

## LAWS70450 Global Perspectives on Construction Law

<b>Credit Points:</b>	12.50
<b>Level:</b>	7 (Graduate/Postgraduate)
<b>Dates &amp; Locations:</b>	This subject is not offered in 2014.
<b>Time Commitment:</b>	Contact Hours: The total class time is between 24 and 26 hours. Total Time Commitment: Not available
<b>Prerequisites:</b>	None
<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>	<p>Increasingly, construction lawyers expect – and are expected – to offer advice on projects far removed from the jurisdiction in which they originally trained. This subject – along with its twin, 'International Construction Law' – seeks to prepare lawyers, and other construction professionals tasked with dealing with legal issues, for this global role.</p> <p>Whilst International Construction Law examines contracting and dispute resolution in the cross-border context, this subject has as its focus key features of the general law and statutory landscape for construction law and how they are dealt with in diverse jurisdictions. In doing so, it seeks to enhance students' ability to navigate the common and disparate elements of the law as it applies throughout the world.</p> <p>Principal topics will include the following. Each is to be examined in a comparative mode that focuses on Australia and the United Kingdom, but will include selective treatment of other jurisdictions such as the Persian Gulf, Hong Kong, Singapore and New Zealand.</p> <ul style="list-style-type: none"> <li># The common law's approach to providing remedies for defective building work in contract and tort</li> <li># Interpretation and rectification of construction contract provisions</li> <li># Enforceability of and challenges to liquidated damages regimes</li> <li># Delay analysis</li> <li># The impact of limitations periods upon remedies for different categories of defects, contrasting decennial liability</li> </ul>

	<ul style="list-style-type: none"> <li># The role of statutory intervention into contract in protection of the vulnerable</li> <li># Statutory adjudication/security of payment</li> <li># Legislation specifically applicable to residential construction, including a detailed case exercise examining the approaches taken across several jurisdictions.</li> </ul>
<b>Learning Outcomes:</b>	<p>A student who has successfully completed this subject should:</p> <ul style="list-style-type: none"> <li># Have an advanced understanding in a comparative context of the aims and methods of the law as it particularly applies to the delivery of construction projects</li> <li># Be able to deal at an advanced level with the major points of distinction in construction law practice as between the UK and Australia</li> <li># Be familiar with the interaction between private and public law in regulating the process of construction</li> <li># Have a detailed understanding of the problems of bringing legal actions for defects in the context of construction developments</li> <li># Appreciate the impact in this field of special legal protection for parties treated by the law as weaker in bargaining terms</li> <li># Understand the impact and usefulness of sectoral insurance and warranty schemes and their effect in aiming to ensure quality of construction and in offering claims resolution systems</li> <li># Be familiar with the procedural, funding and management issues which impact on litigation for defective building work</li> <li># Be able to contribute meaningfully to ongoing debates about optimal ways of dealing with these matters at a policy level.</li> </ul>
<b>Assessment:</b>	Take-home examination (100%) (2 – 5 May) or 10,000 word research paper (100%) (2 July) 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. Details regarding any prescribed texts will be provided prior to the commencement of the 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/LAWS70450/2014">www.law.unimelb.edu.au/subject/LAWS70450/2014</a>