues			X

Assumed Knowledge Contact Hours

Nil
Online
Self-Directed Learning
Online
36 hour(s) per Term Full Term

Unit Weighting Workload

10
Students are required to spend on average 120-140 hours of effort (contact and non-contact) including assessments per 10 unit course.

COURSE OUTLINE

www.newcastle.edu.au

CRICOS Provider 00109J

CONTACTS

Course Coordinator	Online Dr Elena Aydos Elena.Aydos@newcastle.edu.au (02) 4921 7204 Consultation: By appointment.
	Dr Sven Rudolph sven.rudolph@kircheundgesellschaft.de Consultation: Via Skype, by appointment.
Teaching Staff	Other teaching staff will be advised on the course Canvas site.
School Office	Newcastle School of Law & Justice 5th Floor NU Space 409 Hunter Street Newcastle Law-School@newcastle.edu.au +61 2 4921 8666
Wellness Contacts	There are a variety of pressures on law students, and being able to perform well academically under pressure, without excessive stress will contribute to enhanced outcomes in wellbeing and academic results. Reach out to support services and learn ways to maintain your mental health, deal with stress and common issues like perfectionism, procrastination and anxiety. To access UON support: https://www.newcastle.edu.au/current-students/support/personal Ph: 4921 6622 or email: counselling@newcastle.edu.au For support outside of office hours call the University Crisis Support Line on 1300 653 007 or for chat sms 0488 884 165. For immediate support contact Lifeline 24/7 on 13 14 11 or https://www.lifeline.org.au/

SYLLABUS

Course Content	The topics in this course include: <ol style="list-style-type: none">1. Introduction to Climate Change Science.2. Evolution and architecture of the International Climate Change Regime.3. The Paris Agreement.4. How Markets Work and Fail: The Theory of Externalities.5. How Prices can Save the Environment: The Standard-Price-Approach.6. How to Design Sustainable Carbon Markets.7. Why Politics Resist Markets: The Political Economy of Carbon Markets.8. Bonus week: Climate Change Litigation.9. Case Study: Market-based Climate Policy in Australia.10. Case Study: Market-based Climate Policy in the EU.11. Case Study: Market-based Climate Policy in North America.12. Case Study: Market-based Climate Policy in Japan.
Course Learning Outcomes	On successful completion of this course, students will be able to: <ol style="list-style-type: none">1. Effectively communicate the legal principles, rules and institutions of the international climate change regime.2. Critically interpret the Paris Agreement under the United Nations Framework Convention on Climate Change (UNFCCC).3. Evaluate market-based climate policy instruments based on sustainability criteria.4. Identify and report on the political barriers to sustainable carbon markets.5. Work individually and as an integral part of a 'virtual' team.

Course Materials

Prescribed Text:

Sven Rudolph and Elena Aydos, *Carbon Markets Around the Globe: Sustainability and Political Feasibility* (Edward Elgar, 2021). [UON Library Permanent link](#).

Recommended Texts:

In addition to the prescribed textbook, weekly readings are available in the folder "Course Readings" on Canvas.

COMPULSORY REQUIREMENT

Compulsory Assessment Requirement – Online Participation at CarbonSim Simulation Activity

Assessment Type	Online participation at CarbonSim activity.
Description	Participation requirement.
Weighting	Irrespective of a student's mark, if a student has achieved overall marks greater than 50% in the course but has failed to satisfactorily complete a compulsory course requirement then a zero mark and fail grade (FF) will be recorded on their transcript.
Due Date	Wednesday 6 th September 2023 from 8am – 11am (AEST, Newcastle time).
Submission Method	Online participation.
Assessment Criteria	Participation at the CarbonSim activity will be monitored for the entirety of the activity, that is, between 8am – 11am on 6 th September 2023. In order to satisfy this requirement, students must participate in the simulation activity, unless they are able to demonstrate that their absence falls within the Adverse Circumstances policy. Failing to meet this requirement, even if the student performed well in other assessments, will result in a zero mark and a fail grade (FF) for the course.
Return Method	N/A.
Feedback Provided	N/A.

