



## UNSW Course Outline

# BLDG2012 Construction & Property Law - 2024

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## General Course Information

**Course Code :** BLDG2012

**Year :** 2024

**Term :** Term 2

**Teaching Period :** T2

**Is a multi-term course? :** No

**Faculty :** Faculty of Arts, Design and Architecture

**Academic Unit :** School of Built Environment

**Delivery Mode :** Multimodal

**Delivery Format :** Standard

**Delivery Location :** Kensington

**Campus :** Sydney

**Study Level :** Undergraduate

**Units of Credit :** 6

### Useful Links

[Handbook Class Timetable](#)

## Course Details & Outcomes

### Course Description

Construction & Property Law introduces the core principles of both commercial law and real property law. You will learn fundamental principles of the Australian legal system and commercial law which underpin the operation of the construction industry. This includes

examination of contract, tort and business law together with the mechanisms by which disputes are resolved in the context of construction projects. You will also learn about the legal principles and rules determining the recognition of proprietary interests in real property in NSW, the statutory and jurisprudential entitlements and obligations incidental to proprietary interests recognised by real property law and their practical application to dealings in land in NSW in the context of property management and development.

## Course Learning Outcomes

Course Learning Outcomes
CLO1 : Apply Australian legal principles, contract law, and property law practice within the construction and property industry.
CLO2 : Explain the law of torts associated with builders, contractors, and clients in the construction and property sector.
CLO3 : Assess contract and payment issues pertinent to construction and property law.
CLO4 : Formulate dispute resolution options addressing statutory adjudication of payment disputes within construction projects.

Course Learning Outcomes	Assessment Item
CLO1 : Apply Australian legal principles, contract law, and property law practice within the construction and property industry.	<ul style="list-style-type: none"><li>• Online Quizzes</li><li>• Individual Essay</li><li>• Final Exam</li></ul>
CLO2 : Explain the law of torts associated with builders, contractors, and clients in the construction and property sector.	<ul style="list-style-type: none"><li>• Online Quizzes</li><li>• Individual Essay</li><li>• Final Exam</li></ul>
CLO3 : Assess contract and payment issues pertinent to construction and property law.	<ul style="list-style-type: none"><li>• Online Quizzes</li><li>• Individual Essay</li><li>• Final Exam</li></ul>
CLO4 : Formulate dispute resolution options addressing statutory adjudication of payment disputes within construction projects.	<ul style="list-style-type: none"><li>• Online Quizzes</li><li>• Individual Essay</li><li>• Final Exam</li></ul>

## Learning and Teaching Technologies

Moodle - Learning Management System | Blackboard Collaborate | Echo 360

# Assessments

## Assessment Structure

Assessment Item	Weight	Relevant Dates
Online Quizzes Assessment Format: Individual	20%	
Individual Essay Assessment Format: Individual	30%	Due Date: Week 10: 29 July - 04 August
Final Exam Assessment Format: Individual	50%	Due Date: Week 12: 12 August - 18 August

## Assessment Details

### Online Quizzes

#### Assessment Overview

You will be quizzed on your knowledge of topics covered in the course. Feedback will be provided in the form of the correct answers.

#### Course Learning Outcomes

- CLO1 : Apply Australian legal principles, contract law, and property law practice within the construction and property industry.
- CLO2 : Explain the law of torts associated with builders, contractors, and clients in the construction and property sector.
- CLO3 : Assess contract and payment issues pertinent to construction and property law.
- CLO4 : Formulate dispute resolution options addressing statutory adjudication of payment disputes within construction projects.

#### Detailed Assessment Description

This will demonstrate your knowledge and skills in relation to the content for weeks 1 to 3, weeks 4 to 7 and weeks 8 to 9.

### Individual Essay

#### Assessment Overview

You will write an essay explaining the law of torts associated with builders, contractors and clients in the construction and property sector, and assess contract and payment issues. Grading will be done against assessment criteria, accompanied by written feedback.

#### Course Learning Outcomes

- CLO1 : Apply Australian legal principles, contract law, and property law practice within the construction and property industry.

- CLO2 : Explain the law of torts associated with builders, contractors, and clients in the construction and property sector.
- CLO3 : Assess contract and payment issues pertinent to construction and property law.
- CLO4 : Formulate dispute resolution options addressing statutory adjudication of payment disputes within construction projects.

#### Detailed Assessment Description

The final essay will demonstrate your higher understanding and problem solving ability in relation to the content.

## Final Exam

#### Assessment Overview

The final exam will assess your knowledge of the key concepts and principles covered in the course. Feedback will be provided by the course convenor upon request.

#### Course Learning Outcomes

- CLO1 : Apply Australian legal principles, contract law, and property law practice within the construction and property industry.
- CLO2 : Explain the law of torts associated with builders, contractors, and clients in the construction and property sector.
- CLO3 : Assess contract and payment issues pertinent to construction and property law.
- CLO4 : Formulate dispute resolution options addressing statutory adjudication of payment disputes within construction projects.

