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REGISTRATION
OPTIONS
FACE TO FACE
OR ONLINE

13TH ANNUAL CHARITIES AND NOT FOR PROFITS CONFERENCE

The Real Cost of Governance: Tackling the Challenges for Charities and NFPs

I Need a Dollar: Director Remuneration for Charities and NFPs

Cybersecurity Wake-Up Call: Protecting Sensitive Data

Managing Psychological Injury and Return

Navigating Legal Risks in Volunteer Work: Best Practices for Charities and NFPs

The High Court Speaks:

Redefining Liability and Defences in the NFP and Charities Sector

Tech Transformation in Fundraising: Navigating AI, Crypto, and Crowdfunding

Steering Charities and NFPs Through Financial Turmoil

Weighing up the Risks of Strategic Mergers

Lessons from the ATO's New Reporting Regime for NFPs

OPTIONAL HALF-DAY INTENSIVE:

First Annual Disability Law Intensive:

Navigating Workplace Challenges in the Disability Sector

A 1½ Day Conference

Thursday 15 & Friday 16 May 2025

Marriott Hotel Melbourne or Online

Feedback from last year's conference:

- “This was my first conference, but I will be back. Communication, planning and organisation was exceptional. All presenters were brilliant and covered a range of very topical and important subjects.”
- “Informative yet delivered in a way that wasn't heavy.”
- “I am fairly new to being a director of a charity and the information over the past two days has been valuable and very informative.”
- “Conference was really informative again this year, I'll be back next year!”



Your Trusted CPD Partner for 50 Years

DAY 1: THURSDAY 15 MAY 2025

**CHAIR DAY 1: LIBBY KLEIN,
DIRECTOR, SOCIAL IMPACT LEGAL,
MELBOURNE, VIC.**

**MORNING THEME: GOVERNANCE BEST
PRACTICE IN CHARITIES AND NFPS**

9.00 - 9.15am

Introduction and welcome

9.15 - 10.00am

Session 1: The Real Cost of Governance: Tackling the Challenges for Charities and NFPS

Is governance taking more time and resources than ever before? You're not alone. A recent Australian Institute of Company Directors report highlights the growing burden directors face in meeting governance demands. Without clear strategies, these pressures can overwhelm boards and divert attention from an organization's purpose. This practical session helps directors cut through the complexity by addressing key governance challenges and explores how an organisation can best control and mitigate the crippling burden of governance. It covers:

- Defining what good governance really looks like
- Crafting a clear purpose and strategic direction to drive success
- Delineating and clearly articulating the role of the executive
- Managing the important relationship between the most senior leader and the Board
- Navigating conflicts of interest and complex structures
- Ensuring the board has the right skills and expertise
- Managing potential legal risks before they escalate

Speaker: Vera Visevic, Partner, Mills Oakley, Sydney, NSW

10.00 - 10.10am Panel Comments and Questions

10.10 - 10.55am

Session 2: I Need a Dollar: Director Remuneration for Charities and NFPS

The expectations placed on directors of charities and NFPS rival those in the for-profit sector, but how can organizations attract and retain skilled board members while staying true to their mission? Increasingly, organizations are exploring director remuneration to bring the right expertise to the table. This session unpacks the key issues charities and NFPS must consider when remunerating directors, including:

- Assessing whether director remuneration aligns with and supports your organization's purpose and mission
- Understanding the role of the constitution and governance documents in determining remuneration policies
- Overcoming challenges in amending governance frameworks to permit director remuneration
- Weighing the potential benefits and risks of paying directors
- Recognizing when to seek external advice to ensure compliance and accountability

Speaker: Rebecca Lambert-Smith, Practice Leader, Moores, Melbourne, Vic

10.55 - 11.05am Panel Comments and Questions

11.05 - 11.30am Networking Break and Morning Tea

11.30am - 12.15pm

Session 3: Cybersecurity Wake-Up Call: Protecting Sensitive Data in Charities and NFPS

With recent high-profile cyber breaches exposing vulnerabilities in even the most well-resourced organizations, charities and NFPS face mounting pressure to safeguard the sensitive data they handle. From donor details to personal beneficiary information, the stakes have never been higher. This session delves into the critical governance and cybersecurity challenges specific to the sector, equipping you with tools to protect what matters most:

