

730-884 Rights and Liabilities in Construction

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| Credit Points: | 12.500 |
| Level: | Graduate/Postgraduate |
| Dates & Locations: | 2008, This subject commences in the following study period/s: Semester 1, - Taught on campus. 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: | Prerequisites Candidates without a common law degree must complete Construction Contracts (http://www.masters.law.unimelb.edu.au/go/objectid/E96C15A8-B0D0-AB80-E2FF6B74E08BF5F8/view/overview/sid/3522) , it is designed to equip students with a broad overview of the legal principles which are fundamental to study of further subjects within the program. These subjects should, therefore, be undertaken at the start of students' course of study. The compulsory nature of either or both of these subjects may be waived where a candidate demonstrates exceptional experience and expertise in relation to such fundamental legal principles. Application for such waiver must be made in writing to the Melbourne Law Masters Program Manager. |
| 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>This subject will provide an understanding of the rights and liabilities of both the principal and contractor under construction contracts, the major categories of claims arising under contracts and the legal principles applicable to them.</p> <p>A candidate who has successfully completed the subject should:</p> <ul style="list-style-type: none"> # Have an understanding of the rights and liabilities of participants in the construction industry # Be familiar with the major forms of claims likely to arise in the course of construction contracts # Have a general understanding of the basic legal principles relating to a range of claims that arise in the course of construction contracts # Understand the relationship of these general principles to the standardform construction contracts # Understand the procedures for making claims and the options for their resolution. <p>Syllabus:</p> <p>The subject will deal with the rights and liabilities of the parties from both the principal and contractors perspective, arising under construction contracts in the following categories:</p> <ul style="list-style-type: none"> # Time-related claims: Delay; extensions of time; costs of delay; liquidated damages for late completion # Payment-related claims: Progress certificates, payments and security for payment adjudications; restitutionary claims; set-off # Scope-related claims: Scope of work; variations; adjustments of rates and allowances; security for performance # Quality-related claims: Quality definition/non-compliance; defective work and damages # Claims outside the contract; <i>Trade Practices Act 1974</i> and negligence |

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| | <ul style="list-style-type: none"> # Liability and indemnification: Indemnities under construction contracts; insurance provisions # Repudiation and termination of contracts; rescission # Procedural aspects of claims: Notification; certification; adjudication; quantification of claims; apportionment; access to security; remedies. |
| Assessment: | Research paper 10,000 words (100%) (topic approved by the subject coordinator) Semester 1: 31 July Semester 2: 15 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/730884 |