

Disputes Arising from Government-Funded Infrastructure Projects

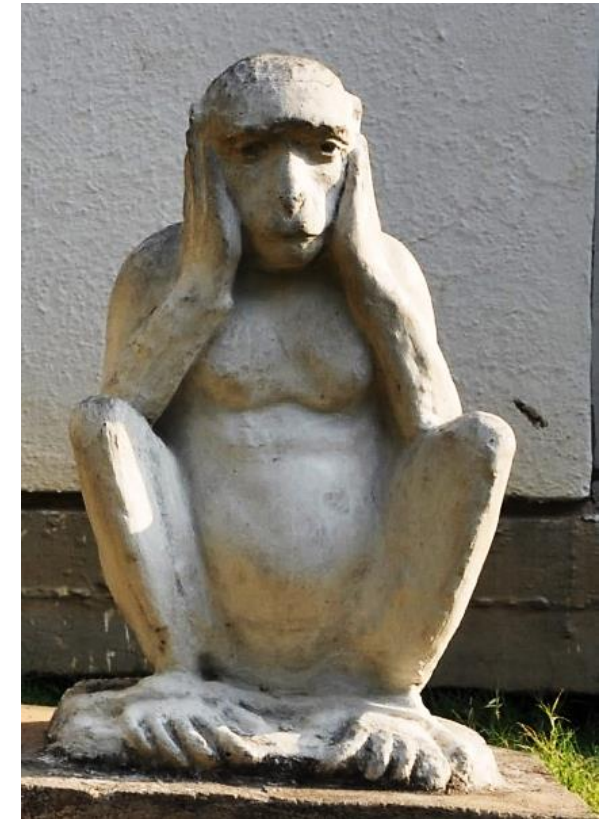
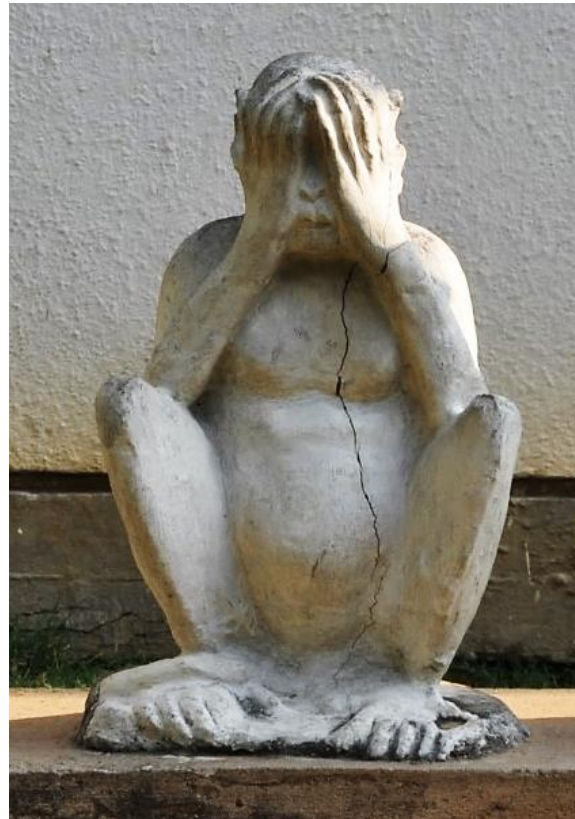
*Application to India of the
Australian State and Commonwealth
Experience*



