

# 2

REGISTRATION  
OPTIONS

FACE TO FACE  
OR ONLINE

# 1<sup>ST</sup> ANNUAL DISABILITY LAW CONFERENCE

Supporting the Supporters: Mental Health Risks

Managing Risk and Responding to the NDIS Fraud Fusion Task Force

How the NDIS Commission Detects and Responds to Compliance Failures

Managing Worker Misconduct and Internal Investigations

Key Employment Law Risks for NDIS Providers

Privacy in Practice: Getting Consent, Data and Recordkeeping Right

Duty of Care: Legal Risks in Participant Safeguarding

Reporting Incidents and Working with Authorities

Mind the Gap: Common Legal Pitfalls in Service Agreements

Navigating Decision-Making with Guardians and Advocates

A Two-Day Conference

**Thursday 18 & Friday 19 September 2025**

Sofitel Gold Coast, Queensland



Your Trusted CPD Partner for 50 Years

# DAY 1: THURSDAY 18 SEPTEMBER 2025

**CHAIR DAY 1 - AM: ALISTAIR  
MACPHERSON, MANAGING DIRECTOR,  
VOCARE LAW, BRISBANE, QLD**

## **MORNING THEME: GOVERNANCE AND OVERSIGHT**

**9.00 - 9.15am**

**Introduction and welcome**

**9.15 - 10.00am**

### **Session 1: Supporting the Supporters: Mental Health Risks and Responsibilities in Disability Services**

Psychosocial hazards in the disability services sector can have serious consequences for both staff and the individuals they support. With increasing scrutiny on mental health in the workplace and the implications of recent legal developments, now is the time for providers to act. This session equips you with practical strategies to foster a mentally healthy workforce and unpacks the legal duties that apply, including the High Court's landmark decision in Kozarov. Topics include:

- Understanding psychosocial hazards in disability settings:
  - What psychosocial hazards look like in disability settings
  - Impact on staff wellbeing, client outcomes, and workplace culture
  - Legal risks and obligations for employers
- Promoting mental wellness in practice:
  - Evidence-based strategies to build staff resilience and prevent burnout
  - Designing and embedding effective wellness programs
  - Creating a culture of safety, inclusion, and psychological support
- Legal Insights from Kozarov - what the High Court's decision means for providers and how the judgment redefines employer obligations
- Building a mental health action plan - key elements of a comprehensive psychosocial risk management strategy

*Speaker: Belinda Winter, Partner, Cooper Grace Ward Lawyers, Brisbane, Qld*

**10.00 - 10.10am Panel Comments and Questions**

**10.10 - 10.55am**

### **Session 2: Fraud under Fire: Managing Risk and Responding to the NDIS Fraud Fusion Task Force**

Fraud and financial misconduct within NDIS-funded services are under unprecedented scrutiny. The establishment of the NDIS Fraud Fusion Taskforce signals a stronger and more coordinated approach to enforcement - and providers must understand the implications. This session explores how fraud risks arise in service delivery and financial management, the role of the Taskforce, and what providers must do to protect participants and avoid serious consequences.

It covers:

- The purpose and powers of the NDIS Fraud Fusion Taskforce - and how it operates in practice
- Examples of provider fraud under investigation: overcharging, false claims, invoice manipulation and coercion
- Legal duties to report fraud and financial misconduct under NDIS and criminal law
- How to detect and respond to suspected fraud or misuse of participant funds
- Developing a proactive compliance framework: risk controls, internal reporting, and audit trails
- Best practices in training staff, maintaining financial transparency, and working with regulators

*Speaker: Luke Geary, Partner, Mills Oakley, Brisbane, Qld*

**10.55 - 11.05am Panel Comments and Questions**

**11.05 - 11.30am Networking Break and Morning Tea**

# DAY 1: THURSDAY 18 SEPTEMBER 2025

11.30am - 12.15pm

## Session 3: On the Regulator's Radar - How the NDIS Commission Detects and Responds to Compliance Failures

The NDIS Commission doesn't just act after a crisis - it monitors provider conduct continually, identifying risk patterns before they escalate. Understanding how the Commission gathers intelligence, prioritises cases, and enforces compliance is essential to staying ahead of regulatory action. This session provides a practical guide to what attracts the Commission's attention - and how providers can proactively reduce their risk exposure. It covers:

