

## BLAW40001 Construction Law

|  |  |
|--|--|
| <b>Credit Points:</b>                    | 12.50  |
| <b>Level:</b>                            | 4 (Undergraduate)  |
| <b>Dates &amp; Locations:</b>            | This subject is not offered in 2014.   |
| <b>Time Commitment:</b>                  | Contact Hours: 7 x 4 hour lectures in Semester 1 (Weeks 2-3, 5-9). Total Time Commitment: 144 hours.   |
| <b>Prerequisites:</b>                    | <ul style="list-style-type: none"> <li># Enrolment in MC-CONMG2Y Master of Construction Management, OR</li> <li># completion of either BLAW10001 Principles of Business Law or ABPL90290 Fundamentals of Built Environment Law OR</li> <li># otherwise with permission of the subject coordinator.</li> </ul>  |
| <b>Corequisites:</b>                     | None.  |
| <b>Recommended Background Knowledge:</b> | None.  |
| <b>Non Allowed Subjects:</b>             | None.  |
| <b>Core Participation Requirements:</b>  | For the purposes of considering requests for Reasonable Adjustments under the Disability Standards for Education (Cwth 2005), and Students Experiencing Academic Disadvantage Policy, academic requirements for this subject are articulated in the Subject Description, Subject Objectives, Generic Skills, and Assessment Requirements of this entry. The University is dedicated to providing support to those with special requirements. Further details on the disability support scheme can be found at the Disability Liaison Unit website: <a href="http://www.services.unimelb.edu.au/disability/">http://www.services.unimelb.edu.au/disability/</a> .   |
| <b>Contact:</b>                          | Melbourne Law School Student Centre<br>Email: <a href="mailto:law-studentcentre@unimelb.edu.au">law-studentcentre@unimelb.edu.au</a> (mailto:law-studentcentre@unimelb.edu.au)<br>Tel: +61 3 8344 4475   |
| <b>Subject Overview:</b>                 | <p>This subject builds upon the general legal principles and methodologies encountered in Principles of Business Law or other basic law subjects undertaken by students. It provides detailed treatment of select construction law topics, tailored to the needs of professionals within the building and construction industry, including: the regulatory framework (including security of payment and building regulations); contract methodologies and selection (including traditional and alternative forms of contract); subcontract issues; causes of action, and liability, arising in contract, negligence and on other grounds; insurance and performance security; and dispute resolution and avoidance.</p> <p>On completion of the subject students should be able to:</p> <ul style="list-style-type: none"> <li># Understand the evolution of the law relating to contractual disputation;</li> <li># Recommend appropriate methods of dispute resolution for situations arising in the construction industry;</li> <li># Evaluate the appropriateness of different construction contract models;</li> <li># Understand and apply construction contract models;</li> <li># Comprehend the legislative and regulatory framework governing the construction industry;</li> <li># Deal with issues relating to insurance.</li> </ul> |
| <b>Learning Outcomes:</b>                | <p>On completion of the subject students should be able to:</p> <ul style="list-style-type: none"> <li># Identity the key components of the legislative and regulatory framework governing the construction industry;</li> <li># Evaluate the appropriateness of different procurement models in the delivery of construction projects;</li> <li># Understand how causes of action in breach of contract, negligence and misleading and deceptive conduct under the Trace Practices Act both inform construction contract drafting and negotiation and apply to construction disputes;</li> </ul>  |

|                           |   |
|---------------------------|---|
|                           | <ul style="list-style-type: none"> <li># Recommend appropriate methods of dispute resolution and avoidance for situations commonly arising in the construction industry;</li> <li># Understand the role, within the context of construction industry practice, of specialist areas of law including insurance, performance security, trade practices and professional liability.</li> </ul>   |
| <b>Assessment:</b>        | Take home exam (100%).  |
| <b>Prescribed Texts:</b>  | Ian Bailey and Matthew Bell, Construction Law in Australia (2011, 3rd ed).  |
| <b>Recommended Texts:</b> | Any additional materials will be advised via the subject webpage.   |
| <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>    | <p>On completion of the subject students should have developed the following generic skills:</p> <ul style="list-style-type: none"> <li># The capacity for close reading and analysis of a range of sources;</li> <li># The capacity to engage in critical thinking and to bring to bear a range of conceptual analyses upon a given subject matter;</li> <li># The capacity for independent thought and reflection;</li> <li># The capacity to articulate knowledge and understanding of complex ideas in written form;</li> <li># The ability to engage in interdisciplinary work;</li> <li># The further enhancement of academic writing that engages with various modes of expression including descriptive, analytical and critical forms;</li> <li># The ability to confront unfamiliar or challenging issues and to consider appropriate ethical responses.</li> </ul> |