

## 730-879 Payment Matters in Construction Projects

<b>Credit Points:</b>	12.50
<b>Level:</b>	7 (Graduate/Postgraduate)
<b>Dates &amp; Locations:</b>	2009, This subject commences in the following study period/s: September, - Taught on campus.
<b>Time Commitment:</b>	Contact Hours: 24 - 26 contact hours per subject. Total Time Commitment: The time commitment for this subject depends on the candidates background and experience.
<b>Prerequisites:</b>	N.A.
<b>Corequisites:</b>	N.A.
<b>Recommended Background Knowledge:</b>	None
<b>Non Allowed Subjects:</b>	None
<b>Core Participation Requirements:</b>	N.A.
<b>Coordinator:</b>	Mr John Baartz
<b>Subject Overview:</b>	<p><b>Objectives:</b></p> <p>A student who has successfully completed this subject should:</p> <ul style="list-style-type: none"> <li># Understand how payment processes are dealt with in construction projects</li> <li># Have a detailed understanding of the law and industry practice relevant to these matters, especially payment claims procedures, security of payment, statutory adjudication processes, set off and tax, along with how these are reflected in project contracts</li> <li># Be able to provide meaningful advice about the various options that are available to a range of industry participants in structuring and administering projects in relation to these matters (including the avoidance and resolution of disputes in relation to payment)</li> <li># Be able to contribute meaningfully to ongoing industry debates about optimal ways of dealing with these matters at a policy level.</li> </ul> <p><b>Syllabus:</b></p> <p>Principal topics will include:</p> <ul style="list-style-type: none"> <li># Payment processes under construction contracts, including treatment under standard forms and the impact of the security of payment legislation enacted in various jurisdictions</li> <li># History and policy underpinnings of the security of payment legislation, including comparison of the regimes in Australia, the United Kingdom, New Zealand and elsewhere</li> <li># Taxation issues arising in construction projects, including GST</li> <li># Processes to resolve payment disputes, including those under security of payment legislation (with detailed consideration of bases for judicial review of such processes)</li> <li># Associated issues, including set off, securing payment to workers and subcontractors, and means of dealing with the consequences of late payment.</li> </ul>
<b>Assessment:</b>	Take-home examination (100%) Semester 1: 29 May–1 June Semester 2: 20–23 November or Research paper 10,000 words (100%) (topic approved by the subject coordinator) Semester 1: 2 July Semester 2: 21 January 2010
<b>Prescribed Texts:</b>	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.
<b>Breadth Options:</b>	This subject is not available as a breadth subject.
<b>Fees Information:</b>	Subject EFTSL, Level, Discipline & Census Date, <a href="http://enrolment.unimelb.edu.au/fees">http://enrolment.unimelb.edu.au/fees</a>

<b>Generic Skills:</b>	Please see the Subject Objectives for this information.
<b>Links to further information:</b>	For the latest information on this subject, please visit: <a href="http://www.masters.law.unimelb.edu.au/subject/730879">http://www.masters.law.unimelb.edu.au/subject/730879</a>