



2nd Annual Contract Law Week *New Seminars *Interactive and Practical * Team Discounts

CONTRACT LAW WEEK 2010

Featuring practically oriented seminars facilitated by leading experts

13th September to 16th September 2010, Cliftons Centre, Canberra

6 SEPARATELY BOOKABLE SEMINARS

1. NATURE AND REQUIREMENTS OF COMMONWEALTH CONTRACTS: *Seminar 1 – 13th September, Full Day Seminar*
2. MANAGING TERMS OF THE CONTRACT : INDEMNITIES, LIABILITY CAPS AND INSURANCE: *Seminar 2 – 14th September, Full Day Seminar*
3. CONTRACT MECHANISMS TO DELIVER EFFICIENCY DIVIDENDS, COST SAVINGS AND PROJECT SCHEDULE AND GST CLAUSES IN GOVERNMENT CONTRACTS: *Seminar 3 – 15th September, Half Day Seminar*
4. HOW TO IMPLEMENT THE PUBLIC SECTOR 'IP' PRINCIPLES IN CONTRACTS/PROCUREMENT MANAGEMENT: *Seminar 4 – 15th September, Half Day Seminar*
5. PROBITY RISKS IN GOVERNMENT PROCUREMENT : *Seminar 5 – 16th September, Half Day Seminar*
6. HOW TO AVOID THE COMMON PITFALLS IN CONTRACTS MANAGEMENT: *Seminar 6 – 16th September, Half Day Seminar*

Who Should Attend?

Directors, Assistant Directors, Managers and Project Officers responsible for:

- * Contracts
- * Procurement
- * Legal Advisory Roles
- * Risk Management
- * Intellectual Property
- * Commercial

Organised by:

LEARNING NETWORK SOLUTIONS

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OVERVIEW OF CONTRACT LAW WEEK 2010

After the success of the 1st Contract law Week event in 2009, Learning Network Solutions is proud to present their 2nd annual event, Contract Law Week 2010 with all new seminars facilitated by highly recognised and professional facilitators. It consists of 6 separately bookable seminars on key contract and procurement issues in the public sector.

These seminars consist of practically oriented modules and sessions coupled with syndicate exercises where delegates get an opportunity to apply the principles through interactive group discussions. Each seminar is separately bookable and excellent team discounts are available.

If you need any questions regarding the content of this event or the team discounts, please feel free to contact Mohammed Khatri the Program Manager of this conference.

Seminar 1: Monday, 13th September

NATURE AND REQUIREMENTS OF COMMONWEALTH CONTRACTS

Facilitated by: Paul Armarego, Principal, STRATEGIC LEGAL SERVICES

Agenda

Monday, 13th September, 9.00 – 4.00

8.15 - 9.00: REGISTRATION & MORNING TEA

MODULE 1

NATURE OF COMMONWEALTH CONTRACTS

- Continuum of Government contracts from Arrangements through Funding Agreements to Major Novel Strategic One-Off Projects and Programs
- The Legal and Policy Framework, including Better Practice
- Business ethics and standards of conduct that apply to the practice of government contracting
- Current features of CPG's and exemptions

10.20 – 10.35 – MORNING TEA BREAK

MODULE 2

KEY CONTRACTUAL PROCEDURES IN PUBLIC SECTOR CONTRACTING

- Issue of Enforceability and Process Risks
- Key issues in Pre-Contracting stage
- Legal and operational issues in Contract formation
- What to look for before signing the Contract
- Common mistakes and strategies to avoid them

12.30 – 1.30 – LUNCH SERVED AT THE VENUE

MODULE 3

KEY CONTRACT CLAUSES

- Key Commonwealth Contracts and Contract Clauses
- Key contract management clauses and tips for effective drafting and practical implementation and management of these clauses
- Practical aspects of addressing issues relating to Enforceability and Self -Help remedies such as Step-In Rights, Automatic Rights, Liquidated damages, Service Levels, etc

2.30 -2.45 - AFTERNOON TEA

MODULE 4

SYNDICATE EXERCISE

Delegates will be asked to work in small groups of a specific task which will be related to the contract management principles addressed in previous modules

4.00 - SUMMING UP AND CLOSE OF THE SEMINAR

MANAGING TERMS OF THE CONTRACT: INDEMNITIES, LIABILITY CAPS AND INSURANCE

Facilitated by: Ashley Tsacalos, Partner, NORTON ROSE AUSTRALIA

Agenda

Tuesday, 14th September, 9.00 – 3.45

8.15 - 9.00

REGISTRATION & MORNING TEA

9.00

MODULE 1: INDEMNITIES AND LIABILITY CAPS

An indemnity is an obligation by one party to make good losses sustained by another party. The function of an exclusion clause is to exclude, qualify or limit liability. In Part One of this Seminar, we will discuss some of the more pertinent legal issues which affect indemnities and exclusion clauses (including limitation of liability clauses) in commercial contracts. We will consider the applicable case law and provide participants with some practical guidelines on how to negotiate, draft and interpret indemnity clauses and exclusion clauses (including limitation of liability clauses) in commercial contracts.

