

# Melbourne University Law School

## Construction Masters Programme

### Deconstructing Risk

Guest presentation by

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and

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# Outline

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**Identifying the risks**



**Allocating the risks**



**Managing the risks**

# **Our perspectives**

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## **Doug**

- Transactional and dispute project lawyer for 40 years
- Full-time arbitrator for the past eight years

## **Janet**

- Professor for 25 years specialising in conflict of laws and comparative procedure
- International arbitrator for 20 years

# 1. Identifying the risks

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Clear identification of project objectives

Who are the stakeholders in achieving these objectives?

Collaboratively  
plan the  
preparation of a  
risk matrix



Use the matrix  
as a living  
document with  
the stakeholders

# Case Study – A new hospital



For further information: [https://www.hinfra.health.nsw.gov.au/news/latest/latest/construction-underway-on-new-\\$658-million-sydney-c](https://www.hinfra.health.nsw.gov.au/news/latest/latest/construction-underway-on-new-$658-million-sydney-c)

## Redeveloped Randwick Children's Hospital

## 2. Allocating the risk

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- Choice of project delivery model
- Contract structure – bespoke, standard form or hybrid
- Interrelationships – Designers, project managers, suppliers, subcontractors, end users
- Some key risks – cost, time, performance/quality

### 3. Managing the risk

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Extracting heads  
from the sand

The living risk  
matrix

Do the contracts  
manage risk?

How can lawyers  
help?

Issue and dispute resolution – its place in  
the process



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