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REGISTRATION  
OPTIONS

FACE TO FACE  
OR ONLINE

# 7<sup>TH</sup> ANNUAL LAW OF RELIGIOUS INSTITUTIONS CONFERENCE

Board Responsibilities in Faith-Based Organisations

Legal Duty and Institutional Risk After DP v Bird

Embedding Child Safety into Governance and Culture

Structuring to Protect Religious Assets from External Risks

Navigating Payments to Religious Practitioners

Managing Donations, Bequests and Deductibility

Changing Employment Relationships and the Fair Work Act Reforms

Legal Obligations in Managing Volunteers

Preventing and Resolving Conflict in Faith Based Organisations

Managing Online Expression in Religious Institutions

A 1½-Day Conference

**Thursday 16 & Friday 17 October 2025**

Marriott, Melbourne

## Feedback from last year's conference:

- Important range of papers and speakers. Appreciated the outstanding quality of the speakers. Invaluable commentary on case law.
- The conference featured a useful mix of subject matter and was geared towards sharpening practice for religious institutions and their advisers.
- Material was well presented and relevant.
- Good format, good presenters, and interesting and relevant topics.



Your Trusted CPD Partner for 50 Years

# DAY 1: THURSDAY 16 OCTOBER 2025

**CHAIR - AM: ADAM FOSTER, PARTNER, COLIN BIGGERS & PAISLEY, MELBOURNE, VIC.**

## MORNING THEME: GOVERNANCE, INTEGRITY AND COMPLIANCE

**9.00 - 9.15am**

**Introduction and welcome**

**9.15 - 10.00am**

### **Session 1: Governing with Integrity: Board Responsibilities in Faith-Based Organisations**

Religious organisations operate at the intersection of faith, governance, and regulation - and recent investigations have shown that mission alone is no defence against poor governance. This session examines how boards of religious institutions can uphold both spiritual integrity and legal compliance, highlighting lessons learned from recent ACNC investigations and international case studies. Topics include:

- Understanding the legal duties of board members in religious organisations
- Embedding integrity and accountability into board culture and decision-making
- Managing conflicts of interest and related party transactions in faith-based settings
- Succession planning and renewal in volunteer-led boards
- What enforceable undertakings are, and when the ACNC may use them
- Lessons from a recent investigation and implications for compliance across the sector
- The growing role of the ACNC and how religious boards can stay ahead of regulatory risk

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

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

**10.10 - 10.55am**

### **Session 2: Redrawing the Lines: Legal Duty and Institutional Risk After DP v Bird**

The High Court's landmark ruling in DP v Bird has shifted the landscape on institutional liability, clarifying the scope of non-delegable duties and the circumstances under which institutions may be held directly liable for abuse. This session explores the wider legal and operational consequences of the decision, including:

- The role of non-delegable duty in future abuse litigation
- How DP v Bird may influence the approach to institutional liability in civil claims
- Opportunities and risks for legislative reform across Australian jurisdictions
- Practical steps for religious institutions to review their legal exposure and safeguarding frameworks

*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**

**11.30am - 12.15pm**

### **Session 3: Safeguarding by Design: Embedding Child Safety into Governance and Culture**

As religious institutions work to address the legacy of historical abuse, the priority must now shift to prevention. This session explores how governance, leadership and legal compliance must work together to create a culture of proactive safeguarding. It moves beyond reactive measures to focus on systems, structures and values that protect children and vulnerable people before harm occurs. Topics include:

- Key elements of a proactive and legally compliant safeguarding framework
- The evolving patchwork of child protection laws across jurisdictions
- Embedding safeguarding responsibilities into board and leadership structures
- Aligning policies and practices with both legal duties and moral obligations
- Building an organisational culture that prioritises prevention, accountability and trust

*Speaker: Jessica Lipsett, Director, Vocare Law, Brisbane, Qld*

**12.15 - 12.25pm Panel Comments and Questions**

**12.25 - 1.25pm Luncheon**

# DAY 1: THURSDAY 16 OCTOBER 2025

**CHAIR - PM: REBECCA LAMBERT-SMITH, PRACTICE LEADER, MOORES, MELBOURNE, VIC**

**AFTERNOON THEME: PROPERTY, FINANCES AND INSTITUTIONAL RISK**

**1.25 - 2.10pm**

## **Session 4: Shielding the Sacred: Structuring to Protect Religious Assets from External Risks**

As litigation risks, financial pressures, and regulatory scrutiny grow, religious institutions must take active steps to protect their core assets. Separating charitable activities from statutory corporations is one key strategy, but it must be done carefully to preserve mission alignment and legal integrity. This session explores how to design strong legal and governance structures to safeguard religious assets while enabling operational flexibility. Topics include:

- Understanding the powers and limitations of statutory religious corporations
- Unincorporated vs incorporated entities: benefits and drawbacks
- The relationship between the statutory corporation and related separate entities
- Best practices to ringfence risk while maintaining charitable purpose
- Lessons from recent case studies, including Presbyterian Church in Queensland; Allianz Australia Insurance Ltd v Uniting Church in Australia Property Trust (NSW) [2025] FCAFC 8.

*Speaker: Vera Visevic, Partner, Mills Oakley, Sydney, NSW and Elizabeth Shalders, Special Counsel, Mills Oakley Lawyers, Melbourne, Vic.*

**2.10 - 2.20pm Panel Comments and Questions**

**2.20 - 3.05pm**

## **Session 5: Salaries, Stipends and Honorariums: Navigating Payments to Religious Practitioners**

The regulation of payments made to religious practitioners is complex and involves oversight by both the ACNC and the Australian Taxation Office. In this session, attendees will gain a better understanding of this complex area, including:

- Who can be considered a religious practitioner for tax purposes?
- Are religious practitioners common law employees for taxation purposes?
- Reportable and non-reportable fringe benefits: what are they and when can they be paid?
- Stipends and allowances: what are they and what are the implications when they are paid?
- Issues relevant to payment of superannuation to religious practitioners.
- Relevant considerations when paying honorariums to religious practitioners.

