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REGISTRATION
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1ST ANNUAL WORKPLACE RISK AND SAFETY CONFERENCE

A 1½-day Conference

Thursday 15 & Friday 16 October 2026

Sofitel, Gold Coast

That Happened Fast! The Rise of Psychosocial Legal
Risks and the Management of Change

Sexual Harassment as a WHS Risk: What Employers Must Do Now

Beyond 9 to 5: Managing Fatigue, Overwork and WHS Risk

AI at Work: Managing WHS Risk in the Age of Algorithms

Neurodiversity at Work: Legal Obligations and Practical Adjustments

Contracting Out the Work, Not the Liability:

Managing WHS Duties Across the Contractor Chain

In the Firing Line: Officer Liability for WHS Failures

Industrial Manslaughter: Duties, Liability and Prosecution

The First 48 Hours: Managing a Serious WHS Incident

Defensible WHS Investigations: Getting It Right from the Start



Your Trusted CPD Partner for more than 50 Years

DAY 1: THURSDAY 15 OCT 2026

CHAIR DAY 1 - AM:
ALANNA FITZPATRICK, PARTNER,
K&L GATES, BRISBANE, QLD

**MORNING THEME: PSYCHOSOCIAL RISK
AND THE MODERN WORKPLACE**

9.00 - 9.15am

Introduction and welcome

9.15 - 10.00am

Session 1: That Happened Fast! The Rise of Psychosocial Legal Risks and the Management of Change

Over the last few years there has been a rapid acceleration in the sophistication expected of employers in managing Psychosocial risks. These duties overlap and interplay with a range of other workplace obligations and duties, and businesses who deal with these issues must confront them in an interdisciplinary way. This opening session will set the overall framework for the duty of care as required under WHS laws, but also explore how the last few years have shown the complexity of the interplay between these laws and other employment obligations – including both employment and industrial. This session will provide practical examples to explore how these issues are playing out in practice, including:

- How the introduction of psychosocial WHS regulations has needed to influence HR processes and practices.
- The groundbreaking intervention at UTS, and the prohibition notice that stopped a restructure: what SafeWork NSW found, what UTS was required to do, and why the intervention signals a significant expansion of regulator reach into white-collar workplaces.
- The overlap between WHS consultation obligations and industrial instruments during restructures.
- How employees, unions and their representatives are operating within psychosocial safety obligations in disciplinary or other employment processes, and how to stay the course on important decisions in a compliant way.
- Practical steps for designing management of change and disciplinary processes that to meet the requirements under both WHS and industrial relations frameworks.

Speaker: Steve Bell, Managing Partner, Herbert Smith Freehills Kramer, Melbourne, Vic

10.00 - 10.10am Panel Comments and Questions

10.10 - 10.55am

Session 2: Sexual Harassment as a WHS Risk: What Employers Must Do Now

Sexual harassment has long been addressed through anti-discrimination law, but a significant regulatory shift has repositioned it as a work health and safety issue requiring proactive risk management. This session will walk through what the new national framework means for PCBU's, and how to build genuinely compliant systems, including:

- The reframing of sexual harassment in the WHS (Sexual and Gender-based Harassment) Code of Practice 2025 as a psychosocial hazard.
- The interaction between the Code and the positive duty under the Sex Discrimination Act 1984.
- The four-step risk management process recommended by the Code.
- How sexual and gender-based harassment can interact and combine with other psychosocial hazards, increasing overall workplace risk and expanding the scope of a PCBU's obligations.
- The duty to consult workers and health and safety representatives at each step of the risk management process.
- Jurisdictional variation in the adoption of the Code across Australian states and territories, and how the Code operates as a benchmark even where it has not been formally approved.
- Practical guidance for reviewing existing compliance systems, updating policies and procedures, and ensuring that responses to reports of harassment are timely, transparent and supportive.

Speaker: Dominic Fleeton, Partner, K&L Gates, Melbourne, Vic

10.55 - 11.05am Panel Comments and Questions

11.05 - 11.30am Networking Break and Morning Tea

DAY 1: THURSDAY 15 OCT 2026

11.30am - 12.15pm

Session 3: Beyond 9 to 5: Managing Fatigue, Overwork and WHS Risk

Long hours and constant connectivity are no longer just workplace culture issues, they are recognised psychosocial hazards with clear legal consequences. Employers must now manage fatigue and excessive workloads as part of their WHS obligations, alongside existing duties under workplace relations laws. This session explores where risk is emerging and how to respond, including:

- How the prohibition on unreasonable additional hours under s 62 of the Fair Work Act 2009 intersects with the WHS duty to eliminate or minimise the psychosocial risk of high job demands.
- What the courts and Fair Work Commission consider when assessing whether additional hours are reasonable.
- Recent cases and what they signal about increasing regulatory and litigation focus on overwork.
- How the right to disconnect interacts with the WHS psychosocial framework, and why complaints about after-hours contact are increasingly being channelled to safety regulators as high job demands complaints.
- The recording obligations for employees on annualised salaries.
- How fatigue is now codified as a psychosocial hazard in the Managing Psychosocial Hazards at Work Code of Practice 2024.
- Guidelines for managing obligations across both frameworks and training leaders to recognise overwork as a safety issue.

