Mining, Energy and Natural Resources Law
The UWA Law School was founded in 1928 and since then has established a reputation for outstanding legal education. The UWA Law School and the Centre for Mining, Energy and Natural Resources Law and the courses and units offered continue this reputation for excellence.

Mining, energy and natural resources are areas of significance and growth in Western Australia, nationally and globally. Our programmes, courses and units respond to the need for greater knowledge of oil and gas, mining, energy and environmental regulation and expertise in the legal governance of these fields.

Our programmes are specifically designed to be flexible to meet the needs of students, practitioners and industry professionals. They are open to lawyers and non-lawyers, local and international students. We offer units in formal postgraduate coursework programmes, as well as executive education workshops and seminars attracting continuing professional development points. The on campus learning experience is enhanced by combining lectures with small group work, led by full time academics and industry specialists drawn from Australia and beyond.

There is little doubt that our graduates are regarded as some of the best in Australia. We invite you to participate in our exciting programmes and look forward to welcoming you to the UWA Law School.

Message from the Dean

Professor Erika Techera

Image: Joan Costa, 2013
The UWA Masters of Commercial and Resources Law is a very focused programme and has been the best experience of my life. The lectures that I have taken were so interesting and challenging that for the first time I felt really motivated to do my best effort. Undertaking this course has given me the big picture about regulation of the energy market and I now fully understand its future development. It has been a crucial experience not only intellectually and professionally but also it has enriched myself as a person. During this time I have met some of the most interesting people. In UWA you really understand the concept of diversity and different nationalities, so the classes are really inspiring.

Ana Carolina Puigrengueut Del Campo
Master of Commercial and Resources Law
Mining, Energy, and Natural Resources Law

The Law School of the University of Western Australia through its Centre for Mining, Energy and Natural Resources Law has over two decades of experience in arranging highly successful workshops and seminars in mining, environmental law, water law and oil and gas law.

These workshops are attended by postgraduate students seeking higher degrees, but also by those wishing only to do the workshops as part of our Executive Education Programme for Continuing Professional Development points.

Attendees are drawn from Australia and overseas (including Africa and Asia), include lawyers and non-lawyers, and comprise representatives of government, private industry and non-government organisations.

Mining and resources in Africa and Asia, indigenous people, cross-cultural issues and international negotiation, are other areas the Centre has involvement with.

Our workshops are highly interactive and make use of industry experts to give students a practical insight into the context in which the law is applied. Students apply their knowledge in practical case studies based on real situations.

Enrolling in Australian Oil and Gas Law at UWA was not a difficult decision. Whilst I have something of a background in environmental management and mining, Oil and Gas is a very new industry to me and that’s what prompted me to choose the unit. It got me out of my comfort zone and into an industry which is only going to grow in WA.

The unit’s coverage was wide and varied, including both on and offshore matters as well as State and Commonwealth waters. Whilst not having a legal background meant that I needed to work a little harder in order to keep up with the materials, the presentations and delivery helped bridge the gap.

We were fortunate enough to have the unit taught by Professor Terence Daintith and I certainly felt like he embraced his responsibilities with a passion and enthusiasm that comes with a deep understanding and appreciation of the topic. Coupled with Professor Daintith’s approach were those of the guest lecturers and the materials which all assisted me to gain a better understanding of the issues and develop something of a passion for this aspect of law.

I’m certainly keen to build on my knowledge in this regard and the unit will no doubt assist in future professional endeavours.

Andrew James Mack
Graduate Diploma in Law
As a postgraduate student at UWA you have the choice to study resources law within any of our courses:

- Graduate Diploma in Energy Law
- Graduate Diploma in Commercial and Resources Law
- Master of Mining and Energy Laws
- Master of Commercial and Resources Law

**Graduate Diploma in Energy Law (coursework – 20370)**
This diploma is specially designed to give professionals the expertise to pursue careers in the energy industry. It covers general principles of oil and gas law, together with the legislation and agreements relevant to commercialisation and infrastructure.

