

CONTRACT WRITING & NEGOTIATION FOR NON-LAWYERS

Live Online Training Course: A Complete Guide to Contract Preparation Best Practice

A combination of 2 essential skills necessary to achieve the best commercial results in establishing contractual relationships:

- Negotiation skills to effectively navigate difficult topics & conflicting interests/priorities
- Clear communication skills to produce a clear & precise contract that minimises confusion & disputes



LIVE ONLINE TRAINING

May 2021	Course Parts will commence at 10:00 and end at 14:00 (AEST) . There will be short breaks during each course Part.			
Part 1: 20 th May	Part 2: 21 st May	Part 3: 27 th May	Part 4: 28 th May	
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FACE TO FACE TRAINING

30-31 August 2021 • Sydney

14-15 October 2021 • Melbourne



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corporate learning

Our Expert Course Faculty



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

- ▶ Consider important elements of a contract such as operational factors, risks and the cost/performance balance
- ▶ Develop a process to capture lessons learnt from previous contracts to apply now
- ▶ Interpret a contract that you may not have designed to determine what applies to your contracts and your negotiating position
- ▶ Ensure the contract design accurately reflects what is being procured and supports ongoing issues during the term
- ▶ Foresee the active management of the principal-contractor relationships when varying aspects like price, deliverables and extensions
- ▶ Understand the use/amendment of standard form contracts and contract schedules
- ▶ Modify and create clauses that are clear, plain English and should not be misinterpreted
- ▶ Understand ways to build and manage your bargaining power



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.

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ABOUT THE COURSE

This is the second course in our contract management series within our CMP certification.

Two key ingredients to successful contract management are the negotiation of terms and conditions match business outcomes and ensuring a robust, well devised contract design process. This course provides an opportunity to learn how.

The course will assist contract managers to refer to and understand a contract that they may not have designed or negotiated, to determine the specific conditions that are applicable and their negotiating position.

The course will also illustrate how to make contracts relevant to the active management of the relationship between the principal-contractor. This is applicable when needing to vary elements such as price and deliverables, or proposing change when exercising options of extension.

Learn how to combat tactics and tricks that are designed to unnerve you when negotiating terms, conditions, extensions and performance outcomes. Even if as a contract manager you do not draft the contract documents, your input to the drafting team is valuable, and will be improved after this course.

WHO WILL BENEFIT

Second in our contract management CMP series, this practical intermediate course is relevant for those involved with the administration or management of contracts, developing, drafting or negotiating contract terms and conditions or evaluating contracts – in any industry sector. An understanding of contract administration fundamentals is advisable, along with an understanding of contract law.

"Very enjoyable course. Was interesting and useful throughout. Time went quickly and learnt a lot. Liked the approach encouraging a lot of discussion and real examples from the group as well as real examples from Sean's own workplace."
Contract Analyst, SA Water

Learn Anywhere, Learn Anytime

Catering to meet all your learning needs:

- Get **high quality** practical training from our expert instructors
- From **Face To Face**, **Online** and **Blended Learning**, get a superior solution for your learning needs
- Learn **live online** in an interactive environment
- **Invest** in yourself. Invest in your team.

Register today for our **Live Online Training** courses and find out how they can help you transform the way you work. Contact one of our training consultants on training@informa.com.au to find out more.

EXPERT COURSE FACULTY



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.



Margaret André

Areas of Expertise

Contract law, contract management, dispute resolution processes and occupational safety and health.

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.

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.



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Course Outline

Examining various types of negotiation to understand your power and influence capabilities

- Position bargaining
- Cooperative bargaining
- Constructive negotiation
- 'Getting to Yes': Principled negotiation
- Separate the people from the problem
- Focus on interests; not positions
- Invent options for mutual gain
- Insist on using objective criteria
- Examples of how these techniques are used in practice

Discover the skills of a strong negotiator

- Integrity and reputation
- Communication skills and persuasion
- Frame of mind and creativity
- Consider how this could be adapted to your situation

Tactics and tricks to fast-track your journey and improve your confidence

- Helpful tips and negotiating tactics
- Miscommunication issues that often arise, how to foresee and address them
- Dirty tricks and how to combat them

Proceeding to agreement – Your role as a contract manager

- Understanding your role as a contract manager in the negotiation process
- Closing the negotiation
- Documenting the agreement
- Follow up

The role of contracts in the commercial environment

- The purpose of contracts in business
- Why are they there?
- Why are they so important?
- What would happen if there wasn't a contract?
- Examples of effective and ineffective contracts
- Review the definition of a legal agreement
- Representations

Principles of contractual interpretation

- Why clarity and precision in drafting is paramount
- Structure and formatting of commercial documents
- Examples of clauses that are clear and in plain English

Nature of the contract

- Subject of the contract
- Pricing mechanism
- Relationship between the parties

Contract strategy and planning

- Determining your contracting strategy
- Capture lessons learnt from previous contracts
- Appreciate the importance of getting the design accurate
- Ensure the contract is designed to support any ongoing issues that may impact during the term such as default, termination and disputes
- Foresee the active management of the principal-contractor relationships when varying aspects like price, deliverables and extensions
- Understand the use and amendment of standard form contracts
- Assessing and amending standards –how they can be adapted to suit your goals
- Techniques in adapting and modifying existing clauses
- When and how to start from scratch

