



Title: *Best Practice in Construction Disputes: Avoidance, Management and Resolution (1st ed.)*
Author: Dr Paula Gerber, Brennan Ong
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Constructive view of construction disputes

Review by *Ren Niemann*.

This book presents a unique opportunity for legal practitioners and construction professionals to gain a holistic and detailed understanding of the lifecycle of a construction dispute and, importantly, the practical measures that can be employed to avoid and manage such disputes.

As a legal practitioner who has focused on the construction industry for more than 15 years, I am unable to recall a book which has more comprehensively analysed the issues that arise from conflicts in the industry than Dr Paula Gerber's and Brennan Ong's *Best Practice in Construction Disputes: Avoidance, Management and Resolution*.

I found the insight into both the theory behind construction disputes and the practical focus on how to avoid, manage and resolve them invaluable. Clearly driven by the unnecessary waste (in terms of cost, time, effort and relationships) that is generated by conflicts, this book provides readers with practical examples, case studies and useful comparative analysis to guide professionals who face these issues every day.

What I found especially insightful was Chapter 19 dealing with 'Best Practice' and how it challenges professionals to think more broadly about construction disputes and how they can be best avoided. On reflection, it might have warranted placing this chapter earlier to ensure readers considered this issue throughout the remainder of the book.

The book is well-structured in its approach to analysing the issues in this area. Across four parts (Avoidance and Management of Disputes, Alternative Dispute Resolution, Binding Dispute Resolution and Best Practice) the book covers the salient cases and legislation that inform readers of the underlying legal framework to construction disputes.

It does not set out to be a comprehensive review of all of the cases, articles and jurisprudential framework; this would detract from its value as a guide combining both theory and practice to outline "...a better way of managing construction contracts and projects so as to facilitate the efficient management of conflicts and reduce the risk of disputes" (as the authors describe their motivation in the preface).

Not surprisingly, there is a large portion of part one devoted to the theory and practical issues relating to dispute avoidance processes, a relatively recent framework introduced in major construction and infrastructure projects in Australia over the last decade. Having been involved personally in some of the early projects that included dispute resolution boards (DAPs), and having seen how effective they can be, the chapters reflecting on DAPs provide readers with the foundation for understanding how to best use these processes to ensure 'prevention is better than the cure'.

The authors have been able to bring together their collective observations, research and guidance in a book that is educational, intellectually stimulating and a pleasure to read. I recommend it to any construction and legal professional who seeks to keep abreast of the contemporary developments in this area of law.

Ren Niemann is a partner at Allens.