

**3 Day Interactive Training Summit Focusing on Key Issues in Public Sector Contracts and Procurement Management**

22<sup>nd</sup>, 23<sup>rd</sup> & 24<sup>th</sup> November, Cliftons Centre, Canberra

# CONTRACT MANAGEMENT IN FOCUS

*Featuring detailed, in-depth and interactive modules facilitated by highly regarded experts*

## KEY MODULES OF THE SUMMIT

**Module 1: HOW TO DEVELOP A FRESH AND INNOVATIVE APPROACH TO CONTRACT NEGOTIATIONS**

Facilitated by **Simon Kelland, Managing Partner, Scotwork Australia**

**Module 2: HOW TO IDENTIFY, PREPARE AND MANAGE CONTRACT CLAIMS**

Facilitated by **Alexandra Wedutenko, Partner, Clayton Utz**

**Lisa Keeling, Senior Associate, Clayton Utz**

**Module 3: HOW TO HANDLE A CONTRACT BREACH AND WHAT ARE THE POTENTIAL CONTRACT REMEDIES AND OTHER OPTIONS AVAILABLE**

Facilitated by **Adrian D'Amico, Partner, Norton Rose Australia**

**Module 4: RESOLUTION AND RECOVERY IN CONTRACTS MANAGEMENT THROUGH NEGOTIATIONS**

Facilitated by **John Glenn, Director, Kiah Consulting**

**Module 5: HOW TO MANAGE RISKS AND MAINTAIN HIGH PROCUREMENT STANDARDS THROUGH PROBITY**

Facilitated by **Brian Ambler, Partner, TressCox Lawyers**

**Module 6: IP AND GOVERNMENT CONTRACTS: GETTING THE BALANCE RIGHT**

Facilitated by **Paul Armarego, Special Counsel, Norton Rose**

## TO REGISTER CALL NOW!

TEL: (02) 95807327 FAX: (02) 9585 2094, Email: [info@learningnetworks.com.au](mailto:info@learningnetworks.com.au)

*Developed and Organised By: LEARNING NETWORK SOLUTIONS*



## OVERVIEW OF THE TRAINING SUMMIT

This unique summit will focus on some of the key issues and challenges in public sector contracts and procurement and is developed specially for public sector professionals involved with various aspects of contracts, procurement and legal advisory roles. The summit is developed with a focus to address each topic in detail and in a practical and interactive manner. The content of this summit is based on the invaluable feedback that we have received from our past attendees. The format is current, improved and newly developed to give you the most current information, strategies and solutions by practical based sessions facilitated by leading experts.

In order to achieve the best possible outcome, each module is facilitated by an expert in that topic and each module will consist of practical hands on group exercises where you can apply the knowledge and information that you have grasped during the session. It will also provide an excellent opportunity to network with others from other public sector departments. If this training summit is relevant to your ongoing legal professional development, you may claim one unit for each hour of attendance.

### Tips on registration, sharing delegate passes between delegates and securing generous discounts

- Each day consists of 2 modules. You need to register at least a day or 2 modules as each module is of different duration. Example, if you register for module 1 and module 3, it will be considered as if you have registered for a day or if you send 2 delegates for a same module, it will also be considered as if you have registered for a day. Please note the investment for each module comes only to \$577.5 inclusive of GST and this includes lunch and refreshments. Hence if 2 delegates attend only one module the price will be 2 times 577.5 = \$1155 inclusive GST depending on when you register.
- When you take a pass for 1, 2 or all 3 days, you can share it with your colleagues and hence each of you have the flexibility of attending the module(s) of your choice.
- We are also providing a generous discount options including getting a complimentary 3 day pass or 6 modules when you take 2 passes for the entire 3 day summit. In other words if you register and pay for a total of 12 modules, you can get an additional 6 modules which leads to savings of \$3300 to \$3600. If you don't wish to take 6 additional modules as complimentary then you have an option of getting a \$350 discount on the total package.
- We can customise a package that meets your professional and budgetary requirements. Simply let us know how many modules totally you like to take up and we will offer you a customized package that gives you the maximum value.
- Please note we have also kept option of early bird discount to maximize the value of your investment to the fullest.

### Professional Development

If this training summit 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

**Who should attend:** This summit will benefit all professionals involved with various aspects of procurement, contracts, tendering, intellectual property, finance, and legal advisory roles.

**Lunch and Refreshment Breaks:** Please note lunch will be served on all days and there will be a refreshment break on each day in the morning and in the afternoon.

