

The University of Melbourne
Semester 2 Assessment 2002

COPY

Faculty of Architecture, Building and Planning

Subject Number: 702-416

Subject Title: Construction Law

The student is to write the student's number in the examination answer booklet.

Exam Duration: 2 hours

Reading Time: 15 minutes

This paper has: 2 pages

Authorised materials:

No lecture notes, advisory notes or other materials are authorised.

Instructions to Invigilators:

Students may take this examination paper from the examination room.

Instructions to Students:

Students should answer all questions.

Students should allocate their time in proportion to the marks given against each question.

Lodging of paper with Baillieu Library:

This examination paper will be lodged with the Baillieu Library after the completion of the examination period.

Question 1 [10 marks]

Provide definitions for the following terms frequently used in building contracts:

- contract works insurance
- security.

Question 2 [10 marks]

List five defences that can be made against a claim of negligence.

Question 3 [20 marks]

Describe the 'design and construct' building procurement process. Include details of the contractual relationships between the major parties. List the main advantages and disadvantages of using such a process from the owner's point of view.

Question 4 [20 marks]

Provide brief notes on the following terms:

- performance, as it relates to discharge of contract
- libel, as it relates to defamation
- party walls, as they relate to land law
- private nuisance, as a tort.

Question 5 [20 marks]

Explain the constraints on land use under the following headings:

- constraints appearing on the certificate of title
- constraints not appearing on the certificate of title.

Provide examples of both.

Question 6 [20 marks]

Explain the divisions of common law known as tort law and contract law, with particular reference to the construction industry.

—End of questions—