

730-885 Avoid and Manage Construction Disputes

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 David Opperman
Subject Overview:	<p>Objectives:</p> <p>A candidate who has successfully completed the subject should:</p> <ul style="list-style-type: none"> # Be able to identify the causes of disputes on construction projects # Understand the psychology of conflict and how it can be effectively managed # Understand the broad range of dispute avoidance and management options available and their relationship to judicial and arbitral processes # Be able to critically assess and advise on contract provisions relating to disputes # Be able to determine the most appropriate form of dispute avoidance processes (DAPs) and alternative dispute resolution (ADR) for any given project or dispute # Be able to negotiate, communicate and participate in dispute resolution processes # Be able to write clearly, concisely and logically on issues relating to the avoidance and management of construction disputes. <p>Syllabus:</p> <p>Principal topics will include:</p> <ul style="list-style-type: none"> # Construction contract provisions relating to disputes: Objectives, approaches and enforceability # Conflict: Conflict patterns and management # Communication and negotiation skills # DAPs: Dispute Review Boards, Dispute Adjudication Boards and Dispute Resolution Advisers # ADR: Mediation (including mock mediation), senior executive appraisal/ mini trials, non-binding and binding expert determination, arbitration and hybrid and multi-tiered processes # Selecting the most appropriate form of DAP and/or ADR processes # Process dynamics, options and strategic issues, including paths to ADR.
Assessment:	Take-home examination (100%) (12-15 December)
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/730885