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REGISTRATION
OPTIONS

FACE TO FACE
OR ONLINE

19TH ANNUAL EMPLOYMENT LAW CONFERENCE

Beyond the Policy: Managing Psychological Risks in the Workplace

When HR Decisions Become WHS Risks:

Managing the Intersect Between Safety and Employment Law

Preventing Sexual Harassment: Meeting the Positive Duty in Australian Workplaces

The First 48 Hours: Responding to a Serious Workplace Incident

Workplace Investigations Done Right: Process, Privilege and Legal Risk

Return to Work Under Pressure: Managing Injury, Capacity and Employer Risk

General Protections Claims:

What the Fair Work Commission's New Case Management Means for Employers

Not Just Vacant Roles:

The High Court Redefines Reasonable Redeployment in Genuine Redundancy

Flexible Work Requests: What Recent Fair Work Commission Decisions Require of Employers

Probation Done Properly: Employer Obligations under the Fair Work Act

The Salary Trap: What the Coles and Woolworths Decision Means for Annual Salary and Set-Off Arrangements

Shadow AI at Work: Managing the Governance, Privacy and Employment Risks

A 2 day Conference

Thursday 23 & Friday 24 July 2026

JW Marriott Gold Coast or Online

Feedback from last year's conference:

- “This was my first Employment Law Conference and it exceeded my expectations by far. Outstanding presentations on diverse and relevant topics. The presenters were excellent, as the rotation of chair - great idea. The availability of the papers and PowerPoints in advance outstanding and much appreciated. Overall it is a very well run conference, the online participation was great. Thank you, I will be back next year.
- “Excellent topics that were very relevant to my role. Excellent presenters who were personable and knowledgeable.
- “Conference runs like a dream - on time, minimal technical hiccups, topics topical and extremely well presented and invite interesting practical questions from delegates.



Your Trusted CPD Partner for more than 50 Years

DAY 1: THURSDAY 23 JULY 2026

MORNING THEME: THE NEW RISK LANDSCAPE FOR EMPLOYERS

9.00 - 9.15am

Introduction and welcome

9.15 - 10.00am

Session 1: Beyond the Policy: Managing Psychological Risks in the Workplace

Employers across Australia face a significant shift in how they must approach psychosocial hazards at work, with policies, codes of conduct and training programs no longer being enough on their own. In this session, we will explore the new regulatory framework for managing psychological health risks and how this impacts the workplace, including:

- The range of psychosocial hazards captured by the regulatory framework
- Why the traditional HR policy-led approach to psychosocial risk management may no longer be sufficient
- The hierarchy of controls that now applies to psychological health risks and how employers must identify, assess, control and review risks
- The enforcement powers available to regulators with respect to psychosocial risks
- The direct link between compliance with psychosocial obligations and exposure to workers' compensation claims
- Practical steps employers can take to move from policy-reliance to proactive work design to mitigate psychosocial risks in the workplace

Speaker: Claire Bratney, Special Counsel, Corrs Chambers Westgarth, Brisbane, Qld

10.00 - 10.10am Panel Comments and Questions

10.10 - 10.55am

Session 2: When HR Decisions Become WHS Risks: Managing the Intersect Between Safety and Employment Law

Many of the most difficult employment decisions - handling complaints, managing investigations, disciplining staff or responding to psychosocial hazards - now engage multiple legal duties at once. Work health and safety obligations, discrimination law and employment law increasingly shape how employers must manage workplace issues in practice. This session examines how these legal obligations operate together and how organisations can structure HR processes that are legally robust across all frameworks. It covers:

- How WHS duties interact with employment law, discrimination law and workers' compensation frameworks
- Why bullying complaints, psychosocial hazards and workplace conflict can create WHS exposure for employers
- Personal liability risks for officers, managers and HR leaders under WHS legislation
- Managing workplace complaints and investigations where WHS obligations are engaged
- Aligning HR processes, reporting systems and governance frameworks to manage workplace risk effectively

Speaker: Nick Ruskin, Partner, K&L Gates, Melbourne, Vic.

