

# CONTRACT CLAIMS, VARIATIONS & DISPUTES MASTERCLASS

2-Day Training Course: A Complete Guide to Contract Issues Management

26-27 February 2019 • Melbourne  
27-28 June 2019 • Brisbane

17-18 September 2019 • Perth  
4-5 December 2019 • Sydney



**informa**  
corporate learning

**Our  
Expert  
Course  
Faculty**



**Margaret André**

Margaret is a practicing lawyer who specialises in contract law having advised and represented a wide range of parties on their rights, obligations and risk exposure under a contract.



**Sean McCarthy**

Sean offers over 20 years of expertise in contract management, claims management, procurement and contract law.

## Key Learning Objectives

- ▶ Understand the aspects of contract administration that impact claims and disputes
- ▶ Properly identify potential contract issues
- ▶ Establish how claims should be quantified and valued
- ▶ Understand what the contractual requirements are in relation to claims
- ▶ Determine an effective claims management procedure
- ▶ Understand obligations when assessing claims
- ▶ Discover specific negotiation and behavioural skills to reduce the amount of time and energy spent on claims
- ▶ Understand the possible behavioural outcomes and learn an approach to avoiding negatives
- ▶ Gain insights into the nature of the various approaches to contractual dispute resolution



This course is a core unit in the Contract Management Professional Certification.



Informa Corporate Learning is an IACCM Learning Partner.



Use this course to help fulfil your Continuing Professional Development (CPD) educational requirements to retain your professional status.

**REGISTER NOW >** [www.informa.com.au/contractclaims](http://www.informa.com.au/contractclaims)

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## ABOUT THE COURSE

How many times have legitimate claims for money and/or time been overlooked or rejected because they have not been identified or substantiated?

This practical course is based around carefully designed case studies that highlight what should happen, where people have gone wrong and best practices that you can utilise. It aims to ensure your issues are identified, managed and agreed within the restrictions imposed by any agreement or contract.

Where the contract or agreement provides little or no guidance regarding claims or disputes, the course will discuss what options are available, and how they should be implemented. The management of contract issues includes a number of steps which should be followed to ensure the best possible outcome is achieved. Therefore, the course will consider what information is required to properly substantiate and justify entitlement.

The course will also look at how that information should be presented, what methods of evaluation are available and when to use them. It mixes updates in theory and concepts with practical wisdom.

## WHO WILL BENEFIT

This practical masterclass is based on testing, applying and refining one's knowledge with real scenarios. It launches immediately into applying the instructor's expert knowledge and insights into tricky, complicated claims and disputes. It is structured around case studies.

It will benefit anyone working in the building, construction, engineering, production or supporting industries who is involved with the administration and management of contracts, from the principal or contractor side.

### Would You Like To Run This Course On-Site?

#### Informa Corporate Learning: On-site & Customised Training

If you have **8+** interested people, an onsite course can be an ideal solution. Speak with **Anton Long** or **Holly Baldwin** on **+61 (02) 9080 4454** to discuss your customised learning solution, or email [training@informa.com.au](mailto:training@informa.com.au)

## OUR EXPERT COURSE FACULTY



**Margaret André**

In 2017 Margaret started her own legal practice after having worked in a boutique law firm that specialised in construction law matters. She has a general interest and sound knowledge of the building and construction sector and is experienced in dispute resolution processes including mediation, adjudication, arbitration and litigation.

Margaret has a strong customer focus and always strives to ensure she is able to add value to her client's business by utilising her wide network base to assist in meeting their needs. With an approachable manner and her flexibility to work with her clients in a timely and cost-effective manner, many of Margaret's clients are referrals from her existing or former clients.

Prior to studying law, Margaret spent over 20 years lecturing adults at TAFE in either a full time or part time role and was regularly required to deliver training in commercial courses at TAFE in the areas of occupational safety and health, project management and business management. As a committed educator, Margaret adopts adult learning principles and endeavors to create an enthusiastic, collaborative and engaging learning environment for all course participants.

Margaret has delivered and written training and assessment material in the areas of contract law, due diligence, security of payments legislation and Australian consumer law for engineers, quantity surveyors, contract administrators and contract managers. Often the training and assessment material is developed after undertaking a training needs analysis to ensure the course content is appropriate and contextualized for the course participants.