- Quishing, vishing and AI scams - the new cybercriminal techniques being adopted and how to spot them
- Developing strategies to mitigate risks and prevent cyber-attacks
- Crafting a robust and compliant privacy policy tailored to your operations
- Managing third-party service providers to ensure privacy law compliance
- Responding swiftly and effectively to data breaches to minimize damage

Speaker: Jason Symons, Partner, Mills Oakley, Sydney, NSW

12.15 - 12.25pm Panel Comments and Questions

12.25 - 1.25pm Luncheon

DAY 1: THURSDAY 15 MAY 2025

AFTERNOON THEME: WORKPLACE AND LIABILITY ISSUES

1.25 - 2.10pm

Session 4: Not All Scars Are Visible: Managing Psychological Injury and Return to Work in the NFP and Charities Sector

Working in the charitable and not-for-profit sector can involve high levels of emotional engagement and interaction with vulnerable populations, which may expose employees to psychological injury. As a result, organizations must be equipped to effectively support employees who experience mental health challenges while ensuring legal compliance throughout their return-to-work process. This session will provide practical, legal guidance on managing psychological injury and navigating the return-to-work process. It covers:

- Legal requirements and best practices for supporting employees who are experiencing psychological injuries, ensuring they are provided with appropriate accommodations to facilitate their return to work.
- Identifying and implementing adjustments to work conditions and duties to help employees perform their roles effectively while managing mental health challenges.
- How to assess an employee's ability to meet the essential requirements of their position after a psychological injury and the steps to take to ensure fair and consistent decision-making.
- Understanding the legal framework around dismissing an employee who is unable to meet the inherent requirements of their role, including avoiding unlawful discrimination and ensuring compliance with mental health-related protections.
- Exploring how workers' compensation entitlements interact with the dismissal process, including how to manage claims and obligations under the relevant workers' compensation legislation

Speaker: Adrian Barwick, Solicitor Director, WilliamsonBarwick, Sydney, NSW

2.10 - 2.20pm Panel Comments and Questions

2.20 - 3.05pm

Session 5: Navigating Legal Risks in Volunteer Work: Best Practices for Charities and NFPs

Volunteers are vital to the success of charities and NFPs, but managing the legal risks associated with volunteer work is crucial for protecting both the organization and its workforce. This session will delve into the key legal obligations and practical strategies to ensure compliance and safeguard operations. Key topics include:

- Insights into legal duties and risks related to volunteers, including civil liability and negligence
- Navigating laws around vicarious liability, proportionate liability, and the legal protections for volunteers in the NFP sector
- Ensuring volunteers are adequately trained and prepared for their roles to minimize legal risks
- Best practices for volunteer induction, ongoing training, and effective supervision to prevent legal issues
- How to use indemnity agreements effectively to manage risks related to volunteer actions
- Case studies from charities and NFPs that have successfully addressed legal risks while supporting their volunteer workforce

Speaker: Adam Foster, Partner, Colin Biggers & Paisley, 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: The High Court Speaks: Redefining Liability and Defences in the NFP and Charities Sector

The recent High Court decisions in *Bird v DP*, *RC v Salvation Army*, and *Willmot v State of Queensland* have brought significant changes to the legal landscape for charities and NFPs. These judgments redefine key aspects of vicarious liability and stay applications in historical sexual abuse claims, presenting new challenges and opportunities for the sector. This session unpacks the implications of these rulings and provides practical guidance for organizations to adapt and respond effectively. It covers:

- Vicarious liability in focus: Understanding the High Court's findings in *Bird v DP* and their impact on formal employment relationships.
- Stay applications in abuse claims: Key takeaways from *RC v Salvation Army* and *Willmot v State of Queensland* and their practical implications
- Legal principles revisited: Evolving approaches to liability, granting stays, and ensuring a fair trial
- Risk management strategies: How charities and NFPs can adjust policies to mitigate liability and respond to historical abuse claims

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

4.20 - 4.30pm Panel Comments and Questions

DAY 2: FRIDAY 16 MAY 2025

**CHAIR DAY 2: DR MARK FOWLER,
PRINCIPAL, FOWLER CHARITY LAW,
SYDNEY, NSW**

**THEME: SECURITY, FINANCIAL
SUSTAINABILITY AND REPORTING ISSUES**

8.30 - 8.35am

Introduction and welcome

8.35 - 9.20am

Session 7: The Tech Transformation in Fundraising: Navigating AI, Crypto, and Crowdfunding

