



# BLAR11039 *Building Law & Regulations*

## Term 3 - 2022

Profile information current as at 04/05/2024 06:36 pm

All details in this unit profile for BLAR11039 have been officially approved by CQUniversity and represent a learning partnership between the University and you (our student). The information will not be changed unless absolutely necessary and any change will be clearly indicated by an approved correction included in the profile.

## General Information

### Overview

This unit will enable you to: understand how contracting parties engage in enforceable contracts, both in respect of building owners and contractors, as well as contractors and subcontractors; obtain knowledge of how the dynamics of the contract change during the course of the building project, in respect of variations and extensions of time; become familiar with the circumstances of how contracts can be breached, the methods of providing remedy for the breaches, and of dispute resolution; consider the legal framework of government legislation in terms of the Acts of Parliament that relate to Builders Licensing, the Building Code of Australia, The Development Act and Occupational Health and Safety; become competent in the reading and understanding of building contracts, and the application of government regulations that apply to building projects.

### Details

Career Level: *Undergraduate*

Unit Level: *Level 1*

Credit Points: 6

Student Contribution Band: 8

Fraction of Full-Time Student Load: 0.125

### Pre-requisites or Co-requisites

There are no requisites for this unit.

Important note: Students enrolled in a subsequent unit who failed their pre-requisite unit, should drop the subsequent unit before the census date or within 10 working days of Fail grade notification. Students who do not drop the unit in this timeframe cannot later drop the unit without academic and financial liability. See details in the [Assessment Policy and Procedure \(Higher Education Coursework\)](#).

### Offerings For Term 3 - 2022

- Online

### Attendance Requirements

All on-campus students are expected to attend scheduled classes – in some units, these classes are identified as a mandatory (pass/fail) component and attendance is compulsory. International students, on a student visa, must maintain a full time study load and meet both attendance and academic progress requirements in each study period (satisfactory attendance for International students is defined as maintaining at least an 80% attendance record).

### Website

[This unit has a website, within the Moodle system, which is available two weeks before the start of term. It is important that you visit your Moodle site throughout the term. Please visit Moodle for more information.](#)

## Class and Assessment Overview

### Recommended Student Time Commitment

Each 6-credit Undergraduate unit at CQUniversity requires an overall time commitment of an average of 12.5 hours of study per week, making a total of 150 hours for the unit.

### Class Timetable

#### [Regional Campuses](#)

Bundaberg, Cairns, Emerald, Gladstone, Mackay, Rockhampton, Townsville

#### [Metropolitan Campuses](#)

Adelaide, Brisbane, Melbourne, Perth, Sydney

### Assessment Overview

#### 1. **Written Assessment**

Weighting: 5%

#### 2. **Written Assessment**

Weighting: 20%

#### 3. **Written Assessment**

Weighting: 5%

#### 4. **Written Assessment**

Weighting: 30%

#### 5. **Online Quiz(zes)**

Weighting: 10%

#### 6. **Written Assessment**

Weighting: 30%

### Assessment Grading

This is a graded unit: your overall grade will be calculated from the marks or grades for each assessment task, based on the relative weightings shown in the table above. You must obtain an overall mark for the unit of at least 50%, or an overall grade of 'pass' in order to pass the unit. If any 'pass/fail' tasks are shown in the table above they must also be completed successfully ('pass' grade). You must also meet any minimum mark requirements specified for a particular assessment task, as detailed in the 'assessment task' section (note that in some instances, the minimum mark for a task may be greater than 50%). Consult the [University's Grades and Results Policy](#) for more details of interim results and final grades.

## CQUniversity Policies

**All University policies are available on the [CQUniversity Policy site](#).**

You may wish to view these policies:

- Grades and Results Policy
- Assessment Policy and Procedure (Higher Education Coursework)
- Review of Grade Procedure
- Student Academic Integrity Policy and Procedure
- Monitoring Academic Progress (MAP) Policy and Procedure – Domestic Students
- Monitoring Academic Progress (MAP) Policy and Procedure – International Students
- Student Refund and Credit Balance Policy and Procedure
- Student Feedback – Compliments and Complaints Policy and Procedure
- Information and Communications Technology Acceptable Use Policy and Procedure

This list is not an exhaustive list of all University policies. The full list of University policies are available on the [CQUniversity Policy site](#).

