

# BUILDING AND CONSTRUCTION LAW JOURNAL

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EDITORIAL – *Editor: Michael Christie SC*

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## ARTICLES

**Back to the Past – Future Challenges for Better, Safer, Building Design and Construction –**  
*Jeanette Barbaro and Dr Giorgio Marfella*

The growth of modern cities has led to an increase in high-rise, high-density living, challenging building regulation throughout the world. The challenges have manifested in incidents such as the Lacrosse Apartments fire in Melbourne and the tragedy of the Grenfell Tower fire in the United Kingdom. This article looks at the evolution of the built environment in Melbourne, and considers the origins and appropriateness of the current system of building regulation in Australia. It proposes – in light of why, how and what is being built in Australia – that reform is needed to the very foundations of building regulation. What is considered is the implementation of a nationally consistent two-tiered “system-based” approach to building regulation; an approach that would mandate performance outcomes for “cookie cutter” construction, while permitting performance-based design and construction for certain classes of complex buildings that demonstrate innovation and which uphold safety approved by a nationally-based expert peer review body tasked with ensuring consistency, safety, and compliance nationally. .... 362

**Insuring Risk in Construction Projects –** *Laina Chan*

Construction projects are inherently risky in terms of cost, time and quality. Part of the risk is managed by insurance. This article identifies the types of insurance that are typically available on construction projects and focuses upon Contractors All Risks Insurance and Professional Indemnity Insurance only. Both are forms of liability policies. Some of the key issues that can arise in considering the scope of coverage and indemnity under each type of policy are highlighted and discussed. .... 378

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