



Terms & Conditions

12th Annual Contract Law Masterclass VIC

Overviews, latest trends and strategies

10 & 11 October 2012, Stamford Plaza Melbourne

Program highlights

- Overview of recent developments in contract law
- Trends and patterns in contract terminations
- Insurance considerations in contract drafting
- Challenges of risk allocation
- Cloud computing – Legal risks and realism
- Restraints of trade
- Collaborative contracting with the public sector
- Alternative dispute resolution in contract law

Speakers

- Fred Hawke, Partner, Clayton Utz
- Robert Walker, Partner, Baker & McKenzie
- Julian Lincoln, Partner, Freehills
- Gail Owen, Partner, HWL Ebsworth Lawyers
- Jason Pennell, Barrister, VIC Bar
- Alex McKellar, Principal, Moores Legal
- Ben Macdonald, Partner, Gilbert + Tobin Lawyers
- Jane Hider, Partner, DLA Piper

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12th Annual Contract Law Masterclass VIC

Overviews, latest trends and strategies

Wednesday, 10 October 2012

8:30 Conference registration

9:00 Introduction from the Chair

David B. Sharp, *Barrister, VIC Bar*

9:10 Overview of recent developments in contract law

- Summaries of recent cases in:
 - Agency (Ostensible Authority)
 - Implied terms
- The Rise of E-Commerce

Jason Pennell, *Barrister, VIC Bar*

■ 1 CPD point in Substantive Law

10:10 Morning tea

10:25 Trends and patterns in contract interpretations

- When can you rely on the factual matrix?
- What falls within the factual matrix?
- How have courts recently interpreted ambiguous and uncertain terms?

Matthew Harvey, *Barrister, VIC Bar*

■ 1 CPD point in Substantive Law

11:25 Technicalities of contract terminations

- Termination provisions in contracts
- Termination due to contract breach
- Damages flowing from contract terminations

Alex McKellar, *Principal, Moores Legal*

■ 1 CPD point in Substantive Law

12:25 Lunch

1:25 Insurance considerations in contract drafting

- Insurance obligations under general contracts
- Indemnities under insurance cover
- Matching policies to risks

Fred Hawke, *Partner, Clayton Utz*

■ 1 CPD point in Substantive Law

2:25 Risk allocation

- Challenges of risk allocation
- Limiting liabilities
- The difference between warranty and indemnity

Ben Macdonald, *Partner, Gilbert + Tobin Lawyers*

■ 1 CPD point in Substantive Law

3:25 Afternoon tea

3:40

WORKSHOP

Contract drafting

This workshop explores some of the most important intricacies and technicalities in the contract drafting process. It provides delegates with the strategies for dealing with the following:

- Describing Scope and responsibilities
- Managing change to scope
- Limitations and exclusions of liability
- Indemnities and warranties
- Boilerplate clauses

Robert Walker, *Partner, Baker & McKenzie*

■ 1.25 CPD points in Professional Skills

5:00 Close of Day 1

“

“Really engaging speaker. Used case examples effectively, and used written notes as a helpful support tool.”

– Past delegate 2011

“Topic notes extensive and informative. Logical presentation.”

– Past delegate 2011

“Clear, concise and illuminating presentation and detailed paper.”

– Past delegate 2010

“Nice presentation manner, very knowledgeable, good overview, useful practical examples.”

– Past delegate 2009

”

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Terms & Conditions

10 & 11 October 2012, Stamford Plaza Melbourne

Thursday 11 October, 2012

8:30 Conference registration

9:00 Introduction from the Chair

David B. Sharp, *Barrister, VIC Bar*

9:10 Impacts of PPSA legislation

- The first year of the PPSA – our experiences so far
- Drafting effective retention of title provisions for the PPSA
- Important considerations when drafting General Security Agreements (previously known as Fixed and Floating Charges)
- Tips for PPSA Deeds of Release and Undertaking
- Other tips and traps for practitioners

