

LAWS70128 Advanced Construction Law

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| Credit Points: | 12.50 |
| Level: | 7 (Graduate/Postgraduate) |
| Dates & Locations: | 2013, Parkville This subject commences in the following study period/s: May, Parkville - Taught on campus. September, Parkville - Taught on campus. |
| Time Commitment: | Contact Hours: The total class time is between 24 and 26 hours. Total Time Commitment: Not available |
| Prerequisites: | Successful completion of Construction Law or Principles of Construction Law. |
| Corequisites: | None |
| Recommended Background Knowledge: | Applicants without legal qualifications should note that subjects are offered in the discipline of law at an advanced graduate level. While every effort will be made to meet the needs of students trained in other fields, concessions will not be made in the general level of instruction or assessment. Most subjects assume the knowledge usually acquired in a degree in law (LLB, JD or equivalent). Applicants should note that admission to some subjects in the Melbourne Law Masters will be dependent upon the individual applicant's educational background and professional experience. |
| Non Allowed Subjects: | None |
| Core Participation Requirements: | The Melbourne Law Masters welcomes applications from students with disabilities. The inherent academic requirements for study in the Melbourne Law Masters are: The ability to attend a minimum of 75% of classes and actively engage in the analysis and critique of complex materials and debate; The ability to read, analyse and comprehend complex written legal materials and complex interdisciplinary materials; The ability to clearly and independently communicate in writing a knowledge and application of legal principles and interdisciplinary materials and to critically evaluate these; The ability to clearly and independently communicate orally a knowledge and application of legal principles and interdisciplinary materials and critically evaluate these; The ability to work independently and as a part of a group; The ability to present orally and in writing legal analysis to a professional standard. Students who feel their disability will inhibit them from meeting these inherent academic requirements are encouraged to contact the Disability Liaison Unit: www.services.unimelb.edu.au/disability/ |
| Contact: | For more information, contact the Melbourne Law Masters office. Email: law-masters@unimelb.edu.au (mailto:law-masters@unimelb.edu.au) Phone: +61 3 8344 6190 Website: www.law.unimelb.edu.au/masters (http://www.law.unimelb.edu.au/masters) |
| Subject Overview: | <p>Advanced Construction Law is designed as a capstone subject, explicitly aimed at enhancing students' ability to make a significant contribution to the ongoing development of construction law in Australia and overseas. The emphasis, therefore, is upon analysing and testing cutting-edge case law, commentary and other legal developments in the classroom and via the research essays.</p> <p>In addition to the core areas of time (including delay claims methodologies), workscope/ variations, defective work and security, detailed treatment is given to extra-contractual remedies such as those under the Australian Consumer Law, those based upon unjust enrichment and negligence.</p> <p>Principal topics will include claims in the following categories:</p> <ul style="list-style-type: none"> # Time: Risk allocation, delay, liability for delay, extensions of time # Methods for assessment of delay # Concurrency, causation, damages and additional cost, assessment and analysis # Prevention and liquidated damages: Recent developments |

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| | <ul style="list-style-type: none"> # Scope of work: Variations; adjustments under the contract # Quality: Measure of quality, identification and breach of required standard # Assessment of quality and damages # Security: For performance and for payment, access to security # Australian Consumer Law: Application in construction, tender documents # Passing on of misleading and deceptive documents, unconscionable conduct, remedies # Interpretation of contracts # Equitable remedies # Restitution: Unjust enrichment, statutory exclusion, quantum meruit # Payment: Progress payments – certification and adjudication # Negligence in construction. |
| Objectives: | <p>A student who has successfully completed this subject should:</p> <ul style="list-style-type: none"> # Have a detailed understanding of the legal principles involved in a wide range of claims arising under construction contracts # Be able to analyse and appraise the reasoning of courts in the leading cases relating to each category of claim # Understand the relationship between the relevant legal principles and the provisions of standard form contracts # Be familiar with the methods by which construction claims are prepared and presented # Understand the impact of the <i>Competition and Consumer Act 2010</i> (Cth) upon the rights of parties to construction contracts # Be able to consider options for provisions within construction contracts or amendments to standard-form contracts. |
| Assessment: | 10,000 word research paper (100%) Semester 1 (14 August) Semester 2 (11 December) on a topic approved by the subject coordinator |
| Prescribed Texts: | Core subject materials will be provided free of charge to all students. Some subjects require further texts to be purchased. Visit the Melbourne Law Masters website for more information about this subject. |
| 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 |
| Links to further information: | http://www.law.unimelb.edu.au/subject/LAWS70128/2013 |