As an advocate of lifelong learning, in addition to completing a Bachelor of Laws and a Bachelor of Education in Adult Education, Margaret also successfully completed a Certificate IV in Training and Assessment and a Certificate IV in Occupational Health and Safety.



**Sean McCarthy**

Prior to the study and practise of law, Sean spent over 20 years in building and construction in various roles featuring project management. He ran his own successful building company in Melbourne for 7 years. Here he navigated contract and site management as well as dealing with planning and regulatory issues.

Over the last decade, Sean has focused on construction, procurement, contracts and general property and commercial law in both his studies and in legal practice. He has been "in-house" legal practitioner for a major ACT government directorate providing advice across all facets of operations, and dealing with infrastructure disputes for the latter part of 2012.

Sean teaches part time at both ANU and the University of Canberra law faculties, and is currently a director at the Society of Construction Law Australia. He has written awarded papers on the role of "ethics" within the construction industry.

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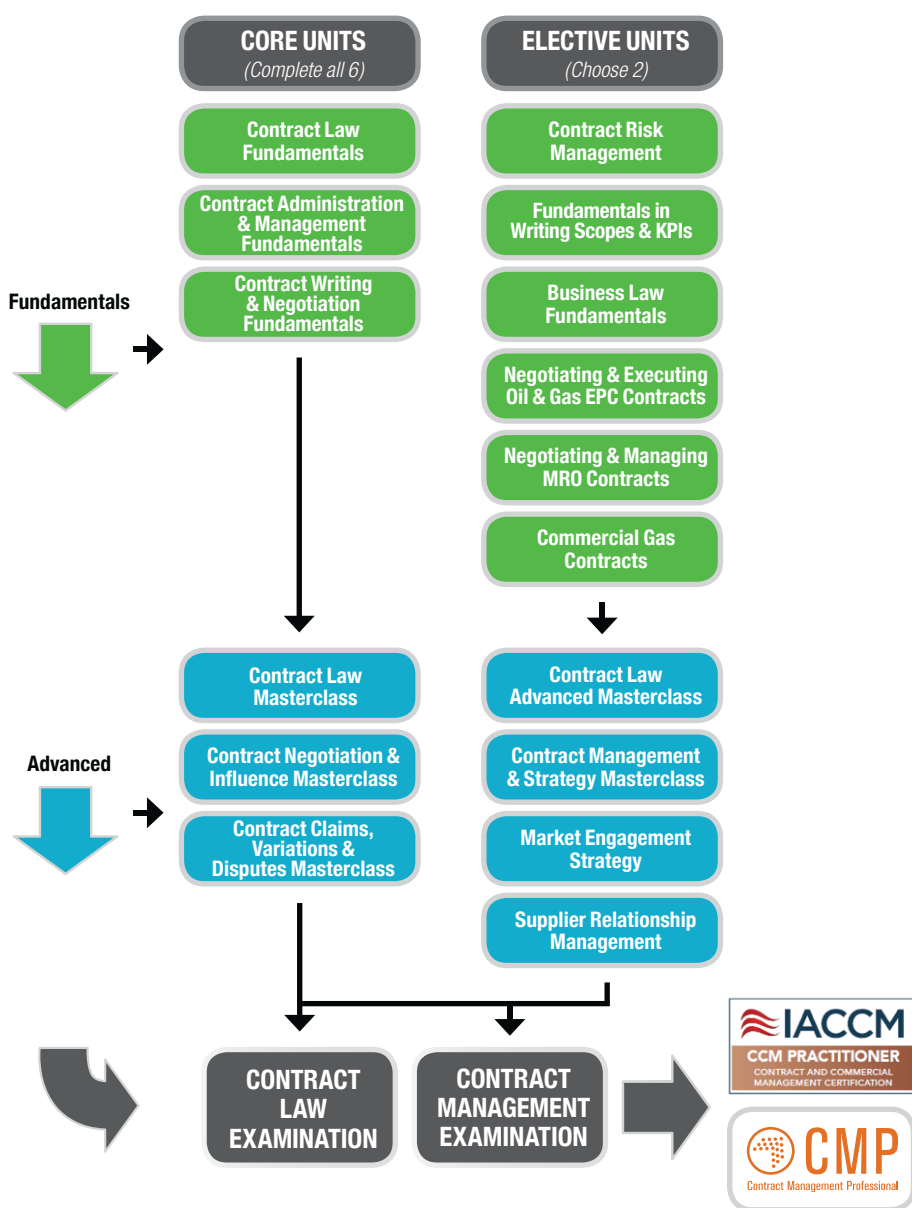
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## THE CMP CERTIFICATION FRAMEWORK

