

CONTRACT LAW MASTERCLASS FOR NON-LAWYERS

Training Course

Learn to better manage risk, systematically audit contracts & improve dispute resolution by examining advanced elements of contract law & contractual obligations. Become competent at assessing the legal advice you receive & interpreting it correctly to generate true value for your business.

LIVE ONLINE TRAINING

September	Course Parts will commence at 09:00 and end at 13:00 (AEST). There will be short breaks during each course Part.			
Part 1: 22 nd September	Part 2: 23 rd September	Part 3: 29 th September	Part 4: 30 th September	
November	Course Parts will commence at 10:00 and end at 14:00 (AEDT). There will be short breaks during each course Part.			
Part 1: 23 rd November	Part 2: 24 th November	Part 3: 30 th November	Part 4: 1 st December	

FACE TO FACE TRAINING

18-19 November 2020 • Perth
19-20 November 2020 • Sydney



Our Expert Course Faculty



Terry Reid

Terry has over 27 years' experience as a barrister, solicitor and lecturer. Terry's courses are delivered with a very high degree of interaction with participants gaining an insightful view of how the law can be beneficial in their business.



Sean McCarthy

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



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.

Key Learning Objectives

- ▶ Gain new tools, knowledge and means to handle and develop legally astute and advantageous contracts
- ▶ Implement strategies to ensure your contracts are plainly expressed and well risk-managed
- ▶ Protect your interests if things go wrong in the future
- ▶ Understand the force of your contractual obligations
- ▶ Identify clauses that can be used to effectively manage risk
- ▶ Recognise the optimal times to exert the power of the clauses in your contracts
- ▶ Appreciate what constitutes a good contract and why
- ▶ Ensure that your organisation has a high level of 'contractual governance'
- ▶ Understand the contractual implications of practical e-commerce

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4 Part Series

ABOUT THE COURSE

Second in our contract law series and our CMP Certification, this course is designed to address the most recent issues confronting executives in a contract process. You will examine the issues arising on formation and how to ensure parties maintain control when establishing their contractual obligations.

This course will focus on how judges' deal with issues of interpretation of contracts and how to ensure that ambiguity is avoided in documentation.

You will also learn to interpret recent decisions of judges and the impact of these decisions on contract law and its practice. The use of well used clauses requires precise drafting to ensure the clauses achieve their desired purposes.

The instructor will spend detailed time teaching participants how to interpret examples, and take their interpretative and analysis skills back to their workplace.

WHO WILL BENEFIT

- This practical intermediate course is relevant for ALL those who have dealings with contracts in their everyday business environment.
- The course assumes at least a fundamental knowledge of the law. In order to discuss these more detailed concepts presented in this course, all participants must understand the basics.
- It suits people who have a strong practical background and wish to explore some topical areas in more detail.
- Often people who have completed law degrees attend this course due to its strong practical focus and application.

OUR EXPERT COURSE FACULTY



Terry Reid

Terry has over 27 years' experience as a barrister and solicitor and in the delivery of courses on a variety of legal and commercial topics, covering a wide range of audiences.

Terry graduated in arts and law with first class honours from the University of Auckland and subsequently completed his post graduate qualification at the University of Melbourne. After a period in the banking and finance sector advising banks on a range of financing transactions he entered legal practice working in the corporate/commercial areas. During this time in legal practice he was engaged in teaching at universities and he now mixes teaching with legal consultancy.

Terry's legal practice has focused on business law, contracts and corporations' law, and has been involved in providing advice on a wide range of business transactions. His clients have ranged from small businesses owned by individuals to large publicly listed companies.



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.



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.

WHAT OUR CLIENTS SAY

"Good at engaging with students, terrific examples, well spoken, always has an answer. I would attend any of his courses."

Estimator Services Projects, Outotec Pty Ltd

Learn Anywhere, Learn Anytime

Catering to meet all your learning needs:

- Get **high quality** practical training from our expert instructors
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- **Invest** in yourself. Invest in your team.