- The Commission's regulatory toolkit: audits, compliance notices, banning orders and more
- How providers are monitored between audits - complaints, spot checks, data analysis and repeat issues
- Common triggers for enforcement action: inadequate documentation, safeguarding concerns, governance gaps and failure to respond to participant feedback
- The role of complaints, whistleblowers and internal reporting in flagging providers
- How culture, supervision and leadership are assessed during investigations
- Steps providers can take to demonstrate compliance, address risk indicators and prepare for unannounced audits

*Speaker: Nick Duggal, Partner, Moray & Agnew, Melbourne, Vic*

12.15 - 12.25pm Panel Comments and Questions

12.25 - 1.25pm Luncheon

**CHAIR DAY 1 - PM:**  
**LUKE GEARY, PARTNER, MILLS OAKLEY, BRISBANE, QLD**

**AFTERNOON THEME: MANAGING WORKFORCES AND EMPLOYMENT RISKS**

1.25 - 2.10pm

## Session 4: Under Scrutiny: Managing Worker Misconduct and Internal Investigations

Misconduct allegations involving staff - especially in participant-facing roles - carry serious legal and reputational risks. Whether the issue is neglect, abuse, fraud or breach of policy, how providers respond is critical. A misstep can result in unfair dismissal claims, breach of natural justice, failure to notify the Commission, or exposure to vicarious liability. This session guides you through your obligations when dealing with staff misconduct, including:

- Key triggers for investigation under the NDIS Code of Conduct
- The intersection between internal procedures, the Fair Work Act, and anti-discrimination laws
- Ensuring procedural fairness: rights of the accused, documentation, and legal defensibility
- Balancing internal investigations with external notifications (Commission, insurers, police)
- Common legal pitfalls and how to ensure employment action is lawful and defensible

*Speaker: Megan Kavanagh, Partner, Colin Biggers & Paisley, Brisbane, Qld*

2.10 - 2.20pm Panel Comments and Questions

# DAY 1: THURSDAY 18 SEPTEMBER 2025

2.20 - 3.05pm

## Session 5: Workforce on Watch: Key Employment Law Risks for NDIS Providers

The employment landscape is changing - and so are the legal risks for NDIS employers. From casual conversion and contract missteps to award compliance and psychosocial hazards, providers must navigate a growing web of obligations under workplace, safety and discrimination laws. With recent reforms to the Fair Work Act and a renewed focus on enforcement, this session examines the key areas where employment practices can go wrong - and what steps should be taken now to ensure compliance. It covers:

- The legal distinction between casual and permanent employment - and why misclassification now carries greater risk
- Enterprise agreement and award compliance under the SCHADS Award, including pitfalls around hours, allowances and overtime
- Liability risks when engaging contractors, agency staff or labour-hire workers - what the law now requires

*Speaker: Abbey Burns, Special Counsel, Russell Kennedy, Melbourne, Vic.*

3.05 - 3.15pm Panel Comments and Questions

3.15 - 3.35pm Networking Break and Afternoon Tea

3.35 - 4.20pm

## Session 6: Privacy in Practice: Getting Consent, Data and Recordkeeping Right

Everyday activities - writing case notes, sharing information, texting families - carry privacy risks. With heightened scrutiny on data security and consent, providers must get privacy right at every level. This session examines legal obligations and practical strategies to prevent breaches, including:

- The Australian Privacy Principles and their application to NDIS providers
- Valid consent: what makes it legally effective and how to document it
- Sharing information with families, substitute decision-makers and allied providers: what's allowed?
- Legal risks of unsecured communications (text messages, email, apps)
- Record retention obligations: how long you must keep records and what format is acceptable
- Dealing with data breaches and participant access requests