10.55 - 11.05am Panel Comments and Questions

DAY 1: THURSDAY 23 JULY 2026

11.05 - 11.30am Networking Break and Morning Tea

11.30am - 12.15pm

Session 3: Preventing Sexual Harassment: Meeting the Positive Duty in Australian Workplaces

The introduction of the positive duty under federal discrimination law has fundamentally shifted how employers must address sexual harassment and sex-based harassment in the workplace. Rather than responding to complaints after the fact, employers are now required to take proactive steps to eliminate unlawful conduct. This session examines what the positive duty requires in practice and how organisations can build systems that meet both legal and cultural expectations. This session covers:

- The legislative framework underpinning the positive duty and the role of the Australian Human Rights Commission
- What “reasonable and proportionate measures” look like in practice for employers
- The intersection between sexual harassment obligations and WHS duties relating to psychosocial hazards
- Recent case law and developments shaping employer liability for sexual harassment
- The emerging and largely untested jurisdiction of the Fair Work Commission under s.527D
- The governance, reporting and monitoring systems organisations should implement
- The role of leadership, training and workplace culture in meeting the positive duty
- Practical steps HR teams can take to reduce exposure to harassment claims and regulatory scrutiny

Speaker: Wendy Fauvel, Partner, Lander & Rogers, Sydney, NSW

12.15 - 12.25pm Panel Comments and Questions

12.25 - 1.10pm

Session 4: The First 48 Hours: Responding to a Serious Workplace Incident

When a serious workplace incident occurs, the decisions made in the first hours and days can significantly shape the organisation’s legal exposure. Employers must manage competing priorities including worker safety, regulatory reporting, internal investigations and organisational communication. This session examines how organisations should respond when a serious incident occurs and the practical steps required to manage the legal and operational risks that follow. This session covers:

- The immediate obligations that arise following a notifiable incident under WHS legislation
- Preserving evidence and managing the incident scene while ensuring ongoing workplace safety
- Managing internal investigations while maintaining appropriate legal oversight
- Engaging with regulators, inspectors and other authorities
- The communication challenges that arise with workers, unions, families and the broader organisation
- Practical governance steps organisations should take to ensure a legally defensible response

Speaker: Samantha Betzien, Partner, Allens, Brisbane, Qld

1.10 - 1.20pm Panel Comments and Questions

1.20 - 2.15pm Luncheon

DAY 1: THURSDAY 23 JULY 2026

AFTERNOON THEME: INVESTIGATIONS, DISPUTES AND LEGAL EXPOSURE

2.15 - 3.00pm

Session 5: Workplace Investigations Done Right: Process, Privilege and Legal Risk

Workplace investigations are now a routine part of managing complaints involving bullying, harassment, misconduct and safety concerns. Poorly structured investigations can expose organisations to significant legal risk, including procedural unfairness, adverse action claims and the loss of legal professional privilege over investigation materials. This session examines how employers should structure workplace investigations to ensure they are legally robust and defensible. It covers:

- When a workplace investigation is required and how to determine the appropriate scope
- Structuring the investigation process to ensure procedural fairness
- Managing evidence gathering, witness interviews and documentation
- When and how legal professional privilege can apply to investigation reports
- The dominant purpose test and how privilege can be lost
- Separating investigation and disciplinary processes to reduce legal risk
- Communicating investigation findings while preserving privilege where possible

Speaker: Annie Smeaton, Partner, Cooper Grace Ward Lawyers, Brisbane, Qld

3.00 - 3.10pm Panel Comments and Questions

3.10 - 3.55pm

Session 6: Return to Work Under Pressure: Managing Injury, Capacity and Employer Risk

When an employee suffers a workplace injury, employers must navigate a complex web of workers' compensation obligations, medical evidence, operational needs and employment law risks. Poorly managed return-to-work processes can quickly escalate into disputes, adverse action claims or allegations of discrimination. This session examines how employers can manage injury and return-to-work obligations while protecting the organisation from legal exposure. This session covers:

- The legal framework governing return-to-work obligations and employer duties following workplace injury
- The role of medical evidence and how employers should assess and respond to capacity assessments
- The interaction between return-to-work obligations, reasonable adjustments and discrimination laws
- Common legal risks arising when employers question medical evidence or terminate employment following injury
- Managing prolonged incapacity and determining when continued employment may no longer be viable
- Practical steps HR professionals can take to ensure return-to-work processes are legally compliant and defensible

Speaker: Adam Foster, Partner, Colin Biggers & Paisley, Melbourne, Vic.