Brendan Sheehan, *Senior Associate, Hunt & Hunt Lawyers*

■ 1 CPD point in Substantive Law

10:10 Morning tea

10:25 The Australian Consumer Law reforms: Navigating the new legislation and understanding new protections

- The re-packaging of old protections
- What's changed and what are the likely effects?
- Focus on misleading and deceptive conduct provisions
- Unfair terms and impacts for business and consumers
- Judicial consideration of key provisions in the new regime

Manisha Blencowe, *Senior Associate, Slater & Gordon Lawyers*

■ 1 CPD point in Substantive Law

11:25 Cloud computing – Legal risks and realism

- The importance of the contract between customer and supplier
- Privacy and data sovereignty issues
- Assessing and managing security risks
- A new contractual and commercial service level paradigm is required
- Mitigating multi-jurisdictional regulatory risks
- Interoperability of data and systems and what contractual levers are required
- Intellectual property rights

Julian Lincoln, *Partner, Freehills*

■ 1 CPD point in Substantive Law

12:25 Lunch

1:25 Restraints of trade

- The concept of “reasonableness”
- Penalties
- Drafting a restraint clause
- Enforcing a restraint

Gail Owen, *Partner, HWL Ebsworth Lawyers*

■ 1 CPD point in Substantive Law

2:25 Collaborative contracting with the public sector

- What is collaborative contracting?
- Recent government policy initiatives in alliance and incentive contracting
- Advantages and disadvantages of incentive models

Jane Hider, *Partner, DLA Piper*

■ 1 CPD point in Substantive Law

3:25 Afternoon tea

3:40 WORKSHOP

Alternative dispute resolution in contract law

This workshop will examine alternative dispute resolution options and what should be considered when drafting such clauses, including tips and tricks.

- Management of disputes
- Alternative dispute resolution options
- Models for dispute resolution clauses in contracts
- Issues to consider and cover off

Agata Jarbin, *Partner, King & Wood Mallesons*

■ 1.25 CPD points in Professional Skills

5:00 Close of conference

Who should attend?

- Senior Lawyers
- Junior Lawyers
- Barristers
- Dispute Resolution Specialists
- In-house counsel

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Priority registration form

5 easy ways to register

12th Annual Contract Law Masterclass VIC

10 & 11 October 2012

Stamford Plaza Melbourne

111 Little Collins Street

Melbourne VIC 3000

Online: www.lexisnexis.com.au/pd

Email: registration@lexisnexis.com.au

Phone: 1800 772 772

Fax: (02) 9422 2338

Mail: Conference Co-ordinator, LexisNexis

Locked Bag 2222, Chatswood Delivery

Centre, Chatswood NSW 2067

or: DX 29590 Chatswood

Please complete sections A, B, C, D

TAX INVOICE

Conference code: PD4012

ABN: 70 001 002 357

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First name Last name

Organisation: _____

Address: _____

Position: _____

Telephone: _____

Fax: _____

Email (required**): _____

Delegate 2 details

Mr/Ms/Dr: _____
First name Last name

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EXAMPLE

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	Two day conference		\$1600 + GST = \$1760	
	One day conference*		\$800 + GST = \$880	

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Please Select	Options	Qty	Price	Subtotal
	Two day conference		\$1800 + GST = \$1980	
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Conference resources

☐ I am unable to attend but please send me the

12th Annual Contract Law Masterclass VIC conference papers

Qty	Price	Subtotal
	\$360 + GST = \$396	

* Advanced price, team discounts and any other discount cannot be taken concurrently. Member discounts do not apply to Conference resources.

TOTAL

* I would like to attend:

☐ Day 1 ☐ Day 2

☐ I am a member of VIC BAR please apply my 10% discount

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- Between one calendar month plus one day and 14 days prior to the first day of event: LexisNexis will refund 50% of the fee paid by you and provide you with a copy of event papers.
- 13 days or less prior to the first day of the event: LexisNexis will not refund any part of your fee. However, you may nominate a replacement delegate to attend in your place.

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