

LAWS70139 International Construction Law

Credit Points:	12.5
Level:	7 (Graduate/Postgraduate)
Dates & Locations:	2015, Parkville This subject commences in the following study period/s: June, Parkville - Taught on campus.
Time Commitment:	Contact Hours: The total class time is between 24 and 26 hours. Total Time Commitment: The pre-teaching period commences four weeks before the subject commencement date. From this time, students are expected to access and review the Reading Guide that will be available from the LMS subject page and the subject materials provided by the subject coordinator, which will be available from Melbourne Law School. Refer to the Reading Guide for confirmation of which resources need to be read and what other preparation is required before the teaching period commences.
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/
Coordinator:	Prof Doug Jones
Contact:	For more information: 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:	Cross-border construction contracting, and the avoidance and conduct of disputes, has a distinctive character and content. Lawyers and industry professionals need to be familiar with the range of international forms available for various delivery methodologies, the key issues in the international financing and procurement of projects and the options for, and methods of dealing with, dispute resolution, along with the intricacies associated with those processes in an international context. This subject provides detailed treatment of dispute avoidance techniques used in international projects (such as disputes boards) and an introduction to the principles and practice of international arbitration in the construction context. The subject lecturers, Professor Doug Jones AO and Scheherazade Walter, have extensive experience in all aspects of international procurement and dispute resolution.

	<p>Principal topics include:</p> <ul style="list-style-type: none"> # Key issues in the finance and delivery of international construction projects # Standard-form contracts for international construction projects (including the International Federation of Consulting Engineers (FIDIC) suite and variants promulgated by Multilateral Development Banks) # The main distinctions of principle and practice between the prosecution, determination or resolution of construction claims in the principal common law jurisdictions, the United States and selected Asian countries # An examination of international bodies dealing with the determination or resolution of international construction claims # An introduction to the jurisdictional, governing law and procedural framework for the prosecution, determination and enforcement of construction claims through international arbitration # Identification and consideration of contractual and extra-contractual alternative dispute resolution (ADR) and dispute avoidance procedures (DAPs) in the context of international construction.
Learning Outcomes:	<p>A student who has successfully completed this subject will:</p> <ul style="list-style-type: none"> # Have an advanced and integrated understanding, in a comparative and contemporary context, of the role and function of law in relation to construction projects involving international parties # Have enhanced their expert and specialised cognitive and technical skills required to practise as interdisciplinary professionals in the construction industry in Australia and overseas # Be familiar with, be able to critically reflect on, and be confident in working across, the interaction between the technical, commercial and legal aspects of construction procurement in Australia and overseas # Be able to demonstrate the research and communication skills required to independently investigate, examine and analyse existing and emerging legal issues relating to construction projects in Australia and overseas.
Assessment:	<p>Take-home examination (100%) (7-10 August) or 10,000 word research paper (100%) (14 September) on a topic approved by the subject coordinator A minimum of 75% attendance is a hurdle requirement.</p>
Prescribed Texts:	<p>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.</p>
Breadth Options:	<p>This subject is not available as a breadth subject.</p>
Fees Information:	<p>Subject EFTSL, Level, Discipline & Census Date, http://enrolment.unimelb.edu.au/fees</p>
Links to further information:	<p>www.law.unimelb.edu.au/subject/LAWS70139/2015</p>
Notes:	<p>This subject has a quota of 30 students. Please refer to the website www.law.unimelb.edu.au/masters/courses-and-subjects/subjects/subject-timing-and-format (http://www.law.unimelb.edu.au/masters/courses-and-subjects/subjects/subject-timing-and-format) for further information about the management of subject quotas and waitlists.</p>