*Speaker: Sam Burnett, Partner, Prolegis Lawyers, North Sydney, NSW*

**3.05 - 3.15pm Panel Comments and Questions**

**3.15 - 3.35pm Networking Break and Afternoon Tea**

**3.35 - 4.20pm**

## **Session 6: Faith, Finances and Fundraising: Managing Donations, Bequests and Deductibility**

Donations, offerings, and bequests are the lifeblood of many religious institutions, but managing them properly is essential to maintain public trust and legal compliance. Whether it's tithes, one-off donations, or bequests left in a will, how these gifts are received, managed and applied has serious implications for an institution's integrity, reputation and compliance. This session explores the key legal and tax issues surrounding fundraising in faith-based contexts, including:

- Honouring donor intent while ensuring proper governance and flexibility
- Understanding the tax treatment of tithes, offerings, and designated gifts
- When can your church issue tax-deductible receipts, and when can't it?
- Managing bequests left to churches or faith-based charities through wills
- Handling disputes or confusion over how donated funds are used

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

**4.20 - 4.30pm Panel Comments and Questions**

# DAY 2: FRIDAY 17 OCTOBER 2025

**CHAIR - DAY 2: MURRAY BAIRD,  
PRINCIPAL MURRAY BAIRD  
ADVISORY AND CONSULTANT  
PROLEGIS LAWYERS, MELBOURNE**

**THEME: MANAGING PEOPLE IN A CHANGING  
LEGAL LANDSCAPE**

**9.00 - 9.05am**

**Introduction and welcome**

**9.05 - 9.50am**

**Session 7: Not What They Used to Be: Changing  
Employment Relationships and the Fair Work Act  
Reforms**

The 2024 reforms to the Fair Work Act have changed how employment relationships are legally defined, shifting the focus from contracts to the real-world nature of the arrangement. For churches and religious institutions, this has significant implications, especially when engaging people outside traditional employment models, such as ministry workers, musicians, or administrative staff. This session explores what's changed and what it means for your organisation. Topics include:

- How new section 15AA introduces a 'real substance' test - moving beyond written contracts to assess the actual nature of the working relationship
- How the new test broadens who may be considered an "employee"
- What this means for unfair dismissal, entitlements, and workplace claims
- Why informal or faith-based arrangements may no longer be enough
- Case study: *Hobbs v The Salvation Army* - would the outcome differ today?

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

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

**10.00 - 10.45am**

**Session 8: More Than a Helping Hand: Legal  
Obligations in Managing Volunteers**

Volunteers are central to the mission of many religious organisations - yet their management carries legal, reputational, and ethical responsibilities. This session explores the evolving obligations when engaging volunteers, and how to create a safe and compliant volunteering culture. Topics include:

- Legal responsibilities owed to and by volunteers
- Volunteer vs worker: navigating the line under WHS and other laws
- Screening, onboarding, and record-keeping obligations
- Managing misconduct or grievances involving volunteers
- Minimising legal and reputational risks through clear policies and training

*Speaker: Chris Mills, Director, Neumann & Turnour Lawyers, Brisbane, QLD*

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

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

# DAY 2: FRIDAY 17 OCTOBER 2025

**11.15 - 12.00pm**

## **Session 9: Peace in the Pews: Preventing and Resolving Conflict in Faith Based Organisations**

Tensions within faith-based organisations can arise over theology, leadership, governance, or direction. If not addressed early, these disputes can fracture communities and lead to serious legal, financial and reputational fallout. This session provides practical and legal guidance on managing internal disputes before they escalate, including:

- Key causes of conflict in religious organisations and how they typically unfold
- Governance structures, constitutions and bylaws - legal foundations for effective conflict management
- Proactive tools for early intervention, including mediation and facilitation
- Legal implications of leadership challenges and congregational splits
- Strategies for building a culture of accountability, transparency and constructive disagreement

*Speaker: Josephine Heesh, Partner, Carroll & O'Dea Lawyers, Sydney, NSW*

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

**12.10 - 12.55pm**

## **Session 10: Faith, Free Speech and the Digital Age: Managing Online Expression in Religious Institutions**

The online world offers powerful tools for ministry - but also real risks for religious institutions. Whether it's a controversial post from a staff member or online backlash over beliefs, faith-based organisations must navigate the tension between free speech and legal responsibility. This session will explore:

- Defamation and vilification risks in social media use
- Managing personal expression by staff, clergy, and volunteers online
- When is online speech legally attributable to the institution?
- Social media policies and expectations in a religious context
- Responding to reputational harm and digital crises

*Speaker: John Steenhof, Director, Human Rights Law Alliance, Deakin, ACT*

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

**1.05pm** Conference Close

# GENERAL INFORMATION

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## Conference Registration Fee

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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

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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

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**Lawyers:** 9 CPD units (substantive law) for the conference

## CPD Certificate

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

## The Conference Venue

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### Melbourne Marriott Hotel

Corner Lonsdale & Exhibition Streets, Melbourne

Phone: (03) 9662 3900

Web: Luxurious hotel in Melbourne's CBD ([marriott.com](http://marriott.com))

## Delegate Accommodation Rate at the Melbourne Marriott

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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

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Delegates are advised to make their own travel arrangements.

## Conference Dress

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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.

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## 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.

