

LAWS 1006 - FOUNDATIONS OF LAW

2022 FINAL ESSAY ASSIGNMENT

Due date: 23 May 2022

Submission: Assignment dropbox on Canvas.

Marks: 50%

Length: 2,500 words maximum. This includes all text and footnotes in the AGLC4 style. For these purposes, a Microsoft Word wordcount that includes footnotes will be accepted. No bibliography is needed.

Instructions: The aim of the assignment is to construct an original, well-sourced, and well-reasoned response to **ONE** of the questions below based upon critical reflection on the main themes introduced in the course. The purpose of the essay is to examine your critical engagement with, and analysis of, the course themes and materials.

Each question below contains links to the mentioned article, media release, case, or statute, as the case may be (which are also available as linked files on Canvas under ‘Modules’, ‘Assessment information and dropboxes’, ‘Final Essay’). You should refer to the linked materials (though you need not necessarily read them in their entirety) in order to understand the issue and the question. Additional research is **not** required or expected (though of course not forbidden). You will be assessed on your critical engagement with the course materials and you should use them to support the position taken in your essay.

Formatting requirements:

- Submit your assignment as a Microsoft Word file.
- Text double-spaced and in Times New Roman 12 pt. font.
- 2.54cm margin on the left, right, top, and bottom of each page.
- Each page is to be numbered in the lower right hand corner, starting with the page after the cover page.
- Do not write your name on any part of the assignment, only write your Student Identification Number.
- Do not mess with kerning or other manipulations of formatting – doing so can be considered an act of academic dishonesty.
- Follow the Australian Guide to Legal Citation (4th ed) format:
<http://mulr.law.unimelb.edu.au/go/aglc>.

Please also refer to the rules regarding late penalties, academic integrity matters, and attendance and class requirements (see the unit outline on Canvas).

Choose **ONE** of the below essay questions and critically discuss (in relation to any part(s) of the course that you consider to be the most relevant) the legal issues raised. Support your answer by drawing upon the reading materials, lectures, and discussions in this unit of study.

Question A

The NSW Parliament recently enacted the [Roads and Crimes Legislation Amendment Act 2022](#), which the [government says](#) “protect[s] communities from illegal protestors”. [One commentator](#) has called the enhanced anti-protest legislation “dangerous”, “draconian”, and unconstitutional. How should the legal system evaluate and pursue the competing legal interests at play? With regard to regulating protest, which legal institutions and mechanisms are best suited to strike the balance between governmental interests and individual rights?

or

Question B

In the recent case [Minister for the Environment v Sharma \[2022\] FCAFC 35](#), the [Federal Court](#) ruled that the government does not owe a duty of care to Australia’s children with regard to preventing environmental damage.

[One commentator has suggested](#) “This judgement [sic] really says, ‘Look, it’s not the role of the courts to make these decisions - it’s the role of our governments’. But ... part of the reason that people have taken these issues to the courts - why these kids were suing the government in the first place - was because of a lack of effective government policy.”

[Another has suggested](#) that a legal right to a healthy environment is needed.

Which legal mechanisms and institutions are best equipped to protect the environment?