The topics to be covered are:

- Purpose and function of indemnities
- Interpretation of indemnities
- Indemnities in the government context
- Examples of indemnity clauses from contracts
- Purpose and functions of exclusion clauses
- Interpretation of exclusion clauses
- Exclusion clauses and limitation of liability in the government context
- FMA Act implications, Reg 10 Issues and Contingent liabilities
- Practical drafting tips
- Workshop exercises and discussion

10.20 – 10.35 – MORNING TEA BREAK

12.30 – 1.30 – LUNCH SERVED AT THE VENUE

MODULE 2: MANAGING INSURANCE ARRANGEMENTS

The topics to be covered are:

- Basic terms and concepts
- Classes of insurance
- Occurrence-based policies versus claims-made policies
- Coverage, terms and conditions, exclusions
- Joint insureds and third party insureds
- Subrogation, double insurance and contribution
- Insurance in the government context, including the role of Comcover
- Examples of insurance clauses from contracts
- Workshop exercises and discussion

3.45 - SUMMING UP AND CLOSE OF THE SEMINAR

Seminar 3: Wednesday, 15th September

This seminar is divided into 2 parts

I. CONTRACT MECHANISMS TO DELIVER EFFICIENCY DIVIDENDS AND SAVINGS AND PROJECT SCHEDULE

Facilitated by:

Michael Brennan (Partner) & Robert Watson (Special Counsel), MINTER ELLISON

II. MANAGING 'GST' IN GOVERNMENT CONTRACTS

Facilitated by:

Rhys Guild (Partner), MINTER ELLISON

Agenda

Wednesday, 15th September, 9.00 – 12.30

8.30 - 9.00 - REGISTRATION & MORNING TEA

10.30 -10.45 – MORNING TEA BREAK

12.45 – 1.40 – LUNCH SERVED AT THE VENUE

MODULE 1

CONTRACT MECHANISMS & TECHNIQUES TO DELIVER EFFICIENCY DIVIDENDS AND SAVINGS AND MEET PROJECT SCHEDULE

- Key drivers of contractor behaviour in respect of costs, quality, schedule and performance efficiency
- Overview of PBC, gainshare/ painshare, alliance, cost plus, fixed price, time and materials, PPP and other models
- Mechanisms to drive efficiencies
- Allocating costs and risks in the contract
- Contract management techniques to deliver cost savings
- Contract mechanisms to achieve project schedule
- Tips and traps

MODULE 2

GST AND GOVERNMENT CONTRACTS: COMMON ISSUES AND MISTAKES

- Understanding the key elements in a GST clause - and what can go wrong
- Dealing with GST on important contracts a - why GST can be payable twice
- Dealing with GST in tenders - is GST inclusive or GST exclusive best?
- GST and appropriations - how does it work

12.30 – CLOSE OF THE SEMINAR

HOW TO IMPLEMENT THE PUBLIC SECTOR 'IP' PRINCIPLES IN CONTRACTS / PROCUREMENT MANAGEMENT

Facilitated by:

Philip Heuzenroeder , Principal, SPRUSONS & FERGUSONS LAWYERS

Agenda

Wednesday, 15th September, 1.45 – 5.00

12.15 – 1.45 - REGISTRATION & LUNCH ON ARRIVAL

1.45 – 1.50: OPENING REMARKS

MODULE 1

UNDERSTANDING 'IP' PRINCIPLES AND THE RELEVANCE OF THE AUSTRALIAN GOVERNMENT STATEMENT OF 'IP' PRINCIPLES IN PROCUREMENT

- What are the IP Principles and which ones are related to procurement?
- What is IP and why is it important?
- How may IP affect my procurement? Learn to identify the forms of IP in a procurement setting.

MODULE 2

PUTTING THE 'IP' PRINCIPLES INTO ACTION IN PROCUREMENT

- Become familiar with common terminology and approaches to dealing with IP in a procurement context.
- Understand IP clauses in procurement contracts.
- Learn to work out the rights you need – introducing the “IP Needs Analysis”.
- Gain confidence to use alternative solutions and receive insights as how to benefit from a flexible approach.

MODULE 3

WORKING THROUGH REALISTIC EXAMPLES REQUIRING FLEXIBILITY IN THE NEGOTIATION OF 'IP' ARRANGEMENT

- Participate in small group discussions with speaker as facilitator.
- Key lessons and golden rules.

4.45 – 5.00: CONCLUDING REMARKS BY SPEAKER AND CLOSE OF THE MASTERCLASS

PROBITY RISKS IN GOVERNMENT PROCUREMENT

Facilitated by:

Colin Webeck, Partner, SPARKE HELMORE LAWYERS

Agenda

Wednesday, 16th September, 9.00 – 12.30

8.30 - 9.00 - REGISTRATION & MORNING TEA

10.30 -10.45 – MORNING TEA BREAK

12.45 – 1.40 – LUNCH SERVED AT THE VENUE

9.00: Introduction to the Master Class:

In this session, we will review the key probity risks in government procurement, and examine the potential consequences when they do materialise.

