

732-726 Principles of Construction Law

Credit Points:	12.50
Level:	7 (Graduate/Postgraduate)
Time Commitment:	Contact Hours: 24 - 26 contact hours per subject. Total Time Commitment: The time commitment for this subject depends on the candidates background and experience.
Prerequisites:	<p><i>This subject is:</i></p> <p><i>a) Strongly recommended, for all students without a law degree from a common law jurisdiction, as a subject to be undertaken before Construction Contracts and Rights and Liabilities in Construction</i></p> <p><i>b) Recommended, as a subject to be undertaken before Construction Contracts and Rights and Liabilities in Construction, for law graduates who have neither:</i></p> <p><i>i Undertaken prior study in construction law, nor</i></p> <p><i>ii Practised as a construction lawyer for more than two years</i></p> <p><i>c) Not available to students who fulfil either b)i or b)ii above.</i></p>
Corequisites:	N.A.
Recommended Background Knowledge:	None
Non Allowed Subjects:	None
Core Participation Requirements:	N.A.
Subject Overview:	<p>Objectives:</p> <p>A student who has successfully completed this subject should be able to:</p> <ul style="list-style-type: none"> # Comprehend the legislative and regulatory framework governing the construction industry # Understand broadly the commercial and industry context within which construction law operates in Australia and overseas # Evaluate the appropriateness of different procurement models in the procurement of construction projects # Understand how causes of action in breach of contract and negligence both inform construction contract drafting and negotiation and apply to construction disputes # Recommend appropriate methods of dispute resolution and avoidance for situations commonly arising in the construction industry # Understand the role, within the context of construction law practice, of specialist areas of law, including insurance, performance security, trade practices and professional liability. <p>Syllabus:</p> <p>Principal matters to be covered will include:</p> <ul style="list-style-type: none"> # Overview of regulatory regime for construction contracting # Causes of action in construction disputes: Contract, tort, statutory (includes <i>Trade Practices Act 1974</i> (Cth) section 52), other (including restitutionary quantum meruit), proportionate liability # Contracting methodologies # Contract administration: Standard forms of contract, tendering and contract preparation, minimising legal exposure # Role and liability of superintendent # Issues relating to subcontracts # Variations # Defective work # Latent conditions # Time, programming and liquidated damages # Contractual mechanisms for payment

	<ul style="list-style-type: none"> # Security for payment legislation # Insurance # Security for performance # Dispute avoidance procedures and alternative dispute resolution in construction # Construction litigation # Arbitration: Domestic, international.
Assessment:	Take-home examination (100%) Semester 1: 1–4 May Semester 2: 2–5 October
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/732726