

# Registration Form / Tax Invoice

CRICOS Provider No: 00098G

ABN: 57 195 873 179

I would like to attend

Title Mr/Mrs/Miss/Ms:

First Name: \_\_\_\_\_

Last Name: \_\_\_\_\_

Firm/Organisation: \_\_\_\_\_

Occupation: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_ Postcode: \_\_\_\_\_

Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_

Email: \_\_\_\_\_

## Building & Construction Law

Tuesday 10 March 2009

1.30pm – 5.30pm

Grace Hotel, 77 York Street, Sydney

Course cost includes tuition, materials and refreshments  \$352

I cannot attend but please provide the papers  \$165

Total Price includes GST **Total \$**

### Payment Options

I enclose a cheque **payable to "CLE, UNSW"**,

or Payment by credit card  Mastercard  Visa

*We do not accept American Express*

Card number: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Expiry date: \_\_\_\_\_ / \_\_\_\_\_

Cardholder's name: \_\_\_\_\_

Signature: \_\_\_\_\_

Please return this registration form with your payment to:

**CLE,  
Faculty of Law,  
UNSW, Sydney  
NSW 2052.**

Tel: (02) 9385 2267 or (02) 9385 2195

Fax: (02) 9385 1155 or (02) 9385 1778

Email: cle@unsw.edu.au

Website: www.cle.unsw.edu.au

**Programme Variation:** The Director of CLE retains the right to vary the programme to deal with unforeseen circumstances. This includes cancelling or re-scheduling a programme and changing speakers or content if occasion obliges us to do so.

**Cancellation Policy:** Cancellations will be accepted up to two weeks prior to the commencement of the course. Withdrawal after this time and before the commencement of the course will result in a cancellation charge of \$100. Cancellations after the commencement of the course will not be eligible for a refund.

**Privacy note:** The information you have provided on this form will only be used by UNSW to distribute information about University courses and activities to you.

**Office Use Only:**

Rec'd

Inv No.

Auth No.

Printed on recycled paper



**Mixed Sources**  
Product group from well-managed  
forests, and other controlled sources  
www.fsc.org Cert no. SCS-COC-00787  
© 1996 Forest Stewardship Council



THE UNIVERSITY OF  
NEW SOUTH WALES

FACULTY OF LAW  
CONTINUING LEGAL EDUCATION

**CLE/CPD**

# Building & Construction Law

Tuesday 10 March 2009

1.30pm – 5.30pm

Grace Hotel, 77 York Street  
Sydney

[www.cle.unsw.edu.au](http://www.cle.unsw.edu.au)

## Audience

- Solicitors in general practice
- Building and Construction specialists
- Litigation Solicitors
- In house lawyers in building & development firms
- Building and Construction Barristers
- Local Government lawyers
- Architects and engineers who act as expert witnesses
- Planner, Civil and Structural Engineers
- Contract, construction and project Managers, contract negotiators

## Objective

The building industry has always had a high level of risk associated with it. In this seminar we aim to provide an overview of recent developments in the law and regulation of the building and construction industry. We will also look at other ways that risk is shared in the building industry and the issues that arise in major litigation or arbitration.

**CLE/CPD Points:** Four (4)

## About CLE/CPD

The CLE/CPD programme is an important link between the Law School at UNSW and the professional community. The programme consists of a series of quality short courses assisting lawyers, accountants, financial planners, executives and other professionals whose work demands up-to-date knowledge of, and skills in, the relevant areas.

# Building & Construction Law

Tuesday 10 March 2009

## 1.30pm Introduction from the Chair

### Opening Remarks

#### Hon Justice Clifford EINSTEIN

Supreme Court of New South Wales  
Technology Building and Construction List

## 2.00pm

### Topic 1: The Vanishing Superintendent and other contract administration issues

**Speaker:** Robert RIDDELL, Partner, Gadens

- Changing methods of procurement
- Unintended consequences of independence
- The fiction of independence
- Competing determinative mechanisms

## 2.50pm

### Topic 2: Limitations and Exclusions of Liability

**Speaker:** John COOPER, Partner  
Allens Arthur Robinson

- Purpose of clause
- Drafting issues
- Resent trends

## 3.45pm Afternoon tea

## 4.00pm

### Topic 3: Watch Out! – Duty to Warn on Construction Projects

**Speaker:** Owen HAYFORD, Partner, Clayton Utz

- Is a 'construct only' builder obliged to warn an owner of defects which it becomes aware of in the design prepared by the owner's design consultants?

- What if the builder isn't aware of the design defect but ought to have been?
- What if the builder suspects there is a design defect, but isn't sure?
- Does it make a difference if the design defect creates a safety risk?
- Is a superintendent required to warn a contractor if it becomes aware that the contractor is making a mistake which will cause the contractor expense?
- How will contributory negligence and proportionate liability schemes apply in these situations?
- This seminar will answer these questions and others by looking at the legal principles underlying the so-called "duty to warn" and applying them to construction projects.

## 4.45pm

### Topic 4: Liquidated damages – what are they? who needs them? Why use them?

**Speaker:** Andrew CHEW, Special Counsel, Mallesons

- Why use a liquidated damages clause?
- How to ensure that a liquidated damages clause is enforceable.
- What happens if it is not enforceable?
- How to challenge a liquidated damages claim.

## 5.30pm Questions – Close

For more information visit our website: [www.cle.unsw.edu.au](http://www.cle.unsw.edu.au)