


DR. PETER TOWSON

BE(UNSW) MEngSc(UNSW)
MIEAust CPEng LLM(Syd) SJID(UTS)
PhD(Syd)

- Engineer and a Solicitor with over 50 years of experience in both areas.


PAUL UNO

BE MBdgSc MIEAust CPEng NER
RPEQ

- Over 40 years of experience including expert witness for legal firms.


DELE OMISORE

- Worked in Insurance and Financial Services in the UK and Australia, with a focus on Financial Services and the SME market.

WORKSHOP SUMMARY

This workshop has been specifically designed for Engineering and Building Construction professionals to assist them in understanding (a) Professional Indemnity Insurance – why and when it is required, and (b) Key elements of Contract Law in respect to their workplace requirements in accordance with AS4000-1997 General Conditions of Contract AS2124-1992.

With an emphasis on dispute and risk management, negotiation and drafting skills, the workshop will give non-lawyers the legal understanding they need to prevent devastating costs to their organisation or themselves.

If you provide consulting services or manage any construction projects, then this Contract Law & Professional Indemnity Workshop is a must attend event.

PROGRAMME (8.30 - 9.00 Registration)

9.00 - 9.45 Session 1 (Paul Uno)

- CONSTRUCTION FAILURES IN ENGINEERING

- Major construction failures that have occurred in Australia over the past 50 years.
- Engineering and building cases that have had a major influence on the laws relating to Professional Indemnity for design and construction professionals including:
 - o Voli vs Inglewood Shire Council (1963)
 - o State Rail Authority and the Coledale Landslide disaster (1988)
 - o Parramatta City Council vs Lutz (1988)
 - o Heyman vs Sutherland Shire Council (1985)
 - o Shaddock vs Parramatta City Council (1981)
 - o Bryan vs Maloney (1995).

9.45 - 10.30 Session 2 (Dele Omisore)

- PROFESSIONAL INDEMNITY FOR ENGINEERING & BUILDING PROFESSIONALS

- Professional indemnity insurance protects a business and its employees when they are sued for an act, error or omission in relation to the provision of professional services. A lack of understanding can result in significant legal costs in protecting both your business and professional reputation.
- Explanation of why and when Professional Indemnity Insurance is required, how policies provide protection for the professional against claims and the resultant impact on their business and their livelihood.

10.30 - 11.00 Morning Tea

11.00 - 12.30 Session 3 (Peter Towson)

- CONTRACT LAW FOR ENGINEERING & BUILDING CONSTRUCTION PROFESSIONALS

(Part 1 – Elements of a Contract)

- In order to understand the more complicated aspects of Contract Law, engineers must understand the basic elements which form a contract.
- Offer, Acceptance, Consideration, Revocation, Deed, Compromising Debts, Promissory Estoppel, Capacity and Legality of the contract as well as the terms in which the contract is founded and when a contract can be voided.

12.30 - 1.30 Lunch (Provided at Venue)

1.30 - 3.00 Session 4 (Peter Towson)

- CONTRACT LAW (continued)

(Part 2 – Terms of a Contract)

- Common contractual problems which arise when contracts are being drafted and executed and how aspects of AS4000 can be applied.
- Terms, Conditions, Warranties, Rules of Interpretation, Parol Evidence, Implied Terms, Ticket and Exclusion Clauses.
- How to draw up and execute a contract, and (if need be) steps in analysing a contract dispute.

3.00 - 3.30 Afternoon Tea

3.30 - 5.00 Session 5 (Peter Towson)

- CONTRACT LAW (continued)

(Part 3 – Vitiating Elements of a Contract)

- Topics and terms such as Fraud, Negligence, Void Contracts, Sale of Business, Confidentiality Agreements, Duress and Unconscionable conduct.
- Privity of Contract, Formal Requirements of Contract, Discharge and Termination of Contract, Insurance Contracts, Subrogation and Remedies for Breach.
- Overview of the course including the final steps in 'Drawing Up' a Contract.
- Case studies in relation to a dispute between a construction company and a Government Agency.
 - o Codelfa Constructions Pty Ltd vs State Rail Authority
 - o BP Refinery vs Shire of Hastings

5.00 - 5.15 Certificate of Attendance & Feedback sheets



COURSE COST

- 1 day course – **\$730 pp**

DATES, VENUES & REGISTRATION

- Registration form (back of catalogue)
- Visit our website www.etia.net.au

FURTHER INFORMATION

- Office (02) 9899 7447
- Mobile 0413 998 031
- Email registrations@etia.net.au