

Know how to ...
**DEAL WITH CUSTOMERS
& SUPPLIERS**

Know the laws of business.
Know how to manage your legal risks.

Presented by Melissa Bush

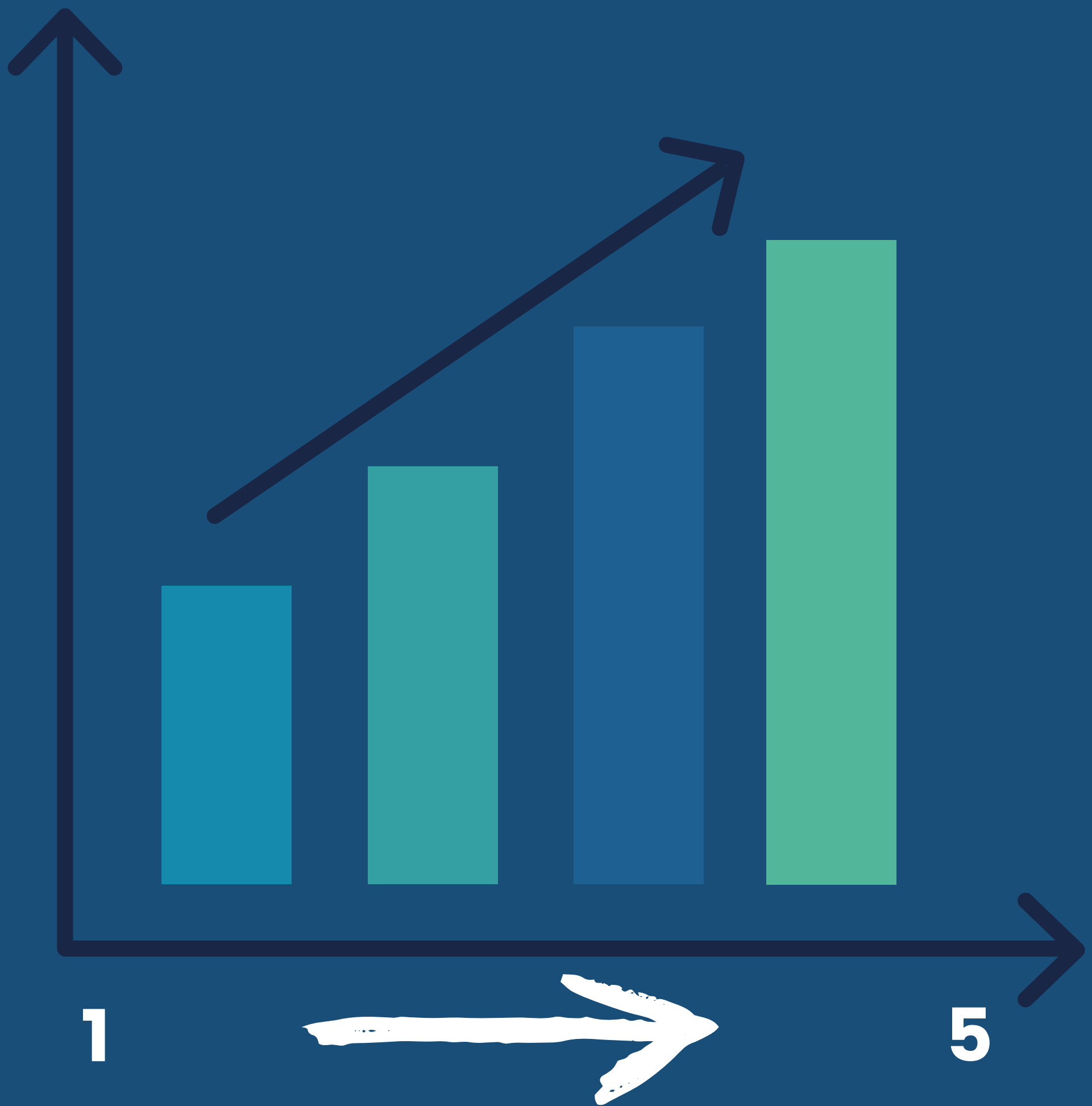


WHO AM I

- 27 years in legal practice
- Assisting business owners
- Educating business owners

BK Business
Know
How





BKH Business
Know
How



AGENDA

- 1 Understand contract law principles
- 2 Understand the need for documentation
- 3 Understand negotiation with suppliers



YOU'RE IN THE RIGHT PLACE IF...