SCHEDULE

Week	Week Begins	Topic	Instructor / Learning Activity	Assessment
1	21 Aug	Online Module 1: Introduction to Climate Change Science	Dr. Elena Aydos	Contributions to Online Discussion Forum (Formative – not marked)
2	28 Aug	Online Module 2: Evolution and Architecture of the International Climate Change Regime: The UNFCCC, the Kyoto Protocol, and The Paris Agreement	Dr. Elena Aydos	Quiz (Formative – not marked): Weeks 1 and 2 Contributions to Online Discussion Forum (Formative – not marked)
3	4 Sep	Online Module 3: CarbonSim	<ul style="list-style-type: none"> • Josh Margolis, EDF • Dr. Elena Aydos • PhD Candidate Mauro Figueiredo, UON <p>Mandatory participation in CarbonSim exercise, run by the Environmental Defense Fund (EDF).</p> <p>Date: Wednesday, 6th September, 8am-11am</p> <p>Online: access via the 'Zoom' tab on the left menu</p>	Students complete Part 1 of Assessment 1 (due 2nd October at 5pm).
4	11 Sep	Online Module 4: How Markets Work and Fail: The Theory of Externalities	Dr. Sven Rudolph	Contributions to Online Discussion Forum (Formative – not marked)
5	18 Sep	Online Module 5: What Prices Can Do to Protect the Environment: The Standard-Price-Approach	Dr. Sven Rudolph	Quiz (Formative – not marked): Weeks 4 and 5 Contributions to Online Discussion Forum (Formative – not marked)
6	25 Sep	Online Module 6: How to Design Sustainable Carbon Markets	Dr. Sven Rudolph	Contributions to Online Discussion Forum (Formative – not marked)
7	2 Oct	Online Module 7: Why Politics Resist Markets: The Political Economy of Carbon Markets	Dr. Sven Rudolph	Assessment 1 (Parts 1 and 2) due 2nd October at 5pm. Quiz (Formative – not marked): Weeks 6 and 7 Contributions to Online Discussion Forum (Formative – not marked)
8	9 Oct	Bonus Week. Non-assessable content: "Climate Change Litigation".	Guest speakers (Recorded lectures).	N/A. Time for digesting theoretical content from weeks 4 – 7.
9	16 Oct	Online Module 9: Case Study: Market-based Climate Policy in the EU	Dr. Elena Aydos	Contributions to Online Discussion Forum (Formative – not marked)

10	23 Oct	Online Module 10: Case Study: Market-based Climate Policy in Australia	Dr. Elena Aydos	Quiz (Formative – not marked): Weeks 9 and 10 Contributions to Online Discussion Forum (Formative – not marked)
11	30 Oct	Online Module 11: Case Study: Market-based Climate Policy in North America	Dr. Sven Rudolph	Contributions to Online Discussion Forum (Formative – not marked)
12	6 Nov	Online Module 12: Case Study: Market-based Climate Policy in Japan	Dr. Sven Rudolph	Quiz (Formative – not marked): Weeks 11 and 12 Contributions to Online Discussion Forum (Formative – not marked)
Examination Period: Policy Brief due on 13 th November 2023 at 5pm				

ASSESSMENTS

This course has 2 marked assessments and two formative assessments (not marked). Each assessment is described in more detail in the sections below.

	Assessment Name	Due Date	Involvement	Weighting	Learning Outcomes
1	Carbon Strategy Brief, Parts 1 and 2	2 nd October 2023 at 5pm	Individual	50%	1, 2, 3, 5
2	Policy Brief	13 th November 2023 at 5pm	Individual	50%	3, 4, 5
3	Quiz	Weeks 2, 5, 7, 10 and 12	Individual	Formative (not marked)	1, 2, 3, 4, 5
4	Contributions to Online Discussion Forum	Weeks 1 – 7; 9 – 12	Group Discussions	Formative (not marked)	1, 2, 3, 4, 5

Late Submissions

The mark for an assessment item submitted after the designated time on the due date, without an approved extension of time, will be reduced by 10% of the possible maximum mark for that assessment item for each day or part day that the assessment item is late. Note: this applies equally to week and weekend days.

Final Results

To ensure that grades are fair both within and between courses and cohorts, Newcastle Law School has a rigorous policy of moderating and reviewing assessment. The School Assessment Board (SAB) reviews all final grades before they are released to students, and the SAB process may result in the overall marks of a class being moved up or down by a specific amount, thus impacting individual marks. This is consistent with grading practices in other Law Schools across the country and is important to ensure the integrity of assessment. This means that the final grade you are awarded may not be the sum of marks you have received in all assessments.

Assessment 1 – Carbon Strategy Brief

Assessment Type Description

Written Assignment.

This assessment is divided into two parts. In Part 1, students will write a report based on their experience and insights during the CarbonSim simulation exercise. In Part 2, students will revisit Part 1, reflecting on the lessons from weeks 1 – 5.