*Speaker: Alistair Macpherson, Managing Director, Vocare Law, Brisbane, QLD*

4.20 - 4.30pm Panel Comments and Questions

# DAY 2: FRIDAY 19 SEPTEMBER 2025

**CHAIR DAY 2: CAMPBELL HUDSON, PARTNER, DENTONS, SYDNEY, NSW**

**THEME: PARTICIPANT RIGHTS, RISKS AND LEGAL SAFEGUARDS**

**9.00 - 9.05am**

**Introduction and welcome**

**9.05 - 9.50am**

## **Session 7: Duty of Care: Legal Risks in Participant Safeguarding**

Providers have a legal duty to take reasonable steps to protect participants from foreseeable harm - including harm caused by staff, environments, or other participants. Failure to discharge that duty can lead to negligence claims, regulatory sanctions, and reputational damage. This session explores how the legal concept of duty of care applies in practice. It covers:

- Understanding the key legal principles: duty of care, negligence and vicarious liability
- Negligence claims involving vulnerable participants: case law and trends
- The limits of “dignity of risk”: supporting participant choice while managing legal exposure
- Vicarious liability and what it means for provider organisations
- Compliance with restrictive practices rules under the NDIS (Restrictive Practices and Behaviour Support) Rules
- Embedding a safety and compliance culture through training, supervision, and risk frameworks

*Speaker: Annelie Hovler, Principal Solicitor, Forseti Disability Law (Qld), Brisbane, Qld*

**9.50 - 10.00am** Panel Comments and Questions

**10.00 - 10.45am**

## **Session 8: When Things Escalate: Reporting Incidents and Responding to Investigations**

A serious incident can lead to involvement by the Commission and even court proceedings. This session provides a legal roadmap for handling incidents with care - from documentation to communication - while protecting your organisation from legal fallout. It covers:

- Mandatory vs non-mandatory incident reporting
- Preserving legal privilege and maintaining proper records
- Legal risks in incident documentation and internal communication
- Responding to investigations including requests for information/documents, subpoenas and summons
- Legal consequences of failure to report or poor incident management

*Speaker: David Baddeley, Lawyer, Gilbert + Tobin, Sydney, NSW*

**10.45 - 10.55am** Panel Comments and Questions

**10.55 - 11.15am** Networking Break and Morning Tea

**11.15 - 12.00pm**

## **Session 9: Who's in Charge? Navigating Decision-Making with Guardians and Advocates**

It's not always clear who has authority to make decisions for a participant - and getting it wrong can lead to legal breaches or consent disputes.

This session provides a practical guide to working with guardians, financial managers and informal supporters. It covers:

- Who holds legal authority? Understanding substituted decision-making
- NCAT, VCAT and guardianship orders: what they cover
- Managing conflict between family, advocates and participants
- Providers' legal obligations when decision-making authority is uncertain
- Best practice in documenting decisions and minimising exposure

*Speaker: Richard Morris, Principal Solicitor, Morris Succession Lawyers, Port Macquarie, NSW*

**12.00 - 12.10pm** Panel Comments and Questions

**12.10 - 12.55pm**

## **Session 10: Mind the Gap: Common Legal Pitfalls in Service Agreements**

NDIS service agreements are more than operational tools - they're legal contracts that bind providers and participants. Ambiguities or errors can lead to unenforceable terms, complaints to the Commission, or breach of consumer and contract law. This session highlights common risks and how to prevent them, including:

- Key legal requirements under the NDIS Act, Rules and Practice Standards
- Drafting pitfalls: vague scope of services, cancellation fees, exit clauses
- What happens if the participant lacks legal capacity?
- Navigating dual roles (e.g. plan management) and managing actual or perceived conflicts
- Legal standing of informal arrangements or verbal amendments
- Risk mitigation tips for consent, variations, and documentation

*Speaker: Campbell Hudson, Partner, Dentons, Sydney, NSW*

**12.55 - 1.05pm** Panel Comments and Questions

**1.05pm** Conference Close

# GENERAL INFORMATION

---

## Conference Registration Fee

---

The conference registration fee includes attendance at the conference and conference papers. Refreshment breaks on both conference days and lunch on day 1 are included for delegates attending the face to face event.

