



*\*7<sup>th</sup> Annual Conference \**

**Unmatched Speaking Panel \* All New Sessions Based on Feedback Received from 'Contract Law Week' Event\***

# GOVERNMENT CONTRACT LAW 2009

**Unlocking the impact of Contract Law on Contractual and Procurement arrangements in the Public Sector**

**22<sup>nd</sup> & 23<sup>rd</sup> September 2009, Rydges Lakeside, Canberra**

SPEAKING PANEL	KEY ISSUES TO BE ADDRESSED
Dr. Nick Seddon, Special Counsel, <i>Blake Dawson</i>	Strategies for developing and monitoring a tender evaluation plan
Alexandra Wedutenko, Partner, <i>Clayton Utz</i>	Key pitfalls and risks in a tender process
Stuart Imrie, Partner, <i>DLA Phillips Fox</i>	Strategies to counter and manage contractor underperformance
Paul Armarego, CEO, <i>Strategic Legal Services</i>	Policy and legal considerations in Commonwealth contracts
Michael Brennan, Partner, <i>Minter Ellison</i>	Strategies to avoid mistakes with templates precedents and models
Kevin Tomkins, Legal Compliance, <i>Australian Fisheries Management Authority</i>	Integrity of the bidding system and key elements of risk
Ashley Tsacalos, Partner, <i>Deacons</i>	Strategies and methods for capping liability and insurance
Liana Westcott, Senior Associate, <i>Sparke Helmore</i>	Profiling key risk factors in a contract
Scott Chamberlain, Senior Associate, <i>Chamberlains Law Firm</i>	How do legal risks manifest in a contract
Steve McKinney, Senior Associate, <i>Blake Dawson</i>	Limitations of liability provisions and its impact on insurance
Chris Coles, Senior Associate, <i>Minter Ellison</i>	Strategies to manage financial exposure to contractors
Wal Jurkiewicz, Director, <i>Sage Legal Services</i>	Key issues in standing offer panels
	Legal and commercial considerations in negotiating and managing technology contracts
	Contractual mechanisms to manage financial risks and recover liabilities
	What does it mean to be a good negotiator?
	Shaping contract negotiations for superior outcomes and the ramifications for better procurement processes

**Who Should Attend:** Directors, Senior Managers, Managers and Project Managers responsible for Contracts and Procurement, Legal Advisory Roles, Commercial, Outsourcing and Supply.

Organised by:  
**LEARNING NETWORK SOLUTIONS**

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E: info@learningnetworks.com.au

**CALL NOW  
TO REGISTER**  
**(02) 9585 2304**

## OVERVIEW OF THE CONFERENCE

This is one of the most respected and successful events organised by Learning Network Solutions. This 7<sup>th</sup> annual Contract Law Conference included all new sessions and issues based on the feedback of our Contract Law Week event that attracted over 100 delegates. Hence all sessions are new and as always our endeavour is to provide our delegates the opportunity to hear leading experts discuss key current issues in public sector contracting and procurement.

Backed by an unmatched speaking panel and relevant issues it will discuss and address key contract law components that impact the outcome of the contractual and procurement arrangements in the public sector. Each session is developed with a view to benefit both the legal and non legal fraternity that are responsible or involved with government contracts and procurement.

Keeping in view the budgetary constraints that most of us are facing, the investment for the conference has been kept within reasonable limits coupled by generous discounts to assist you in coming along this mega conference. Please see the registration page for our generous discounts and prices.

### Program Agenda, Day 1, Tuesday, 22<sup>nd</sup> September

#### 8.00 – 8.55: REGISTRATION & MORNING TEA

#### 8.55 – 9.05: OPENING REMARKS BY THE CHAIR

**Ashley Tsacalos**, Partner  
**DEACONS**

#### 9.05 – 10.05: SESSION1

##### PRACTICAL METHODS FOR CAPPING OF LIABILITY & INSURANCE

- ❖ Limitation of liability provisions;
- ❖ The impact of liability provisions on insurance; and
- ❖ Practical tips and considerations

**Ashley Tsacalos**, Partner  
**DEACONS**

#### 10.05 – 10.25: NETWORKING TEA BREAK

#### 10.25 – 11.25: SESSION2

##### COMMONWEALTH CONTRACTS AND THEIR REQUIREMENTS

- ❖ Context - the types of contracts used by the Commonwealth
- ❖ Policy and law considerations
- ❖ Practical issues

**Stuart Imrie**, Partner  
**DLA Phillips Fox**

#### 11.25 – 12.25: SESSION3

##### MAPPING & PLANNING CONTRACTUAL NEGOTIATIONS: ASSESSING SUCCESS AND MEASURING PERFORMANCE

- ❖ What does it mean to be a good negotiator?
- ❖ Diagnosing the negotiation: is it a Game, Decision, Joint-Problem or War?
- ❖ Shaping contract negotiations for superior outcomes and the ramifications for better procurement processes

**Scott Chamberlain**, Senior Associate  
**CHAMBERLAINS LAW FIRM**

#### 12.25 – 1:25 : LUNCH

#### 1.25 – 2.25: SESSION4

##### TENDER EVALUATION PLAN – HOW TO DEVELOP AND MONITOR

- ❖ A useful checklist of what to include
- ❖ Apples and Oranges: Ensuring alignment with your RFT
- ❖ How and when can you amend an Evaluation Plan?
- ❖ Practical considerations to ensure your evaluation runs smoothly

