

# LAWS70450 Global Perspectives on 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: 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.						
<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> None</p> <p><b>JD Students:</b> Successful completion of the below subject:</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> </tbody> </table>	Subject	Study Period Commencement:	Credit Points:	LAWS50029 Contracts	Semester 2	12.5
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LAWS50029 Contracts	Semester 2	12.5					
<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>	<p><b>Lecturers</b></p> <p><b>Mr Paul Tracey</b> (<a href="http://www.law.unimelb.edu.au/staff/Paul%20Tracey">http://www.law.unimelb.edu.au/staff/Paul%20Tracey</a>) (Coordinator)</p> <p><b>Mr Brodie McAdam</b> (<a href="http://www.law.unimelb.edu.au/staff/Brodie%20McAdam">http://www.law.unimelb.edu.au/staff/Brodie%20McAdam</a>)</p> <p>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>)</p> <p>Phone: +61 3 8344 6190</p> <p>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>	A distinguishing characteristic of international construction projects is the challenging environment in which they often proceed. Where there are stakeholders from several different countries, the challenges can be cultural, economic, legal, physical, political and technical. A						

	<p>number of troublesome issues repeatedly manifest themselves on projects around the world. By understanding how these issues affect projects, participants might not only gain a commercial advantage, but also avoid costly disputes. This subject seeks to explore these troublesome issues from a commercial and industry-focused point of view.</p> <p>Paul Tracey has 30 years of international experience acting as a Commercial Manager and Expert Witness. Brodie McAdam is a Solicitor and Program Leader of the Construction Law and Practice Masters at the University of Salford.</p> <p>Within a comparative common law context emphasising the Middle East, the United Kingdom and other jurisdictions, this subject examines the legal and non-legal issues which operate as external constraints on construction projects.</p> <p>Principal topics include:</p> <ul style="list-style-type: none"> <li># Contract formation and typical contractual arrangements in practice on international construction projects</li> <li># The approach to sanctity of contract around the world</li> <li># Commercial risk management on international construction projects, including unforeseen or latent conditions, caps on liability, consequential loss, force majeure, choice of law and dispute resolution mechanisms</li> <li># Managing time, cost and quality risk on international construction projects using contractual mechanisms, including the approach adopted in various countries to calls on performance bonds, and valuation of variations</li> <li># Preparing prolongation and disruption claims on international construction projects</li> <li># The role of the engineer or contract administrator</li> <li># Liquidated damages for delay and performance</li> <li># The influence of national culture on the preparation, evaluation and negotiation of time and money claims on international construction projects in the Middle East.</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 understanding in a comparative context of the aims and methods of the law as it particularly applies to the delivery of international construction projects</li> <li># Have a detailed understanding of the cultural, economic, legal, physical, political and technical issues that commonly affect international construction projects</li> <li># Be able to deal at an advanced level with some of the major points of distinction in construction law and practice in jurisdictions including parts of the Middle East, and the United Kingdom</li> <li># Have a subtle appreciation of comparative legal and non-legal approaches to contractual claims</li> <li># Have the technical skills to independently examine, research and analyse comparative approaches to construction law</li> <li># Be able to contribute meaningfully to ongoing debates about optimal ways of dealing with these matters at a policy level.</li> </ul>
<b>Assessment:</b>	<p>Take-home examination (5,000-6,000 words as specified in the subject reading guide) (100%) (14 - 17 October) or 10,000 word research paper (100%) (30 November) on a topic approved by the subject coordinator A minimum of 75% attendance is a hurdle requirement.</p>
<b>Prescribed Texts:</b>	<p>Specialist printed materials will be made available free of charge from the Melbourne Law School prior to the pre-teaching period.</p>
<b>Breadth Options:</b>	<p>This subject is not available as a breadth subject.</p>
<b>Fees Information:</b>	<p>Subject EFTSL, Level, Discipline &amp; Census Date, <a href="http://enrolment.unimelb.edu.au/fees">http://enrolment.unimelb.edu.au/fees</a></p>
<b>Links to further information:</b>	<p><a href="http://www.law.unimelb.edu.au/subject/LAWS70450/2016">www.law.unimelb.edu.au/subject/LAWS70450/2016</a></p>
<b>Related Course(s):</b>	<p>Graduate Diploma in Construction Law  Graduate Diploma in Legal Studies  Juris Doctor  Master of Commercial Law  Master of Construction Law  Master of Laws</p>