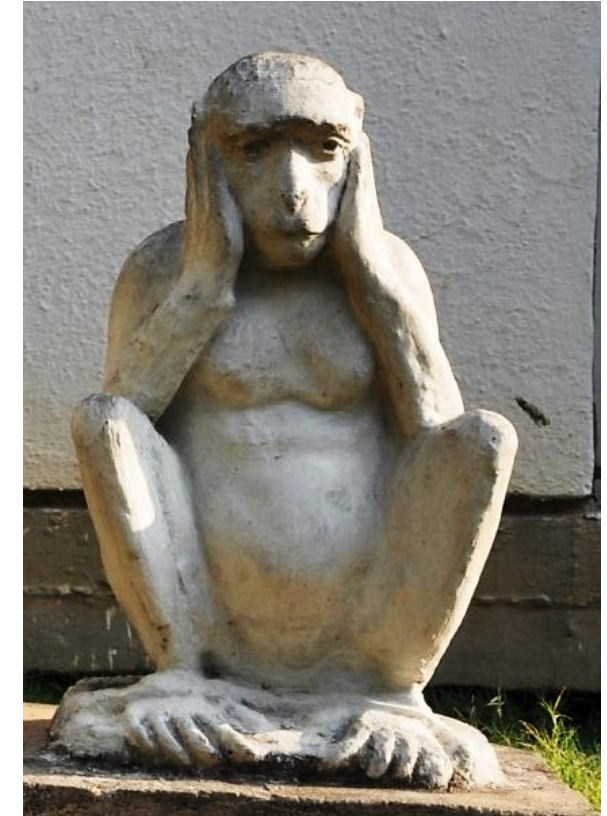
Professor Doug Jones AO

**SCL India International Conference – Session 1: Collaborative Contracting
8 December 2023**

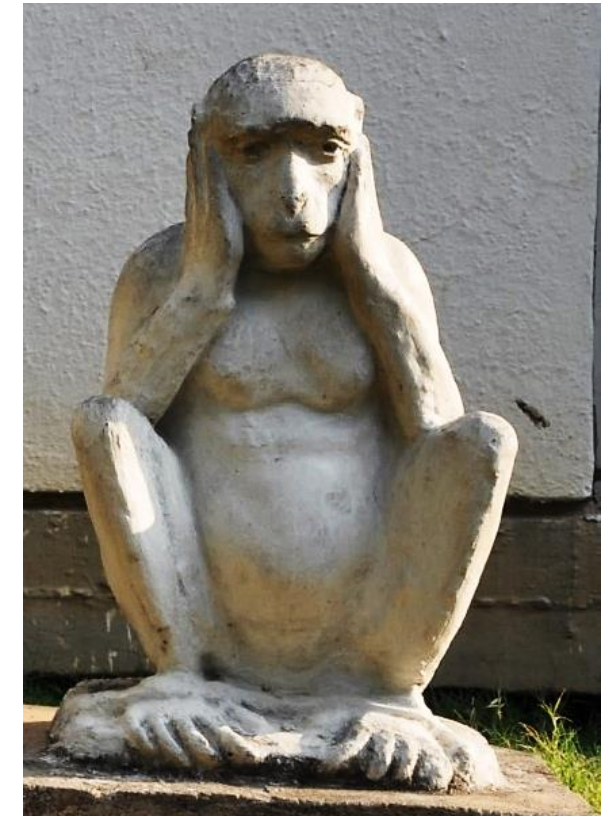
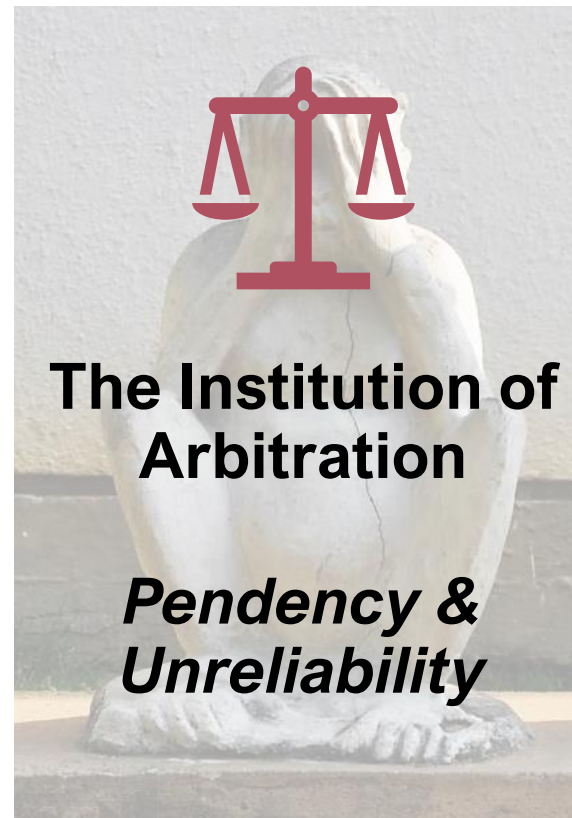
The Problem in India



