

# LAWS70128 Advanced Construction Law

<b>Credit Points:</b>	12.5																		
<b>Level:</b>	7 (Graduate/Postgraduate)																		
<b>Dates &amp; Locations:</b>	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.																		
<b>Time Commitment:</b>	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.																		
<b>Prerequisites:</b>	<p><b>Melbourne Law Masters Students:</b> Successful completion of either of the below subjects:</p> <table border="1"> <thead> <tr> <th>Subject</th> <th>Study Period Commencement:</th> <th>Credit Points:</th> </tr> </thead> <tbody> <tr> <td>LAWS70176 Construction Law</td> <td>February</td> <td>12.5</td> </tr> <tr> <td>LAWS70314 Principles of Construction Law</td> <td>February, August</td> <td>12.5</td> </tr> </tbody> </table> <p><b>JD Students:</b> Successful completion of all the below subjects:</p> <table border="1"> <thead> <tr> <th>Subject</th> <th>Study Period Commencement:</th> <th>Credit Points:</th> </tr> </thead> <tbody> <tr> <td>LAWS50029 Contracts</td> <td>Semester 2</td> <td>12.5</td> </tr> <tr> <td>LAWS50036 Remedies</td> <td>Semester 2</td> <td>12.5</td> </tr> </tbody> </table>	Subject	Study Period Commencement:	Credit Points:	LAWS70176 Construction Law	February	12.5	LAWS70314 Principles of Construction Law	February, August	12.5	Subject	Study Period Commencement:	Credit Points:	LAWS50029 Contracts	Semester 2	12.5	LAWS50036 Remedies	Semester 2	12.5
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<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 Student Equity and Disability Support.																		
<b>Contact:</b>	<b>Lecturers</b>																		

	<p><b>Professor Ian Bailey SC</b> (<a href="http://www.law.unimelb.edu.au/staff/ian%20Bailey%20SC">http://www.law.unimelb.edu.au/staff/ian%20Bailey%20SC</a>) (Coordinator) <b>Mr Michael Earwaker</b> (<a href="http://www.law.unimelb.edu.au/staff/Michael%20Earwaker">http://www.law.unimelb.edu.au/staff/Michael%20Earwaker</a>) 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>)</p>
<b>Subject Overview:</b>	<p><i>Advanced Construction Law</i> is designed as a capstone subject, explicitly aimed at enhancing students' ability to make a significant contribution to the ongoing development of construction law in Australia and overseas. The emphasis is on analysing and testing cutting-edge case law, commentary and other legal developments in the classroom and via research papers.</p> <p>In addition to the core areas of time (including delay claims methodologies), workscope/ variations, defective work and security, detailed treatment is given to extra-contractual remedies such as those under the Australian Consumer Law and those based on unjust enrichment and negligence.</p> <p>Principal topics include claims in the following categories:</p> <ul style="list-style-type: none"> <li># Time: Risk allocation, delay, liability for delay, extensions of time</li> <li># Methods for assessment of delay</li> <li># Concurrence, causation, damages and additional cost, assessment and analysis</li> <li># Prevention and liquidated damages: Recent developments</li> <li># Scope of work: Variations, adjustments under the contract</li> <li># Quality: Measure of quality, identification and breach of required standard</li> <li># Assessment of quality and damages</li> <li># Security: For performance and for payment, access to security</li> <li># Australian Consumer Law: application in construction, tender documents</li> <li># Passing on of misleading and deceptive documents, unconscionable conduct, remedies</li> <li># Interpretation of contracts</li> <li># Equitable remedies</li> <li># Restitution: Unjust enrichment, statutory exclusion, quantum meruit</li> <li># Payment: Progress payments—certification and adjudication</li> <li># Negligence in construction.</li> </ul>
<b>Learning Outcomes:</b>	<p>A student who has successfully completed this subject will:</p> <ul style="list-style-type: none"> <li># Have an advanced and integrated understanding of the role and function of law in relation to construction projects</li> <li># Have an advanced capacity to critically compare and analyse the legal framework applicable to construction across Australian and overseas jurisdictions, as relevant, and to consider recommendations for reform of aspects of the Australian approaches in light of those comparisons</li> <li># Have a sophisticated appreciation of, and ability to engage in, the complex theoretical, policy and practical debates taking place internationally in relation to construction law</li> <li># Through the assessment involving a research paper, have developed specialised skills in self-directed legal research and in the autonomous and creative production of a substantial piece of legal writing that is thoroughly researched and develops arguments in a highly structured, supported and referenced way, with a high degree of original content.</li> </ul>
<b>Assessment:</b>	10,000 word research paper (100%) (21 September) on a topic approved by the subject coordinator A minimum of 75% attendance is a hurdle requirement.
<b>Prescribed Texts:</b>	Specialist printed materials will be made available free of charge from the Melbourne Law School prior to the pre-teaching period.
<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/LAWS70128/2016">www.law.unimelb.edu.au/subject/LAWS70128/2016</a>
<b>Related Course(s):</b>	Graduate Diploma in Construction Law Graduate Diploma in Legal Studies Juris Doctor Master of Commercial Law Master of Construction Law Master of Laws