## Previous Student Feedback

### Feedback, Recommendations and Responses

Every unit is reviewed for enhancement each year. At the most recent review, the following staff and student feedback items were identified and recommendations were made.

#### Feedback from Student Unit Teaching Evaluations (SUTE) Unit Comments

##### Feedback

Very well structured unit with prompt feedback on assessments. The lecturer was very clear with the requirements for the unit and followed the lecture notes and learning materials closely without diversion.

##### Recommendation

The same delivery strategy will be adopted.

#### Feedback from Student Unit Teaching Evaluations (SUTE) Unit Comments

##### Feedback

Question three in assignment six should be more flexible and allow students to research the law regulating different building practitioners professions (i.e. building surveyors) rather than be restricted to only designers and architects.

##### Recommendation

The teaching team will revisit the question, and necessary amendments based on the feedback will be made before the next unit delivery.

## Unit Learning Outcomes

### On successful completion of this unit, you will be able to:

1. Understand how contracting parties engage in enforceable contracts, both in respect of building owners and contractors, as well as contractors and subcontractors
2. Obtain knowledge of how the dynamics of the contract change during the course of the building project, in respect of variations and extensions of time
3. Become familiar with the circumstances of how contracts can be breached, the methods of providing remedy for the breaches, and of dispute resolution
4. Consider the legal framework of government legislation in terms of the Acts of Parliament that relate to Builders Licensing, the Building Code of Australia, The Development Act and Occupational Health and Safety
5. Become competent in the reading and understanding of building contracts, and the application of government regulations that apply to building projects.

## Alignment of Learning Outcomes, Assessment and Graduate Attributes



### Alignment of Assessment Tasks to Learning Outcomes

Assessment Tasks	Learning Outcomes				
	1	2	3	4	5
1 - Written Assessment - 5%	•				
2 - Written Assessment - 20%	•	•	•		
3 - Written Assessment - 5%	•	•	•	•	

Assessment Tasks	Learning Outcomes				
	1	2	3	4	5
4 - Written Assessment - 30%	•	•	•	•	•
5 - Online Quiz(zes) - 10%	•	•	•	•	•
6 - Written Assessment - 30%	•	•	•	•	•

## Alignment of Graduate Attributes to Learning Outcomes

Graduate Attributes	Learning Outcomes				
	1	2	3	4	5
1 - Communication	•	•	•	•	•
2 - Problem Solving	•	•	•	•	•
3 - Critical Thinking	•	•	•	•	•
4 - Information Literacy	•	•	•	•	•
5 - Team Work					
6 - Information Technology Competence	•	•	•		•
7 - Cross Cultural Competence					
8 - Ethical practice	•	•	•	•	•
9 - Social Innovation					
10 - Aboriginal and Torres Strait Islander Cultures					

## Alignment of Assessment Tasks to Graduate Attributes

Assessment Tasks	Graduate Attributes									
	1	2	3	4	5	6	7	8	9	10
1 - Written Assessment - 5%	•	•	•	•		•		•		
2 - Written Assessment - 20%	•	•	•	•		•		•		
3 - Written Assessment - 5%	•		•	•		•		•		
4 - Written Assessment - 30%	•	•	•	•		•		•		
5 - Online Quiz(zes) - 10%	•	•	•	•		•		•		
6 - Written Assessment - 30%	•	•	•	•		•		•		

## Textbooks and Resources

### Textbooks

BLAR11039

#### Prescribed

##### Construction law in Australia

Edition: 4th (2018)

Authors: Bailey, Ian

Thomson Reuters Australia, Limited

Pymont, NSW, Australia

ISBN: 9780455500515

Binding: Hardcover

[View textbooks at the CQUniversity Bookshop](#)

### IT Resources

**You will need access to the following IT resources:**

- CQUniversity Student Email
- Internet
- Unit Website (Moodle)
- Zoom app on your smart phone or access to Zoom on your laptop
- Microphone and headset (and preferably a camera) to participate in Zoom sessions
- MS Teams
- Microsoft Word or PDF software for preparation of assessment items in the appropriate format

## Referencing Style

All submissions for this unit must use the referencing style: [Harvard \(author-date\)](#)

For further information, see the Assessment Tasks.