- You are a start-up and don't know where to start
- You have started but you don't know if you've done it right
- You need to re-visit these legal concepts



KNOWLEDGE IS POWER

Scientia potentia est



PROACTIVE RATHER THAN REACTIVE

Take proactive steps to avoid, rather than reacting

CONTRACTS

- Parties

CONTRACTS

- Parties
- Offer & acceptance

CONTRACTS

- Parties
- Offer & acceptance
- Consideration

CONTRACTS

- Parties
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- Consideration

OTHER ELEMENTS

- An intention to create legal relations
- Legal capacity
- Minors (under 18)
- Bankrupts
- Consent

CONTRACTS

TERMS OF THE CONTRACT

Express

Expressly agreed to by the parties

Implied

Implied by the circumstances OR the law

CONTRACTS

TERMS OF THE CONTRACT

Express

Expressly agreed to by the parties

Implied

Implied by the circumstances OR the law

Written

In a document (signed or unsigned)

Verbal

Verbal statements

CONTRACTS

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Condition

Essential

Warranty

Less important

CUSTOMERS

Advertising

Quotation

P/Order

Contract

Invoice

CUSTOMERS

Advertising

Terms & conditions?

Quotation

Invitation to treat?

P/Order

Offer?

Contract

Acceptance?

Invoice



TERMS AND CONDITIONS

- The parties
- The subject matter – the goods/services
- The price
- Payment terms
- Term /duration of the agreement
- Insurance and indemnity provisions
- Guarantees
- Breach of contract / termination
- Dispute resolution
- Jurisdiction



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STANDARD FORM CONTRACT

UNFAIR CONTRACTS

- Allows one party (but not the other) to avoid or limit their obligations
- Allows one party (but not the other) to terminate the contract
- Penalises one party (but not the other) for breaching or terminating the contract
- Allows one party (but not the other) to vary the terms of the contract

UNFAIR CONTRACTS

- Australian Consumer Law – Unfair Contract Terms
- Applies where:
 - the supply of goods or services or the sale or grant of an interest in land
 - at least one party employs less than 20 people
 - the upfront price payable is < \$300,000 (or \$1m if > 12 months)

NEGOTIATION

- 1 Read the contract
- 2 Consider any unfair terms
- 3 Ensure all matters are covered
- 4 Negotiate / clarify / amend

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CASE STUDY #1

- Lease negotiations
- Binding or not binding?
- Subject to formal documentation



CASE STUDY # 2

- Company selling a business
- Subject to finance
- Proposed clause only said "subject to the purchaser obtaining finance"
- But what sort of finance? On what terms?