*If you have any questions regarding this summit please contact our Program Manager, Mohammed Khatri on 02-95852304 or email at [info@learningnetworks.com.au](mailto:info@learningnetworks.com.au)*

Thank you and we look forward to welcome you at the summit.

**9.00 – 12.30: Module 1****HOW TO NEGOTIATE A CONTRACT: MISTAKES LEARNED AND DEVELOPING A FRESH APPROACH TO CONTRACT NEGOTIATIONS**

**Presented by Simon Kelland – Managing Partner of Scotwork Australia**

**Better deals in less time: 20 tips for you from the world’s leading negotiation skills experts**

We all face price pressure, time constraints, deal creep, difficult business relationships, contractual disputes, allocation of scarce resources - all these conflicts (and more) are part of the business landscape. The good news; we can deal with these conflicts by the application of simple to learn and easy to use negotiation skills.

Most of the negotiation techniques learned on the job are either ineffective or counter-productive. For most people, negotiation skills are not innate - they have to be learned. Unfortunately a lot of the "received wisdom" in organisations about what makes for good negotiations is just plain wrong.

In this informative and entertaining tutorial you will receive practical skill tips that you can take away and use to improve negotiations. Your beliefs about negotiating will be challenged, you will be introduced to some counter intuitive ideas - and have some fun.

A brief outline of what the session will seek to address:

- How to achieve a fresh approach to contract negotiations.
- What are the essentials of an effective negotiation strategy and style
- How "value for money can be achieved through a robust and fresh approach to contract negotiations
- A framework for contract negotiations; check lists, tips and strategies

**12.30 – 1.30: NETWORKING LUNCH****1.30 – 4.20: Module 2****HOW TO IDENTIFY, PREPARE AND MANAGE CONTRACT CLAIMS**

**Presented by Alexandra Wedutenko – Partner, Clayton Utz  
Lisa Keeling, Senior Associate, Clayton Utz**

**Key considerations, strategies and solutions in managing contract claims**

This module will address the legal and strategic considerations in managing the dynamics of contract claims. It will discuss practical strategies and steps to manage contract claims in a contractual arrangement. It will offer practical solutions and framework in managing claims to achieve the best possible outcome.

A brief outline of what the session will seek to address:

- Key elements of a claims management procedure
- How to identify and establish claims
- When do claims occur and what to look for in those times
- How to present the claims
- Frequent types of contract claims in the public sector
- Contractual terms and conditions in relation to claims
- Scenarios and examples

**4.25: CLOSE OF DAY 1**

**9.00 – 10.30: Module 3****HOW TO HANDLE A CONTRACT BREACH AND WHAT ARE THE POTENTIAL CONTRACT REMEDIES AND OTHER OPTIONS AVAILABLE**

**Presented by Adrian D'Amico – Partner, Norton Rose**

**Key considerations, strategies and solutions in managing a contract breach**

In this module, Adrian will address in a practical manner the issue of contract breach and how it should be effectively managed in a public sector context. This module serves as a platform for module 4.

The module will seek to address the following:

- What is a contract breach and common contract breaches
- How does the law view the issue of contract breach
- How to manage a contract breach scenario
- Remedies for contract breach
- Common mistakes in managing a contract breach
- The relevance of the Legal Services Directions into a contract breach
- Terminating a contract due to contract breach: what factors are to be taken into account
- Scenarios and examples to show the application of the above

**11.00 – 3.30: Module 4****RESOLUTION AND RECOVERY IN CONTRACTS THROUGH NEGOTIATIONS**

**Presented by John Glenn – Director, Kiah Consulting**

**Resolution of commercial and contractual crisis through negotiations**

Traditional processes often fail to keep pace, or can be the root of the problem. To achieve a different outcome and overcome the challenges in a commercial or contractual crisis, a different approach is needed. In this module John will address a fresh approach to contract resolution and recovery.

This module will seek to address the following:

- **Managing Disagreement:** Why disagreement arises, how to come to answers, diversion pathways, decision making, options review.
- **Resolution Pathways - appropriate dispute resolution:** Examine the options, how the process runs, what to expect in mediation/conciliation, how to control the process
- **Beyond Settlement: Designing sustainable recovery:** What to look for to ensure recurrence, getting better value as a result of a dispute
- **Commerciality not “Contractuality”:** Recognising value for money and achieving commercial propositions in government contracts (for both sides).
- **Negotiations; it’s all about planning:** Designing strategy, manoeuvrability, power, options, and outcomes

**Please note there will be a lunch break and an afternoon tea break during this session.**

**9.00 – 12.30: Module 5****HOW TO MANAGE RISKS AND MAINTAIN HIGH PROCUREMENT STANDARDS THROUGH PROBITY****Presented by Brian Ambler, Partner, TressCox Lawyers****Managing risk and ensuring high procurement and contract management standards by demonstrating high standards of probity**

Probity principles in procurement and contracts management ensure a fair, honest, and an equitable process for all parties involved in the process. This module will address the dynamics of probity and its effectiveness in managing risks and achieving high standards in your contract and procurement management process.