The course consists of units to a total value of 24 points comprising 3 compulsory units to the value of 18 points being three of the following: Australian Oil and Gas Law, Oil and Gas Agreements, Corporate Governance for Resource Companies and International Oil and Gas Law. One 6 point optional unit is to be selected from the units listed as ‘option’ units overleaf.

**Graduate Diploma in Commercial and Resources Law (coursework – 20380)**
This course offers legal and non-legal professionals skills in legislative, contractual systems and commercial regulatory controls applicable to the resources sector.

The course consists of units to a total value of 24 points comprising units to the value of 18 points from three 6 point units listed as ‘option’ units overleaf and a unit to the value of six points from Table a - Master of Laws options.

**Master of Mining and Energy Laws (coursework – 20550)**
This master’s degree is designed to give legal and non-legal professionals the expertise to pursue careers in the mining and energy industries through exposure to units focusing on the law applicable to those industries. Subject areas include the exploration and production of minerals and petroleum in Australia, native title, concepts of sustainability and social licence to operate as well as other broad policy objectives.

The course consists of units to a total value of 48 points comprising 4 compulsory units to the value of 24 points being Australian Oil and Gas Law, Oil and Gas Agreements, Corporate Governance for Resources Companies and Mining Law. 24 points (4 option units) can be taken from Environmental Protection Law, International Environmental Law, International Oil and Gas Law, Climate Change Law and Emissions Trading, Oil and Gas Project Development.

**Master of Commercial and Resources Law (coursework – 20560)**
This course consists of units to a total value of 48 points comprising units to the value of 36 points from units listed as ‘option’ units overleaf. Two 6 point option units, to make up the remaining number of points required for the course, are to be taken from Table a - Master of Laws options.


Resources law option units are also offered in the Graduate Diploma in Law, Master of Laws and the Doctor of Juridical Science (SJD).

**Graduate Diploma in Law (coursework – 20320)**

**Master of Laws (coursework – 20500)**

**Doctor of Juridical Science SJD (coursework and research – 20810)**
Units

All resources law units are offered intensively and run in conjunction with the Law School's Executive Education programme. Continuing Professional Development points are obtainable.

Australian Oil and Gas Law
This unit examines the fundamentals of Australian oil and gas law. Topics covered may include:
- the legal nature and protection of oil and gas exploration and production rights, both generally and in Australia
- the Australian regulatory and licensing regime
- control of operations, operating and other agreements
- infrastructure issues and regulation of downstream operations including gas codes.

Core: Graduate Diploma in Energy Law and the Master of Mining and Energy Laws
Option: Graduate Diploma/Masters Commercial and Resources Law, Graduate Diploma in Law, LLM and the SJD.

Pre-requisite for Oil and Gas Agreements

Climate Change Law and Emissions Trading
Students have an understanding of and are able to critically analyse instruments available to address the climate change problem both in Australia and internationally. Topics covered may include:
- the Australian Government’s clean energy legislation
- issues for the various state governments
- emissions trading schemes and carbon taxes more generally, and
- the international context in which they operate.

Option: Graduate Diploma in Energy Law, Graduate Diploma/Master Commercial and Resources Law, Master of Mining and Energy Laws, Graduate Diploma in Law, LLM and the SJD.

Corporate Governance for Resources Companies
This unit examines the fundamentals of corporate governance with a particular focus on listed resources companies. Topics may include:
- general principles of good corporate governance, the applicable duties of directors, stock exchange rules
- the role of board committees, accounting and solvency issues, resources and reserves issues, raising capital,
- common accounting problems for resources companies and dealing with the life cycle of projects and risk management.

Core: Graduate Diploma in Energy Law and the Masters of Mining and Energy Laws
Option: Graduate Diploma/Masters Commercial and Resources Law, Graduate Diploma in Law, LLM and the SJD.

