

LAWS70113 Public Private Partnerships Law

Credit Points:	12.5
Level:	7 (Graduate/Postgraduate)
Dates & Locations:	2016, Parkville This subject commences in the following study period/s: June, Parkville - Taught on campus. This subject has a quota of 30 students. Please refer to the Melbourne Law Masters website for further information about the management of subject quotas and waitlists.
Time Commitment:	Contact Hours: 24-26 hours Total Time Commitment: 136-150 hours 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 Student Equity and Disability Support.
Coordinator:	Prof Colin Duffield
Contact:	Lecturers Associate Professor Colin Duffield (http://www.law.unimelb.edu.au/staff/Colin%20Duffield) (Coordinator) Mr Owen Hayford (http://www.law.unimelb.edu.au/staff/Owen%20Hayford) 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:	Private sector involvement in the financing, delivery and operation of public infrastructure is nothing new; it is, however, constantly evolving. The public appetite for social and economic infrastructure is insatiable, yet must constantly be tempered by economic constraints. Alongside the increasingly sophisticated and internationalised market for funding and technical capacity, there has been in recent years a renewed focus upon the policy bases for Public Private Partnerships (PPPs) by governments and the broader community. Navigating all this in its legal context is one of the great ongoing challenges faced by the construction industry and its legal

	<p>advisers. This subject, taught by two leaders in the field who bring a wealth of experience to the classroom, is designed to equip students to respond to this challenge.</p> <p>Principal topics include:</p> <ul style="list-style-type: none"> # Historical perspectives on private involvement in the delivery of public infrastructure, how it has changed over time and lessons learnt # Approaches to the categorising of PPP projects, including the broad distinction between 'economic' and 'social' infrastructure # The dynamics of financing versus the fiscal responsibility of repayments and funding # Features specific to the structuring and procurement of projects within each of these categories, including fundamental aspects such as the need to secure an income stream in relation to economic infrastructure and the relevance of the distinction, in relation to social infrastructure, between delivery of physical infrastructure and delivery of services # Features specific to particular sectors within each of these categories (eg toll roads, power stations, water, health care, education and corrections) # The various policy frameworks in place in Australia (and leading international agencies) for evaluation and engagement of private sector involvement in public infrastructure delivery # Drivers that underpin the structuring, negotiation and delivery of PPP projects, including financing, probity and value for money (including public sector comparator mechanisms), competition, tax (including issues derived from Australia's federal structure as opposed to unitary systems in other countries) and construction risk.
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 means of private-sector involvement in the procurement of public-sector infrastructure projects # Have enhanced their expert and specialised cognitive and technical skills required to manage and advise upon procurement in the construction industry # Be familiar with, be able to critically reflect on, and be confident in working across, the interaction between the policy, technical, commercial and legal aspects of construction procurement # Be able to demonstrate the research and communication skills required to independently investigate, examine and analyse existing and emerging legal issues relating to procurement of public-sector infrastructure projects.
Assessment:	10,000 word research paper (100%) (7 September) on a topic approved by the subject coordinator. A minimum of 75% attendance is a hurdle requirement.
Prescribed Texts:	Specialist printed materials will be made available free of charge from the Melbourne Law School prior to the pre-teaching period.
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/LAWS70113/2016
Related Course(s):	<p>Graduate Diploma in Construction Law Graduate Diploma in Energy and Resources Law Graduate Diploma in Environmental Law Graduate Diploma in Legal Studies Master of Commercial Law Master of Construction Law Master of Energy and Resources Law Master of Environmental Law Master of Laws Master of Public and International Law</p>