

LAWS70239 Payment Matters in Construction Projects

Credit Points:	12.50
Level:	7 (Graduate/Postgraduate)
Dates & Locations:	This subject is not offered in 2014.
Time Commitment:	Contact Hours: The total class time is between 24 and 26 hours. Total Time Commitment: Not available
Prerequisites:	None
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>Payment has always been at the heart of construction contracting, and payment disputes have been – and remain – at the centre of construction law case law. This subject aims to provide students with a detailed understanding of the contractual procedures for payment and associated issues such as set off. Its major focus is upon the 'security of payment' reforms of recent years. This State and Territory-based legislation was designed to simplify the payment stream and disputation yet has, in practice, spawned hundreds of court cases, further complicating the contracting landscape for construction projects. The lecturers are based in the two states that have been at the forefront of the reforms – Queensland and New South Wales – and are therefore well placed to guide students through this area of law.</p> <p>Principal topics will include:</p> <ul style="list-style-type: none"> # Payment processes under construction contracts, including treatment under standard forms and the impact of the security of payment legislation enacted in various jurisdictions # History and policy underpinnings of the security of payment legislation, including comparison of the regimes in Australia, the United Kingdom and New Zealand # Processes to resolve payment disputes, including those under security of payment legislation (with detailed consideration of bases for judicial review of such processes) # Associated issues, including set off, securing payment to workers and subcontractors, and means of dealing with the consequences of late payment.
Learning Outcomes:	A student who has successfully completed this subject should:

	<ul style="list-style-type: none"> # Understand how payment processes are dealt with in construction projects # Have a detailed understanding of the law and industry practice relevant to these matters, especially payment claims procedures, security of payment, statutory adjudication processes and set off, along with how these are reflected in project contracts # 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, including the avoidance and resolution of disputes in relation to payment # 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%) (15 – 18 August) or 10,000 word research paper (100%) (1 October) 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. Details regarding any prescribed texts will be provided prior to the commencement of the 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:	www.law.unimelb.edu.au/subject/LAWS70239/2014
Related Majors/Minors/Specialisations:	Tailored Specialisation Tailored Specialisation