Environmental Protection Law
This unit is a study of environmental law in Western Australia. The unit examines:
- relevant common law principles and the nature of environmental dispute resolution
- the constitutional and administrative framework for environmental regulation
- various statutory regimes relating to environmental and natural resources planning
- criminal liabilities relating to pollution control, contaminated sites management

Option: Graduate Diploma in Energy Law, Graduate Diploma/Master Commercial and Resources Law, Master of Mining and Energy Laws, Graduate Diploma in Law, LLM and the SJD.

International Environmental Law
Particular environmental law regimes explored include air and atmosphere (trans-boundary air pollution, ozone depletion and climate change); biodiversity, wildlife and biogenetic resources; habitat protection; freshwater; law of the sea, fisheries and marine environmental law; chemicals, pollution and waste management. Cross-cutting issues include sustainable development; trade and environment; human and collective Indigenous rights in relation to the environment; culture and heritage; and globalisation.

Option: Graduate Diploma in Energy Law, Graduate Diploma/Masters Commercial and Resources Law, Master of Mining and Energy Laws, Graduate Diploma in Law, LLM and the SJD.

International Oil and Gas Law
This unit explains the workings of international oil and gas regimes including the contracts used by the host countries. Topics may include:
- characteristics of modern oil and gas law regimes
- international legal rules applicable to international boundaries
- critical terms of production sharing contracts and other arrangements negotiations with host countries
- international engineering and procurement

Core: Graduate Diploma in Energy Law
Option: Graduate Diploma/Masters Commercial and Resources Law, Graduate Diploma in Law, and LLM

Mining Law
This unit provides an intensive course of study on mining law in Western Australia. Topics may include:
- the framework of mining law; the constitution, ownership and land open for mining
- allocation of mining rights
- surrender, forfeiture and exemption practice and procedure judicial review
- transfer and dealings: registration and tenement management and environmental issues

Core: Graduate Diploma in Energy Law and the Master of Mining and Energy Laws
Option: Graduate Diploma/Masters Commercial and Resources Law, Graduate Diploma in Law, LLM and the SJD.
Oil and Gas Agreements
This unit provides a clear understanding of legal agreements which underpin the operation of the oil and gas industry. The unit offers a unique insight into the relationship between joint-ventures, the complicated planning and approval phase of a project, transportation and delivery of product, and the long-term nature of the purchase and sales arrangements. Topics may include:
- joint venture agreements
- sale and purchase agreements
- gas sales contracts
- gas transportation agreements
Core: Graduate Diploma in Energy Law and the Master of Mining and Energy Laws
Option: Graduate Diploma/Masters Commercial and Resources Law, Graduate Diploma in Law, LLM and the SJD.
Pre-requisite: Australian Oil and Gas Law.

Oil and Gas Project Development Law
This unit covers how major projects are structured from a legal point of view and the key approvals and agreements that will be required. These will include state agreements, agreements between the project sponsors, engineering and procurement contracts, land use and maritime approvals and agreements with other stakeholders.
Option: Graduate Diploma in Energy Law, Graduate Diploma/Master Commercial and Resources Law, Master of Mining and Energy Laws, Graduate Diploma in Law, LLM and the SJD.
Pre-requisites: Australian Oil and Gas and Mining Law

Water Resources Law
This unit covers the main legal principles governing the management of water resources; ascertains the legal effect of the National Water Policy reforms; and familiarises students with the principal legal and policy materials applied in the management of water resources. Topics may include:
- institutional framework
- water access rights
- water resources planning: administration of statutory entitlements; demand management and
- water source planning
Option: Graduate Diploma in Energy Law, Graduate Diploma/Master Commercial and Resources Law, Master of Mining and Energy Laws, Graduate Diploma in Law, LLM and the SJD.

I came in to the three-day intensive course in Oil and Gas Law with little or no knowledge in this area of law, it was a challenging as well as an exiting experience. I walked in to a room filled with people from diverse professional backgrounds. I found the coordinator of the course to be approachable and very knowledgeable. We had the opportunity of hearing from various presenters including lawyers, an economist, an engineer etc. who spoke on different aspects in Oil and Gas Law. At the end of the three day intensive course and after going through the very detailed course material I walked away with a solid foundation in Oil and Gas Law upon which I could commence a career and friendships that will outlast the course.