The rise of AI, cryptocurrency, and blockchain technologies is reshaping how charities and NFPs approach fundraising. While these tools offer exciting opportunities, they also introduce complex legal and ethical challenges. This session provides practical insights into harnessing new technologies while staying compliant and managing risks. It covers:

- Legality and regulatory considerations of using crowdfunding platforms for charitable fundraising
- The risks and benefits of AI, crypto, and blockchain in fundraising activities
- Key factors to evaluate before launching a crowdfunding campaign
- Managing situations where a crowdfunding campaign fails to meet its target
- State/territory-level legal ramifications and compliance requirements for charities and NFPs using crowdfunding platforms

Speaker: Catherine Brooks, Principal, Equitable Philanthropy, Melbourne, Vic.

9.20 - 9.30am Panel Comments and Questions

9.35 - 10.20am

Session 8: Rough Seas and Safe Harbors: Steering Charities and NFPs Through Financial Turmoil

When financial challenges arise, charities and NFPs face unique pressures alongside the strict liabilities imposed on their directors under the Corporations Act. Recent cases of charity liquidations highlight the critical need for proactive governance and informed decision-making during turbulent times. This session provides practical guidance on navigating financial distress, including:

- Understanding the laws on insolvent trading and their implications for directors in the charities and NFP sector
- Identifying the early warning signs of insolvency before it's too late
- Spotlight on historical abuse claims and the threat of insolvency - practical strategies to address financial risks from legacy liabilities
- Knowing when and how to seek protection through a 'safe harbour'
- Exploring restructuring plans and deeds of company arrangement as recovery tools
- Key lessons from recent charity and NFP administrations and liquidations

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

10.20 - 10.30am Panel Comments and Questions

10.30 - 10.50am Networking Break and Morning Tea

DAY 2: FRIDAY 16 MAY 2025

10.50 - 11.35am

Session 9: Merging for Impact: Weighing the Opportunities and Risks of Strategic Mergers in Charities and NFPs

In a tough financial climate, strategic mergers can offer charities and NFPs a lifeline to amplify their impact, reduce costs, and weather economic pressures. But merging is not without risks—poor planning or misaligned goals can derail even the most promising partnerships. This session unpacks the key considerations for charities and NFPs exploring mergers, including:

- Why organizations consider merging—and when it's the right move
- Balancing the benefits and challenges of merging to ensure long-term success
- Conducting due diligence to uncover potential pitfalls and opportunities
- Navigating competition law issues unique to the sector
- Safeguarding your organization's mission and values during a merger
- Practical case studies

Speaker: Darren Fittler, Partner, Gilbert + Tobin, Sydney, NSW

11.35am - 11.45am Panel Comments and Questions

11.45 - 12.30pm

Session 10: One Year On: Lessons from the ATO's New Reporting Regime for NFPs

The ATO's reporting changes for NFPs not registered with the ACNC have brought new compliance challenges and opportunities for reflection. With a full year of implementation behind us, it's time to take stock of the impact on the sector and look ahead to what's next. This session will delve into:

- How to accurately determine your organization's taxation status under the new regime
- Navigating challenges in completing and lodging annual returns
- Understanding why ATO registration applies instead of the ACNC—and what it means for your organization
- Key insights and lessons learned from the first year of the reporting requirements
- Preparing for the future: how these changes might shape tax reporting going forward

Speaker: Jennifer Moltisanti, Assistant Commissioner, Australian Taxation Office, Melbourne, Vic.

