



Contract Law for the Public Sector

MASTERCLASS 2011

The ALB Masterclass Series and Norton Rose Australia are proud to present a new event delivering timely legal updates and valuable information relevant to lawyers and contract managers working in government organisations.

Earn up
to 5 CPD
points!

PROGRAM HIGHLIGHTS

- Contract management and administration issues for the public sector
- New frontier of contingent and vicarious liabilities
- Obligation of good faith in government contracts
- Analysis of alliance, performance and efficiency-based contracts
- Alternative dispute resolution in government contracts
- Commonwealth ICT contracting
- OH&S issues in procurement

This Masterclass is designed for anyone who deals with legal work in the public sector, including:

- Corporate counsel
- Legal officers/managers
- Lawyers/solicitors with public sector clients
- Contract managers
- Regulatory and compliance managers

Masterclass runs 8:30am-4:15pm

Norton Rose Canberra

Level 6, 60 Marcus Clarke St
Canberra ACT

LEADING SPEAKERS INCLUDE



Nick Abrahams
partner
Norton Rose



Adrian D'Amico
partner
Norton Rose



Fiona Johnstone
acting team leader - food, health & life science
industries legal
CSIRO



Nicola Morris
chief lawyer – corporate services
Department of Resources, Energy & Tourism



Geeta Ram
senior associate
Norton Rose



Keith Redenbach
partner
Norton Rose



Michael Tooma
partner
Norton Rose



Ashley Tsacalos
partner
Norton Rose

HOW TO REGISTER

Visit: www.albmasterclass.com

Phone: (02) 8437 4726

E-mail: eventqueries@keymedia.com.au

Event partner



Official online partner



Official publication



Organised by





Contract Law for the Public Sector

MASTERCLASS 2011

KEY BENEFITS

- Hear the latest case law updates and legislative reforms
- Analyse recent legal developments and how they apply to your work
- Learn new strategies and practical tools to improve your practice
- Share knowledge and network with fellow public sector professionals
- Gain up to 5 CPD points

Agenda: Thursday 3 March 2011

8:30am **Registration opens**

9:00am **Welcome & opening remarks from the Chair**

Ashley Tscalos, partner, **Norton Rose**

9:30am **Spotlight on contract management and administration for the public sector**

This session will discuss recent legal developments dealing with the management of public sector contracts, covering issues such as:

- Waiver: How should slight divergences from contractual stipulations be treated? Are there any circumstances where non-exercise of rights will amount to a waiver of those rights?
- Estoppel: To what extent can public officials be held to representations made by them in the course of contractual negotiations, and how does this affect parties contracting with the public sector?
- Termination: What circumstances give rise to a right of termination both by and against the public sector?
- Termination for convenience: Under what parameters may this right be exercised, and where does it leave the other contracting party?

Nicola Morris, chief lawyer – corporate services division, **Department of Resources, Energy & Tourism**

Geeta Ram, senior associate, **Norton Rose**

10:30am **Refreshments & networking break**

11:00am **Dissecting the obligation of Good Faith in Government contracts**

- Discussing recent developments in the application of Good Faith clauses
 - > How are Courts enforcing the duty in common law and contract?
- Understanding your obligations of good faith in negotiating and resolving disputes
 - > How far must you go to comply with your obligations, what can you expect from the other party to the contract, and can the two be reconciled under the traditional adversarial commercial contract model?

Fiona Johnstone, acting team leader – food, health & life science industries legal, **CSIRO**

11:45am **Global best practice in procurement**

- Managing the tender process
- Pre-contractual negotiations
- Key contract provisions - Liabilities, indemnities, warranties and IP
- Risk apportionment
- Drafting effective service level provisions

Nick Abrahams, partner, **Norton Rose**

12:30pm **Networking lunch for speakers & delegates**

1:30pm **OH&S issues in procurement**

- OHS obligations in procurement of plant and substances
- Strategies for managing OHS legal liability in procurement
- The role of OHS in RFTs
- Model clauses for managing legal risks in procurement

Michael Tooma, partner, **Norton Rose**

2:15pm **An analysis of alliance-, performance- and efficiency-based Contracts**

This session will detail the essential considerations of various contract models, including:

- Key characteristics of each model and how these interact with public sector requirements for timeliness, efficiency and transparency
- Relative advantages and disadvantages of each model when choosing the right contract model for your project
- Making the model work for you – Practical drafting tips to ensure your contracts achieve your objectives

Keith Redenbach, partner, **Norton Rose**

3:00pm **Refreshment break**

3:30pm **Alternative Dispute Resolution in government contracts**

- Understanding and complying with your ADR obligations under the Legal Services Directions 2005 (Cth), with a special focus on the recent legislative push to employ ADR over more traditional litigious approaches
 - > What does this mean for government contract management?
- How to utilise ADR effectively in complex commercial contract disputes
 - > Why ADR works and some of the techniques used
 - > How to effectively engage ADR specialists
- Drafting ADR clauses that support your contract objectives
- A case study will be utilised to help explain the power of effective ADR to remediate disputed contracts

Adrian D'Amico, partner, **Norton Rose**

4:15pm **Closing remarks from the Chair and conclusion of Masterclass**