Emma Elizabeth Kamara
Master of Commercial and Resources Law
Unit Coordinators

The Centre for Mining, Energy and Natural Resources Law

Winthrop Professor Richard Bartlett

Co-Director of the Centre for Mining, Energy and Natural Resources Law

Professor Bartlett has taught and practised in the area of mining, oil and gas and natural resources law in Canada and Australia for over 35 years. He has been a Professor of natural resources law in both Australia and Canada and his publications include: Water Resources Law with Gardner, A.W. and Gray, J., Native Title in Australia, Native Title Claims in Canada and Australia and Mining Law in Canada. Professor Bartlett was a Founder and has been a Co-Director of the Pre-Law Aboriginal Programme for many years. He was counsel before the High Court of Australia in many of the leading native title cases.

Professor John Chandler

Co-Director of The Centre for Mining, Energy and Natural Resources Law

John Chandler has been a practising lawyer for over 30 years specialising in mining and petroleum development. He has been a partner in leading law firms such as Freehills and a company director. Professor Chandler has advised parties to large mining projects including major Chinese and Japanese companies. Projects he has been involved in include the Argyle Diamond Project, the Channar iron Ore Mine and the Bayu Undan Oil and Gas Project. He delivers courses for the Centre in the areas of mining and oil and gas. His courses are highly rated by participants. His research interests include oil and gas law, corporate governance and resource investment.

Professor Terence Daintith

Professor Daintith, who has taught at the Centre since 2002 as a part-time or visiting professor, is a Professorial Fellow at the Institute of Advanced Legal Studies, University of London, where he was Director from 1988 to 1995. Prior to this he taught at the Universities of California (Berkeley), Edinburgh and Dundee, and was a research professor at the European University Institute in Florence, Italy. As well as writing on oil and gas law in Australia, he is the editor of the standard UK work, Daintith, Willoughby and Hill's United Kingdom Oil and Gas Law, and was the founder-editor of the Journal of Energy and Natural Resources Law. His pioneering scholarship in this and other fields has been recognised by the award of Honorary Doctorates in Law from De Montfort University and the University of Aberdeen.
**Professor Erika Techera**

Erika researches and teaches in international and comparative environmental law. Her particular research interests include marine environmental governance (international and regional marine environmental law; and the conservation and management of migratory marine species including sharks); cultural heritage law (international issues, the safeguarding of intangible cultural heritage and the protection of sacred sites); and environmental management in small island states (community-based conservation, customary law and indigenous peoples).

She is the author of Marine Environmental Governance from International Law to Local Practice (Routledge 2012) and co-editor of Routledge Handbook of International Environmental LAW (2013).

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**Alex Gardner, Associate Professor Law School, UWA; Adjunct Professor, College of Law, ANU; Visiting Lecturer, TC Beirne School of Law, UQ**

Alex is Associate Professor of Law at The University of Western Australia where he teaches Administrative Law, Environmental Law and Water Resources Law to undergraduate and postgraduate students. He teaches Water Resources Law in the postgraduate programmes at the Australian National University and the University of Queensland. Alex researches in Natural Resources and Environmental Law, with a special focus on Water Resources Law. He is the lead author with Richard Bartlett and Janice Gray of Water Resources Law, July 2009. He is also one of three legal academics participating in the National Centre for Groundwater Research and Training: http://www.groundwater.com.au/. Alex has been a contributing editor to the Environmental and Planning Law Journal for twenty years and, since March 2012, the Editor of the Australian Resources and Energy Law Journal.

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**Associate Professor David Hodgkinson**

David Hodgkinson is Special Counsel with Clayton Utz, a national Australian law firm; and a principal of The Hodgkinson Group, a consulting firm with advisors located around the world.