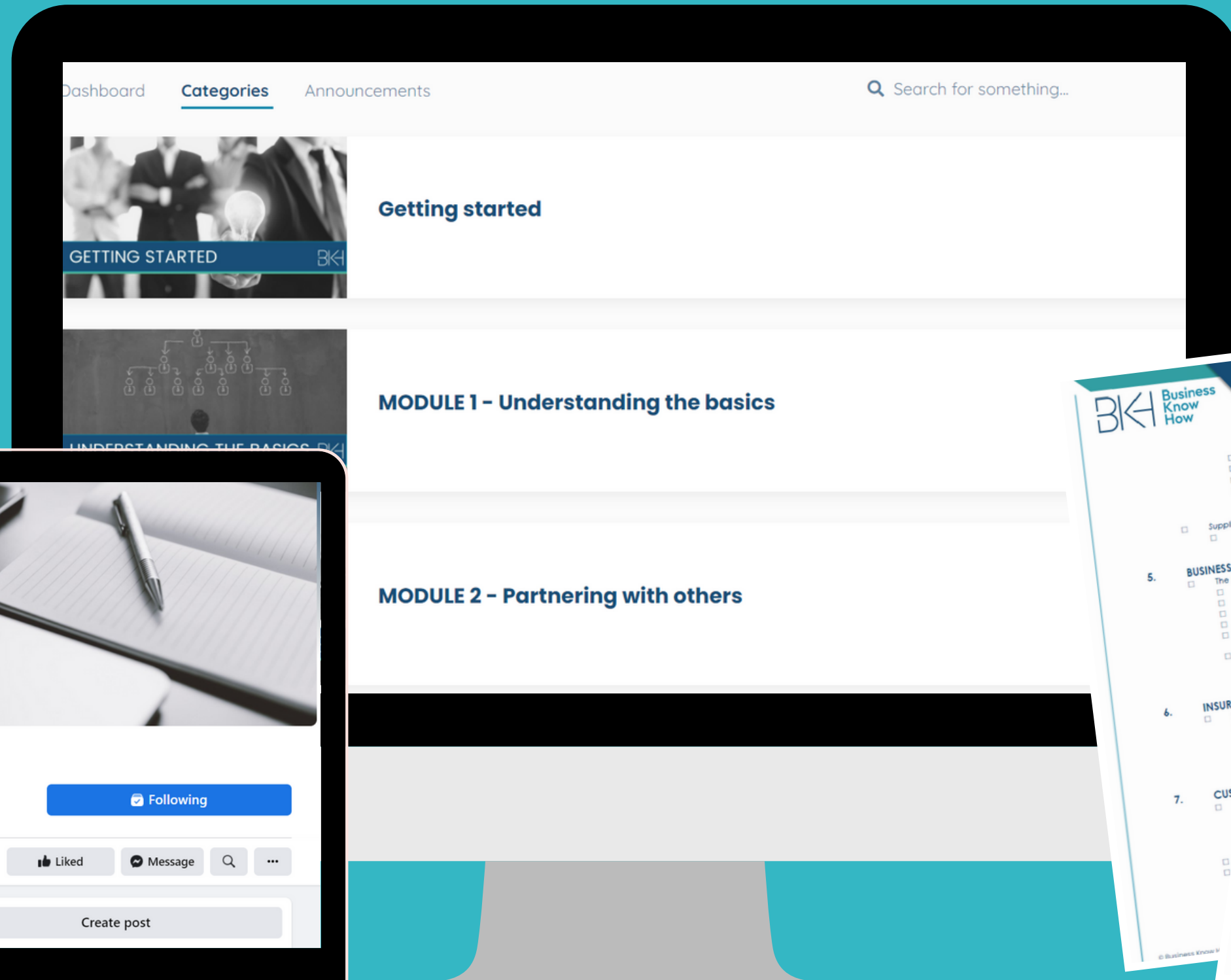


CASE STUDY # 3

- Terms and conditions
- Service to customers
- Visits to customer premises
- Parking issue



INTRODUCING:



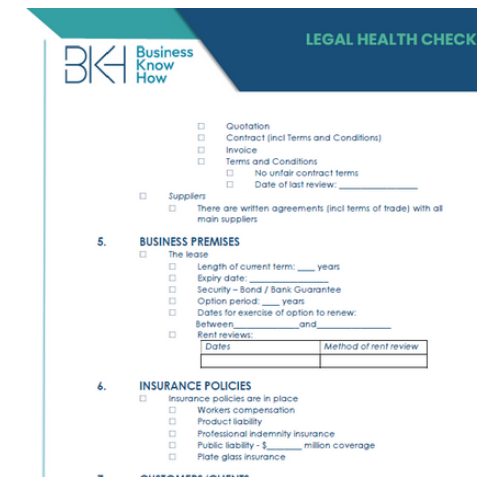
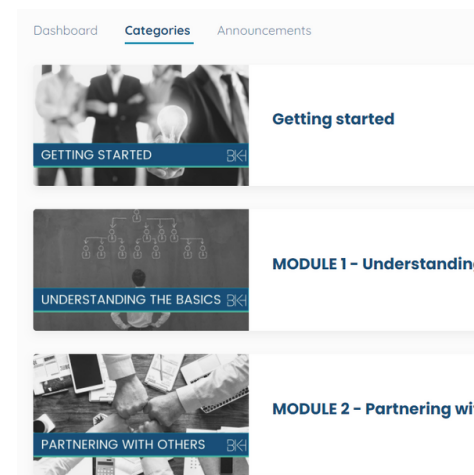
"GETTING OFF THE GROUND"

