

LAWS 6003 MANAGING LEGAL RISK IN CONSTRUCTION LAW

Credit Points 10

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Description This subject provides practical insights into legal risks related to construction processes and devise associated risk mitigation measures. Students will also examine the liabilities and responsibilities of various parties in construction contracts and different types of dispute avoidance, management and resolution mechanisms. Legal risks related to construction processes and devise associated risk mitigation measures are also covered. Students will examine approaches and strategies to proactively manage legal risk in construction projects.

School Law

Discipline Business and Commercial Law

Student Contribution Band HECS Band 4 10cp

Check your fees via the Fees (https://www.westernsydney.edu.au/currentstudents/current_students/fees/) page.

Level Postgraduate Coursework Level 6 subject

Co-requisite(s) LAWS 5005 - Construction Law

Restrictions

Must be enrolled in a Post Graduate program.

Learning Outcomes

1. Analyse legal risks and legal issues relating to construction projects
2. Assess different strategies and measures to manage and advise on legal risks in the construction industry
3. Propose evidence-based solutions and strategies to manage legal risks in minor construction projects
4. Critically apply research, ethical conduct and professional standards to manage legal risks in construction projects
5. Reflect on own needs, ethical positions and values to enhance professional practice

Subject Content

1. Legal risk identification, management, and mitigation in construction and building projects
2. Project planning: feasibility and financing
3. Procurement model selection and alternate contracting models
4. Pre-tender documentation, Expressions of Interest, Tendering
5. Consortium Agreements and Joint Venture Agreements
6. Negotiating construction contracts
7. Ethical dilemmas in legal risk management
8. Claims Administration for time and cost under Construction Contracts
9. Managing sub-contract and interface risks
10. Privilege, Communication and Negotiation
11. Defects - Completion and Post-Completion issues

12. Technology and managing legal risk in construction
13. Practicalities of construction dispute resolution

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.

Type	Length	Percent	Threshold	Individual/ Group Task
Participation	Ongoing	10	N	Individual
Presentation	Oral component- 20 minutes Written component- 1000 words	45	N	Individual
Final Exam	24 hours	45	N	Individual

Prescribed Texts

- Cremean, Damien, Michael Whitten, and Michael Sharkey, *Brooking on Building Contracts* (6th ed, LexisNexis, 2021).