**Liana Westcott**, Senior Associate  
**SPARKE HELMORE LAWYERS**

#### 2.25 – 3.25: SESSION5

##### STRATEGIES TO COUNTER AND MANAGE CONTRACTOR UNDERPERFORMANCE

- ❖ Establishing a performance based regime in your contract
- ❖ What are true incentives?
- ❖ How do you negotiate a performance based regime
- ❖ Proactive contract management
- ❖ What contractual rights do you need to exercise
- ❖ Dispute resolution

**Alexandra Wedutenko**, Partner  
**CLAYTON UTZ**

#### 3.25 – 3.40 : NETWORKING TEA BREAK

#### 3.40 – 4.35: SESSION 6

##### ASSESSING STANDING OFFER PANELS AND IDENTIFYING KEY ISSUES

**Wal Jurkiewicz**, Director  
**SAGE LEGAL SERVICES**

#### 4.35 - 4.50 : CLOSING REMARKS AND END OF DAY 1

**Program Agenda, Day 2, Wednesday, 23<sup>rd</sup>  
September**

**8.45 - 9.20 REGISTRATION & MORNING TEA**

**9.20 – 9.30: OPENING REMARKS BY THE CHAIR**

**Paul Armarego, CEO  
STRATEGIC LEGAL SERVICES**

**9.30 -10.30: SESSION 7**

**PROFILING KEY RISK FACTORS IN A CONTRACT**

- ❖ Legal Risk Assessment
- ❖ How do these risks manifest in a contract
- ❖ Mitigation Strategies

**Chris Coles, Senior Associate  
MINTER ELLISON**

**10.30 – 10.50 : NETWORKING TEA BREAK**

**10.50 -12.15: SESSION 8**

**KEY LEGAL AND COMMERCIAL CONSIDERATIONS  
IN NEGOTIATING & MANAGING TECHNOLOGY  
CONTRACTS**

**Paul Armarego, CEO  
STRATEGIC LEGAL SERVICES**

**12.15 – 1.20 : LUNCH**

**1.20 - 2.20: SESSION 9**

**HOW TO MANAGE FINANCIAL EXPOSURE TO  
CONTRACTORS**

- ❖ Importance of financial information of tenders/contractors
- ❖ Effect of insolvency on a contractor
- ❖ Contractual mechanisms to manage financial risks and recover liabilities

**Steve McKinney, Senior Associate  
BLAKE DAWSON**

**2.20.40 – 3.15: SESSION 10: CASE STUDY**

This Session will discuss the Australian Fisheries Management Authority approach to Contract Management through the use of contractor's performance evaluation.

The session will discuss

- ❖ Developing a contract evaluation framework
- ❖ Using risk assessment tools
- ❖ Managing risks
- ❖ Dealing with contractors

**Kevin Tomkins, Senior Project Manager and Contract  
Manager  
AUSTRALIAN FISHERIES AND MANAGEMENT  
AUTHORITY**

**3.15 – 3.40 : NETWORKING TEA BREAK**

**3.40 – 4.40: SESSION11: EXECUTIVE PANEL  
DISCUSSION**

**KEY PITFALLS AND RISKS IN A TENDER  
PROCESS AND ITS LEGAL IMPLICATIONS**

- ❖ Key elements of risk in government tendering
- ❖ Legal implications of the process
- ❖ Integrity of the bidding system
- ❖ Legal framework of a tender process
- ❖ Do recent changes to the financial legislation increase legal risk

**Panellists:**

**Dr. Nick Seddon, Special Counsel  
BLAKE DAWSON**

**And**

**Michael Brennan, Partner  
MINTER ELLISON**

**4.40- 4.55: SUMMING UP AND CLOSE OF THE  
CONFERENCE**

**GOVERNMENT CONTRACT LAW 2009**

*2 Day National Conference: 22<sup>nd</sup> & 23<sup>rd</sup> September*

*Venue: Rydges Lakeside Canberra*

\* To Register: Tel: 02-95852304, Fax: 02-95852094, Email: [info@learningnetworks.com.au](mailto:info@learningnetworks.com.au)

**INVESTMENT TOTAL (\$)**

- Register by 30 August: 1499 + GST ( \$1648.9) – **Super Saver**
- Register after 30<sup>th</sup> August : \$1699 +GST ( \$ 1868.9)
- Share Pass: You share a pass between 2 delegates as long as both delegates are not attending at the same time**

**1<sup>st</sup> Delegate**

Name \_\_\_\_\_  
Title \_\_\_\_\_  
Email \_\_\_\_\_

**2<sup>nd</sup> Delegate**

Name \_\_\_\_\_  
Title \_\_\_\_\_  
Email \_\_\_\_\_

**3rd Delegate**

Name \_\_\_\_\_  
Title \_\_\_\_\_  
Email \_\_\_\_\_

[For additional delegates please use a separate form or email us the details](#)

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

**Address** \_\_\_\_\_

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

\* Invoice shall be sent after receipt of the registration

\* Please quote invoice numbers for eft payments

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Please debit my:      Visa      Amex      Master card      Bankcard

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**TEAM DISCOUNTS – Only 1 discount applies**

\* Register 3 delegates and get a free pass for the 4<sup>th</sup> delegate.

\* Register 5 delegates and get free passes for 6<sup>th</sup>, & 7<sup>th</sup> delegates

\* Please contact us for a customised package for registering more than 7 delegates.

**Please note the above discount is in addition to the early bird discounts mentioned above**

**VENUE**

Rydges Lakeside, Canberra, London Circuit, Canberra ACT 2601

Tel: 02-62476244

**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 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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