

# Contract Law



**SYDNEY** 16 & 17 SEPTEMBER 2010

**CANBERRA** 21 & 22 OCTOBER 2010

**BRISBANE** 11 & 12 NOVEMBER 2010

## COURSE LEADERS

**Professor Jim Davis** Emeritus Professor of Law, The Australian National University

**Dr Nicholas Seddon** Special Counsel to Blake Dawson, Lawyers

THE LAW AND MANAGEMENT OF CONTRACTS



## COURSE DESCRIPTION

A two day training course on the law and management of contracts specifically designed for those who negotiate, draft or administer commercial contracts.

Sessions will provide an introduction to the law of contract with a view to developing skills in negotiating, drafting and administering contracts and in dealing with contractual issues.

The principles of contract law discussed will be relevant to all forms of commercial contracts. Sessions will be a combination of lecture, case studies and discussion.

A Certificate of Completion will be awarded to each delegate upon completion of the course.

## COURSE CONTENT

- What is contract law about
- Contract performance
- Trade Practices Act
- Remedies for breach
- The contents of the contract
- Negotiations
- Termination
- Doctrine of consideration
- Contracts in business
- Breach and consequence of breach
- Making the contract

## COURSE LEADERS



### PROFESSOR JIM DAVIS

Emeritus Professor of Law - The Australian National University  
Co-author of Greig and Davis *The Law of Contract* [1987]  
Co-author of Balkin & Davis *The Law of Torts* [4th edition 2009]



### DR NICHOLAS SEDDON

Special Counsel to Blake Dawson, Lawyers  
Adjunct Professor - ANU College of Law  
Co-author of Seddon and Ellinghaus, *Cheshire & Fifoot's Law of Contract* [9th Aus edition 2008]  
Author of *Government Contracts: Federal, State and Local* [4th edition 2009]

## TO REGISTER

Tel: (02) 9360 1844  
Fax: (02) 9356 8844  
Email: [info@cpli.com.au](mailto:info@cpli.com.au)  
www: [cpli.com.au](http://cpli.com.au)

## IN HOUSE

This course is ideally suited to in house presentation and can be specially tailored to encompass corporate systems and organisational requirements.

# DAY ONE

8.00am	REGISTRATION	12.30pm	Lunch
8.30am	WHAT IS CONTRACT LAW ABOUT <ul style="list-style-type: none"><li>• The law of obligations</li><li>• Contract formation</li><li>• The privity rule</li><li>• Fair dealing</li><li>• The objective test</li><li>• The way lawyers talk</li></ul>	1.30pm	MAKING THE CONTRACT <ul style="list-style-type: none"><li>• Restitution</li><li>• The tendering process</li><li>• The moment of contract<ul style="list-style-type: none"><li>- what makes a contract binding?</li></ul></li><li>• Letters of intent, etc. contract or no contract?</li><li>• Letters of comfort</li></ul>
9.30am	CONTRACTS IN BUSINESS <ul style="list-style-type: none"><li>• Function of contracts</li><li>• Risk management</li><li>• Legal sanctions</li><li>• Practical measures</li></ul>	2.30pm	THE CONTENTS OF THE CONTRACT <ul style="list-style-type: none"><li>• Documentation</li><li>• Interpretation of terms</li><li>• Uncertainty</li></ul>
10.00am	NEGOTIATIONS <ul style="list-style-type: none"><li>• The legal significance of negotiations</li><li>• Things said during negotiations</li></ul>	3.00pm	Coffee
10.30am	Coffee	3.15pm	THE CONTENTS OF THE CONTRACT [continued] <ul style="list-style-type: none"><li>• Incompleteness</li><li>• The battle of the forms</li><li>• Standard form contracts</li><li>• Implied terms</li></ul>
10.45am	NEGOTIATIONS [continued] <ul style="list-style-type: none"><li>• The Trade Practices Act</li><li>• Blowing hot and cold [estoppel]</li></ul>	4.15pm	CASE STUDY
		5.00pm	Close

