

ARBE1301: Construction Law and Legislation

Online

Summer 2 - 2024



OVERVIEW

Course Description This course introduces students to the laws and legislation that govern the construction management process. Students will develop an understanding of the common law, contractual principles and statutory rights and obligations applicable to project management and contract administration in the construction industry.

Contact Hours **Pre-recorded Lectures**
All the lectures are pre-recorded.
All the course materials are available to students from week 1 through Canvas.

Unit Weighting 10
Workload Students are required to spend on average 120-140 hours of effort including assessments per 10 unit course.

COURSE OUTLINE

CONTACTS

Course Coordinator	Online Mr Michael Jessup Michael.jessup@newcastle.edu.au Consultation: by appointment
Teaching Staff	Other teaching staff will be advised on the course Canvas site.
School Office	School of Architecture and Built Environment Architecture Building Callaghan archbe@newcastle.edu.au +61 2 4921 5771

SYLLABUS

Course Content	<p><u>Legal framework and principles - construction process</u> Broad understanding of the structure of the Australian legal system, the common law, the law of torts (including negligence, nuisance and trespass) and statutory duties and liabilities relating to the construction process. Introduction to the court system, tribunals and other methods of dispute resolution including alternative dispute resolution (ADR), adjudication and arbitration.</p> <p><u>Liabilities and responsibilities of parties</u> Contract Law: formation of contracts, identification of the parties to a contract, description of their rights and obligations, common contractual claims and liabilities. Statute: introduction to key legislation applicable to construction process. Common law: key duties and potential liabilities relating to construction process, including under the law of torts.</p> <p><u>Organisation and practice of a company</u> Introduction to law relating to the organisation and practice of a company, including the legal status of companies.</p> <p><u>Property Law</u> Introduction to law of land and property.</p>
Course Learning Outcomes	<p>On successful completion of this course, students will be able to:</p> <ol style="list-style-type: none">1. Demonstrate an understanding of the nature and significance of key legal principles applicable to the construction process2. Describe the rights, obligations and liabilities of parties to a contract3. Formulate and argue tortious claims and defences of parties involved in, or affected by, the construction process4. Apply the principles of property law to the construction process
Course Materials	<p>Recommended Text: The following are available through the course reading list on Canvas and/or the library:</p> <ul style="list-style-type: none">- Bailey, I. (2019). <i>Construction Law in Australia</i> (4th Edition). Thomson Reuters.- Coggins. J., Davie. T., Evans. P. (2020). <i>Understanding Construction Law</i> (2nd Edition). LexisNexis Butterworths.- Carvan, J. (2022). <i>Understanding the Australian Legal System</i> (8th Edition). Thomson Reuters.

SCHEDULE

Module	Begins/Ends	Topic	Learning Activity	Assessment Due
1.	15 January 2024	Course Introduction and Administration Understanding the Law	Pre-recorded lecture	
2.		Library Resources Courts and Legislation	Pre-recorded lecture	
3.		Law of Contract 1 – Parties and Formation	Pre-recorded lecture	
4.		Law of Contract 2 – Terms and Key Issues	Pre-recorded lecture	
5.		Law of Contract 3 – Standard Forms of Contract and Collaborative Contracts	Pre-recorded lecture	ARBE1301 Assignment 1 due by 11:59 PM on Thursday 25 January 2024
6.		Intensive Workshop	Pre-recorded lecture	
7.		Dispute Resolution and Security of Payment Legislation	Pre-recorded lecture	
8.		Law of Torts	Pre-recorded lecture	
9.		Residential Building	Pre-recorded lecture	
10.		Law of Property	Pre-recorded lecture	
11.		Professional Liability and Insurance	Pre-recorded lecture	
12.	9 February 2024	Statutory Planning & Building Control	Pre-recorded lecture	ARBE1301 Assignment 2 due by 11:59 PM on Friday 9 February 2024

Examination Period

ASSESSMENTS

This course has 2 assessments. Each assessment is described in more detail in the sections below.

	Assessment Name	Due Date	Involvement	Weighting	Learning Outcomes
1	Legal System & Contract	By 11.59pm on Thursday 25 January 2024	Individual	50%	1, 2
2	Law of Tort & Property Law	By 11.59pm on Friday 9 February 2024	Individual	50%	3, 4

Late Submissions

The mark for an assessment item submitted after the designated time on the due date, without an approved extension of time, will be reduced by 10% of the possible maximum mark for that assessment item for each day or part day that the assessment item is late. Note: this applies equally to week and weekend days.

Assessment 1 - Legal System & Contract

Assessment Type Purpose

Written Assignment

The purpose of the first assignment is to give you the opportunity to demonstrate your knowledge and understanding of the Australian Legal System and the Law of Contract.