## Teaching Contacts

**Pushpitha Kalutara** Unit Coordinator

[p.kalutara@cqu.edu.au](mailto:p.kalutara@cqu.edu.au)

## Schedule

### Week 1 - 07 Nov 2022

Module/Topic	Chapter	Events and Submissions/Topic
Sources and application of law, torts and contracts	1	

### Week 2 - 14 Nov 2022

Module/Topic	Chapter	Events and Submissions/Topic
Types of building contracts	2	<b>Assessment 1 (A1)</b> Due: Week 2 Friday (18 Nov 2022) 11:45 pm AEST

### Week 3 - 21 Nov 2022

Module/Topic	Chapter	Events and Submissions/Topic
The role of contract documents	3	

### Week 4 - 28 Nov 2022

Module/Topic	Chapter	Events and Submissions/Topic
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Consequences of breach of contract 4

**Assessment 2 (A2)** Due: Week 4  
Friday (2 Dec 2022) 11:45 pm AEST

#### **Vacation Week - 05 Dec 2022**

Module/Topic	Chapter	Events and Submissions/Topic
No teaching. It's catch-up time. Enjoy and utilize the break efficiently.		

#### **Week 5 - 12 Dec 2022**

Module/Topic	Chapter	Events and Submissions/Topic
Tendering procedures for building projects	5	

#### **Week 6 - 19 Dec 2022**

Module/Topic	Chapter	Events and Submissions/Topic
Subcontracting arrangements	6	

#### **Christmas and New Year Break - 26 Dec 2022**

Module/Topic	Chapter	Events and Submissions/Topic
No teaching. It's catch-up time. Enjoy and utilize the break efficiently.		

#### **Week 7 - 02 Jan 2023**

Module/Topic	Chapter	Events and Submissions/Topic
Arbitration systems and options	7	<b>Assessment 3 (A3)</b> Due: Week 7 Tuesday (3 Jan 2023) 11:45 pm AEST

#### **Week 8 - 09 Jan 2023**

Module/Topic	Chapter	Events and Submissions/Topic
Negligence and the law of torts	8	

#### **Week 9 - 16 Jan 2023**

Module/Topic	Chapter	Events and Submissions/Topic
Regulation of construction	9	<b>Assessment 4 (A4)</b> Due: Week 9 Friday (20 Jan 2023) 11:45 pm AEST

#### **Week 10 - 23 Jan 2023**

Module/Topic	Chapter	Events and Submissions/Topic
Application of Occupational and Work Health and Safety Law	10	

#### **Week 11 - 30 Jan 2023**

Module/Topic	Chapter	Events and Submissions/Topic
Professional standards, liability and licencing for building professionals	11	<b>Assessment 5 (A5)</b> Due: Week 11 Friday (3 Feb 2023) 11:45 pm AEST

#### **Week 12 - 06 Feb 2023**

Module/Topic	Chapter	Events and Submissions/Topic
Planning regulations and application requirements	12	

#### **Week 13- Review/ Exam Week - 13 Feb 2023**

Module/Topic	Chapter	Events and Submissions/Topic
		<b>Assessment 6 (A6)</b> Due: Exam Week Wednesday (15 Feb 2023) 11:45 pm AEST

#### **Week 14- Exam Week - 20 Feb 2023**

Module/Topic	Chapter	Events and Submissions/Topic
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## Assessment Tasks

### 1 Assessment 1 (A1)

**Assessment Type**

Written Assessment

**Task Description**

This is a short written response to the questions that relate to understanding sources and application of law, torts and contracts.

**Assessment Due Date**

Week 2 Friday (18 Nov 2022) 11:45 pm AEST

Submit via the assessment portal on the Moodle home page

**Return Date to Students**

Week 4 Friday (2 Dec 2022)

Within two weeks of submission.

**Weighting**

5%

**Minimum mark or grade**

To pass this subject you must obtain an overall mark of 50% AND obtain a mark of 50% (i.e. 10/20) for Assessments A1,A3,A5 AND obtain a mark of 40% (12/30) for Assessment A6

**Assessment Criteria**

The following criteria will be used to evaluate the submissions.