The CMP provides a robust method of up-skilling and recognising an individual's expertise and experience in contract management and procurement. Our combination of in-class teaching, facilitation, knowledge based testing and workplace evidence based examinations has been carefully crafted to not only teach knowledge and skills, but to also demonstrate how individuals can apply their knowledge to work based situations. This Certification is recognised by IIBT and IACCM.

Contact us to see how we can help you:

Visit [www.informa.com.au/training](http://www.informa.com.au/training), email [training@informa.com.au](mailto:training@informa.com.au) or phone +61 (02) 9080 4395



Informa Corporate Learning is a Learning Partner of the International Association for Contract and Commercial Management (IACCM), which promotes the international standards and practices for defining and managing trading relationships.

## ABOUT IIBT



The International Institute of Business & Technology Aust (IIBT) is a highly respected,

Government approved, Australian provider of higher education and VET programs. Their suite of programs includes a University level **Diploma of Business Administration**, equivalent to the first year of a business related undergraduate degree at Australian Universities. [www.iibt.wa.edu.au](http://www.iibt.wa.edu.au)

## THE IIBT / INFORMA CORPORATE LEARNING ALLIANCE

IIBT and Informa Corporate Learning joined together to provide a pathway for those who complete Informa's CMP at the Master level. All CMP Masters will receive Recognised Prior Learning (RPL): 2 units of credit in the 12 month, Higher Education, University level Diploma of Business Administration.

- Business Law (BL101)
- Management in Organisations (MGT101)

**\*This is a Higher Education Diploma equivalent to first year university NOT a Vocational Education Diploma.**

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## 2-Day Intensive Course Outline

### Review of key contract administration elements (and contract provisions regarding contract administration) that can impact claims

- The concept of Privity
- Terms of contract versus conditions of contract in the claims process
- Waiver versus forbearance
- Order of precedence
- Other relevant points

### Review of claims and the claims process

- When do claims arise?
- Most common claims relating to costs and or time
- Basic/complex claims
- Common subject of claims (non or part payment of variations/late payment/D&D/poor or inadequate contract documents etc)

### Discussion

- Comparing and contrasting claims and how they could have been avoided in the first place

### Claims management

- Collect and review data regularly
- Highlight potential issues as they arise
- Identifying specific claims
- Following the timing within the contract/or be reasonable
- Issue with applications for payment
- Maintain communication to achieve agreement

### Activity

- How should a potential claim be handled?

### Workshop

Troubleshooting a complex, multifaceted construction industry claim – learn from what went wrong, and how the 'impasse' was eventually satisfactorily resolved:

- Consider entitlement – is it reasonable?
- Issue notices in accordance with contract
- Can it be valued using the contract?
- If contract is not an option what basis can be used (discuss alternatives)
- Supporting documents

### Activity

- What should be considered

### Case Study

- Best practice management of defects – the contractual remedies and the practical procedures for ensuring they are realised

### Claims assessment

- Consider entitlement
- Sufficient information
- Basis of calculation reasonable
- Comply with contract when notifying (ref: Construction Contracts Act)
- Can claim be passed on – if so is further info required?

### Addressing disputes

- Various approaches to dispute resolution process
- Explanation of the various steps of the process
- The contract administrator's role in each stage
- Overview of managing lawyers who are involved in the process
- Management reporting of the progress of dispute resolution process
- Explaining the various alternatives – escalation, facilitation, mediation, arbitration litigation etc

### Case study

- Understanding and resolving an international contracting dispute without lawyers

### Claims specific negotiation and behavioural skills

- Using 'soft' skills in the context of very 'hard' negotiation circumstances
- How to deal with the 'tough guy' in an arising dispute claims situation
- Tactics you can expect to encounter when the going gets tough –
- and how to counter them using both technical tactics and behavioural knowledge
- Key principles of the behavioural approach to claims negotiation
- Principles of Cognitive Behavioural (self) Leadership™ in claims negotiation

### Activity: Negotiation workshop

In this workshop activity, participants will be guided through an exercise based on a 'real life' experience/case study. At the end of each stage of the exercise, participants will be told what happened in the real case. This information will then be used as the basis for progressing through the next stage of the workshop when valuing claims?