This module will seek to address the following:

- Principles of probity in procurement
- Law of probity
- Probity in Practice - practical workshop session including:
  - Conflicts of Interest Exercise
  - Tender Evaluation Exercise
  - Pre tender briefing and site visit exercise

**12.30: CLOSE OF MODULE 5****12.30 – 1.30: NETWORKING LUNCH****1.30- 5.15: Module 6****IP AND GOVERNMENT CONTRACTS: GETTING THE BALANCE RIGHT****Presented by Paul Amraego, Special Counsel, Norton Rose****What are the key factors to consider in managing and owing IP rights in Contracts**

The Statement of IP Principles provides a framework for the management of IP by Commonwealth departments and agencies. These principles serve as guide to arrive at strategic decisions of who should own the IP that is generated in a contract management scenario. Issues of cost savings, risk, long term viability in owning IP and the overall benefits of owing IP need to be considered in a contract.

The module will seek to address the following:

1. An overview of basic patent, copyright, trademark, and trade secret issues and their implications in public sector contracting.
2. How to identify IP in a contract and what to do about it
3. Ownership of IP in government contracts : factors considered in IP ownership
4. How to manage the IP rights and how to identify who the IP belongs to
5. What are the various ways in which government can maximise value of their IP
6. Case studies and examples

**5.30: CLOSE OF DAY 3 AND THE SUMMIT**

## **Brief profile of your facilitators**

### **Module1- Simon Kelland**

Prior to joining Scotwork, Simon Kelland's roles included Executive Director and General Management roles with ANZ Investment Bank and their specialist finance company Esanda, CEO of ComputerFleet Management, and Associate Director in Investment Banking at Macquarie Bank. Simon is a Chartered Accountant, a Member of the Australian Institute of Company Directors and a Trustee of the Committee for Economic Development of Australia. He holds a Bachelor of Commerce degree from the University of Tasmania and has completed executive programs at IMD in Switzerland and Stanford University Graduate School of Business in the USA.

### **Module 2- Alexandra Wedutenko and Lisa Keeling**

Alexandra Wedutenko's practice focuses on strategic procurement, particularly in the areas of ICT, select sourcing and business process sourcing. Alexandra advises in the area of ICT, telecommunications, major capital equipment and health product acquisitions, the statutory regulation of commercial activity and privatisation. Alexandra has drafted, advised on and negotiated a range of contract forms including alliance, performance-based and PPPs and related procurement documentation. Alexandra advises on software licensing and hardware acquisition and integration contracts.

Lisa Keeling is a senior associate practising in the Corporate and Government Services Group. Before joining Clayton Utz, she worked as in-house counsel for both the DEEWR (formerly DEWR) and the Tax Office. Since joining Clayton Utz, Lisa has provided legal advice on major procurements for a number of clients, including Defence, DIAC and the Tax Office. Lisa specialises in competitive tendering and contracting, with a focus on information technology and telecommunications.

### **Module 3- Adrian D'Amico**

Adrian D'Amico is a commercial dispute and government advice lawyer. He is the head of the Canberra office of Norton Rose Australia. He specialises in complex contracting, procurement and administrative law matters. Adrian has 23 years' experience acting for the private sector and extensive experience acting for various government departments and agencies. He has been engaged in some of Australia's most complex contracting disputes, and he is one of Australia's leading ADR specialists, having remediated one of Defence's most troubled service contracts.

### **Module4-John Glenn**

John Glenn is an experienced and successful strategist, negotiator and dispute resolver and is the Principal of his company, Kiah Consulting Pty Ltd. The firm applies commercial and government acumen to assist the rapid establishment of new programs and the restructure of troubled ones, improving sustainability and cost profiles, across the public/private sector boundary. His success stems from the convergence of public and private sector experience, an ability to test traditional assumptions and a strategic approach to negotiations and partnerships. John applies a blended model of facilitative negotiation, mediation and conciliation to align behaviors, needs and expectations to end with all parties working towards sustainable and valuable outcomes.

