

**ASEC 2008
ABSTRACT**

Title of abstract:	Avoiding structural disputes
Author's Name and job title:	Dr Donald Charrett Barrister, Victorian Bar
Co – author names, job title and organisation:	
Abstract:	<p>Successful projects are those in which the elements of scope of work, quality, cost and time are appropriately managed so as to fulfil the expectations of the project participants. These issues are central features of every construction contract, and a shortfall perceived by one of the parties in the expected outcome for any one of them can result in a dispute. The materialisation of any risk is also a potential causative factor for a dispute. The importance of the management of quality, cost and time in accordance with the requirements of contract is stressed, and illustrated by reference to past projects that have resulted in failure or dispute. It is suggested that these lessons from the past are equally applicable today, and are a valuable guide to ways of avoiding future disputes. The paper also highlights the fundamental importance of implementing appropriate contractual conditions including risk allocation, and notes certain aspects of contracts which can influence the likelihood of disputation arising from unfulfilled expectations. Suggestions are made for mechanisms that can be implemented to minimise the impact of disputes that do arise.</p>