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## Easy Ways to Register

**1 Web**  
www.informa.com.au/contractclaims

**2 Telephone**  
+61 (02) 9080 4395

**3 Email**  
training@informa.com.au

## Stay Connected



Quote P19GL11 when you register.

## Contract Claims, Variations & Disputes Masterclass

	Location	Course Dates	Super Early Bird price valid until		Early Bird price valid until		Standard price valid after		4+ Dels Discount	
			ME - 18 Jan 19 BR - 17 May 19 PE - 9 Aug 19 SY - 25 Oct 19		ME - 8 Feb 19 BR - 7 Jun 19 PE - 30 Aug 19 SY - 15 Nov 19		ME - 8 Feb 19 BR - 7 Jun 19 PE - 30 Aug 19 SY - 15 Nov 19			
P19GL11ME	Melbourne	26-27 Feb 19	\$2,595 + \$259.50 GST	<b>\$2,854.50</b>	\$2,795 + \$279.50 GST	<b>\$3,074.50</b>	\$2,895 + \$289.50 GST	<b>\$3,184.50</b>	\$2,236 + \$223.60 GST	<b>\$2,459.60</b>
P19GL11BR	Brisbane	27-28 Jun 19	\$2,595 + \$259.50 GST	<b>\$2,854.50</b>	\$2,795 + \$279.50 GST	<b>\$3,074.50</b>	\$2,895 + \$289.50 GST	<b>\$3,184.50</b>	\$2,236 + \$223.60 GST	<b>\$2,459.60</b>
P19GL11PE	Perth	17-18 Sep 19	\$2,595 + \$259.50 GST	<b>\$2,854.50</b>	\$2,795 + \$279.50 GST	<b>\$3,074.50</b>	\$2,895 + \$289.50 GST	<b>\$3,184.50</b>	\$2,236 + \$223.60 GST	<b>\$2,459.60</b>
P19GL11SY	Sydney	4-5 Dec 19	\$2,595 + \$259.50 GST	<b>\$2,854.50</b>	\$2,795 + \$279.50 GST	<b>\$3,074.50</b>	\$2,895 + \$289.50 GST	<b>\$3,184.50</b>	\$2,236 + \$223.60 GST	<b>\$2,459.60</b>

### Privacy Policy & Updating your Details:

Please visit us online at [www.informa.com.au/privacy](http://www.informa.com.au/privacy) for a full privacy policy. Database amendments can be sent to [database@informa.com.au](mailto:database@informa.com.au) or phone **+61 (0) 2 9080 4017. ABN: 66 086 268 313**

### Informa Corporate Learning – On-site & Customised Training

Informa Corporate Learning has a long-standing track record of delivering very successful customised learning solutions achieving real and measurable value for our clients through our senior training consultants.

If you have 8+ interested people, an on-site course can be the ideal solution – giving you the opportunity to customise our course content to your specific training needs, as well as attracting significant savings compared to public course costs.

### Why Choose On-site With Informa Corporate Learning?

- 1. Custom design** – Together, we will identify the best blended learning solution for your culture, your people and your training objectives.
- 2. Quality assured** – We design market-leading training programs, concepts and methodologies, with a 400+ course portfolio. Our rigorously selected 900+ instructor faculty are recognised experts in their field. Quality of their content and delivery methods is assured through continuous monitoring and evolution.
- 3. On-site training** is a cost effective way to train your people and achieve your defined outcomes.

### Our Long Standing Clients Include:

Ambulance Victoria, BHP, Department of Planning, Transport & Infrastructure, SA, Origin Energy, Electricity Generating Authority of Thailand (EGAT), ActewAGL, Ajilon, Arrow Energy, Barrick, Chevron Australia, Coffey International, ConocoPhillips, Dalrymple Bay Coal Terminal, Department of Education, ENI Australia, Fortescue Metals Group, IBM, Jemena, Office of the National Rail Safety Regulator, Pacific National, PT Freeport, Public Transport Authority – WA, QGC – BG Group, Rio Tinto, UBS, Woodside, IP Australia, ANU, Health Purchasing Victoria, Telstra, Queensland Rail, EY, Litmus Group and more...

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