Speaker: Katherine Morris, Partner, Norton Rose Fulbright, Sydney, NSW

12.15 - 12.25pm Panel Comments and Questions

12.25 - 1.25pm Luncheon

CHAIR DAY 1 - PM: Cameron Dean, Partner, McCullough Robertson Lawyers, Brisbane, Qld

AFTERNOON THEME: EMPLOYER OBLIGATIONS IN A CHANGING WORKPLACE

1.25 - 2.10pm

Session 4: AI at Work: Managing WHS Risk in the Age of Algorithms

AI is already shaping how employees are managed, monitored and assessed — and with that comes new and largely untested safety risks. From automated decision-making to AI-driven surveillance, employers must ensure these systems do not create physical or psychological harm. This session explores how existing WHS laws apply now, and what's coming next, including:

- How existing WHS legislation already captures AI-related risks under the general duty of care.
- The proposed NSW duty on PCBU's to ensure that digital work systems, including algorithms, AI, automation and software, do not create health and safety risks for workers.
- How workplace surveillance using AI tools can give rise to psychosocial hazards and privacy obligations under the Australian Privacy Principles.
- The obligation to consult workers and their representatives when introducing new technologies that may significantly affect employees, and the consequences of treating AI adoption as a purely operational decision.
- The emerging use of WHS entry rights by union officials to inspect digital work systems.
- How AI-generated records may be used as evidence in workers' compensation, bullying and harassment claims, and the document retention obligations that flow from this.
- Practical steps for conducting AI risk assessments, developing workplace AI policies, and building governance frameworks that satisfy existing WHS, privacy and consultation obligations.

Speaker: Gemma Sharp, Special Counsel, Cooper Grace Ward Lawyers, Brisbane, Qld

2.10 - 2.20pm Panel Comments and Questions

DAY 1: THURSDAY 15 OCT 2026

2.20 - 3.05pm

Session 5: Neurodiversity at Work: Legal Obligations and Practical Adjustments

Employers are increasingly required to respond appropriately to neurodivergence across the employment lifecycle, with exposure arising under discrimination law, WHS obligations and unfair dismissal regimes. This session explores how these overlapping duties operate in practice and what a neuroinclusive approach looks like, including:

- How neurodivergence is treated as a disability under the Disability Discrimination Act 1992 and what the obligation to make reasonable adjustments requires in practice.
- The WHS obligation to protect the psychological safety of all employees and how psychosocial risks specific to neurodivergent workers must be proactively identified and managed.
- What the *Stevenson v State of Queensland* decision signals about the growing expectation of employers to embed neuroinclusive practices across the entire employment relationship.
- How standard HR processes may inadvertently disadvantage neurodivergent employees and expose employers to indirect discrimination claims.
- What reasonable adjustments look like in practice.
- Practical steps for reviewing recruitment practices, updating workplace adjustment policies, training managers to support neurodivergent team members.

Speaker: Bridget Nunn, Partner, Thomsons, Adelaide, SA

3.05 - 3.15pm Panel Comments and Questions

3.15 - 3.35pm Networking Break and Afternoon Tea

3.35 - 4.20pm

Session 6: Contracting Out the Work, Not the Liability: Managing WHS Duties Across the Contractor Chain

Engaging a specialist contractor does not transfer a PCBU's work health and safety obligations. Instead, it changes how those obligations must be discharged in practice. This session examines how WHS duties operate across complex contractor and labour hire arrangements, and what recent case law reveals about where liability can arise when things go wrong, including:

- How WHS duties operate concurrently across a contractual chain, and why a PCBU cannot contract out of its health and safety obligations simply because another party also owes duties
- How control, engagement and work arrangements affect the steps required to discharge WHS duties across the contractor chain
- What the *Diona* decision clarifies about the limits of principal contractor liability
- The obligation on PCBUs to consult, cooperate and coordinate activities with contractors and other duty holders
- How the degree of control exercised over a contractor's work activities affects the active steps required to ensure health and safety compliance
- The risks of failing to verify that contractor systems of work and risk controls are current, adequate and actually being followed in practice
- Practical guidance on contractor onboarding, due diligence, labour hire arrangements, monitoring and ongoing compliance oversight across outsourced workforces

