

# LAWS90034 Construction Contracting: New Frontiers

<b>Credit Points:</b>	12.5
<b>Level:</b>	9 (Graduate/Postgraduate)
<b>Dates &amp; Locations:</b>	<p>2016, Parkville</p> <p>This subject commences in the following study period/s: November, Parkville - Taught on campus.</p> <p>This subject has a quota of 30 students. Please refer to the Melbourne Law Masters website for further information about the management of subject quotas and waitlists.</p>
<b>Time Commitment:</b>	<p>Contact Hours: 24-26 hours Total Time Commitment: 136-150 hours</p> <p>The pre-teaching period commences four weeks before the subject commencement date. From this time, students are expected to access and review the Reading Guide that will be available from the LMS subject page and the subject materials provided by the subject coordinator, which will be available from Melbourne Law School. Refer to the Reading Guide for confirmation of which resources need to be read and what other preparation is required before the teaching period commences.</p>
<b>Prerequisites:</b>	None
<b>Corequisites:</b>	None
<b>Recommended Background Knowledge:</b>	<p>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.</p>
<b>Non Allowed Subjects:</b>	None
<b>Core Participation Requirements:</b>	<p>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 Student Equity and Disability Support.</p>
<b>Contact:</b>	<p><b>Lecturers</b></p> <p><b>Professor David Mosey</b> (<a href="http://www.law.unimelb.edu.au/staff/David%20Mosey">http://www.law.unimelb.edu.au/staff/David%20Mosey</a>) (Coordinator)</p> <p><b>Ms Cate Greene</b> (<a href="http://www.law.unimelb.edu.au/staff/Cate%20Greene">http://www.law.unimelb.edu.au/staff/Cate%20Greene</a>)</p> <p>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>)</p> <p>Phone: +61 3 8344 6190</p> <p>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>)</p>
<b>Subject Overview:</b>	<p>This subject will provide a detailed review and analysis of the ways in which the procurement and delivery of construction and engineering projects are changing to meet the demand for more efficient infrastructure, including improved 'whole of life' outcomes and the reduction of claims and disputes. There will be a particular focus on integrated project delivery, collaborative contracting and new technology. The subject will cover a number of the current and emerging approaches to the procurement, contracting and delivery of construction and engineering projects and review a number of case studies from Australia, the UK and elsewhere.</p> <p>Principal topics include:</p>

	<ul style="list-style-type: none"> <li># An overview of the development of 'collaborative contracting' and integrated project delivery methods to date (eg joint ventures, partnering, alliancing, managing contractor, public-private partnerships, electronic document management systems, whole of life) in Australia, the UK and elsewhere</li> <li># Examining recent and emerging procurement and delivery approaches in Australia, the UK and elsewhere (including the specific legal and contractual issues implicit in such current and emerging approaches identified above), including in respect of: <ul style="list-style-type: none"> <li># unsolicited proposals</li> <li># framework procurement models</li> <li># early contractor involvement (ECI)</li> <li># integrated project delivery (IPD)</li> <li># delivery partner (DP)</li> <li># equipment supply</li> <li># services alliances</li> <li># supply chain collaboration</li> </ul> </li> <li># Examining the development and implementation of Building Information Modelling (BIM) in construction and engineering projects, including the specific legal and contractual issues associated with licensing of information technology systems, intellectual property and confidentiality generally, design risk and programming.</li> </ul>
<b>Learning Outcomes:</b>	<p>A student who has successfully completed this subject should:</p> <ul style="list-style-type: none"> <li># Have a detailed understanding of, and be able to contribute to debate about, the significance of the current and emerging approaches to the procurement and contracting of construction and engineering projects in Australia, the UK and elsewhere</li> <li># Be able to articulate and engage at an advanced level with the specific commercial, legal and contractual issues implicit in such current and emerging approaches, including those associated with: <ul style="list-style-type: none"> <li># 'collaborative contracting' generally</li> <li># 'integrated project delivery' generally</li> <li># standard form procurement and contracting documentation (eg NEC3, PPC2000 and MCC-1 2003)</li> <li># people and culture</li> <li># capturing 'innovation'</li> <li># concepts of 'good faith' and 'best endeavours' in this contracting context</li> <li># design risk</li> <li># construction risk</li> <li># maintenance/ operability risk</li> <li># insurance issues (particularly professional indemnity insurance)</li> <li># intellectual property and confidentiality issues</li> <li># risk management frameworks and techniques</li> <li># remuneration and incentivisation</li> <li># BIM and digital information models</li> <li># claims and dispute resolution (including Dispute Adjudication Boards and similar 'dispute avoidance' models)</li> </ul> </li> <li># Have the advanced cognitive, technical and creative skills to understand and be able to evaluate in a critical manner the current and emerging approaches and appreciate the main features, advantages and disadvantages of each</li> <li># Be skilled in thinking creatively about the full range of procurement and delivery options and be able to analyse at an advanced level the legal, commercial and practical effects of adopting, refining and combining such options.</li> </ul>
<b>Assessment:</b>	10,000 word research paper (100%) (1 February 2017) on a topic approved by the subject coordinator A minimum of 75% attendance is a hurdle requirement.
<b>Prescribed Texts:</b>	Specialist printed materials will be made available free of charge from the Melbourne Law School prior to the pre-teaching period.
<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/subject/LAWS90034/2016">www.law.unimelb.edu.au/subject/LAWS90034/2016</a>
<b>Related Course(s):</b>	Graduate Diploma in Construction Law Graduate Diploma in Legal Studies Master of Commercial Law Master of Construction Law Master of Laws