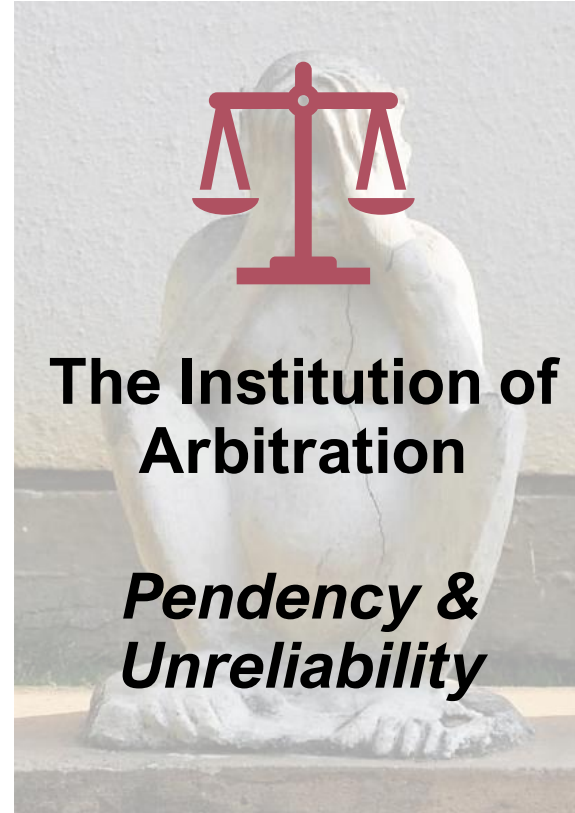
The Problem in India



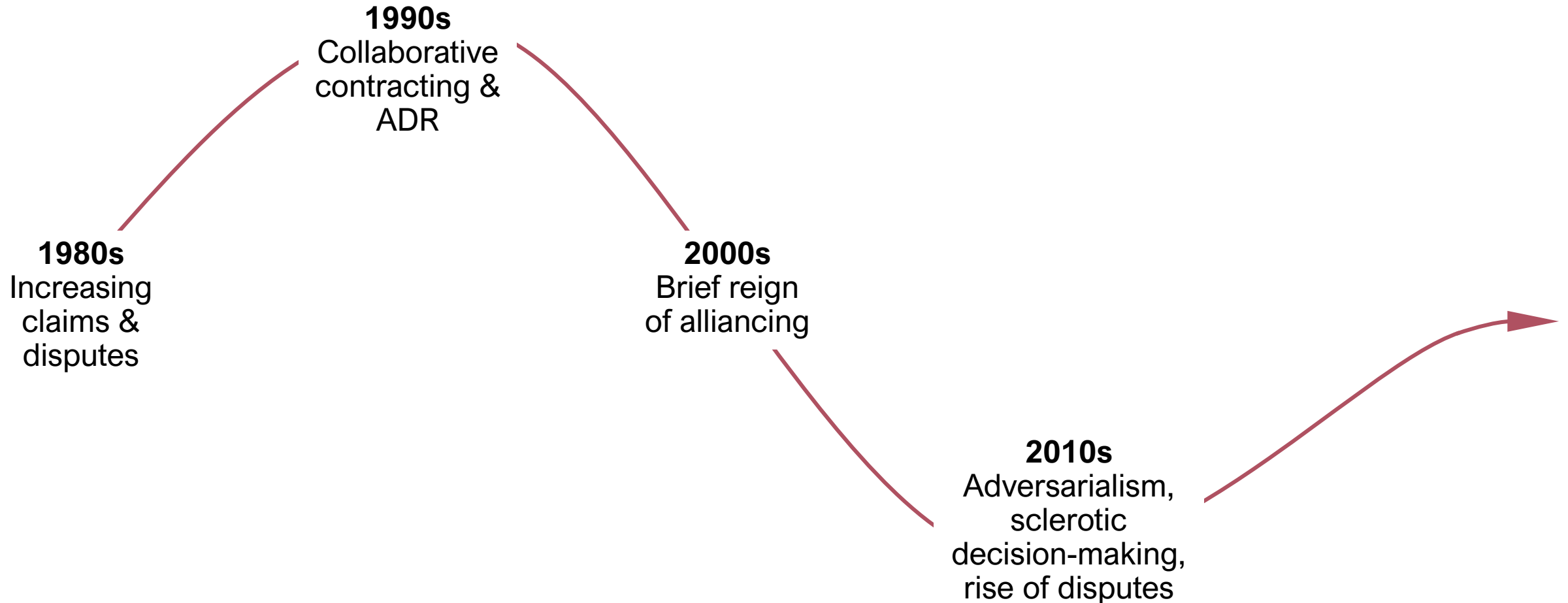
The Problem in India



The Problem in India



The Australian Experience



The Australian Experience

Procurement Strategies

- *“Value for Money”*
- *ECl-peasy!*
- *Collaborative & realistic risk allocation*