#### Detailed Assessment Description

The final exam will determine your knowledge of the whole of the content of the subject, covering all topic areas.

## General Assessment Information

### ***Use of Generative Artificial Intelligence (AI) – such as ChatGPT – in the Construction and Property Law***

Simple editing assistance for the *Construction and Property Law* assessment task, you may use standard editing and referencing software, but not generative AI. You are permitted to use the full capabilities of the standard software to answer the question (e.g. Microsoft Office suite, Grammarly, etc.). If the use of generative AI such as ChatGPT is detected, it will be regarded as serious academic misconduct and subject to the standard penalties, which may include 00FL, suspension and exclusion.

## Grading Basis

Standard

# Course Schedule

Teaching Week/Module	Activity Type	Content
Week 1 : 27 May - 2 June	Lecture	Introduction: Background to law in construction and property industry, Australian legal system, Sources & Types of Law, Separation of Powers
Week 2 : 3 June - 9 June	Lecture	Principles of contract law, tort and equity relevant to construction and property law; Misleading and Deceptive conduct.
Week 3 : 10 June - 16 June	Lecture	Overview of law and project life cycle, project feasibility, tendering, contracting methodologies, forms of contract, risk allocation and insurance
Week 4 : 17 June - 23 June	Lecture	Key legal concepts in construction contracts – Role of the Superintendent, Time, Program and Liquidated Damages
Week 5 : 24 June - 30 June	Lecture	Key legal concepts in construction contracts – Cost, Payment, Security and Security of Payment Legislation
Week 6 : 1 July - 7 July	Other	Flexibility Week –no scheduled classes
Week 7 : 8 July - 14 July	Lecture	Key legal concepts in construction contracts – Quality, Completion, Defects, Design and Intellectual Property
Week 8 : 15 July - 21 July	Lecture	Key legal concepts in construction contracts – Variations and Adjustment Events, including those affecting the Site and Force Majeure
Week 9 : 22 July - 28 July	Lecture	Key legal concepts in construction contracts – Liability, Proportionate Liability, Warranties, Indemnities, Disputes and Dispute Resolution
Week 10 : 29 July - 4 August	Lecture	Key legal concepts from property law relevant to construction; Other relevant regulation of construction and property projects, including industrial relations, employment, work, health and safety, modern slavery, personal property and securities

## Attendance Requirements

You are expected to be regular and punctual in attendance at all classes for the School of Built Environment courses in which you are enrolled. If and where individual courses have specific attendance requirements, these will be stated in the course outline.

If you do not attend, engage, or participate in scheduled class activities, including lectures, tutorials, studios, labs, etc, you run the risk of failing a course.

If illness or unexpected and beyond your control circumstances prevent you from completing a task on time, or substantially disturb your assessment performance, you should apply for [Special Consideration](#), as soon as practicable, accompanied by appropriate documentation.

No special consideration will be provided if you miss out on essential course information and materials, or if you miss assessment tasks and deadlines due to unexplained absences or an unapproved lack of attendance.

You may be advised by the Course Convenor to withdraw from the course if significant learning

activities are missed.

# Course Resources

## Prescribed Resources

Ian Bailey, *Construction Law in Australia* (Thomson Reuters, 4th ed, 2018)

## Recommended Resources

J W Carter, *Carter's Guide to Australian Contract Law* (JW Carter Publishing, 4th ed, 2022)

Ian Bailey and Matthew Bell, *Understanding Australian Construction Contracts* (Thomson Reuters Lawbook, 2008)

Damien Cremeen, Michael Whitten and Michael Sharkey, *Brooking on Building Contracts* (LexisNexis Butterworths, 6th ed, 2020)

Jeremy Coggins, Phil Evans and Tom Davie, *Understanding Construction Law* (LexisNexis Butterworths, 2nd ed, 2020)

Jeremy Coggins, Shannon Schwarz, Melissa Davies and Tony Ma, *Contract Administration for Construction Professionals* (LexisNexis, 2022)

*Australian Standard AS 4000 – 1997 General Conditions of Contract* (reference version can be purchased online from <https://www.standards.org.au/> )

*GC21 General Conditions of Contract* (2nd Ed.) and *GC21 Clause Commentary* (both of which can be accessed online at <https://buy.nsw.gov.au/resources/gc21> )

*Building and Construction Industry Security of Payment Act 1999 (NSW)*

## Staff Details

Position	Name	Email	Location	Phone	Availability	Equitable Learning Services Contact	Primary Contact
Convenor	Tina Funge				Available by appointment	Yes	Yes
Tutor	Mohammed Hammad					No	No

# Other Useful Information

## Academic Information

Due to evolving advice by NSW Health, students must check for updated information regarding online learning for all Arts, Design and Architecture courses this term (via Moodle or course information provided).

