

BUILDING AND CONSTRUCTION LAW JOURNAL

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ARTICLES

Proportionate liability in construction litigation – *The Honourable Justice Robert McDougall*

This article considers the scheme of proportionate liability established by Pt 4 of the Civil Liability Act 2002 (NSW). After a brief outline of the background to proportionate liability reform, the article examines the structure and operation of Pt 4 and considers its application in a number of different situations, including some that may typically arise in construction litigation.	394
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Current trends in risk allocation in construction projects and their implications for industry stakeholders – *Patrick Mead*

While risk in major projects is receiving great attention, no amount of risk assessment, management and treatment will guarantee that issues with serious financial and other consequences will not arise during the course of what is an inherently risky enterprise. The following article provides an overview of current trends in risk allocation in construction projects and a consideration of the methods adopted by various stakeholders to manage that risk. The author stresses the importance of differentiating between risks that are within the contractual parties control and those that are not, and notes the key areas of risk likely to be encountered in a major project. The requisite elements necessary to conduct an effective and accurate assessment of risk are identified prior to the demonstration of risk mitigation principles by way of hypothetical case studies. The role of the insurance industry in determining risk allocation and judicial interpretation of project insurances are then considered; the article concludes by looking to where risk allocation may be headed.	407
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