The Australian Experience

Dispute Resolution

- *Resolving disputes for the sake of the project*
 - *The model litigant is no litigant at all!*
- *Dispute Boards*
 - *Adjudication, Avoidance or Both?*



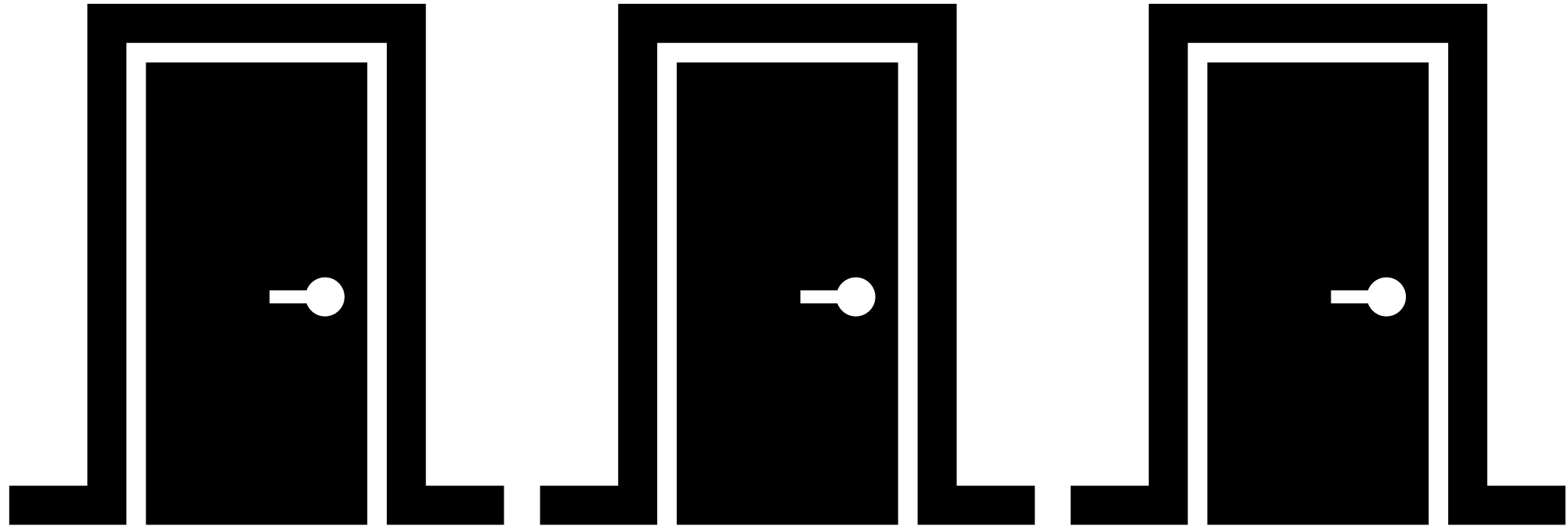
The Australian Experience

Public Sector Auditing

- *More than just following the rules*
- *Evaluating efficiency of dispute resolution*
- *“Health Checks”*