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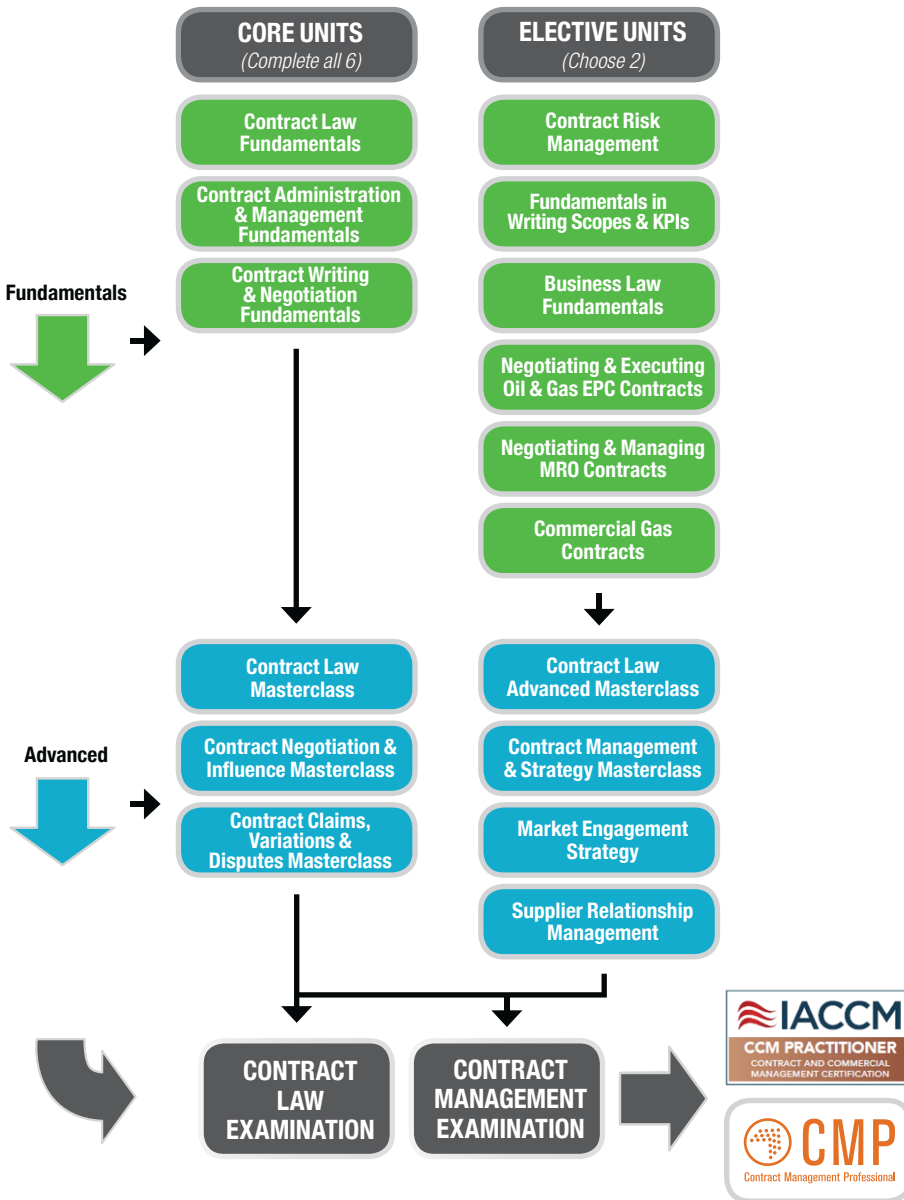
4 Part Series

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, email 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

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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Course Outline

Managing issues on formation

- Analysing the interpretation problems with formation documents, e.g. Letters of intent, MoUs, Letters of Comfort and Heads of Agreements
- Preliminary agreements and certainty of terms in contracts
- The problem of 'good faith' in contracts and what this means for contracting parties
- The formation of process contracts and the associated risks
- Issues surrounding electronic transactions

Drafting a watertight yet concise contract

- The approach taken by judges in interpreting documentation
- The fundamentals of a modern approach to plain drafting
- Using appropriate grammatical structures and words to avoid
- Developing an appropriate structure for contracts and plain language vocabulary
- The incorporation of KPIs in contract drafting
- Development of an overall design framework for contract drafting
- The use of 'standard form' contracts and how to avoid exposure by using these contracts
- The problems surrounding the use of boilerplate clauses in contracts