Parties to the contract

- Principal, contractors, sub-contractors etc
- JV and partnering structures
- Legal entities
- Privity of contract

Payment and performance criteria

- Developing a contract scope –understanding the big picture and key criteria to be included
- Performance provisions
- Consider operational factors and performance risks
- Payment provision

Risk, liability and insurance

- Contractual risk allocation
- Warranties, indemnities, exclusions
- Consequential loss and contribution
- Insurance

Default, termination and disputes

- Default
- Termination
- Disputes

General provisions

- Interpretative provisions and jurisdiction
- Administrative provisions
- Ownership and intellectual property

Contract cross referencing techniques to improve the linkage of your contracts

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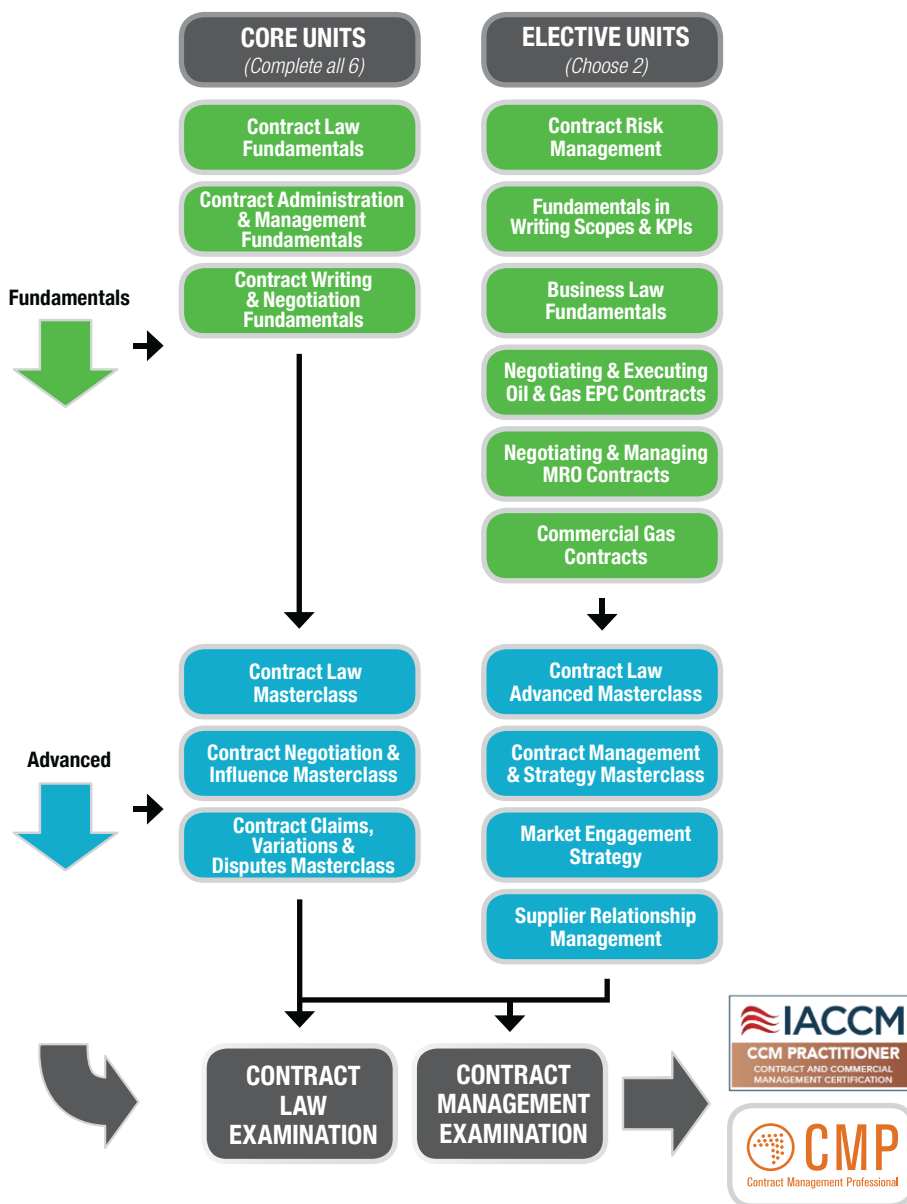
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THE CMP CERTIFICATION FRAMEWORK

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, 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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2 Telephone
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Contract Writing & Negotiation For Non-Lawyers - Live Online Training

Course Code	Location	Course Parts	Month	Standard Price	4+ Dels Discount
P21GL05PE02V	Live Online Training	All 4 Parts	May 21	\$2,076 + \$207.60 GST	\$2,283.60
P21GL05PE03V	Live Online Training	All 4 Parts	August 21	\$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 Writing & Negotiation For Non-Lawyers - Face To Face Training

Course Codes	Location	Course Dates	Super Early Bird price valid until SY - 23 July 21 ME - 3 Sep 21	Early Bird price valid until SY - 13 August 21 ME - 1 Oct 21	Standard price valid after SY - 13 August 21 ME - 1 Oct 21	4+ Dels Discount
P21GL05SY	Sydney	30-31 Aug 21	\$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
P21GL05ME	Melbourne	14-15 Oct 21	\$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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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:

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

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

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