- Level of understanding of the scope of work for relevant aspects as evidenced by the extent of information available;
- Evidence of comprehension of the key issues through the use of appropriate conventions and the accuracy and relevance of information provided;
- Appropriate application of legal or related procedures;
- Evidence of technical ability through clarity, neatness and presentation of work and application of legal principles to the information at hand.

**Referencing Style**

- [Harvard \(author-date\)](#)

**Submission**

Online

**Submission Instructions**

Please refer to Moodle for more information

**Learning Outcomes Assessed**

- Understand how contracting parties engage in enforceable contracts, both in respect of building owners and contractors, as well as contractors and subcontractors

**Graduate Attributes**

- Communication
- Problem Solving
- Critical Thinking
- Information Literacy
- Information Technology Competence
- Ethical practice

### 2 Assessment 2 (A2)

**Assessment Type**

Written Assessment

**Task Description**

Questions will relate to sources and application of law, torts and contracts, types of building contracts and the role of contract documents.

**Assessment Due Date**

Week 4 Friday (2 Dec 2022) 11:45 pm AEST

Submit via the assessment portal on the Moodle home page

**Return Date to Students**

Week 6 Friday (23 Dec 2022)

Maximum duration of return will be within two weeks of submission (excluding Vacation week)

**Weighting**

20%

**Assessment Criteria**

The following criteria will be used to evaluate the submissions.

- Level of understanding of the scope of work for relevant aspects as evidenced by the extent of information available;
- Evidence of comprehension of the key issues through the use of appropriate conventions and the accuracy and relevance of information provided;
- Appropriate application of legal or related procedures;
- Evidence of technical ability through clarity, neatness and presentation of work and application of legal principles to the information at hand.

**Referencing Style**

- [Harvard \(author-date\)](#)

**Submission**

Online

**Submission Instructions**

Submit a single PDF file.

**Learning Outcomes Assessed**

- Understand how contracting parties engage in enforceable contracts, both in respect of building owners and contractors, as well as contractors and subcontractors
- Obtain knowledge of how the dynamics of the contract change during the course of the building project, in respect of variations and extensions of time
- Become familiar with the circumstances of how contracts can be breached, the methods of providing remedy for the breaches, and of dispute resolution

**Graduate Attributes**

- Communication
- Problem Solving
- Critical Thinking
- Information Literacy
- Information Technology Competence
- Ethical practice

### 3 Assessment 3 (A3)

**Assessment Type**

Written Assessment

**Task Description**

This is a short written response to the questions that relate to the consequences of breach of contract and tendering procedures for building projects

**Assessment Due Date**

Week 7 Tuesday (3 Jan 2023) 11:45 pm AEST

Submit via the assessment portal on the Moodle home page

**Return Date to Students**

Week 9 Tuesday (17 Jan 2023)

Within two weeks of submission.

**Weighting**

5%

**Minimum mark or grade**

To pass this subject you must obtain an overall mark of 50% AND obtain a mark of 50% (i.e. 10/20) for Assessments A1,A3,A5 AND obtain a mark of 40% (12/30) for Assessment A6

**Assessment Criteria**

The following criteria will be used to evaluate the submissions.

- Level of understanding of the scope of work for relevant aspects as evidenced by the extent of information available;
- Evidence of comprehension of the key issues through the use of appropriate conventions and the accuracy and relevance of information provided;
- Appropriate application of legal or related procedures;
- Evidence of technical ability through clarity, neatness and presentation of work and application of legal principles to the information at hand.

**Referencing Style**

- [Harvard \(author-date\)](#)

**Submission**

Online

**Submission Instructions**

Please refer to Moodle for more information

**Learning Outcomes Assessed**

- Understand how contracting parties engage in enforceable contracts, both in respect of building owners and contractors, as well as contractors and subcontractors
- Obtain knowledge of how the dynamics of the contract change during the course of the building project, in respect of variations and extensions of time
- Become familiar with the circumstances of how contracts can be breached, the methods of providing remedy for the breaches, and of dispute resolution
- Consider the legal framework of government legislation in terms of the Acts of Parliament that relate to Builders Licensing, the Building Code of Australia, The Development Act and Occupational Health and Safety

**Graduate Attributes**

- Communication
- Critical Thinking
- Information Literacy
- Information Technology Competence
- Ethical practice

## 4 Assessment 4 (A4)

**Assessment Type**

Written Assessment

**Task Description**

Questions will relate to the consequences of breach of contract, tendering procedures for building projects, subcontracting arrangements and arbitration systems and options.