3.55 - 4.05pm Panel Comments and Questions

4.05 - 4.25pm Networking Break and Afternoon Tea

DAY 1: THURSDAY 23 JULY 2026

4.25 - 5.10pm

Session 7: General Protections Claims: What the Fair Work Commission's New Case Management Means for Employers

The Fair Work Commission has introduced a series of case management reforms targeting procedural inefficiencies that have allowed unmeritorious claims which consume disproportionate respondent resources. This session sets out what has changed, what is still under consideration, and what the reforms mean in practice for employers and their legal advisers, including:

- The scale of the problem, including the 27% surge in general protections claims above the five-year average
- The issue with applications lodged primarily in anticipation of a settlement rather than on the merits of the case
- The amended F8 and F8A application and response forms and the obligation on employer respondents to identify and articulate jurisdictional objections
- The new capacity for the Commission to determine representation questions on the papers prior to the conciliation conference
- The reformed process for out-of-time applications
- Further reforms currently under consideration, including a trial of expedited settlement-focused conference processes
- The Commission's planned reviews of both general protections non-dismissal applications and unfair dismissal applications

Speaker: Amaya Hettige, Special Counsel, Kennedys, Melbourne, Vic.

5.10 - 5.20pm Panel Comments and Questions

DAY 2: FRIDAY 24 JULY 2026

MORNING THEME: HIGH RISK EMPLOYMENT DECISIONS

9.00 - 9.05am

Introduction and welcome

9.05am - 9.50am

Session 8: Probation Done Properly: Employer Obligations under the Fair Work Act

Probation periods are widely misunderstood. While the concept of probation arises from the employment contract rather than the Fair Work Act 2009, employers often assume that terminating employment during probation carries minimal legal risk. In reality, a range of statutory obligations apply from the first day of employment, including the general protections provisions of the Fair Work Act. This session examines the legal framework governing probation and the risks employers face when managing employees during this period. It covers:

- The contractual nature of probation and why the term does not appear in the Fair Work Act 2009
- The distinction between an employer-imposed probation period and the statutory minimum employment period for unfair dismissal claims
- The obligations that apply from the first day of employment, including compliance with the National Employment Standards, modern awards and general protections provisions
- The Federal Court's decision in *Dabussy v Australian Federation of Islamic Councils* [2024] FCA 1075 and its implications for terminating employees shortly before the minimum employment period ends
- Managing performance concerns during probation and documenting decisions effectively
- The legal risks that arise when employers assume probation allows termination "without consequence"

Speaker: Elizabeth Devine, Principal Solicitor, Devine Law at Work, Sydney, NSW

9.50 - 10.00am Panel Comments and Questions

10.00 - 10.45am

Session 9: Flexible Work Requests: What Recent Fair Work Commission Decisions Require of Employers

Since the Fair Work Commission was empowered to arbitrate flexible working arrangement disputes in June 2023, it has issued a body of decisions that have addressed threshold questions relevant to a flexible work request. This session will address those decisions and the practical implications for employers and their advisers, including:

- The eligibility criteria for making a flexible work request under the Fair Work Act 2009
- The need for a demonstrable nexus between the eligible circumstance and the arrangements requested
- The procedural obligations an employer must satisfy before it is entitled to refuse a request
- The statutory examples of reasonable business grounds for refusal and the Commission's emerging approach to their application
- The Commission's rejection of the proposition that inconsistency with an enterprise agreement or an employment contract alone constitutes reasonable business grounds for refusal
- Formal requirements for the employer's written response
- The practical implications for employers and HR practitioners when dealing with flexible work requests

