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REGISTRATION
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FACE TO FACE
OR ONLINE

2ND ANNUAL DISABILITY LAW CONFERENCE

The New NDIS Integrity Reforms

Australian Consumer Law Obligations for NDIS Providers

Disability Discrimination Law Is Changing: Are Providers Ready for a Positive Duty?

When NDIS Providers Are Liable for Intentional Harm: The New High Court Position

Managing Provider Exposure in Coronial and Regulatory Proceedings

Duty of Care vs Dignity of Risk: Getting the Balance Right

After the Incident: Notification, Investigation and Legal Risk for NDIS Providers

High-Intensity Supports, Mealtime Risks and Provider Liability

Child Safe Obligations for Disability Providers

Privacy, Data Breaches and Participant Information

A 1½ day Conference

Thursday 10 & Friday 11 September 2026

Sofitel, Gold Coast

Feedback from last year's conference:

- Great topics and good to have providers of all types of supports in the room. Thank you for organising the conference. Looking forward to the next one! Well done.
- Great knowledge mix. Excellent presenters. I am looking forward to next year's conference!
- I felt that the delivery from lawyers to non-lawyers was excellently conveyed. Simple English and interesting case overviews provided that were easy to relate to and very applicable to the (assumed) participants. Not too much "legalese" so I can imagine it would have been very engaging and understandable to a non-lawyer. Thank you for your work.
- Excellent range of presenters and topics. Each presenter was well qualified with established practise in their field and brought real life examples to their presentations. Thoroughly enjoyed it and look forward to next year.



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DAY 1: THURSDAY 10 SEPT 2026

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

MORNING THEME: THE REFORM WAVE: NEW LAWS, NEW DUTIES, NEW EXPOSURE

9.00 - 9.15am

Introduction and welcome

9.15 - 10.00am

Session 1: The New NDIS Integrity Reforms: What's Changing, and What Providers Need to Change Now

The NDIS Amendment (Integrity and Safeguarding) Bill 2025 represents the most significant shift in provider compliance obligations since the NDIS Commission was established. This session will analyse the key changes introduced by the Bill and what providers must do now to prepare, including:

- The tiered civil penalty framework under the amendments and the introduction of criminal penalties
- The expansion of banning order powers to cover not only registered providers but others involved in service delivery or support
- New anti-promotion orders and the Commission's power to restrict misleading marketing and promotional activity
- Mandated electronic claims processes and the associated documentation and systems changes
- The implication of the 90-day cooling-off on providers' service delivery models
- How providers can assess their organisation's current compliance posture against the incoming framework

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

10.00 - 10.10am Panel Comments and Questions

10.10 - 10.55am

Session 2: The ACCC Enters the Room: Australian Consumer Law Obligations for NDIS Providers

Most NDIS providers focus their compliance attention on the NDIS Commission, but the ACCC's February 2026 report has made clear that Australian Consumer Law is a parallel and enforceable compliance obligation that the consumer watchdog is actively monitoring. This session analyses what the ACCC found and what it means for providers, including:

- How the ACL applies to NDIS providers as a matter of general law, independently of NDIS registration status or NDIS Commission oversight
- The specific conduct the ACCC identified as of concern
- The consumer guarantee framework under the ACL and what it requires of providers in terms of obligations with respect to the provision of goods and services, and available remedies
- The ACCC's enforcement approach and the enforcement actions and court proceedings already taken against providers
- The intersection between ACL obligations and NDIS Code of Conduct obligations and how providers should manage dual exposure
- Practical steps for providers to audit their advertising, service agreements, and consumer guarantee processes to ensure compliance with Australian Consumer Law
- The distinction between conduct that attracts ACCC action and conduct that remains within the NDIS Commission's remit

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

DAY 1: THURSDAY 10 SEPT 2026

10.55 - 11.05am Panel Comments and Questions

11.05 - 11.30am Networking Break and Morning Tea

11.30am - 12.15pm

Session 3: Disability Discrimination Law Is Changing: Are Providers Ready for a Positive Duty?

