PART 1 CONTRACT CHECKLIST

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Set out below is a checklist of items to be considered in the formulation of a USQ contract:

1.1 Contract Contents

1.1.1 Date of the agreement and full legal name and address of all parties to the contract. Include the ACN of all companies and the ABN (where available) of other businesses.

1.1.2 Contains appropriate signatures of university officers and contractors. Contracts can only be signed by USQ officers authorised by Council with appropriate financial delegation.

1.1.3 Contains a description of the work/service to be performed including performance indicators and objectives to be met.

1.1.4 Date contract work or service will start and completion date of contract.

1.1.5 Include provisions for renewal or continuation of contract.

1.1.6 Contains a description of reports or other deliverables to be received, when applicable.

1.1.7 Any other important dates for contract events.

1.1.8 Detail contract amount and payment details. If applicable include details of progress payments, indexations and retention conditions.

1.1.9 Include details of control and ownership of assets including copyright and intellectual property issues. If there is a need to insert the party who assumes the risk for these types of matters the party so assuming should also be inserted.

1.1.10 Statement of obligations for default provisions.

1.1.11 Arbitration provisions, if any.

1.1.12 Warranty, if any.

1.1.13 How to amend contract provisions or make variations to the contract and on whose authority.

1.1.14 Notice provisions.

1.1.15 Waiver provisions.

1.1.16 Contains the circumstances under which the contract can be terminated or suspended either with or without cause and contains the remedies for default.

1.1.17 Include effective grievance procedures.

1.1.18 Include effective dispute procedures.

1.1.19 Contains required non-discriminatory language.

1.1.20 Include a dictionary, which contains definitions of terms used.

1.1.21 Nominate a Contract Manager with responsibility for the administration of the contract. The Contract Manager must authorise all contract documentation related to the contract including assessments and requisitions for payment.

1.2 Other Considerations

1.2.1 Ensure that all critical and important dates relating to the contract are included and that these dates are realistic. These dates should be included on an Action Statement. (Refer to Attachment)

1.2.2 Ensure that the contract does not include anything which goes against any law, whether civil or criminal law. Unlawful provisions in a contract cannot be enforced.

1.2.3 Verification of viability of third parties such as credit checks.

1.2.4 Ensure that the impact on all sections of the University has been considered and that relevant sections have been consulted/advised. A Contact List for advice on contract related matters is attached.

1.2.5 Insurance implications such as professional indemnity, public or product liability.

1.2.6 Have all the future benefits and costs been appraised in the formulation of contracts.

1.2.7 A clause ensuring that there are no agency/employment relationships implied or expressly included in the contract - unless an employment or agency is established.

1.2.8 Choice of law and jurisdiction.

1.2.9 Whether there is to be any subcontracting.

1.2.10 During the life of the contract an annual review of the terms and conditions of financial instruments is required to be completed by 31 December in accordance with AAS 33. For assistance in this matter please contact the Management Accountant, Financial Services.

1.3 Action Statement

Contract Requirement (Refer to Clause)	Action Date	Action Officer	Contract Review Verification

1.4 Contact List

1.4.1 University Legal Officer: Ms Narelle Mulder

1.4.2 University Lawyer: Ms Pam Steele

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