Termination of contracts

- The legal rules which govern termination in contracts
- Designing termination provisions in contracts to ensure they avoid any adverse judicial interpretation
- Identification of the practical response to termination rights in a contract
- Minimisation of the risk which arises on a right of termination being exercised
- Identification of conduct which amounts to wrongful termination and its impact on contracts
- The rules relating to repudiation in contract management

Damages examined

- The legal principles which apply to contractual remedies
- Matters which affect the recovery of damages and recent cases where the courts have assessed damages
- The rules relating to liquidated damages in contracts
- The commercial and legal problems associated with liquidated damages clauses
- Drafting effective liquidated damages clauses

Case Study Analysis

- *Analysing poor drafting and how it can be improved to achieve a stronger and clearer outcome*
- *Review contracts and examine good and bad examples of contracts against the commercial objectives which the contract aims to support*

Risk management within the contract

- How to design risk management processes for organisational contracting
- Assessing exposure from the contract
- Identification of appropriate clauses which can be used to manage risk, e.g. exclusion clauses, limitation of liability clauses, indemnities, 'best endeavours' clauses, jurisdiction clauses
- The judicial rules which govern the interpretation of risk management clauses in contracts
- Drafting tips to avoid the pitfalls of risk management clauses
- The legal rules applicable to jurisdiction clauses and how to ensure jurisdiction risk is controlled
- The management of risk associated with variations in contracts

Practical Exercise

Examination of insurance arrangements and indemnities

Dispute resolution

- The modern approach to dispute resolution
- The pitfalls and traps of dispute resolution
- Drafting a dispute resolution process for contracting
- How to ensure the collection and maintenance of appropriate documentation within the contract process
- The legal view of clauses which provide for dispute resolution

Case Study analysis throughout the course

- *The course will underpin the legal rules which apply to contracts by using case examples and a detailed case study.*
- *This case study will provide an excellent opportunity for participants to apply the legal principles which will assist in the development of organisational systems to promote better use of contracts.*

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Easy Ways to Register

- 1 Web** www.informa.com.au/clawmccs
- 2 Telephone** +61 (02) 9080 4395
- 3 Email** training@informa.com.au

Contract Law Masterclass For Non-Lawyers - Live Online Training

Course Codes	Location	Course Parts	Month	Standard Price	4+ Dels Discount
P20GL02HB	Live Online Training	All 4 Parts	September 20	\$2,076 + \$207.60 GST	\$2,283.60
P20GL02HB02V	Live Online Training	All 4 Parts	November 20	\$2,076 + \$207.60 GST	\$2,283.60

Great Savings:
 When you book **4 or more** participants! **Call us** today on **+61 (2) 9080 4395** or email training@informa.com.au to take advantage of the discount offer.

Contract Law Masterclass For Non-Lawyers - Face To Face Training

Course Codes	Location	Course Dates	Super Early Bird price valid until PE - 9 Oct 20 SY - 9 Oct 20	Early Bird price valid until PE - 6 Nov 20 SY - 6 Nov 20	Standard price valid after PE - 6 Nov 20 SY - 6 Nov 20	4+ Dels Discount
P20GL02PE03	Perth	18-19 Nov 20	\$2,595 + \$259.50 GST \$2,854.50	\$2,895 + \$289.50 GST \$3,184.50	\$2,995 + \$299.50 GST \$3,294.50	\$2,316 + \$231.60 GST \$2,547.60
P20GL02SY03	Sydney	19-20 Nov 20	\$2,595 + \$259.50 GST \$2,854.50	\$2,895 + \$289.50 GST \$3,184.50	\$2,995 + \$299.50 GST \$3,294.50	\$2,316 + \$231.60 GST \$2,547.60

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Please visit us online at www.informa.com.au/privacy for a full privacy policy. Database amendments can be sent to 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:

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Speak with **Anton Long** or **Holly Baldwin** on **+61 (02) 9080 4455** to discuss your customised learning solution, or email training@informa.com.au