The Disability Discrimination Act 1992 is undergoing its most significant review since 2009, driven by Disability Royal Commission recommendations and a growing consensus that the current complaints-based model places an unfair and disproportionate burden on people with disability. This session will analyse what the reform agenda means for providers who will be directly affected by any positive duty, including:

- Why the current DDA has been criticised as reactive, difficult to enforce and inadequate in protecting people with disability in practice
- The Commission's key recommendations for DDA reform
- How a positive duty would operate in practice for disability service providers and the role of Disability Action Plans as a compliance mechanism
- The proposed reforms to direct and indirect discrimination definitions, the unjustifiable hardship defence and the standalone duty to make adjustments
- The strengthened enforcement powers for the Australian Human Rights Commission and what this means for providers
- How reform intersects with existing NDIS obligations under the Code of Conduct and Practice Standards
- Why providers should not assume NDIS compliance automatically satisfies any future positive duty under the DDA
- Steps providers can take now to strengthen governance, embed inclusion in service design, and position their organisation to adapt when the reforms take effect

Speaker: Rosemary Kayess, Disability Discrimination Commissioner, Australian Human Rights Commission, Sydney, NSW

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: WHEN THINGS GO WRONG: LIABILITY, DEATH AND HIGH-RISK DECISIONS

1.25 - 2.10pm

Session 4: When NDIS Providers Are Liable for Intentional Harm: The New High Court Position

NDIS providers have traditionally understood their liability through the lens of negligence - systems failures, poor supervision, or things that should have been prevented. But a recent High Court decision has shifted that position significantly. In some circumstances, providers can now be held liable for the intentional criminal acts of those delivering their services, even where the organisation itself is not at fault. This session examines what this shift means in practice for disability service providers and how it changes the way risk needs to be managed across the organisation. It explores:

- The High Court's decision in *AA v The Trustees of the Roman Catholic Church for the Diocese of Maitland-Newcastle*
- When a provider can be held responsible for the intentional wrongdoing of employees, contractors, volunteers or others delivering services
- The types of relationships and service settings that increase exposure, particularly where power and control are involved
- How to distinguish between conduct connected to a worker's role and conduct that falls outside it
- What this means for supervision, training, and oversight in participant-facing services
- The implications for insurance, indemnities and contractual arrangements
- Practical steps providers can take to strengthen their risk frameworks in light of this shift

Speaker: to be advised

2.10 - 2.20pm Panel Comments and Questions

DAY 1: THURSDAY 10 SEPT 2026

2.20 - 3.05pm

Session 5: When A Participant Dies: Managing Provider Exposure in Coronial and Regulatory Proceedings

The deaths of NDIS participants in care can simultaneously trigger obligations across coronial, regulatory, and civil penalty frameworks. This session will walk through the legal landscape providers and their advisers must navigate, including:

- Which participant deaths are reportable to the coroner as "deaths in care" under state and territory legislation
- How the reporting obligations on registered NDIS providers operate alongside, and independently of, mandatory incident reporting to the NDIS Commission
- How the coronial jurisdiction operates in the disability context
- The lessons from the Federal Court decisions in LiveBetter [2024] FCA 374 and Aurora [2025] FCA 1237 and what they reveal about how courts approach systemic provider failures.
- How the incoming penalty increases under the NDIS Amendment (Integrity and Safeguarding) Bill 2025 will transform the financial stakes for providers whose failures contribute to the death or serious injury of a participant.
- The evidentiary and reputational risks that arise when coronial proceedings and NDIS Commission investigations run concurrently
- Practical steps for providers to take immediately following a participant death and to prepare for Commission and coronial scrutiny

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

3.05 - 3.15pm Panel Comments and Questions

3.15 - 3.35pm Networking Break and Afternoon Tea

3.35 - 4.20pm

Session 6: Duty of Care vs Dignity of Risk: Getting the Balance Right in NDIS Services

Every NDIS provider faces daily decisions at the intersection of competing obligations to protect participants from harm while respecting their right to make choices that carry risk. Getting this balance wrong exposes providers to complaints, regulatory action, and legal liability. This session unpacks the legal and practical framework, including:

- How duty of care and dignity of risk are defined in the NDIS Practice Standards Core Module on Rights and Responsibilities
- How a provider's duty to take reasonable steps to prevent foreseeable harm sits alongside their obligation not to override a participant's autonomy
- The role of supported decision-making in resolving apparent conflicts between duty of care and dignity of risk
- How risk decisions involving participants with guardians, nominees or decision-making supporters must be navigated
- The liability exposure that can flow from being too restrictive as a counterweight to the more commonly discussed risks of being too permissive
- How providers can build a structured, rights-based approach to risk decision-making across their organisation

Speaker: Emily Cukalevksi, Founder, Disability Rights Connect, Sydney, NSW

4.20 - 4.30pm Panel Comments and Questions

DAY 2: FRIDAY 11 SEPT 2026

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

**THEME: WHERE PROVIDERS GET CAUGHT:
SYSTEMS, FAILURES AND FRONTLINE RISK**

9.00 - 9.05am

Introduction and welcome

9.05 - 9.50am

Session 7: Double Exposure: Child Safe Obligations for Disability Providers Under State and NDIS Frameworks

