

730-765 International Construction Law

Credit Points:	12.500
Level:	Graduate/Postgraduate
Dates & Locations:	2008, This subject commences in the following study period/s: Semester 1, - 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:	Prerequisites Successful completion of ' Rights and Liabilities in Construction ' (http://www.masters.law.unimelb.edu.au/subject/730806/2008) .
Corequisites:	N.A.
Recommended Background Knowledge:	None
Non Allowed Subjects:	None
Core Participation Requirements:	N.A.
Coordinator:	Mr John Digby QC, Prof Doug Jones AM
Subject Overview:	<p>Objectives:</p> <p>A candidate who has successfully completed the subject should:</p> <ul style="list-style-type: none"> # Have an understanding of the standard form contracts designed for international use # Be conversant with the basic procedures and principles regulating the prosecution, resolution, determination and enforcement of claims in the United States, the principal English common law jurisdictions and selected Asian countries # Have a sound understanding of the foundation and operation of the main streams for international arbitration of disputes # Be conversant with the basic procedures and principles regulating the prosecution of claims and enforcement of claims in the context of international arbitration, particularly in the United States, Europe and Asia. <p>Syllabus:</p> <p>The subject is designed to provide an understanding of international construction contracts, the comparative international approaches to construction law and practice, together with an understanding of international arbitration, its principles, procedures and conduct, with reference to:</p> <ul style="list-style-type: none"> # An analysis of important forms of contract for international use, including FIDIC, United States Army Corps of Engineers Contract, and World Bank and Asian Development Bank contract conditions # The main distinctions of principle and practice between the prosecution, determination or resolution of construction claims in the principal English common law jurisdictions, the United States and selected Asian countries # An examination of international bodies dealing with the determination or the resolution of international construction claims # The jurisdictional, governing law and procedural framework for the prosecution, determination and enforcement of claims through international arbitration, including Lex Mercatoria and Amiable Composition # The interlocutory procedures, including the significance of municipal courts, the enforcement of judgments, in the context of international arbitrations # Identification and consideration of contractual and extra-contractual alternative dispute resolution (ADR) procedures in the context of international construction litigation and international construction arbitration.

Assessment:	Examination 3 hours (100%) (30 May, pm) or Research paper 10,000 words (100%) (24 July) (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/730765