We will also conduct an interactive workshop to identify and discuss creative but defensible solutions to avoid and mitigate probity risks.

This half-day session is suitable for in-house government legal advisers, procurement professionals and contract managers.

Topics covered will include:

- The sources of probity obligations, and how recent changes to the FMA regime impact procurement;
- What happens when procurement makes headlines: a look at recent court decisions and some controversial, high-profile procurement activities; and
- A discussion of some probity issues encountered by the presenters and attendees, and how they could be avoided.

Cases discussed will include:

- MBA Land Holdings v Gungahlin
- BSkyB Ltd v HP Enterprise Services
- The decision to exclude the Telstra bid for the national broadband project

12.30: CONCLUDING REMARKS BY SPEAKER AND CLOSE OF THE MASTERCLASS

HOW TO AVOID THE COMMON PITFALLS IN CONTRACTS MANAGEMENT

Facilitated by:

Alexandra Wedutenko (Partner) & Lisa Keeling (Senior Associate), CLAYTON UTZ

Agenda

Thursday, 16th September, 1.45 – 5.00

12.15 – 1.45: REGISTRATION & LUNCH ON ARRIVAL

1.45 – 1.50: OPENING REMARKS

MODULE 1

PREVENTION IS BETTER THAN CURE: CONTRACT MANAGEMENT WHEN DRAFTING AND NEGOTIATING CONTRACTS

- How to ensure the draft contract reflects the intended approach to managing the resultant contract
- Governance procedures
- Identification of key "management" (problem) areas
- Negotiation as a step of contract management - sales v reality

3.15 – 3.30: AFTERNOON TEA BREAK

MODULE 2

TO SINK OR SWIM: COMMUNICATION, ESCALATION PROCEDURES, PERFORMANCE MANAGEMENT AND CONTRACT AMENDMENTS

- Communication techniques and escalation procedures
- The role of the Contract Manager in managing relationships
- Effective management of a performance framework
- Variations, waiver and estoppel
- Drafting, implementing and managing contract amendments: keeping contracts up to date and not having undocumented side deals; and being prepared to amend the contract if required.

4.45 – 5.00: CONCLUDING REMARKS AND CLOSE OF THE MASTERCLASS

REGISTRATION FORM

CONTRACT LAW WEEK 2010

6 separately bookable seminars – 13th to 16th September, Cliftons Centre, Canberra

Register by: Tel: 02-95852304, Fax: 02-95852094, Email: info@learningnetworks.com.au

INVESTMENT (\$):

Register by 15th August: Full Day Seminars (S1 / S2) - \$899 +GST = \$988.9per seminar : **Early Bird offer**

Register after 15th August: Full Day Seminars (S1 / S2) - \$1099 +GST = \$1208.9 per seminar

Register by 15th August: Half Day Seminars (S3/S4/S5/S6) - \$699 + GST = \$768.9 per seminar: **Early Bird Offer**

Register after 15th August: Half Day Seminars (S3/S4/S5/S6) - \$899 + GST = \$988.9 per seminar

SPECIAL DISCOUNTS:

- Register a total of 3 full day seminars and get One additional half day seminar complimentary
- Register a total of 4 half day seminars and get One additional half day seminar complimentary
- Register a total of 6 seminars and get any Two additional seminars (half day or full day) complimentary
- Register a total of 8 seminars and get any Three additional seminars (half day or full day) complimentary
- Register a total of 10 seminars and get additional Four seminars (half day or full day) complimentary
- To Register more than a total of 10 seminars please contact us for a customised package

Please select the seminars you like to attend and then total the number of selected seminars to find which discount applies to you

1st Delegate **S1** **S2** **S3** **S4** **S5** **S6**

Name _____

Title _____

Email _____

2nd Delegate **S1** **S2** **S3** **S4** **S5** **S6**

Name _____

Title _____

Email _____

3rd Delegate **S1** **S2** **S3** **S4** **S5** **S6**

Name _____

Title _____

Email _____

For additional delegates please use a separate form or email us the details

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Please debit my: **Visa** **Amex** **Master card** **Bankcard**

Card Number: _____

Expiry Date: _____

Card Holders Name: _____

Registration and Payment

✓ Invoice shall be send after the registration.

✓ Please quote invoice number when making a payment through EFT

Venue: Cliftons Centre Canberra (Optus Building), Level2, 10 Moore St. Telephone: 1800629088

Professional Development: If this training conference is relevant to your ongoing legal professional development, you may claim one unit for each hour of attendance. Refreshment breaks are not included in this hour

Privacy Policy: We do not have mailing lists. We do not send out hard copies or emails or faxes without the consent of the receiver.

Program Changes: We reserve the right to make changes in the program and the panel of speakers and the venue of the event.

Cancellation Policy: Cancellations made 3 weeks prior to the event will receive a complete refund. For cancellations done within 3 weeks of the program you are liable to make full payment and no refund can be made. We will issue you a credit note that could be used to attend any of our future events of the same amount. If event is not held due to any reason, our liability is limited to the event fee only. In any event our liability is limited to the event fee only

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