

730-750 Advanced Construction Claims

Credit Points:	12.500
Level:	Graduate/Postgraduate
Dates & Locations:	2008, This subject commences in the following study period/s: Semester 2, - Taught on campus.
Time Commitment:	Contact Hours: 24 - 26 contact hours per subject. Total Time Commitment: The time commitment for this subject depends on the candidate's background and experience.
Prerequisites:	Prerequisite Successful completion of Rights and Liabilities in Construction' (http://www.masters.law.unimelb.edu.au/subject/730884/2008) .
Corequisites:	N.A.
Recommended Background Knowledge:	None
Non Allowed Subjects:	None
Core Participation Requirements:	N.A.
Coordinator:	Prof Ian Bailey SC, Prof Doug Jones
Subject Overview:	<p>Objectives:</p> <p>A candidate who has successfully completed the subject should:</p> <ul style="list-style-type: none"> # Have a detailed understanding of the legal principles involved in a wide range of claims arising under construction contracts # Be able to analyse and appraise the reasoning of courts in the leading cases relating to each category of claim # Understand the relationship between the relevant legal principles and the provisions of standard form contracts # Be familiar with methods by which construction claims are prepared and presented # Understand the impact of the <i>Trade Practices Act 1974</i> and Fair Trading legislation in each state upon the rights of parties to construction contracts # Be able to consider options for provisions within construction contracts or amendments to standard form contracts. <p>Syllabus:</p> <p>Principal topics will include claims in the following categories:</p> <ul style="list-style-type: none"> # Time: Delay; liability for delay; extensions of time; liquidated damages for late completion # Prolongation/acceleration: Entitlement to additional cost; assessment and quantification # Scope of work: Variations; adjustments under the contract # Quality: Measure of quality/Australian standards; breach of required contractual standard; assessment of quality and damages # Security: For performance; for payment; access to security and statutory adjudication # Indemnity: Damage to property; public liability; insurance provisions; apportionment # Trade Practices/Fair Trading Acts: Misleading and deceptive conduct; unconscionable conduct; remedies # Restitution: Unjust enrichment; statutory exclusion; quantum meruit # Payment: Progress payments certification and adjudication # Procedure/Quantification.
Assessment:	Take-home examination (100%) (16-19 January 2009)

Prescribed Texts:	Core subject materials will be provided free of charge to all students. Some subjects require further texts to be purchased. Please visit the subject homepage on the Melbourne Law Masters website by following the link at the bottom of this subject entry.
Breadth Options:	This subject is not available as a breadth subject.
Fees Information:	Subject EFTSL, Level, Discipline & Census Date, http://enrolment.unimelb.edu.au/fees
Generic Skills:	Please see the Subject Objectives for this information.
Links to further information:	For the latest information on this subject, please visit: http://www.masters.law.unimelb.edu.au/subject/730750