3 Lesson Modules
Video Tutorials
Checklists
Flowcharts
Templates
FB community
Weekly Live Q&A
12 weeks' access

VALUED AT
\$2,500

3 x monthly payments of \$379

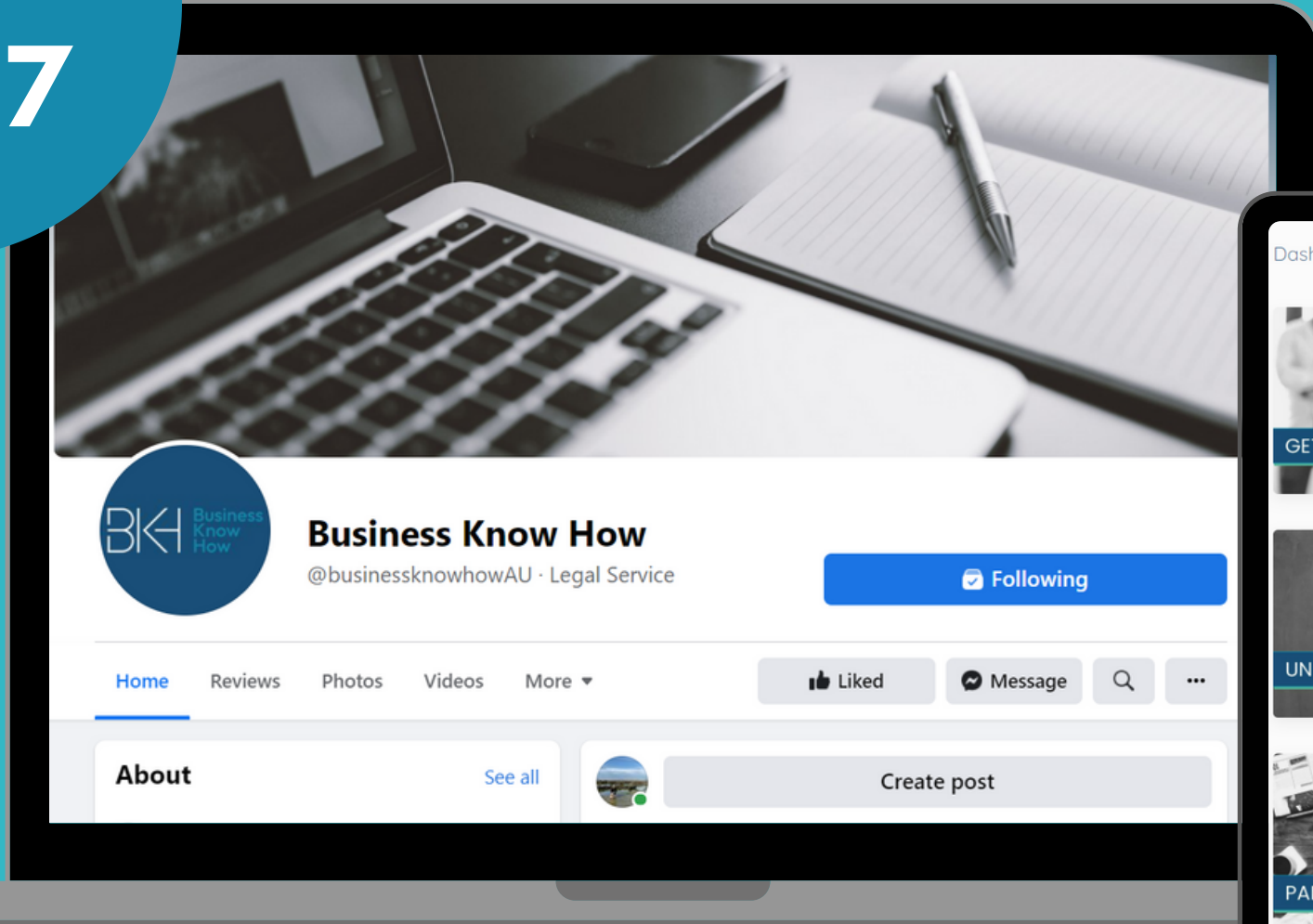
BKH



GETTING OFF THE GROUND

Get the legal structure right,
deal with customers and suppliers, get paid

JOIN
FOR ONLY
\$997



**DOORS ARE
CLOSING
VERY SOON!**

Thank you

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