Description

This assignment is made up of two components.

Component 1: The Australian Legal System

Component 2: Contract Law

You must complete and submit both components to ensure you have the opportunity to earn

	up to 50% of the total marks available for this course. Full details of the assignment can be found in the Assignment area of the course Canvas site.
Weighting	50%
Length	2,500 words \pm 10%
Due Date	By 11.59pm on Thursday 25 January 2024
Submission Method	Online
Assessment Criteria	Full Assessment Criteria is available on the course Canvas site.
Return Method	Not Returned
Feedback Provided	Online - Within three working weeks of the assignment submission date.

Assessment 2 - Law of Tort & Property Law

Assessment Type	Written Assignment
Purpose	The purpose of the second assignment is to give you the opportunity to demonstrate your knowledge and understanding of the Law of Tort and the Law of Property.
Description	This assignment is made up of two components. Component 1: Law of Tort Component 2: Property Law You must complete and submit both components to ensure you have the opportunity to earn up to 50% of the total marks available for this course. Full details of the assignment can be found in the Assignment area of the course Canvas site.
Weighting	50%
Length	2,500 words \pm 10%
Due Date	By 11.59pm on Friday 9 February 2024
Submission Method	Online
Assessment Criteria	Full Assessment Criteria is available on the course Canvas site.
Return Method	Not Returned
Feedback Provided	Online - Within three working weeks of the assignment submission date.

ADDITIONAL INFORMATION

Grading Scheme

This course is graded as follows:

Range of Marks	Grade	Description
85-100	High Distinction (HD)	Outstanding standard indicating comprehensive knowledge and understanding of the relevant materials; demonstration of an outstanding level of academic achievement; mastery of skills*; and achievement of all assessment objectives.
75-84	Distinction (D)	Excellent standard indicating a very high level of knowledge and understanding of the relevant materials; demonstration of a very high level of academic ability; sound development of skills*; and achievement of all assessment objectives.
65-74	Credit (C)	Good standard indicating a high level of knowledge and understanding of the relevant materials; demonstration of a high level of academic achievement; reasonable development of skills*; and achievement of all learning outcomes.
50-64	Pass (P)	Satisfactory standard indicating an adequate knowledge and understanding of the relevant materials; demonstration of an adequate level of academic achievement; satisfactory development of skills*; and achievement of all learning outcomes.
0-49	Fail (FF)	Failure to satisfactorily achieve learning outcomes. If all compulsory course components are not completed the mark will be zero. A fail grade may also be awarded following disciplinary action.

*Skills are those identified for the purposes of assessment task(s).

Communication Methods

Communication methods used in this course include:

- Canvas Course Site: Students will receive communications via the posting of content or

announcements on the Canvas course site.

Course Evaluation	Each year feedback is sought from students and other stakeholders about the courses offered in the University for the purposes of identifying areas of excellence and potential improvement.
Oral Interviews (Vivas)	As part of the evaluation process of any assessment item in this course an oral examination (viva) may be conducted. The purpose of the oral examination is to verify the authorship of the material submitted in response to the assessment task. The oral examination will be conducted in accordance with the principles set out in the Oral Examination (viva) Procedure . In cases where the oral examination reveals the assessment item may not be the student's own work the case will be dealt with under the Student Conduct Rule .
Academic Misconduct	All students are required to meet the academic integrity standards of the University. These standards reinforce the importance of integrity and honesty in an academic environment. Academic Integrity policies apply to all students of the University in all modes of study and in all locations. For the Student Academic Integrity Policy, refer to https://policies.newcastle.edu.au/document/view-current.php?id=35 .
Adverse Circumstances	<p>The University acknowledges the right of students to seek consideration for the impact of allowable adverse circumstances that may affect their performance in assessment item(s). Applications for special consideration due to adverse circumstances will be made using the online Adverse Circumstances system where:</p> <ol style="list-style-type: none">1. the assessment item is a major assessment item; or2. the assessment item is a minor assessment item and the Course Co-ordinator has specified in the Course Outline that students may apply the online Adverse Circumstances system;3. you are requesting a change of placement; or4. the course has a compulsory attendance requirement. <p>Before applying you must refer to the Adverse Circumstance Affecting Assessment Items Procedure available at: https://policies.newcastle.edu.au/document/view-current.php?id=236</p>
Important Policy Information	<p>The Help button in the Canvas Navigation menu contains helpful information for using the Learning Management System. Students should familiarise themselves with the policies and procedures at https://www.newcastle.edu.au/current-students/respect-at-uni/policies-and-procedures that support a safe and respectful environment at the University.</p>

This course outline was approved by the Head of School. No alteration of this course outline is permitted without Head of School approval. If a change is approved, students will be notified and an amended course outline will be provided in the same manner as the original.

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