Providers delivering NDIS supports to children face a layered and jurisdictionally complex set of safeguarding obligations. This session takes a close look at how these frameworks interact and what providers need to do to meet both, including:

- The National Principles for Child Safe Organisations and how they are embedded in the NDIS Commission's regulatory expectations
- How state and territory child safe legislation creates legally enforceable obligations that apply to NDIS providers operating in those jurisdictions, independently of their NDIS registration obligations
- The worker screening, mandatory reporting, and reportable conduct obligations that disability providers must navigate across different jurisdictions
- The particular vulnerability of children with disability to harm and the heightened duty of care this creates for providers
- How the Royal Commission into Institutional Responses to Child Sexual Abuse has continued to reshape the legal landscape for organisations working with children
- The implications of the High Court's recent decision in *AA v Trustees* for providers of services to children with disability
- Practical steps for building a genuinely child safe organisation in the disability context

Speaker: Alistair Macpherson, Managing Director, Vocare Law, Brisbane, Qld

9.50 - 10.00am Panel Comments and Questions

10.00 - 10.45am

Session 8: Lives Depend on It: High-Intensity Supports, Mealtimes Risks and Provider Liability

Some of the most serious incidents in the NDIS arise in the delivery of high-intensity supports, particularly where swallowing difficulties, choking risks or complex health needs are involved. These are not just clinical issues, they carry significant legal and regulatory consequences for providers. This session examines the obligations that apply and where providers most commonly fall short. It covers:

- What constitutes a high-intensity support and the additional obligations that apply to providers
- The specific risks associated with mealtime management, choking and aspiration
- The role of training, supervision and competency in mitigating risk
- How failures in documentation, planning and communication contribute to preventable harm
- The link between high-intensity supports, restrictive practices and reportable incidents
- What regulators expect to see in relation to risk assessment and participant-specific supports
- Practical steps to strengthen systems, staff capability and oversight in high-risk service delivery

Speaker: to be advised

10.45 - 10.55am Panel Comments and Questions

10.55 - 11.15am Networking Break and Morning Tea

DAY 2: FRIDAY 11 SEPT 2026

11.15 - 12.00pm

Session 9: After the Incident: Notification, Investigation and Legal Risk for NDIS Providers

When a serious incident occurs, the provider's response in the first 24–72 hours can determine not only regulatory outcomes, but also legal exposure and reputational damage. The NDIS reportable incidents framework imposes strict notification and investigation obligations, and failures in process are often as significant as the incident itself. This session provides a practical roadmap for managing incidents from the moment they arise. It covers:

- What constitutes a reportable incident and when notification obligations are triggered
- The distinction between immediate notification and subsequent investigation requirements
- Common mistakes providers make in the early stages of incident response
- How to conduct an internal investigation that is procedurally fair and defensible
- The interaction between incident reporting, open disclosure, and legal risk
- Managing parallel obligations, including police involvement, workplace investigations and insurance notifications
- How to embed a structured incident management framework that stands up to regulatory scrutiny

Speaker: Victor Harcourt, Principal, Russell Kennedy, Melbourne, Vic.

12.00pm - 12.10pm Panel Comments and Questions

12.10 - 12.55pm

Session 10: Privacy, Data Breaches and Participant Information: Where NDIS Providers Are Most Exposed

NDIS providers routinely handle highly sensitive personal and health information, but many underestimate the legal obligations that apply, and the speed at which a privacy issue can escalate into a notifiable data breach. With increasing use of digital systems, remote work and AI tools, the risk surface is expanding. This session examines where providers are most exposed and how to respond when things go wrong. It covers:

- The application of the Privacy Act and Australian Privacy Principles to NDIS providers, including handling of health information
- Common risk areas, including email errors, shared devices, insecure systems and third-party platforms
- The growing risk of “shadow IT” and AI tools being used without oversight
- When a data breach becomes a notifiable data breach and the mandatory reporting obligations that follow
- How privacy obligations intersect with incident management and NDIS Commission reporting requirements
- Practical steps to strengthen data governance, staff practices and breach response frameworks

Speaker: Alison Choy Flannigan, Partner, Hall & Wilcox, 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

Delegates will receive 10% off the best available rate and an additional 5% if you sign up to become an ALL member, you can book accommodation via [the following link](#).

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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