

LAWS 6002 REMEDIES IN THE CONSTRUCTION CONTEXT

Credit Points 10

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Description The subject aims to deepen student understanding of the nature, role, and function of remedies to construction projects. The content of this subject elucidates the principles and the interaction between the technical, commercial and legal aspects of remedies in construction procurement and disputes. Students will investigate existing and emerging legal issues relating to remedies in the construction contexts. Legal and non-legal practitioners need to be confident in their understanding of the remedies available under various causes of action. Construction law requires a sound knowledge of relevant case law and legislation concerning diverse matters, such as damages in contract, recovery in tort for pure economic loss, penalties (including liquidated damages), quantum meruit, remedies under the Australian Consumer Law and the grant of interlocutory injunctions.

School Law

Discipline Business and Commercial Law

Student Contribution Band HECS Band 4 10cp

Co-requisite(s) LAWS 5005 - Construction Law

Restrictions

Must be enrolled in a Post Graduate program

Learning Outcomes

1. Analyse principles, the role and function of legal remedies relating to construction projects.
2. Examine the interaction between the technical, commercial and legal aspects of remedies in construction procurement and disputes.
3. Conduct a research project investigating existing and emerging legal issues relating to remedies in the construction context.
4. Present concepts, issues and solutions to legal remedies arising from construction projects to diverse audiences using appropriate communication strategies.
5. Collaborate with diverse stakeholders to make decisions and implement solutions in the construction context.

Subject Content

1. Damages for breach of contract
2. Penalties (including liquidated damages)
3. Equitable remedies for breach of fiduciary duty
4. Proportionate liability
5. Temporary injunctions
6. Recovery in tort for pure economic loss
7. Remedies under the Australian Consumer Law
8. *Quantum meruit* claims

Assessment

The following table summarises the standard assessment tasks for this subject. Please note this is a guide only. Assessment tasks are

regularly updated, where there is a difference your Learning Guide takes precedence.

Item	Length	Percent	Threshold	Individual/ Group Task
Presentation	10 minutes	20	N	Individual
Case Study	750 words	40	N	Individual
Research Project	2500 words	40	N	Individual

Teaching Periods