

LAWS70270 Construction Contract Analysis and Drafting

Credit Points:	12.5
Level:	7 (Graduate/Postgraduate)
Dates & Locations:	2015, Parkville This subject commences in the following study period/s: April, Parkville - Taught on campus. November, 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:	Successful completion of Principles of Construction Law (http://www.law.unimelb.edu.au/masters/courses-and-subjects/subject-details/sid/11658) or Construction Law (http://www.law.unimelb.edu.au/masters/courses-and-subjects/subject-details/sid/11598) is required.
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:	Mr David Bennett
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:	This subject develops advanced skills in the use and analysis of contracts in the construction law context. It reviews and analyses four standard forms in common use in Australia (including an internationally used International Federation of Consulting Engineers (FIDIC) form). It teaches best practice in plain English drafting techniques and provides an opportunity for individual students to exercise their drafting skills. The results of their work will be reviewed

	<p>by the lecturers during the subject. Students are also responsible for producing drafting and analysis through group exercises.</p> <p>The subject lecturers, David Bennett QC and Wayne Jovic, along with highly respected guest lecturers, bring to the classroom extensive practising and academic experience in the drafting and analysis of construction contracts. The lecturers have drafted standard form and bespoke contracts for public and private-sector organisations and published widely in the area.</p> <p>This subject is designed to give students a sound understanding of the law concerning express and unstated (sometimes called tacit or implied) terms and the interpretation of contracts, a topic currently under judicial review. It is also designed to develop and enhance students' abilities to draft, analyse and administer construction contracts at an advanced level. A focus of this subject is upon in-depth analysis and comparison of standard forms in use in the industry. Emphasis will be given to the development of individual drafting skills.</p> <p>Principal topics include:</p> <ul style="list-style-type: none"> # Techniques for contract drafting, interpretation and analysis # Contract interpretation and analysis # Contractual terms, express and unstated # Engaging at a sophisticated level with the ongoing debate within the industry as to the role and utility of standard-form contracts.
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 of the role and function of contracts (both standard form and bespoke) in relation to construction projects # Have enhanced their expert and specialised cognitive and technical skills required to analyse, negotiate and draft contracts in the construction industry # 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 contract drafting and analysis # Be able to demonstrate the research and communication skills required to independently investigate, examine and analyse existing and emerging legal issues relating to contracts for construction projects.
Assessment:	<p>Take-home examination (100%) (15-18 January 2016). 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/LAWS70270/2015</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>