

LAWS70314 Principles of Construction Law

| Credit Points: | 12.5 | | | | | | | | | | | | |
|--|---|----------------|----------------------------|----------------|----------------------------|----------|------|----------------------------|------------|------|----------------------------|------------------|------|
| Level: | 7 (Graduate/Postgraduate) | | | | | | | | | | | | |
| Dates & Locations: | 2016, Parkville This subject commences in the following study period/s: February, Parkville - Taught on campus. August, 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: | This subject is recommended as an initial construction law subject for students who do not have a law degree. 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: | Students who have completed any of the below subjects are not permitted to take LAWS70314 Principles of Construction Law: BLAW40001 Construction Law <table border="1" data-bbox="386 1290 1485 1554"> <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>LAWS70469 Construction Law</td> <td>Semester 1</td> <td>12.5</td> </tr> <tr> <td>LAWS50084 Construction Law</td> <td>Not offered 2016</td> <td>12.5</td> </tr> </tbody> </table> | Subject | Study Period Commencement: | Credit Points: | LAWS70176 Construction Law | February | 12.5 | LAWS70469 Construction Law | Semester 1 | 12.5 | LAWS50084 Construction Law | Not offered 2016 | 12.5 |
| Subject | Study Period Commencement: | Credit Points: | | | | | | | | | | | |
| LAWS70176 Construction Law | February | 12.5 | | | | | | | | | | | |
| LAWS70469 Construction Law | Semester 1 | 12.5 | | | | | | | | | | | |
| LAWS50084 Construction Law | Not offered 2016 | 12.5 | | | | | | | | | | | |
| 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: | Mr Matthew Bell | | | | | | | | | | | | |
| Contact: | Lecturers | | | | | | | | | | | | |

| | |
|--------------------------------------|--|
| | <p>Mr Matthew Bell (http://www.law.unimelb.edu.au/staff/Matthew%20Bell) (Coordinator) 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)</p> |
| Subject Overview: | <p>This subject is designed for construction law students without prior legal training (LAWS70176 <i>Construction Law</i> is for students who have a law degree). It provides an overview of the broad spread of the construction law curriculum, from the statutory and common law landscape, through legal aspects of project procurement and contracting to dispute avoidance and resolution options. This subject also provides detailed treatment of legal issues specific to construction law such as variations, quality, time and payment. The seminar format is supplemented by exercises to develop students' skills in contract preparation and writing legal hypotheticals, and includes sessions on construction law research tools and techniques.</p> <p>Principal topics include:</p> <ul style="list-style-type: none"> # Overview of the regulatory regime for construction contracting # Causes of action in construction disputes # Contracting methodologies # Contract administration: standard forms of contract, tendering, contract preparation and minimising legal exposure # Role and liability of superintendents # Issues relating to sub-contracts # Variations # Quality of work # Latent conditions # Time, programming and liquidated damages # Contractual mechanisms for payment and security of payment legislation # Security for performance # Insurance # Dispute avoidance procedures and alternative dispute resolution # Construction litigation and arbitration (domestic and international). |
| 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 an inter-disciplinary context, of the role and function of law in relation to construction projects # Have enhanced their expert and specialised cognitive and technical skills required to practise as a professional engaged with legal aspects of 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 procurement # Be able to demonstrate the analytical and communication skills required to independently investigate, examine and synthesise existing and emerging legal issues relating to construction projects. |
| Assessment: | <p>Take-home examination (100%) Semester 1: 8 - 11 April Semester 2: 14 - 17 October A minimum of 75% attendance is a hurdle requirement.</p> |
| Prescribed Texts: | <p>Specialist printed materials will be made available free of charge from the Melbourne Law School prior to the pre-teaching period.</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/LAWS70314/2016</p> |
| Related Course(s): | <p>Graduate Diploma in Construction Law Graduate Diploma in Environmental Law</p> |

| | |
|--|--|
| | Graduate Diploma in Legal Studies Master of Commercial Law Master of Construction Law Master of Environmental Law Master of Laws Master of Public and International Law |
| Related Majors/Minors/ Specialisations: | Tailored Specialisation |