



**Alternative forms of building contract,
and implications for the practice of
architecture and influences upon the
Australian building industry.**

Thesis Submission for the
Degree of Master of Architecture

Lolita V. Mohyla
The Department of Architecture
The University of Adelaide
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CONTENTS

	Page
ABSTRACT	1
DECLARATION	2
ACKNOWLEDGMENTS	3
LIST OF ILLUSTRATIONS	5
Chapter 1: INTRODUCTION	7
1.1 Thesis/Research Questions	7
1.2 Definition of Key Terms	8
1.3 Thesis Structure	10
1.4 Purpose of the Study	12
Chapter 2: METHODOLOGY	15
2.1 Research Boundaries	15
2.2 Literature Review	18
2.3 Background Information	19
2.4 Sources of Information	19
Chapter 3: LITERATURE REVIEW	25
3.1 Published Texts	25
3.2 Published Articles	26

	Page
3.3 Conference Notes and Papers	27
3.4 R.A.I.A. Practice Publications	28
3.5 Forms of Standard Building Contract	28
3.6 Forms of Non-Standard Building Contract	29
3.7 Higher Degree Theses	29
Chapter 4: HISTORY OF CONTRACT LAW, LEGAL TERMINOLOGY AND LEGAL ISSUES	33
4.1 History of Contracts - General	33
4.2 History of Contracts - Australia	37
4.3 The Forming of Contracts	40
4.4 Terms of the Contract	41
4.5 Determining the Terms of the Contract	46
4.6 Liability	51
4.7 Duty of Care	53
4.8 Damages	55
4.9 Limitation of Actions	57
4.10 Copyright	57
4.11 Summary	58
Chapter 5: STANDARD CONSTRUCTION CONTRACTS IN AUSTRALIA	59
5.1 Building Contracts - General	59
5.2 Types of Contract	60
5.3 Forms of Contract	64
5.4 Summary	101

	Page
Chapter 6: THE TREND TOWARDS 'HOME GROWN'	
CONTRACTS	1 0 2
6.1 Changes Within the Australian Building Industry	102
6.2 Summary	138
Chapter 7: PROJECT DELIVERY SYSTEMS	1 4 1
7.1 Traditional System	141
7.2 Project Management	148
7.3 Design/Construct	154
7.4 Construction Management	159
7.5 Turnkey	166
7.6 Novation	166
7.7 Department of Defence	167
7.8 Queensland Government Administrative Services Department	181
7.9 Fast Track	189
7.10 Summary	192
Chapter 8: NOVATION	1 9 4
8.1 Definition	194
8.2 History	194
8.3 System Selection Criteria	196
8.4 The Novation Process	197
8.5 Contractual Documents	212
8.6 The Nature of Novation Contracts	224
8.7 Case Study 1: Adelaide Entertainment Centre, Adelaide, S.A.	232

	Page
8.8 Case Study 2: Telecom Headquarters, Melbourne, Vic.	250
8.9 Case Study 3: New Commonwealth Offices, Melbourne, Vic.	273
8.10 Case Study 4: MCG Great Southern Stand Redevelopment, Melbourne, Vic.	293
8.11 Case Study 5: Australian Department of Defence	312
8.12 Summary	320
Chapter 9: QUALITY ASSURANCE	322
9.1 Definition	322
9.2 Why Quality Assurance?	322
9.3 Inclusion in Building Contracts	330
9.4 Summary	331
Chapter 10: CONCLUSION	332
10.1 Background Information	332
10.2 Influences	333
10.3 Outcomes	335
10.4 Consequences	351
10.5 Summary	360
BIBLIOGRAPHY	363

ABSTRACT

This thesis considers alternative forms of building contract currently in use in the Australian building industry today. It initially provides information on the history of contract law, legal terminology and legal issues. In addition, it investigates issues relating to the historical use of standard forms of contract, their content, structure, intent and adaptation. A review of the most commonly used forms of contract, applicable to medium to large scale projects, is provided as a basis of understanding to subsequent investigation and discussion of the underlying reasons for the development of non-standard forms of contract.

There have been many changes within the Australian building industry over the last two decades. It is these changes which have been primarily responsible for the subsequent divergence from traditional methods of project delivery and standard forms of contract. The thesis examines the most significant influences attributable to these changes and discusses various issues including political, economic, industrial and social factors. The consequences of these changes are considered in relation to their effect upon building industry participants, including architects, the building process and systems of project delivery.

A variety of alternative methods of project delivery are discussed, together with an investigation of the resultant forms of building contract used. The thesis investigates the nature of such contracts, with particular emphasis on novation contracts. Case Studies are also examined with reference being made to the actual contracts employed on specific projects, and the development of new standard forms of contract. The emergence of other developments such as quality assurance programmes are also considered, providing an insight into their potential and actual effect upon project delivery and their incorporation into the new forms of contract. The final chapter is a summary in part, and it proposes future developments within the Australian building industry.

DECLARATION

This work contains no material which has been accepted for the award of any other degree or diploma in any university or other tertiary institution and, to the best of my knowledge and belief, contains no material previously published or written by another person, except where due reference had been made in the text.

I give consent to this copy of my thesis, when deposited in the University Library, being available for photocopying and loan.

SIGNED:..

DATE: 22nd DECEMBER 1992.....

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LIST OF ILLUSTRATIONS

	Page
Figure 7.1: Traditional Project Delivery System, with an Architect.	149
Figure 7.2: Traditional Project Delivery System, with a Superintendent, Alternative 1.	150
Figure 7.3: Traditional Project Delivery System, with a Superintendent, Alternative 2.	151
Figure 7.4: Project Management Project Delivery System, Alternative 1.	155
Figure 7.5: Project Management Project Delivery System, Alternative 2.	156
Figure 7.6: Design/Construct Project Delivery System.	160
Figure 7.7: Construction Management Project Delivery System, Alternative 1.	162
Figure 7.8: Construction Management Project Delivery System, Alternative 2.	163
Figure 7.9: Department of Defence, Head Contract Project Delivery System.	176
Figure 7.10: Department of Defence, Document and Construct Project Delivery System.	179
Figure 7.11: Department of Defence, Managing Contractor Project Delivery System.	182
Figure 8.1: Novation Project Delivery System	206
Figure 8.2: Case Study 1 Adelaide Entertainment Centre, Adelaide, S.A.	232

	Page
Figure 8.3: Case Study 2 Telecom Headquarters, Melbourne, Vic.	251
Figure 8.4: Case Study 3 New Commonwealth Offices, Melbourne, Vic.	274
Figure 8.5: Case Study 4 MCG Great Southern Stand Redevelopment, Melbourne, Vic.	295
Figure 8.6: MCG - Planning and Implementation Process.	311