David is the co-author of the book Global Climate Change: Australian Law and Policy (2008) and the general editor of Australian Climate Change Law and Policy (2009). As executive director of EcoCarbon, a non-profit organisation, he manages an industry partnership which is building capacity in mechanisms designed to reduce greenhouse gas emissions. He also leads an international project team working on a draft convention for persons displaced by climate change.
Admission Requirements

Specialist resources law graduate diplomas and masters degrees:

Graduate Diploma in Energy Law
(a) a bachelor’s degree in law from this University, or equivalent as recognised by the Faculty; or
(b) qualifications and experience in a relevant field of petroleum exploration or production, mining, engineering or commerce which the Faculty recognises as equivalent to the qualifications described in (a); or
(c) a level of education and duration and level of professional experience considered by the Faculty to be sufficient to permit satisfactory completion of the course.

Graduate Diploma in Commercial and Resources Law
(a) the Bachelor of Laws of this University, or equivalent as recognised by the Faculty; or
(b) a bachelor’s degree in another relevant subject area as determined by the Faculty, and completed to a level of competency considered by the Faculty to be sufficient to permit satisfactory completion of the course; or
(c) a level of education and duration and level of professional experience considered by the Faculty to be sufficient to permit satisfactory completion of the course.

Master of Mining and Energy Laws
(a) the Bachelor of Laws of this University, or equivalent as recognised by the Faculty, completed to a sufficiently high standard; or
(b) completion of the units required for the Graduate Diploma in Law of this University with an average mark of at least 60 per cent; or
(c) completion of the units required for the Graduate Diploma in Energy Law of this University with an average mark of at least 60 per cent; or
(d) completion of the units required for the Graduate Diploma in Commercial and Resources Law of this University with an average mark of at least 60 per cent; or
(e) a bachelor’s degree with honours in another subject area requiring at least four years of full-time study, or equivalent as recognised by the Faculty.

Master of Commercial and Resources Law
(a) the Bachelor of Laws of this University, or equivalent as recognised by the Faculty; or
(b) completion of the units required for the Graduate Diploma in Commercial and Resources Law of this University with an average mark of at least 60 per cent; or
(c) a bachelor’s degree with honours in another subject area requiring at least four years of full-time study, or equivalent as recognised by the Faculty.

Course details, availability and admission requirements may be subject to change at any time.
Research

The members of the Centre have a very active research programme covering mining, petroleum, water and other natural resources and related areas such as the environment. Current areas of focus are:

- Governance of mining and petroleum
- Shale Gas
- Native Title
- Water
- Oceans and marine life
- Climate change

Governance of Mining and Petroleum
During 2013 the Centre conducted a survey of corporate governance practices of small to medium-sized resources companies with KPMG. This was done by Professor John Chandler and Assistant Professor Barbara Gordon. This will lead into a further project in 2014 by Professor Chandler and Professor Terence Daintith researching how petroleum regulation looks at the competence of project operators and their governance practices. Operator competence has become even more critical since the Montara and Macondo oil spills.

Shale Gas
Shale gas is emerging as a very significant energy resource for Australia, with Western Australia’s Canning Basin being amongst the most prospective. Simon Robb is currently researching the regulatory implications of developing shale gas.

Native Title
Professor Richard Bartlett is preparing the 3rd edition of his treatise on Native Title in Australia. The research and writing of the treatise will ensure a more detailed and contemporary understanding of Native Title. Native Title continues to be highly significant for the resources industry.

Water
Water is critical to human society, but is also a key element in mining and shale gas development (it is used in huge quantities for hydraulic fracturing or “fracking”). Associate Professor Alex Gardner is a chief investigator for the National Centre for Groundwater Research and Training and is working on projects for sustainable water use and mine dewatering.

Oceans and marine life
Professor Erika Techera is working on projects on marine environmental governance and cultural heritage law and policy at global, regional and national levels. She is currently researching the legal protection of sharks and manta rays, whose migratory patterns extend throughout the Indian Ocean region.

Climate change
Climate change may well result in the displacement of tens of millions of people due to rising sea levels, drought, and more frequent and severe storms. Associate Professor David Hodgkinson is leading an international team working on a draft convention for persons displaced by climate change.