

## WHETHER 'TIS BETTER TO TERMINATE

**The traditional notion of terminating a contract in the event of a breach may not always be the best course of action in agreements between resource companies and landowners.**



This is because the relationship between a resource company and a landowner will exist independently of any contract and will continue for as long as both parties have rights over the same land.

Contracts between resource companies and landowners usually refine or clarify the pre-existing relationship, adding in details such as land access processes, rehabilitation standards, indemnities and making available plant and equipment to the landowner after operations finish.

These contracts inevitably provide a better deal for both parties. If there is an ongoing relationship, traditional termination rights may need

to be seriously considered and even excluded. Under common law, parties can terminate contracts where there is a fundamental breach of that contract, regardless of whether there is a specific clause that addresses the issue. If an agreement is terminated, future rights may be lost, such as loss of access by the resource company and loss of the right of the landowner to benefit from indemnities or higher rehabilitation requirements. For that reason, it will sometimes be better to exclude the rights of either party to terminate a contract for breach.

Clear words are needed in any agreement to exclude any termination rights. Removal of termination rights in an agreement is not a licence for parties to breach a contract at will, as there will still be consequences that flow from any breach.

Rather, it is a way to ensure that any contractually agreed enhancements to the relationship endure for the benefit of both parties.

If termination is not permitted, then other remedies such as damages, review processes and dispute resolution may need to be beefed up to ensure that both parties' interests are protected and that an innocent party is not disadvantaged by a breach of the other.

*Article courtesy of James Minchinton, Partner Mining & Resources, Sparke Helmore.*

## BABY CBR GETS BETTER

**Japanese motorcycle manufacturer Honda has launched the slick looking 2016 CBR300R and CBR300RA (ABS) in Australia, redefining the rules for LAMS approved bikes in the process by bringing new power and practicality levels to the beginner market.**

Following a long line of superb Honda sports bikes, the 2016 models offer all the excitement of larger models, combined with an outstanding platform for less experienced riders.

Its fuel efficient, liquid-cooled single-cylinder engine is built for maximum excitement on the road.

The 286cc engine is engineered to offer as much fun for new riders as it does for the more experienced. With a broad power band, abundant torque down low in the rev range and a crisp throttle response thanks to the PGM fuel injection, the CBR means business.

Coupling the spritely engine with a staunch six-speed gearbox, the LAMS-approved motorcycle is as comfortable through city streets as it is cruising on the highway.

Borrowing styling cues from Honda's flagship Supersports motorcycle, the 2016 CBR300R's aggressive full fairing is reflected in a stunning, angular silhouette.

While the dual headlights and steeply-raked rear seat add to the sleek lines, the pragmatic design of the seat provides a practical riding position and excellent ground reach.

Underneath, a steel diamond twin-spar frame reinforces the CBR300R's exceptional balance, tuned for both a sporty feel through corners and stability at high speed.

Meanwhile, telescopic forks and Pro-Link rear mono-shock provides suspension that communicates plenty of feel to the rider.

The 2016 CBR300RA also offers powerful yet controllable braking performance with a lightweight Anti-Lock Braking System (ABS).

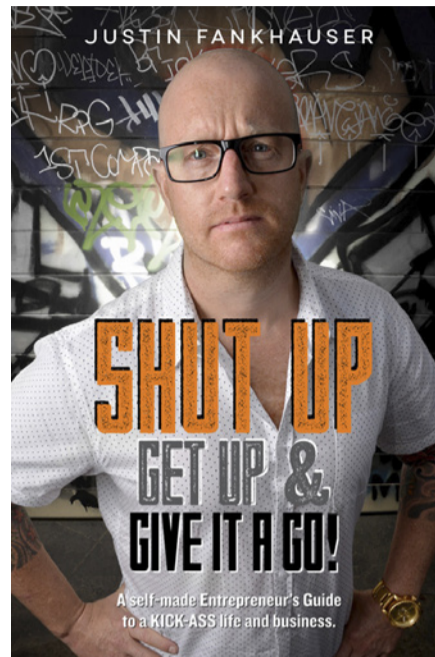
The CBR300R/RA, available in Millennium Red, Black and Candy Energy Orange/Matt Gun Powder Black Metallic Special Edition colours, provide the perfect entry point into Honda's famed Supersport CBR range.

With its compact size, powerful 300-class engine, nimble handling, and sporty silhouette, the 2016 CBR should tick all the right boxes.

*Article courtesy of Exhaust Notes Australia, <http://exhaustnotes.com.au/>*



## SHUT UP, GET UP AND GIVE IT A GO BY JUSTIN FANKHAUSER



**From a high school drop out to building a seven figure business, Justin Fankhauser beat the odds and authors a new book to help others achieve small business success.**

Melbourne-based Justin Fankhauser started his locksmithing business with \$5000 and a station-wagon - and no understanding on how to run a business.

In 10 years TopLock Locksmiths became a seven-figure business and Justin, author of the bestselling book *Confessions of a Locksmith*, has become an industry leader.

In the new book, *Shut Up, Get Up and Give It a Go: A Self-Made Entrepreneur's Guide to a Kickass Life and Business*, Justin provides a no-nonsense, practical guide for aspiring small business owners looking to get started and create their own success in business and life.

Justin shares his personal story on how he overcame the odds; from a rough start in his youth, a lack of education, the death of his best mate and a host of negative influences, and yet went on to build a successful seven-figure business from the ground up.

The book covers topics such as business planning, the financials involved in setting up, managing cashflow, marketing and advertising, hiring staff, keeping motivated and includes checklists to make sure you're on track for success.

*Shut Up, Get Up and Give It A Go* is an inspiring and relatable guide for anyone wanting to get started and succeed in business, regardless of your situation.

*Shut Up, Get Up and Give It A Go* by Justin Fankhauser, Quikmark Media, RRP: \$24.99

## WESTERN PUMP REPAIRS RENTAL / SALES

Flameproof and General Applications  
90kW in HT and MT configuration 1000V or 415

37kW in HT configuration 1000V or 415V

Starters, Mixers, Repairs, Code D Overhauls

Hire Purchase, Cables, Plugs

**INDEPENDANT - COMPETITIVE - RELIABLE - THOROUGH**

Phone (02) 6355 7777

CALL FOR BEST INDUSTRY PRICING AND SERVICE



DAILY OR MONTHLY RATES

SHORT OR LONG TERM HIRE

RECOGNISED SERVICE FACILITY ANZEx SF 11.5258

6 PINTA STREET WALLERAWANG NSW 2845

Email: [cables@lisp.com.au](mailto:cables@lisp.com.au)

[www.westernpumps.com.au](http://www.westernpumps.com.au)

**"PROUDLY PUMPING YOU"**