## Conference Papers

---

TEN does not provide printed copies of the conference papers or Powerpoints. Access to the papers & Powerpoints will be available online to all delegates in the lead-up to the conference (as they become available).

## CPD

---

**Lawyers:** 9 CPD units/points (substantive law)

**WA Lawyers** - TEN is an accredited provider

## CPD Certificate

---

All delegates attending the conference will receive a CPD Certificate confirming attendance.

## The Conference Venue

---

### Sofitel Gold Coast

81 Surf Parade, Broadbeach, Qld

## Sofitel Gold Coast Accommodation Offer to Conference Delegates

---

For delegates accommodation, to take advantage of the 15% discount, your guests can simply call our in-house Reservation Team on (07) 5592 2250 or via email on h0454-re@sofitel.com and quote the code "25090PENDI".

Rates are valid between 17/09/2025 and 20/09/25 only.

Not available in Conjunction with any special offers.

## Travelling to the Conference Venue

---

Delegates are advised to make their own travel arrangements.

## Conference Dress

---

Smart casual attire is suitable (note: the temperature in the conference rooms can vary depending on where you are sitting. Short sleeves/summer tops are generally OK, but it is advisable that you bring a jacket/long sleeved top just in case you need it).

# TERMS AND CONDITIONS

1. In these terms,
  - a. "TEN" means Television Education Network Pty Ltd
  - b. "you" means the person who has registered to attend or the person or persons who attend[s] the conference (if different from the person registered)
  - c. "conference" means the live face to face or live or recorded online educational event or which you have registered (by whatever name called and includes conferences, masterclasses, webinars and webinar series).
  - d. "live conference" means a conference other than a recorded conference.
  - e. "recorded conference" means a recording of a presentation or a series of presentations which you can view at a time of your choosing
  - f. "online" in relation to a conference means a conference you attend by viewing the conference over the Internet
  - g. "face to face" in relation to a conference means a conference held in an external venue where you view the conference in the conference room

## General – all conferences

2. TEN may change the program for a live conference as described in the brochure you have downloaded or in the TEN website without notice to you in any manner and at any time.
3. The information and opinions of presenters at the conference are not necessarily those of TEN and are in the nature of general information and not professional advice and you rely on these at their own risk. TEN is not responsible for the accuracy of the information or the correctness of the opinions offered by presenters at the conference.
4. TEN is not responsible for any financial or other losses incurred by you or for injury or damage to persons or property which occur at or in connection with the conference.

## Copyright

5. The copyright in materials prepared by presenters at a conference and made available to you by TEN is and remains the property of each presenter.
6. You are entitled to use those materials for private study and research only.
7. The copyright in the live stream and in any recording of a conference offered online is the property of TEN.
8. You are entitled to watch a conference for private study and research only.

## Conference cancellation by TEN – all conferences

12. TEN reserves the right to cancel a conference for any reason.
13. If TEN cancels the conference, you will be entitled either to a refund of the registration fee you have paid or to a credit equal to that fee which you can use to purchase another TEN product within 12 months of the first day of the cancelled conference.

## Cancellation by You – all conferences

14. Refunds for registration cancellation by you other than under Clause 6(b):
  - a. If notice of cancellation is actually received by TEN more than 10 days before the first day on which the conference is to be held, 85% of the registration fee you have paid
  - b. Otherwise, no refund.

## Governing Law – all conferences

15. The agreement between TEN and you is governed by the laws in force in the State of Victoria and the courts and tribunals of that State have sole jurisdiction to determine disputes arising in relation to it.