Students will be provided with a Carbon Strategy Brief briefing outlining the expected

Weighting**Due Date****Submission Method****Assessment Criteria****Return Method****Feedback Provided**

approach for assignment completion. This will be available on the Canvas site in the "Assessment" folder.

This assessment will contribute 50% towards your final grade.

2nd October 2023 at 5pm (AEST, Newcastle time).

Online via Canvas.

As per instructions in Carbon Strategy Brief briefing.

Online.

Marks and feedback will be provided via Canvas.

Assessment 2 – Policy Brief

Assessment Type**Description**

Written Assignment.

Students will be provided with a Policy Brief briefing outlining the expected approach for assignment completion. This will be available on the Canvas site in the "Assessment" folder.

Weighting**Due Date****Submission Method****Assessment Criteria****Return Method****Feedback Provided**

This assessment will contribute 50% towards your final grade.

13th November 2023 at 5pm (AEST, Newcastle time).

Online via Canvas.

As per instructions in Policy Brief briefing.

N/A. Final results are released to students (see NLS policy on final results above).

According to the 2017 Newcastle Law School marking policy for end-of-term essays, detailed feedback will not be automatically provided. Students interested in receiving detailed feedback may request it via email to course coordinator Associate Professor Dr. Sven Rudolph.

ADDITIONAL INFORMATION

Grading Scheme

This course is graded as follows:

Range of Marks	Grade	Description
85-100	High Distinction (HD)	Outstanding standard indicating comprehensive knowledge and understanding of the relevant materials; demonstration of an outstanding level of academic achievement; mastery of skills*; and achievement of all assessment objectives.
75-84	Distinction (D)	Excellent standard indicating a very high level of knowledge and understanding of the relevant materials; demonstration of a very high level of academic ability; sound development of skills*; and achievement of all assessment objectives.
65-74	Credit (C)	Good standard indicating a high level of knowledge and understanding of the relevant materials; demonstration of a high level of academic achievement; reasonable development of skills*; and achievement of all learning outcomes.
50-64	Pass (P)	Satisfactory standard indicating an adequate knowledge and understanding of the relevant materials; demonstration of an adequate level of academic achievement; satisfactory development of skills*; and achievement of all learning outcomes.
0-49	Fail (FF)	Failure to satisfactorily achieve learning outcomes. If all compulsory course components are not completed the mark will be zero. A fail grade may also be awarded following disciplinary action.

*Skills are those identified for the purposes of assessment task(s).

Communication Methods

Communication methods used in this course include: emails; discussion forum and announcements via Canvas; and Zoom/Skype and face-to-face meetings (by appointment only).

Course Evaluation

Each year feedback is sought from students and other stakeholders about the courses offered in the University for the purposes of identifying areas of excellence and potential improvement.

Oral Interviews (Vivas)	After you have submitted your final assessment, you may be required to take part in a Viva (also called an oral exam) for quality assurance purposes. A Viva will consist of an interview with one or perhaps two staff conducted via Zoom, and will last approximately 10 minutes. During this time, you will be asked questions about the answers you have provided in the assessment. For instance, you may be asked about the workings or rationale behind the way you structured an assessment response. This will help us verify your knowledge of a topic, demonstrate that it is your own work and provide informative feedback to staff to help them make enhancements to future examination/assessment papers.
Academic Misconduct	All students are required to meet the academic integrity standards of the University. These standards reinforce the importance of integrity and honesty in an academic environment. Academic Integrity policies apply to all students of the University in all modes of study and in all locations. For the Student Academic Integrity Policy, refer to https://policies.newcastle.edu.au/document/view-current.php?id=35 .
Adverse Circumstances	<p>The University acknowledges the right of students to seek consideration for the impact of allowable adverse circumstances that may affect their performance in assessment item(s). Applications for special consideration due to adverse circumstances will be made using the online Adverse Circumstances system where:</p> <ol style="list-style-type: none">1. the assessment item is a major assessment item; or2. the assessment item is a minor assessment item and the Course Co-ordinator has specified in the Course Outline that students may apply the online Adverse Circumstances system;3. you are requesting a change of placement; or4. the course has a compulsory attendance requirement. <p>Before applying you must refer to the Adverse Circumstance Affecting Assessment Items Procedure available at: https://policies.newcastle.edu.au/document/view-current.php?id=236</p>
Important Policy Information	The 'HELP for Students' tab in UoNline contains important information that all students should be familiar with, including various systems, policies and procedures.

This course outline was approved by the Head of School. No alteration of this course outline is permitted without Head of School approval. If a change is approved, students will be notified and an amended course outline will be provided in the same manner as the original.

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