**Assessment Due Date**

Week 9 Friday (20 Jan 2023) 11:45 pm AEST

Submit via the assessment portal on the Moodle home page

**Return Date to Students**

Week 11 Friday (3 Feb 2023)

Within two weeks of submission.

**Weighting**

30%

**Assessment Criteria**

The following criteria will be used to evaluate the submissions.

- Level of understanding of the scope of work for relevant aspects as evidenced by the extent of information available;
- Evidence of comprehension of the key issues through the use of appropriate conventions and the accuracy and

- relevance of information provided;
- Appropriate application of legal or related procedures;
- Evidence of technical ability through clarity, neatness and presentation of work and application of legal principles to the information at hand.

### Referencing Style

- [Harvard \(author-date\)](#)

### Submission

Online

### Submission Instructions

Submit a single PDF file.

### Learning Outcomes Assessed

- Understand how contracting parties engage in enforceable contracts, both in respect of building owners and contractors, as well as contractors and subcontractors
- Obtain knowledge of how the dynamics of the contract change during the course of the building project, in respect of variations and extensions of time
- Become familiar with the circumstances of how contracts can be breached, the methods of providing remedy for the breaches, and of dispute resolution
- Consider the legal framework of government legislation in terms of the Acts of Parliament that relate to Builders Licensing, the Building Code of Australia, The Development Act and Occupational Health and Safety
- Become competent in the reading and understanding of building contracts, and the application of government regulations that apply to building projects.

### Graduate Attributes

- Communication
- Problem Solving
- Critical Thinking
- Information Literacy
- Information Technology Competence
- Ethical practice

## 5 Assessment 5 (A5)

### Assessment Type

Online Quiz(zes)

### Task Description

Quiz questions will be drawn from the following: understanding sources and application of law, torts and contracts, types of building contracts, the role of contract documents, the consequences of breach of contract, tendering procedures for building projects, subcontracting arrangements, arbitration systems and options, the role of Australian Standards and the application of Occupational Health and Safety law to construction.

### Number of Quizzes

1

### Frequency of Quizzes

Other

### Assessment Due Date

Week 11 Friday (3 Feb 2023) 11:45 pm AEST

Refer to instructions on Moodle home page

### Return Date to Students

Within 24 hours of due date or submission date (whichever is the latest)

### Weighting

10%

### Minimum mark or grade

To pass this subject you must obtain an overall mark of 50% AND obtain a mark of 50% (i.e. 10/20) for Assessments A1,A3,A5 AND obtain a mark of 40% (12/30) for Assessment A6

### Assessment Criteria

The following criteria will be used to evaluate the submissions.

- Level of understanding of the scope of work for relevant aspects as evidenced by the extent of information available;
- Evidence of comprehension of the key issues through the use of appropriate conventions and the accuracy and relevance of information provided;
- Appropriate application of legal or related procedures;
- Evidence of technical ability through clarity, neatness and presentation of work and application of legal principles to the information at hand.

### Referencing Style

- [Harvard \(author-date\)](#)

### Submission

Online

### Submission Instructions

Follow quiz instructions on Moodle.

### Learning Outcomes Assessed

- Understand how contracting parties engage in enforceable contracts, both in respect of building owners and contractors, as well as contractors and subcontractors
- Obtain knowledge of how the dynamics of the contract change during the course of the building project, in respect of variations and extensions of time
- Become familiar with the circumstances of how contracts can be breached, the methods of providing remedy for the breaches, and of dispute resolution
- Consider the legal framework of government legislation in terms of the Acts of Parliament that relate to Builders Licensing, the Building Code of Australia, The Development Act and Occupational Health and Safety
- Become competent in the reading and understanding of building contracts, and the application of government regulations that apply to building projects.