# DAY TWO

8.00am	Coffee	2.15pm	TERMINATION UNDER AN EXPRESS CLAUSE <ul style="list-style-type: none"><li>• Termination for convenience</li><li>• Termination for breach</li><li>• Show cause procedures</li><li>• Discussion</li></ul>
8.30am	CONTRACT CHANGES <ul style="list-style-type: none"><li>• Contractual variation procedure</li><li>• Requests for more money</li><li>• The existing duty rule</li><li>• Re-negotiating</li><li>• Dispute settlement</li><li>• Economic duress</li><li>• Discussion</li></ul>	3.00pm	Coffee
9.30am	BREACH <ul style="list-style-type: none"><li>• What constitutes a breach?</li><li>• What rights do you have?</li><li>• Exclusion and limitation of liability</li></ul>	3.15pm	REMEDIES FOR BREACH <ul style="list-style-type: none"><li>• Damages<ul style="list-style-type: none"><li>- purpose</li><li>- causation and remoteness</li><li>- mitigation</li><li>- assessment</li></ul></li><li>• Liquidated damages</li><li>• Limitation periods</li></ul>
10.30am	Coffee	4.15pm	WHAT'S LEFT AT THE END <ul style="list-style-type: none"><li>• Surviving obligations</li><li>• Dispute resolution</li></ul>
10.45am	CASE STUDY		PUTTING IT ALL TOGETHER
12.30pm	Lunch		
1.30pm	TERMINATION WITHOUT AN EXPRESS CLAUSE <ul style="list-style-type: none"><li>• Approach of the common law</li><li>• Serious consequences</li><li>• Repudiatory conduct</li><li>• Non-essential terms</li><li>• Discussion</li></ul>	4.45pm	Close

# REGISTRATION FORM

## Contract Law

**Sydney** 16 & 17 September 2010

**Canberra** 21 & 22 October 2010

**Brisbane** 11 & 12 November 2010

### Sydney: Quay West Hotel

98 Gloucester Street, The Rocks NSW 2000  
Tel: (02) 9240 6000 Fax: (02) 9240 6060

### Canberra: Mantra on Northbourne

84 Northbourne Avenue, Braddon ACT 2612  
Tel: (02) 6243 2510 Fax: (02) 6243 2599

### Brisbane: Quay West Hotel

132 Alice Street, Brisbane QLD 4000  
Tel: (07) 3853 6000 Fax: (07) 3853 6060

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

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

Company: \_\_\_\_\_

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

Postcode: \_\_\_\_\_

Tel: \_\_\_\_\_ Fax: \_\_\_\_\_

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

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

All enquiries and registration forms to:

**CPLI Pty Limited** ABN 40 003 146 325

Suite 1104, Level 11, "The Diamant"  
2-14 Kings Cross Road, Potts Point NSW 2011

Tel: (02) 9360 1844 Fax: (02) 9356 8844

Email: [info@cpli.com.au](mailto:info@cpli.com.au) [www.cpli.com.au](http://www.cpli.com.au)

I wish to attend:

Sydney  Canberra  Brisbane

**FEE: \$2200.00 INC GST PER DELEGATE**

A 10% discount applies for the second and subsequent delegates registering at the same time from the same organisation.

### PAYMENT REQUIRED WITH REGISTRATION

Please make cheques payable to **CPLI Pty Limited**, OR please charge the following credit card.

VISA  MASTERCARD  AMEX

Card number:

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Cardholder's name:

Signature: \_\_\_\_\_

Expiry date: \_\_\_\_\_

Fees are payable in advance. Confirmation of registration will be sent automatically. Fees include documentation, lunch and refreshments.

**CANCELLATION:** If unable to attend, a substitute delegate is accepted without extra charge. Cancellations received in writing 14 days or more prior to the event will be fully reimbursed. Cancellations received in writing 13-7 days prior to the event will receive 50% reimbursement of the registration fee paid. After this date, fees are not refundable. CPLI reserves the right at any time and without prior notice to change the venue/speakers or program from that described in this brochure. CPLI also reserves the right at its absolute discretion and without further liability to cancel this program in which event all fees paid will be refunded.