

LAWS70329 Residential Construction Law

Credit Points:	12.5
Level:	7 (Graduate/Postgraduate)
Dates & Locations:	This subject is not offered in 2016.
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/
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:	<p>Every year, about half of the value of construction activity in Australia relates to the building, conversion and renovation of dwellings. The law relating to this activity is complex and multi-layered, involving difficult policy questions and significant statutory and regulatory intervention impacting on millions of people throughout the community. Despite this, residential construction law has, until recently, received relatively little attention from the majority of construction law practitioners, and not just in Australia.</p> <p>This innovative subject, taught by Professor Philip Britton, a world-renowned construction law academic from the United Kingdom, and by Matthew Bell, seeks to address this deficiency and introduce students to an evolving area of construction law.</p> <p>Principal topics will include:</p> <ul style="list-style-type: none"> # Legislation specifically applicable to residential construction # Legal protection for 'consumers' in relation to residential construction # Legal obligations undertaken by the seller in relation to the quality of a new residential building

	<ul style="list-style-type: none"> # Means by which an off-plan buyer of a new residential house or unit may be protected against the financial failure of a project party # Remedies in relation to defects in the structure or common parts of multi-unit developments # Rights of successors in title to enjoy the remedies against the developer or any other project party responsible for defects # The impact of limitations periods upon remedies for different categories of defects # Funding and managing claims against the developer or other parties # The role of insurance in protecting home-owners against the costs of repairs or defects claims # The impact of mandatory or voluntary registration or accreditation systems for residential developers and suppliers of construction services # Legal issues arising in the long-term maintenance/facilities management of substantial residential estates.
Learning Outcomes:	<p>A student who has successfully completed this subject should:</p> <ul style="list-style-type: none"> # Understand in a comparative context the aims and methods of the law as it applies to the delivery of residential construction projects # Be familiar with the interaction between private and public law in regulating the process of construction in a residential context # Have a detailed understanding of the problems of bringing legal actions for defects in the context of multi-occupation residential developments # Appreciate the impact of special legal protection for parties treated by the law as weaker in bargaining terms # Understand the impact and usefulness of sectoral insurance and warranty schemes and their effect in ensuring quality of construction and in offering claims resolution systems # Be familiar with the procedural, funding and management issues which impact on litigation for housing defects # Be aware of legal and quasi-legal governmental interventions in relation to housing construction, repairs and improvements via registration and accreditation schemes # Be able to contribute meaningfully to ongoing debates about optimal ways of dealing with these matters at a policy level.
Assessment:	Take-home examination (100%) or 10,000 word research paper (100%) on a topic approved by the subject coordinator
Prescribed Texts:	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.
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/LAWS70329/2012
Related Course(s):	<p>Graduate Diploma in Construction Law Graduate Diploma in Legal Studies Master of Commercial Law Master of Construction Law Master of Laws</p>