The Potential for Reform

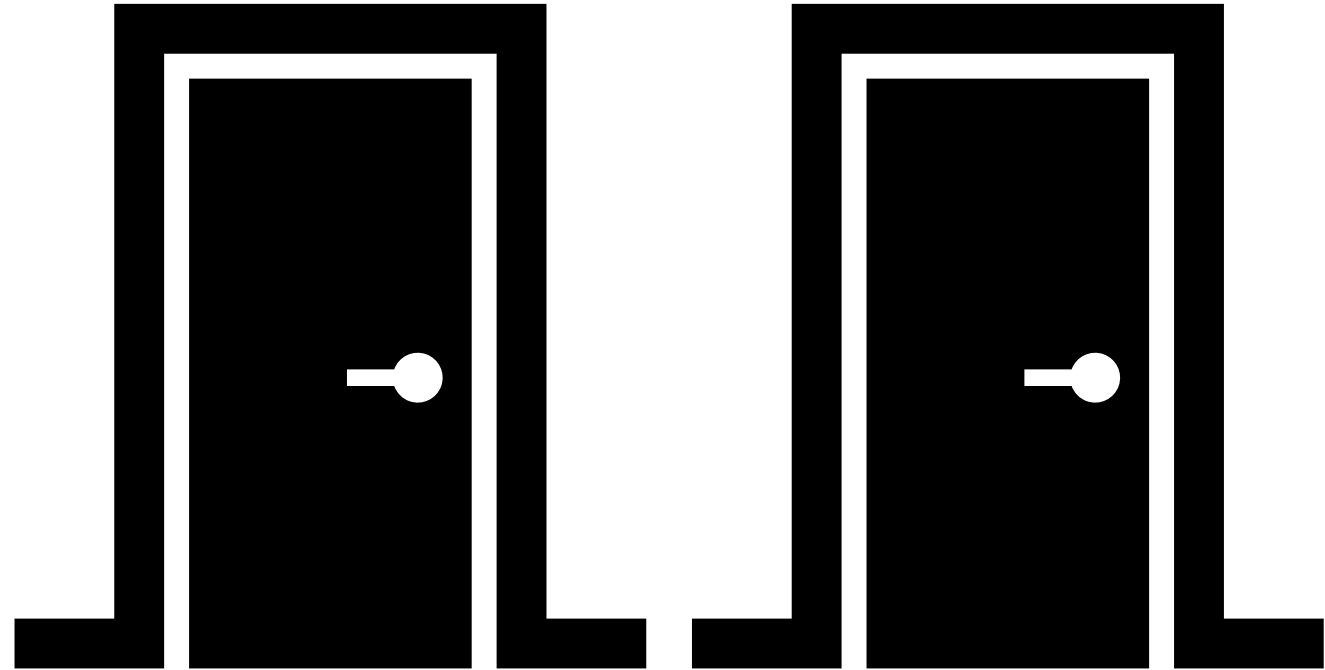


The Potential for Reform



**Reconsidering
Procurement
Guidelines**

***An Opportunity
for Increased
Collaboration?***



The Potential for Reform



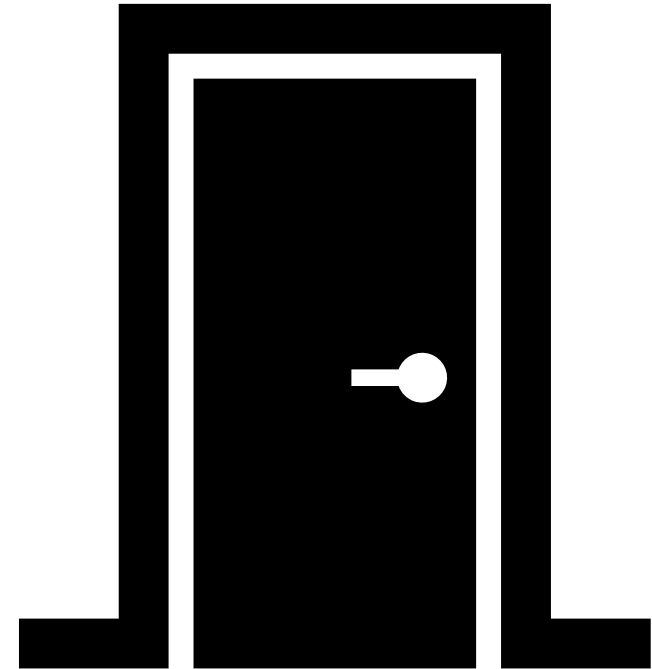
**Reconsidering
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**Reducing Delay
in Courts and
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***Whither the
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**Reshaping the
Role of the CAG**

***Looking Beyond
Corruption***

The Potential for Reform

*Blessings of
holy water...*



*...or
legitimising
procurement
decisions
without killing
the project*

Link to Full Paper



Disputes Arising from Government-Funded Infrastructure Projects: Application to India of the Australian State and Commonwealth Experience

Professor Doug Jones AO & Ron Finlay AM