12.3 - 12.40pm Panel Comments and Questions

12.40pm Conference Close

FIRST ANNUAL DISABILITY LAW INTENSIVE FRIDAY 16 MAY 2025

**CHAIR: LUKE GEARY, PARTNER,
MILLS OAKLEY, BRISBANE, QLD.**

1.15 - 1.20pm

Introduction and welcome

1.20 - 2.05pm

Session 1: Navigating SCHADS and Modern Awards: A Compliance Roadmap for NDIS Providers

Correctly classifying employees under the SCHADS Award is crucial for NDIS providers to ensure compliance, fair pay, and proper working conditions. NDIS providers face significant legal challenges in adhering to the Social, Community, Home Care and Disability Services (SCHADS) Industry Award and other modern awards. This webinar will clarify these complexities, offering clear guidance on compliance and best practices to ensure legal adherence and operational efficiency. This session will cover:

- Understanding the SCHADS Industry Award:
 - Correctly classifying employees
 - Broken shift and sleeper allowances
 - Overview of the SCHADS Industry Award and its relevance to NDIS providers.
 - Key provisions and compliance obligations under the SCHADS Award.
 - Common challenges faced by providers in adhering to the SCHADS Award.
- Modern Awards Explained:
 - Definition and purpose of modern awards in the NDIS context.
 - Key provisions and requirements of other relevant modern awards.
 - Differences between modern awards and enterprise agreements.
- Navigating Legal Challenges:
 - Identifying and addressing legal risks associated with SCHADS and modern awards.
 - Real-life examples and case studies highlighting common pitfalls.
 - Strategies to ensure compliance with SCHADS and modern award requirements.
- Best Practices for Legal Compliance:
 - Developing robust policies and procedures to meet legal obligations.
 - Importance of regular legal audits and reviews

*Speaker: Adrian Barwick, Solicitor Director,
WilliamsonBarwick, Sydney, NSW*

2.05 - 2.15pm Panel Comments and Questions

2.15 - 3.00pm

Session 2: NDIS Risk Incidents and Complaints Management: Conducting Effective Investigations

When an incident of abuse or misconduct is alleged, observed, or reported, senior staff must step in to conduct thorough investigations to safeguard NDIS participants and prevent future harm. This practical session provides a clear roadmap for navigating the investigation process, focusing on best practices for handling sensitive issues. Key areas covered include:

- Ensuring the immediate safety of all parties involved
- Reporting obligations to navigate - who needs to be notified of the incident?
- Ensuring procedural fairness throughout the investigation
- Strategies for collecting reliable evidence and conducting effective interviews
- Structuring and presenting findings in a clear, actionable manner
- Managing staff under investigation
- When and why it may be necessary to bring in external investigators
- Responding to investigation findings - what happens next?

*Speaker: Angela Cox, Principal, Special Voices
Disability Law & Advocacy, Melbourne, Vic*

3.00 - 3.10pm Panel Comments and Questions

3.10 - 3.30pm Networking Break and Afternoon Tea

3.30 - 4.15pm

Session 3: Navigating Work Health and Safety Challenges in the Disability Sector

NDIS providers face unique challenges in ensuring health and safety for staff, and clients and participants. These challenges come from various sources, including the clients or participants, their families, the makeup of the workforce, the regulatory landscape, and because of the nature of the work itself. This session will provide practical strategies to address these challenges. This session covers:

- Understanding the current WHS landscape:
 - core duties and key developments
 - consequences of non-compliance
- Addressing sector specific issues:
 - distributed/remote work
 - CALD workforce
 - interaction with NDIS Code of Conduct / NDIS Standards
 - occupational violence
- Developing an effective WHS strategy

*Speaker: Anthony Massaro, Principal, Russell Kennedy,
Melbourne, Vic.*

4.15 - 4.25pm Panel Comments and Questions

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.

The half day optional intensive is available for registration with the conference or separately. A light luncheon will be served for delegates attending both events in person. The fee also includes papers and afternoon tea.

Conference Papers

TEN will 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 (substantive law) for the conference plus 2.5 CPD units (substantive law) for the intensive half day.

CPD Certificate

All delegates will receive a CPD Certificate/s confirming attendance.

The Conference Venue

Melbourne Marriott Hotel

Corner Lonsdale & Exhibition Streets, Melbourne

Phone: (03) 9662 3900

Web: Luxurious hotel in Melbourne's CBD (marriott.com)

Delegate Accommodation Rate at the Melbourne Marriott

The Marriott are offering conference attendees 10% off their best available rates at the time of booking.

Please call (03) 9660 1128 to book your room and identify yourself as an attendee of this event.

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).

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 - 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.
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 - f. "online" in relation to a conference means a conference you attend by viewing the conference over the Internet
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General – all conferences

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Cancellation by You – all conferences

14. Refunds for registration cancellation by you other than under Clause 6(b):
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