

# LAWS70314 Principles of Construction Law

<b>Credit Points:</b>	12.50
<b>Level:</b>	7 (Graduate/Postgraduate)
<b>Dates &amp; Locations:</b>	2012, Parkville This subject commences in the following study period/s: February, Parkville - Taught on campus. August, Parkville - Taught on campus.
<b>Time Commitment:</b>	Contact Hours: The total class time is between 24 and 26 hours. Total Time Commitment: Not available
<b>Prerequisites:</b>	This subject is not available to students who have undertaken prior study in construction law or practised as a construction lawyer for more than two years. Students undertaking this subject should do so before undertaking other construction law subjects.
<b>Corequisites:</b>	None.
<b>Recommended Background Knowledge:</b>	This subject is designed for students without prior legal training and lawyers without substantial construction law experience. It provides an overview of the broad spread of the construction law curriculum, from the statutory and common law landscape, through legal aspects of project procurement and contracting to dispute avoidance and resolution options. The subject also provides detailed treatment of legal issues specific to construction law.  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.
<b>Non Allowed Subjects:</b>	None.
<b>Core Participation Requirements:</b>	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 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 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: <a href="http://www.services.unimelb.edu.au/disability/">www.services.unimelb.edu.au/disability/</a>
<b>Coordinator:</b>	Mr Matthew Bell
<b>Contact:</b>	For more information, contact the Melbourne Law Masters office. Email <a href="mailto:law-masters@unimelb.edu.au">law-masters@unimelb.edu.au</a> ( <a href="mailto:law-masters@unimelb.edu.au">mailto:law-masters@unimelb.edu.au</a> ) or phone +61 3 8344 6190. Alternatively, visit our website: <a href="http://www.law.unimelb.edu.au/masters">www.law.unimelb.edu.au/masters</a> ( <a href="http://www.law.unimelb.edu.au/masters">http://www.law.unimelb.edu.au/masters</a> )
<b>Subject Overview:</b>	This subject is designed for students without prior legal training and lawyers without substantial construction law experience. It provides an overview of the broad spread of the construction law curriculum, from the statutory and common law landscape, through legal aspects of project

	<p>procurement and contracting to dispute avoidance and resolution options. The subject also provides detailed treatment of legal issues specific to construction law.</p> <p>Principal topics will include:</p> <ul style="list-style-type: none"> <li># Overview of the regulatory regime for construction contracting</li> <li># Causes of action in construction disputes</li> <li># Contracting methodologies</li> <li># Contract administration: Standard forms of contract, tendering and contract preparation and minimising legal exposure</li> <li># Role and liability of superintendents</li> <li># Issues relating to sub-contracts</li> <li># Variations, defective work and latent conditions</li> <li># Time, programming and liquidated damages</li> <li># Contractual mechanisms for payment and security of payment legislation</li> <li># Security for performance</li> <li># Insurance</li> <li># Dispute avoidance procedures and alternative dispute resolution</li> <li># Construction litigation and arbitration (domestic and international).</li> </ul> <p>The Blake Dawson Prize is awarded to the student placed first overall in this subject</p>
<b>Objectives:</b>	<p>A student who has successfully completed this subject should:</p> <ul style="list-style-type: none"> <li># Comprehend the legislative and regulatory framework governing the construction industry</li> <li># Understand broadly the commercial and industry context within which construction law operates in Australia and overseas</li> <li># Be able to evaluate the appropriateness of different delivery models in the procurement of construction projects</li> <li># Understand how causes of action in breach of contract and negligence both inform construction contract drafting and negotiation and apply to construction disputes</li> <li># Be able to recommend appropriate methods of dispute resolution and avoidance for situations commonly arising in the construction industry</li> <li># Understand the role, within the context of construction law practice, of specialist areas of law including insurance, performance security, trade practices and professional liability.</li> </ul>
<b>Assessment:</b>	Take-home examination (100%) Semester 1: 12 pm 30 March to 5 pm 2 April Semester 2: 12 pm 21 September to 5 pm 24 September
<b>Prescribed Texts:</b>	Core subject materials will be provided free of charge to all students. Some subjects require further texts to be purchased. Visit the Melbourne Law Masters website for more information about this subject.
<b>Breadth Options:</b>	This subject is not available as a breadth subject.
<b>Fees Information:</b>	Subject EFTSL, Level, Discipline & Census Date, <a href="http://enrolment.unimelb.edu.au/fees">http://enrolment.unimelb.edu.au/fees</a>
<b>Links to further information:</b>	<a href="http://www.law.unimelb.edu.au/masters/courses-and-subjects/subject-details/sid/5286">http://www.law.unimelb.edu.au/masters/courses-and-subjects/subject-details/sid/5286</a>