

LIABILITY AND CONTRACTS ROUNDTABLE



Advocacy Highlights

2021

Thanks to the contributions of the participants of the Liability and Contracts Roundtable, the Consult Australia team has achieved the following advocacy highlights in 2021.

✓ **New business guides and client briefings developed**

- Contract Checklist - Business Guide
- Contractual Indemnities – Client Briefing
- Warranties – Client Briefing
- Labour Hire Licensing Laws – Business Guide
- Test for Unconscionable Conduct – Case Note

✓ **Changes to policies, procedures and legislative instruments**

- QLD - Transport and Main Roads – Joint launch of the industry culture initiative.
- WA – Premier – Smoothing of the pipeline of projects.
- QLD – Energy & Public Works – Government Guidance on Insurance Requirements – The guide was modified to reduce the set insurance levels.
- QLD – Energy & Public Works – Government Best Practice Principles – Design and engineering work is exempt from the application of the best practice principles, where contracted separate to construction.
- NSW – Design and Building Practitioner Regulations – one year moratorium on insurance requirements.

✓ **Engagement with government departments, agencies and clients**

- QLD – Transport and Main Roads – We joined the TMR Collaborative Taskforce to drive the development of TMR's Collaborative Procurement and Delivery Model.
- NT – Power Water Corporation – We established a quarterly roundtable to discuss procurement models and timely delivery of projects.
- QLD – Moreton Bay Regional Council – We established a good relationship and ongoing engagement to discuss procurement reform, insurance and contract changes.
- TAS – Infrastructure Tasmania – We established monthly meetings by mutual agreement. Topics covered include procurement and contracting.
- TAS – TasWater – We established regular forums with TasWater to work through challenges of the contracts.
- SA – Department of Treasury & Finance Industry Advisory Group – Jan was invited to the newly established advisory group to bring a closer relationship between government and industry within the context of SA procurement activities.
- QLD – Gold Coast Council – We established ongoing contact with Gold Coast Council with a contract workshop scheduled for early 2022.
- QLD – Energy & Public Works – We have established a positive working relationship with EPW and are currently working on re-engagement on the insurance/liability issues of the AS4122 Special Conditions.
- NSW – Transport for NSW – We are in constant contact with TfNSW to ensure we get a say on Project Streamline.
- NSW – Treasury – We are in constant contact with Treasury to ensure we get a say on their commercial conditions (aka capped fees) and contract workstreams

LIABILITY AND CONTRACTS ROUNDTABLE



Advocacy Highlights

2021

- WA – Department of Small Business Commission – We established a very positive working relationship with who is keen to engage further with us on insurance and de-risking the market – including getting a joint meeting with WA Treasury.



Submissions developed

- [Department of Treasury & Finance – Unfair Contract Terms Protections](#)
- [Standing Committee on Infrastructure, Transport & Cities – Inquiry into Procurement Practices for Government-Funded Infrastructure](#)
- [NSW Small Business Commissioner – Barriers for Small Business Supplying to NSW Government](#)
- [Commonwealth – Automatic Deemed Registration](#)
- [NSW Parliamentary Committee – Further Inquiry in to Building Standards](#)