

LAWS70149 Construction Risk

Credit Points:	12.50
Level:	7 (Graduate/Postgraduate)
Dates & Locations:	2010, Parkville This subject commences in the following study period/s: September, Parkville - Taught on campus.
Time Commitment:	Contact Hours: The total class time is between 24 and 26 hours. Total Time Commitment: Visit the Melbourne Law Masters website for more information about this subject.
Prerequisites:	Visit the Melbourne Law Masters website for more information about this subject.
Corequisites:	Visit the Melbourne Law Masters website for more information about this subject.
Recommended Background Knowledge:	Visit the Melbourne Law Masters website for more information about this subject.
Non Allowed Subjects:	Visit the Melbourne Law Masters website for more information about this subject.
Core Participation Requirements:	Visit the Melbourne Law Masters website for more information about this subject.
Coordinator:	Mr Tony Horan
Contact:	For the most up-to-date information about this subject, contact the Melbourne Law Masters Office by email at law-masters@unimelb.edu.au or phone 8344 6190 or alternatively visit the subject website: www.masters.law.unimelb.edu.au
Subject Overview:	Principal topics will include: <ul style="list-style-type: none"> # Identifying risk in a construction project and how various industry participants (including principals, contractors, designers, professional advisers, insurers, security providers, and statutory and government authorities) may bear responsibility # Philosophies and commercial drivers affecting risk allocation in construction contracts and consultancy agreements, and how these are reflected in standard forms # Security for performance mechanisms, including cash retentions, unconditional undertakings, parent guarantees, insurance bonds, adjudication bonds and other instruments # Insurance products available to the construction industry (including public liability, works insurance, professional indemnity/errors and omissions, workers' compensation, domestic building, structural defects, transit etc.) and the law relating to them (including regulation by legislation, common law principles and treatment under standard-form construction contracts and consultancy agreements) # Proportionate liability regimes (including Part IVAA of the <i>Wrongs Act 1958</i> (Vic)) and their impact upon contract risk allocation.
Objectives:	A student who has successfully completed this subject should: <ul style="list-style-type: none"> # Understand the theoretical and practical drivers for risk allocation in construction projects # Be familiar with the risks that can materialise during the planning, design and construction phases of a project, and how those risks may be allocated to, or assumed by, various participants # Have a detailed understanding of the law and industry practice relating to insurance and security for performance # Appreciate the impact that proportionate liability schemes have on loss recovery # 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 # Be able to contribute meaningfully to ongoing industry debates about optimal ways of dealing with these matters at a policy level.
Assessment:	Take-home examination (100%) (12-15 November) or 10,000 word research paper (100%) (16 December) on a topic approved by the subject coordinator

Prescribed Texts:	Visit the subject website for more information
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:	Visit the Melbourne Law Masters website for more information about this subject.
Links to further information:	http://www.masters.law.unimelb.edu.au/
Related Course(s):	Master of Environment Master of Environment Postgraduate Certificate in Environment Postgraduate Diploma in Environment