### **Module 5- Brian Ambler**

Brian Ambler has many years experience in Projects and Infrastructure. He provides services for government and private sector infrastructure projects from inception through to completion. He is highly regarded for his advice to clients on outsourcing infrastructure projects with an emphasis on transport and water, drafting tender documentation, advising on tender evaluation methodologies and the probity aspects of the tender process including as probity adviser and auditor. Brian also has significant experience that will benefit clients from sitting on government tender evaluation committees and reviewing tenders for compliance and drafting evaluation committee reports to board level and negotiations for contracts with preferred tenderers.

### **Module 6-Paul Armarego**

Paul has recently joined Norton Rose as a Special Counsel. Paul specialises in commercial issues, strategic management and implementation of legal issues with an emphasis on government acquisition strategy particularly in the areas of contracts, procurement, intellectual property and international arrangements. Paul has over 20 years of experience in consulting the public sector on a range of issues He has substantial litigation and commercial experience and has over nine years experience working for top tier National legal firms, mostly as a partner. Paul has also authored the writing the ANAO Better Practice Guide "Developing and Managing Contracts: Getting the Right Outcomes: Paying the Right Price" February 2007 and has spoken on major conferences on issues of public sector contracts and procurement.

# CONTRACT MANAGEMENT IN FOCUS

3 day separately bookable summit

22<sup>nd</sup>, 23<sup>rd</sup> & 24<sup>th</sup> November, Cliftons Centre, Canberra

## REGISTRATION FORM

**\*\*Register By - Tel: (02) 95807327, Fax: (02) 9585 2094  
Email: [info@learningnetworks.com.au](mailto:info@learningnetworks.com.au)**

### INVESTMENT TOTAL:

**Register before 15<sup>th</sup> October and save !!!**

- Register for the 3 day summit or 6 modules : \$ 3000 + GST : (\$3300)
- Register for any 1 day or any 2 modules: \$ 1050 + GST: ( \$ 1155)
- Register for any 2 days or any 4 modules: \$ 2100 + GST: ( \$ 2310)

**Register after 15<sup>th</sup> October**

- Register for the 3 day summit or 6 modules: \$3300 + GST : (\$3600)
- Register for any 1 day or any 2 modules: \$1250 + GST: ( \$ 1375)
- Register for any 2 days or any 4 modules: \$2300 + GST: ( \$ 2530)

***Sharing a pass:*** You can share a pass between your colleagues and as long as there is only one person attending a module at a given time.

**First Delegate:    Modules    1    2    3    4    5    6**

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Email: \_\_\_\_\_

**Second Delegate:    Modules    1    2    3    4    5    6**

Name \_\_\_\_\_

Position \_\_\_\_\_

Email \_\_\_\_\_

**Third Delegate    Modules    1    2    3    4    5    6**

Name \_\_\_\_\_

Position \_\_\_\_\_

Email \_\_\_\_\_

**Organisation:** \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

**Sign:** \_\_\_\_\_

**Please debit my:**

**Visa      Amex      Master card      Bankcard**

**Card Number:** \_\_\_\_\_

**Expiry Date:** \_\_\_\_\_

**Cardholder's Name:** \_\_\_\_\_

### **Professional Development**

If this training summit 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

**Venue:** Cliftons Centre (Optus Building), Level 2, 10 Moore Street, Canberra.  
Tel: 1800629088

**Documentation:** Conference documentation provided by speakers will be supplied to delegates at the venue.

### **Team Discounts and Options – (Please see page 2 for a detailed explanation)**

- \*Register and pay for a total of 12 modules and get 6 additional modules as complimentary or take a discount of \$350 on the total package.
- \*Register and pay total of 6 modules and get 1 additional module as complimentary
- \*Register and pay a total of 8 modules and get 2 additional modules as complimentary.
- \*Register and pay a total of 10 modules and get 4 additional modules as complimentary

**Please contact us so that we can assist you in securing the best discounts for you.**

**Lunch:** Lunch and refreshments will be provided on all days.

### **Privacy Statement**

We do not have mailing lists and we do not share your contact information with any external agency. Information supplied by you may be only be used to provide you with information of our events.

### **Cancellation Policy**

Cancellations made 2 weeks prior to the event will receive a complete refund. For cancellations done within 2 weeks of the program you are liable to make full payment and no refund can be made. A credit note is issued that can 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.

### **Payment and Invoices**

- \*Invoice shall be sent after receipt of the registration
- \*Please make payment prior to the event
- \*Cheques payable to *Learning Network Solutions*

### **Program Changes**

We reserve the right to make changes in the program and the panel of speakers.

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