

SHORT FORM - CONDITIONS OF CONTRACT

MAJOR DIFFERENCES BETWEEN VERSION 003 DATED 1 JULY 2009 AND VERSION 3 DATED 1 JULY 2011

The most significant differences between Version 002 and Version 003 of the Short Form - Conditions of Contract are outlined below. [*This document does not represent a comprehensive list of every amendment incorporated in the Version dated 1 July 2011.*](#)

CLAUSE TITLE	CLAUSE NUMBER	MAJOR DIFFERENCES BETWEEN VERSIONS
Definitions and Interpretation Definitions	1 1.1	<u>New definitions:</u> <ul style="list-style-type: none"> • Confidential Information; and • Document. <u>Existing definitions with changes:</u> <ul style="list-style-type: none"> • Customer; and • Order. <u>Deleted definitions:</u> <ul style="list-style-type: none"> • Cluster Members; and • Specifications.
Formation of the Contract	2.1	<ul style="list-style-type: none"> • clause amended regarding the documents that constitute the Contract.
Provision of Goods and/or Services	3.1 – 3.8	<ul style="list-style-type: none"> • minor amendments to clauses regarding the supply of Goods and/or the provision of Services under a Contract.
	3.4	<ul style="list-style-type: none"> • previous clause deleted.
Price and Payment	4.1 – 4.6	<ul style="list-style-type: none"> • minor amendments to clauses regarding payment and Correctly Rendered Invoice.
	4.7 & 4.8	<ul style="list-style-type: none"> • new clauses regarding payment of invoices by credit card (or other electronic facility) and the associated fees and charges of such transactions
GST	5.2	<ul style="list-style-type: none"> • clause deleted.

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Confidentiality and Personal Information	8	<ul style="list-style-type: none"> clause title changed – previously <i>Records and Personal Information</i>.
	8.1	<ul style="list-style-type: none"> clause 8 amended to reflect the change of terminology i.e. replacing “Records or Contract Material” with “Confidential Information”. A definition of “Confidential Information” has been included under clause 1.1.
	8.2	<ul style="list-style-type: none"> clause amended to address the differences under the <i>Information Privacy Act</i> in regard to the Health Department.
Liability	10.5	<ul style="list-style-type: none"> new clause includes Contractors limitation of liability and the Professional Standards Act.
Insurance	12.4 & 12.5	<ul style="list-style-type: none"> new clauses include requirements if a Contractor is a participating member of scheme approved under the Professional Standards Act.
Breach and Terminations	15.5 (b)	<ul style="list-style-type: none"> new clause includes termination provisions when a Contractor breaches clause 16.1.
	15.6	<ul style="list-style-type: none"> clause amended to specify the Customers right to claim damages for breach of Contract.
Commissions, Incentives and Collusion	16.1	<ul style="list-style-type: none"> new clause regarding collusion under a Contract has been inserted.
Disclosure by Customer	16.9.1	<ul style="list-style-type: none"> clause amended to include disclosure of information provided by the Contractor <i>about the Contractor, the Contract or the Goods and/or Services</i>.
Right to Information and Disclosure	16.10	<ul style="list-style-type: none"> clause title changed – previously <i>Disclosure of Information</i>; clause 16.10.1 has been renumbered as 16.10.5 and has been updated to reflect the new requirements (as per clause 9.2 of the State Procurement Policy) regarding disclosure and publication of procurement results for contracts over \$10 million.
	16.10.1 – 16.10.4	<ul style="list-style-type: none"> new clauses regarding Right to Information Act.
	16.10.5 (previously 16.10.1)	<ul style="list-style-type: none"> clause amended to include new disclosure and publication of procurement results for contracts over \$10 million requirements (as per clause 9.2 of the State Procurement Policy).

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Clauses to survive termination	17.1	<ul style="list-style-type: none">• clause amended to include the following clauses which will survive termination or expiration of the Contract:<ul style="list-style-type: none">– clause 1 Definitions and Interpretation; and– clause 12 Insurance.