Please see: <https://www.unsw.edu.au/arts-design-architecture/student-life/resources-support/protocols-guidelines> for essential student information relating to:

- UNSW and Faculty policies and procedures;
- Student Support Services;
- Dean's List;
- review of results;
- credit transfer;
- cross-institutional study and exchange;
- examination information;
- enrolment information;
- Special Consideration in the event of illness or misadventure;
- student equity and disability;

And other essential academic information.

## Academic Honesty and Plagiarism

Plagiarism is using the words or ideas of others and presenting them as your own. It can take many forms, from deliberate cheating to accidentally copying from a source without acknowledgement.

UNSW groups plagiarism into the following categories:

- Copying: Using the same or very similar words to the original text or idea without acknowledging the source or using quotation marks. This includes copying materials, ideas or concepts from a book, article, report or other written document, presentation, composition, artwork, design, drawing, circuitry, computer program or software, website, internet, other electronic resource, or another person's assignment without appropriate acknowledgement.
- Inappropriate paraphrasing: Changing a few words and phrases while mostly retaining the original information, structure and/or progression of ideas of the original without acknowledgement. This also applies in presentations where someone paraphrases another's ideas or words without credit and to piecing together quotes and paraphrases into a new whole, without appropriate referencing.

- Collusion: Working with others but passing off the work as a person's individual work. Collusion also includes providing your work to another student for the purpose of them plagiarising, paying another person to perform an academic task, stealing or acquiring another person's academic work and copying it, offering to complete another person's work or seeking payment for completing academic work.
- Inappropriate citation: Citing sources which have not been read, without acknowledging the "secondary" source from which knowledge of them has been obtained.
- Duplication ("self-plagiarism"): Submitting your own work, in whole or in part, where it has previously been prepared or submitted for another assessment or course at UNSW or another university.

The UNSW Academic Skills support offers resources and individual consultations. Students are also reminded that careful time management is an important part of study. One of the identified causes of plagiarism is poor time management. Students should allow sufficient time for research, drafting and proper referencing of sources in preparing all assessment items. UNSW Library has the ELISE tool available to assist you with your study at UNSW. ELISE is designed to introduce new students to studying at UNSW, but it can also be a great refresher during your study.

Completing the ELISE tutorial and quiz will enable you to:

- analyse topics, plan responses and organise research for academic writing and other assessment tasks
- effectively and efficiently find appropriate information sources and evaluate relevance to your needs
- use and manage information effectively to accomplish a specific purpose
- better manage your time
- understand your rights and responsibilities as a student at UNSW
- be aware of plagiarism, copyright, UNSW Student Code of Conduct and Acceptable Use of UNSW ICT Resources Policy
- be aware of the standards of behaviour expected of everyone in the UNSW community
- locate services and information about UNSW and UNSW Library

## **Use of AI for assessments**

As AI applications continue to develop, and technology rapidly progresses around us, we remain committed to our values around academic integrity at UNSW. Where the use of AI tools, such as ChatGPT, has been permitted by your course convener, they must be properly credited and your submissions must be substantially your own work.

In cases where the use of AI has been prohibited, please respect this and be aware that where unauthorised use is detected, penalties will apply.

## Submission of Assessment Tasks

### Turnitin Submission

If you encounter a problem when attempting to submit your assignment through Turnitin, please telephone External Support on 9385 3331 or email them on [externalteltsupport@unsw.edu.au](mailto:externalteltsupport@unsw.edu.au)

Support hours are 8:00am – 10:00pm on weekdays and 9:00am – 5:00pm on weekends (365 days a year). If you are unable to submit your assignment due to a fault with Turnitin, you may apply for an extension, but you must retain your ticket number from External Support (along with any other relevant documents) to include as evidence to support your extension application. If you email External Support, you will automatically receive a ticket number, but if you telephone, you will need to specifically ask for one. Turnitin also provides updates on their system status on Twitter.

Generally, assessment tasks must be submitted electronically via either Turnitin or a Moodle assignment. In instances where this is not possible, alternative submission details will be stated on your course's Moodle site. For information on how to submit assignments online via Moodle: <https://student.unsw.edu.au/how-submit-assignment-moodle>

### Late Submission Penalty

UNSW has a standard late submission penalty of:

- 5% per calendar day,
- for all assessments where a penalty applies,
- capped at five calendar days (120 hours) from the assessment deadline, after which a student cannot submit an assessment, and
- no permitted variation.

Students are expected to manage their time to meet deadlines and to request [Special Consideration](#) as early as possible before the deadline. Support with [Time Management is available here](#).

### School Contact Information

[badmin@unsw.edu.au](mailto:badmin@unsw.edu.au)