Speaker: John Love, Partner, Mellor Olsson Lawyers, Adelaide, SA

10.45 - 10.55am Panel Comments and Questions

10.55 - 11.15am Networking Break and Morning Tea

DAY 2: FRIDAY 24 JULY 2026

11.15am - 12noon

Session 10: Not Just Vacant Roles: The High Court Redefines Reasonable Redeployment in Genuine Redundancy

For many employers, the redundancy process ends with a search for vacant positions. The High Court's decision in *Helensburgh Coal Pty Ltd v Bartley* [2025] HCA 29 makes clear that this approach is no longer sufficient and significantly expanded what "reasonable redeployment" requires under s 389 of the Fair Work Act 2009. This session takes a close look at the decision in detail and consider what it means for employers managing workforce restructures, including:

- The factual background to the case and the series of appeals that ultimately brought the matter before the High Court
- The statutory framework under s 389 of the Fair Work Act 2009 and what constitutes a genuine redundancy
- The five key elements of the s 389(2) inquiry as clarified and what is required by "redeployment"
- What factors are relevant when assessing redeployment options
- The practical consequences of the decision for employers with blended workforces
- What employers should do to manage their exposure

Speaker: Steven Crilly, Counsel, Seyfarth Shaw Australia, Melbourne, Vic.

12.00 - 12.10pm Panel Comments and Questions

12.10 - 1.10pm Lunch

AFTERNOON THEME: WAGE COMPLIANCE AND EMERGING WORKPLACE RISKS

1.10 - 1.55pm

Session 11: The Salary Trap: What the Coles and Woolworths Decision Means for Annual Salary and Set-Off Arrangements

Many employers have long relied on annual salary arrangements and contractual set-off clauses to simplify payroll and satisfy award obligations in a single payment. The Federal Court's decision in *Fair Work Ombudsman v Woolworths Group Limited* [2025] FCA 1092 has fundamentally disrupted that approach, exposing the significant legal risks that can arise when salary arrangements are not carefully structured and monitored on a pay period by pay period basis. In this session, we will explore what the Court decided and why it matters well beyond the retail sector, including:

- The factual background to the proceedings
- The Court's central finding on set-off and its determination under s 323(1) of the Fair Work Act 2009
- The practical consequences of pay period confinement
- The Court's approach to agreements to vary award conditions and the significant implications for employers who rely on flexibility arrangements without documented employee agreement
- How the Court addressed overtime entitlements for salaried employees who control their own hours
- What employers across all industries should be doing now

Speaker: Sam Harvery, Special Counsel and Accredited Specialist in Employment Law and Industrial Law, Gilbert + Tobin, Sydney, NSW

1.55 - 2.05pm Panel Comments and Questions

DAY 2: FRIDAY 24 JULY 2026

2.05 - 2.50pm

Session 12: Shadow AI at Work: Managing the Governance, Privacy and Employment Risks

The rapid proliferation of publicly available generative AI tools has led to the use of shadow AI, where employees independently use AI tools without organisational approval, governance or visibility. This session sets out the legal and operational risks the use of shadow AI creates, including:

- The emergence of shadow AI as a distinct governance challenge
- The data exposure and privacy risks arising from employees inputting confidential client or company information into public AI tools
- The potential for contravening the Privacy Act 1988 and other regulatory obligations as a result of the use of shadow AI
- The governance risk of blanket AI bans versus stifling legitimate innovation and efficiency gains
- The practical governance framework organisations should implement around the use of shadow AI
- The need to monitor Australia's evolving approach to responsible AI governance and ensure internal policies and procedures are updated as the regulatory landscape develops

Speaker: Scott Coulthart, Partner, Mills Oakley, Brisbane, Qld

2.50 - 3.00pm Panel Comments and Questions

3.00pm Conference Close

GENERAL INFORMATION

Conference Registration Fee

The registration fee includes attendance at the conference and conference papers. Refreshment breaks and lunches are included for face to face attendees.

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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: 11 CPD units/points (substantive law)

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

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- The credit card used at the time of booking will be charged in full
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