

730-757 Construction Dispute Resolution

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:	N.A.
Corequisites:	N.A.
Recommended Background Knowledge:	None
Non Allowed Subjects:	None
Core Participation Requirements:	N.A.
Coordinator:	Mr Andrew Stephenson
Subject Overview:	<p>Objectives:</p> <p>A candidate who has successfully completed the subject should:</p> <ul style="list-style-type: none"> # Understand the provenance of forms of dispute resolution in the construction industry # Be familiar with and understand the legislation governing construction dispute resolution # Be able to capably manage all stages of a construction litigation, arbitration, expert determination or adjudication # Be able to critically assess and advise on different tactics and strategies for construction dispute resolution # Be able to write clearly, concisely and logically on issues relating to construction litigation, arbitration and adjudication. <p>Syllabus:</p> <p>Principal topics will include:</p> <ul style="list-style-type: none"> # Residential construction disputes in Victoria # Practice and procedure in the Supreme Courts of New South Wales and Victoria and Federal Court of Australia, considering differences and assessing where best practice lies # Domestic Arbitration legislative framework: Why it is currently out of fashion and how it can be improved # International arbitration as an option for construction disputes: Why it is the superior form of dispute resolution for cross-border disputes and what lessons can be learnt from procedures developed in international arbitration. Includes discussion about enforcement of the agreement and awards issued by international arbitrators # Expert Determination strengths and weaknesses # Adjudication under New South Wales and Victorian Security of Payment legislation, comparing both to the schemes in England and other jurisdictions # Proportional liability, contributory negligence, contribution and third parties.
Assessment:	Research paper 10,000 words (100%) (13 November) (topic approved by the subject coordinator)
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/730757