

# LAWS 3086 MANAGING LEGAL RISK IN CONSTRUCTION LAW

**Credit Points** 10

**Coordinator** Joshua Saunders ([https://directory.westernsydney.edu.au/search/name/Joshua Saunders/](https://directory.westernsydney.edu.au/search/name/Joshua%20Saunders/))

**Description** This subject introduces students to legal risks related to construction processes and processes for risk mitigation. Students will examine the liabilities and responsibilities of various parties in construction contracts and different types of dispute avoidance, management and resolution mechanisms. Students will engage with subject-matter specialists to enhance their learning experiences in this subject.

**School** Law

**Discipline** Law, Not Elsewhere Classified.

**Student Contribution Band** HECS Band 4 10cp

Check your HECS Band contribution amount via the Fees ([https://www.westernsydney.edu.au/currentstudents/current\\_students/fees/](https://www.westernsydney.edu.au/currentstudents/current_students/fees/)) page.

**Level** Undergraduate Level 3 subject

**Co-requisite(s)** LAWS 3088 Construction Law

## Learning Outcomes

1. Explain legal risks and legal issues relating to construction projects.
2. Identify different strategies and measures to manage and advise on legal risks in the construction industry.
3. Propose solutions to manage legal risks in minor construction projects.
4. Develop research skills to identify and 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- 10 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 (LexisNexis, 6th ed. 2021).

Teaching Periods

## Summer (2022)

**Online**

**Online**

**Subject Contact** Sandy Noakes ([https://directory.westernsydney.edu.au/search/name/Sandy Noakes/](https://directory.westernsydney.edu.au/search/name/Sandy%20Noakes/))

View timetable ([https://classregistration.westernsydney.edu.au/even/timetable/?subject\\_code=LAWS3086\\_22-SUM\\_ON\\_2#subjects](https://classregistration.westernsydney.edu.au/even/timetable/?subject_code=LAWS3086_22-SUM_ON_2#subjects))

## Summer (2023)

**Online**

**Online**

**Subject Contact** Sandy Noakes ([https://directory.westernsydney.edu.au/search/name/Sandy Noakes/](https://directory.westernsydney.edu.au/search/name/Sandy%20Noakes/))

View timetable ([https://classregistration.westernsydney.edu.au/odd/timetable/?subject\\_code=LAWS3086\\_23-SUM\\_ON\\_2#subjects](https://classregistration.westernsydney.edu.au/odd/timetable/?subject_code=LAWS3086_23-SUM_ON_2#subjects))