

# BUILDING AND CONSTRUCTION LAW JOURNAL

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**The Past, Present and Future of BIM Disputes** – *Paula Gerber and Joseph Xuereb*

Building Information Modelling (BIM) is increasingly recognised as a powerful tool to increase the efficiency and success of major construction projects. This is the second in a two-part series of articles that analyse the lessons that Australian construction lawyers can learn from the extensive use of BIM in other jurisdictions. Part I focused on the BIM knowledge that front-end construction lawyers should have, while this article focuses on how disputes have arisen on projects using BIM and the role that BIM might play in future disputes on Australian construction projects. The focus of this analysis is on the potential for BIM-related litigation to alter professional standards of care, as well as the role that BIM and BIM experts may play in dispute resolution from an evidential perspective. The article concludes with important recommendations for back-end lawyers as BIM starts to feature in construction disputes in Australia. .... 467

**Suppressing Subjectivity – Objectively Quantifying Risk Allocation in Construction Contracts** – *Kiri Parr and Kevin Pascoe*

Appropriate risk allocation is a key feature that occupies the parties in the drafting and negotiation of construction contracts. Despite endless discussions and papers on the subject, it remains a subjective practice influenced by hidden negotiating strategies and personal preferences based on opinion rather than fact. This approach continues to fail projects, with contracts that are difficult to understand and administer and which do not promote the behaviours and risk allocation needed to support the successful delivery of construction projects. This essay outlines a method that makes contract risk allocation objective, transparent, and understandable. It is a method that assesses, quantifies, and visualises contract risk allocation against an objective scale, and which enables comparative analysis between contracts. .... 482

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