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The Decommissioning Difference: Unique Challenges in Contracting for Decommissioning Projects – *Trevor Thomas and Thomas Milner*

This article considers the unique challenges involved in contracting for decommissioning projects. In contrast to construction projects, where there are a wide range of standard form contracts and well-established practices, decommissioning projects suffer from a lack of uniformity in approach. This issue is likely to become more acute having regard to the immense future pipeline of decommissioning work, driven by the impending retirement of a wave of ageing assets and accelerated by the early shutdown of fossil fuel infrastructure in response to climate change. This article sheds light on seven key contractual issues that are likely to arise in decommissioning projects and offers guidance to contracting parties on how to navigate the key differences between construction and decommissioning when preparing and negotiating a form of decommissioning contract. 245

(Dis)Proportionate Liability, Insurance and the Design and Building Practitioners Regulation 2021 (NSW) – *Jordan Davies*

In the wake of the Building Confidence Report to the Building Ministers Forum, the New South Wales (NSW) Legislature passed sweeping reforms to plug perceived holes in the NSW building regulatory scheme. These reforms included substantial new obligations for design and building practitioners under the *Design and Building Practitioners Act 2020 (NSW)*. This article investigates the interaction of these reforms with the NSW scheme of proportionate liability under the *Civil Liability Act 2002 (NSW)* and the insurance requirements for design and building practitioners in the jurisdiction. It aims to determine whether the NSW Legislature has appropriately accounted for unintended risks to consumers arising from broadening the range of practitioners “captured” by liability under the *Design and Building Practitioners Act 2020 (NSW)* and *Design and Building Practitioners Regulation 2021 (NSW)*. 258

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