### Graduate Attributes

- Communication
- Problem Solving
- Critical Thinking
- Information Literacy
- Information Technology Competence
- Ethical practice

## 6 Assessment 6 (A6)

### Assessment Type

Written Assessment

### Task Description

Questions will relate to the role of Australian Standards, the application of Occupational Health and Safety law to construction, statutory requirements for regulation of building works, licensing requirements for building professionals and planning regulations and their application.

### Assessment Due Date

Exam Week Wednesday (15 Feb 2023) 11:45 pm AEST

Submit via the assessment portal on the Moodle home page

### Return Date to Students

Before the school grade certification meeting .

### Weighting

30%

### Minimum mark or grade

To pass this subject you must obtain an overall mark of 50% AND obtain a mark of 50% (i.e. 10/20) for Assessments A1,A3,A5 AND obtain a mark of 40% (12/30) for Assessment A6

### Assessment Criteria

The following criteria will be used to evaluate the submissions.

- Level of understanding of the scope of work for relevant aspects as evidenced by the extent of information available;

- Evidence of comprehension of the key issues through the use of appropriate conventions and the accuracy and relevance of information provided;
- Appropriate application of legal or related procedures;
- Evidence of technical ability through clarity, neatness and presentation of work and application of legal principles to the information at hand.

### **Referencing Style**

- [Harvard \(author-date\)](#)

### **Submission**

Online

### **Submission Instructions**

Submit a single PDF file

### **Learning Outcomes Assessed**

- Understand how contracting parties engage in enforceable contracts, both in respect of building owners and contractors, as well as contractors and subcontractors
- Obtain knowledge of how the dynamics of the contract change during the course of the building project, in respect of variations and extensions of time
- Become familiar with the circumstances of how contracts can be breached, the methods of providing remedy for the breaches, and of dispute resolution
- Consider the legal framework of government legislation in terms of the Acts of Parliament that relate to Builders Licensing, the Building Code of Australia, The Development Act and Occupational Health and Safety
- Become competent in the reading and understanding of building contracts, and the application of government regulations that apply to building projects.

### **Graduate Attributes**

- Communication
- Problem Solving
- Critical Thinking
- Information Literacy
- Information Technology Competence
- Ethical practice

## Academic Integrity Statement

As a CQUniversity student you are expected to act honestly in all aspects of your academic work.

Any assessable work undertaken or submitted for review or assessment must be your own work. Assessable work is any type of work you do to meet the assessment requirements in the unit, including draft work submitted for review and feedback and final work to be assessed.

When you use the ideas, words or data of others in your assessment, you must thoroughly and clearly acknowledge the source of this information by using the correct referencing style for your unit. Using others' work without proper acknowledgement may be considered a form of intellectual dishonesty.

Participating honestly, respectfully, responsibly, and fairly in your university study ensures the CQUniversity qualification you earn will be valued as a true indication of your individual academic achievement and will continue to receive the respect and recognition it deserves.

As a student, you are responsible for reading and following CQUniversity's policies, including the [Student Academic Integrity Policy and Procedure](#). This policy sets out CQUniversity's expectations of you to act with integrity, examples of academic integrity breaches to avoid, the processes used to address alleged breaches of academic integrity, and potential penalties.

### What is a breach of academic integrity?

A breach of academic integrity includes but is not limited to plagiarism, self-plagiarism, collusion, cheating, contract cheating, and academic misconduct. The Student Academic Integrity Policy and Procedure defines what these terms mean and gives examples.

### Why is academic integrity important?

A breach of academic integrity may result in one or more penalties, including suspension or even expulsion from the University. It can also have negative implications for student visas and future enrolment at CQUniversity or elsewhere. Students who engage in contract cheating also risk being blackmailed by contract cheating services.

### Where can I get assistance?

For academic advice and guidance, the [Academic Learning Centre \(ALC\)](#) can support you in becoming confident in completing assessments with integrity and of high standard.

### What can you do to act with integrity?



#### Be Honest

If your assessment task is done by someone else, it would be dishonest of you to claim it as your own



#### Seek Help

If you are not sure about how to cite or reference in essays, reports etc, then seek help from your lecturer, the library or the Academic Learning Centre (ALC)



#### Produce Original Work

Originality comes from your ability to read widely, think critically, and apply your gained knowledge to address a question or problem