

## LAWS70176 Construction Law

<b>Credit Points:</b>	12.50
<b>Level:</b>	7 (Graduate/Postgraduate)
<b>Dates &amp; Locations:</b>	2013, Parkville This subject commences in the following study period/s: August, Parkville - Taught on campus.
<b>Time Commitment:</b>	Contact Hours: The total class time is between 24 and 26 hours. Total Time Commitment: Not available
<b>Prerequisites:</b>	This subject is: # Suitable for students who have practised as a construction lawyer for more than one year; and # Not available to students who have undertaken Principles of Construction Law
<b>Corequisites:</b>	None
<b>Recommended Background Knowledge:</b>	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.
<b>Non Allowed Subjects:</b>	None
<b>Core Participation Requirements:</b>	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: <a href="http://www.services.unimelb.edu.au/disability/">www.services.unimelb.edu.au/disability/</a>
<b>Contact:</b>	For more information, contact the Melbourne Law Masters office. Email: <a href="mailto:law-masters@unimelb.edu.au">law-masters@unimelb.edu.au</a> ( <a href="mailto:law-masters@unimelb.edu.au">mailto:law-masters@unimelb.edu.au</a> ) Phone: +61 3 8344 6190 Website: <a href="http://www.law.unimelb.edu.au/masters">www.law.unimelb.edu.au/masters</a> ( <a href="http://www.law.unimelb.edu.au/masters">http://www.law.unimelb.edu.au/masters</a> )
<b>Subject Overview:</b>	Since its first offering in 2000, Construction Law has been the core overview subject within this specialist legal area. The subject covers key issues in construction contracting, from the 'front-end' issues of formation and delivery method selection through to 'back-end' issues of default and termination.  Particular attention is given to the construction-specific contracting issues of time, quality, payment and variations. Students study and analyse critically key construction law cases and legislation.  The lecturers, John Sharkey AM and Trevor Thomas, bring a practising experience to the classroom that spans decades. This experience, combined with their extensive writing and teaching in construction law, ensures that students have the best possible opportunity to gain a detailed understanding of the curriculum.  This subject will provide an introduction to construction contracting, including standard forms and terms, with reference to:

	<ul style="list-style-type: none"> <li># Roles, relationships and obligations of the parties to construction contracts and consultancy agreements</li> <li># Risk allocation and management in construction contracts: Procurement, contract choices and insurance considerations</li> <li># Tendering and contract formation</li> <li># The use of standard-form contracts and sub-contracts and conditions of engagement</li> <li># Performance, completion, suspension and determination</li> <li># Consultancy agreements and design responsibility</li> <li># Sub-contracts, assignment, nomination and novation</li> <li># Alternative and innovative forms of contracting</li> <li># Security for performance</li> <li># Case studies.</li> </ul>
<b>Objectives:</b>	<p>A student who has successfully completed this subject should:</p> <ul style="list-style-type: none"> <li># Understand the roles and relationships of parties involved in construction projects</li> <li># Understand tendering and contract formation</li> <li># Be able to properly assess and negotiate risk allocation in construction contracts</li> <li># Be familiar with the use of standard-form contracts, sub-contracts and conditions of engagement for consultants</li> <li># Be aware of, and able to evaluate, the appropriateness of different forms of construction contracts, including alternative and innovative contractual arrangements</li> <li># Have an appreciation of the key principles of construction law</li> <li># Have an enhanced ability to provide constructive legal advice to parties engaging in construction projects</li> <li># Gain an enhanced ability to analyse judgments and provide constructive legal advice.</li> </ul>
<b>Assessment:</b>	Take-home examination (100%) (11–14 October) or 10,000 word research paper (100%) (20 November) on a topic approved by the subject coordinator
<b>Prescribed Texts:</b>	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.
<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>Links to further information:</b>	<a href="http://www.law.unimelb.edu.au/subject/LAWS70176/2013">http://www.law.unimelb.edu.au/subject/LAWS70176/2013</a>