

Built Environment Law and Ethics

Study Notes

16467

Chapter 1: Introduction to Australian Law

| TOPIC | EXPLANATION |
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| <p>What is law and why does society need it?</p> | <p>[1.1] Law = set of rules. A natural person = human being (Mr and Mrs Jones). An artificial person = non-human legal entity (company or public body).</p> <p>[1.2] To ensure social, environmental and economic well being, a society must have in place a legal framework as well as a government who protects and promotes 'the rule of law'.</p> <p>[1.3] Rule of law states all people, regardless of status, should be ruled by the law (no one is above the law) and all people should be willing to be guided by it.</p> <p>[1.4] Must ensure laws are clear and accessible, the community is able to participate in law making, laws are publicly adjudicated and dispute settlement is fair.</p> |
| <p>The difference between law and ethics</p> | <p>[1.5] Ethics examines the moral standards of society. One way to determine if an act is ethical is their promotion of 'common good', if it shows a negative impact on society, it is considered unethical, and vice versa.</p> <p>[1.6] However, there is a difference between law and ethics, as not everything that is unethical is regulated by law (e.g. Bid shopping – attempting to use the lowest price as a bargaining chip to drive other tenderers prices down – is unethical, however is not illegal)</p> <p>[1.7] However, if the consequences of unethical conduct negatively affect society, it often leads to the introduction of new law or law reform (pressure from community).</p> <p>[1.8] The relationship between law and ethics is that, where law does exist to regulate undesirable behaviour, it requires ethical behaviour to comply with the law.</p> <p>[1.9] Ethics of construction professionals: - Constructed safely. - Contribute to social, environmental and economic sustainability. - Value for money to clients. - Fairly reward all parties involved in the process.</p> <p>[1.10] Ethics is required to serve 'common good'. Some professional bodies (Australian Institute of Building, Royal Australian Institute of Architects) have developed their own codes of ethics and conduct to ensure a higher standard.</p> |
| <p>The construction industry and the law</p> | <p>[1.11] Construction projects revolve around law. Projects require legal planning and building approvals and comply with legal regulations, involve contractual relationships, give rise to legal responsibilities for anyone involved and generate disputes.</p> <p>[1.12] As law reform exists around all industries, it is essential for all construction professionals to have basic grounding and can monitor laws regarding the industry.</p> <p>[1.13] It is necessary to understand classifications of law, history of Australian law, legal framework, sources of Australian law and the judicial system.</p> |