Speaker: Greg McCann, Partner, HWL Ebsworth Lawyers, Sydney, NSW

4.20 - 4.30pm Panel Comments and Questions

DAY 2: FRIDAY 16 OCTOBER 2026

**CHAIR DAY 2 - Aaron Anderson,
Partner, Herbert Smith Freehills Kramer,
Brisbane, Qld**

**THEME: INVESTIGATIONS, ENFORCEMENT
AND WHS LIABILITY**

9.00 - 9.05am

Introduction and welcome

9.05 - 9.50am

Session 7: In the Firing Line: Officer Liability for WHS Failures

Regulators are increasingly looking beyond frontline failures and focusing on what officers knew, what they did, and what they should have done. Recent cases signal a shift towards holding senior leaders accountable, even where they are removed from day-to-day operations. This session examines what due diligence requires in practice, and how officers can protect themselves, including:

- The scope of the officer due diligence duty under s 27 of the model WHS Act.
- What the Doble decision tells us about the standard of conduct required of a director who is not directly involved in the incident, and the role that delegation to competent WHS personnel can play in satisfying due diligence obligations.
- The historical pattern of officer prosecutions in Australia and why that pattern is beginning to shift.
- Why the Doble decision represents a significant step by regulators towards expanding due diligence prosecutions beyond frontline operators to executive management further removed from day-to-day operations.
- The distinction between work as planned and work as done, and why officers cannot rely on documented systems and policies alone to demonstrate that due diligence has been exercised.
- The unanswered questions the Doble decision leaves open for officers of large organisations with multiple directors, complex governance structures, and significant delegation chains.
- Practical steps officers can take now to build a defensible record of active engagement with WHS, including governance structures, board reporting, site engagement, and resource allocation.

Speaker: Harold Downes, Partner, Mills Oakley, Brisbane, Qld

9.50 - 10.00am Panel Comments and Questions

10.00 - 10.45am

Session 8: Industrial Manslaughter: Duties, Liability and Prosecution

Industrial manslaughter laws have significantly increased the stakes for organisations and their officers, with potential criminal liability arising from serious safety failures. This session explains how these offences operate in practice, where the real exposure lies, and the lessons we can learn from recent cases, including:

- The current industrial manslaughter regimes across Australian jurisdictions and where they apply
- The elements of the offence and what prosecutors must prove
- How industrial manslaughter differs from standard WHS offences in terms of fault and penalties
- Recent prosecutions and what they reveal about regulator approach and evidentiary thresholds, with a focus on *R v Mastermyne Crinum Operations Pty Ltd*
- The exposure of officers and senior leaders, including how conduct is assessed at the organisational level
- Practical steps to strengthen oversight and reduce the risk of serious breaches escalating to criminal liability

Speaker: Cameron Hannebery, Partner, Lander & Rogers, Melbourne, Vic

10.45 - 10.55am Panel Comments and Questions

10.55 - 11.15am Networking Break and Morning Tea

DAY 2: FRIDAY 16 OCTOBER 2026

11.15 - 12.00pm

Session 9: The First 48 Hours: Managing a Serious WHS Incident

The period immediately following a serious incident is critical. Decisions made in the first 24 to 48 hours can significantly affect legal exposure, regulatory outcomes and the integrity of any subsequent investigation. This session sets out what employers must do, and avoid, in the immediate aftermath, including:

- Immediate response priorities, including securing the site, ensuring safety and meeting notification obligations
- Managing interactions with regulators attending the workplace and understanding their powers
- Preserving evidence while continuing operations where appropriate
- When to engage legal advisers and how to maintain legal professional privilege from the outset
- Managing internal communications and external messaging, including with workers and families
- Common mistakes in the early stages that can increase liability or undermine a defence
- Establishing a structured incident response framework to ensure consistency and compliance

Speaker: Caitlin Ible, Partner, Minter Ellison, Melbourne, Vic

12.00pm - 12.10pm Panel Comments and Questions

12.10 - 12.55pm

Session 10: Defensible WHS Investigations: Getting It Right from the Start

A workplace investigation that is rushed, poorly scoped or procedurally flawed can create more risk than the incident itself. Regulators, courts and claimants are increasingly scrutinising how investigations are conducted, not just their outcomes. This session sets out how to design and execute an investigation that will stand up to challenge, including:

- When a formal WHS investigation is warranted, how to assess whether an investigation is proportionate and necessary.
- The legal risks of delay or inaction in responding to a safety incident or complaint.
- The importance of investigator selection and when to engage an external investigator rather than proceeding internally.
- How to establish and preserve legal professional privilege over an investigation report and related documents.
- Best practice for taking statements and conducting interviews, including the shift towards trauma-informed and person-centred approaches required by expanding psychosocial duties under WHS law.
- The standard of proof in workplace investigations and what it means for how findings must be framed and supported by evidence.
- How to produce a defensible investigation report.
- Practical steps for managing the health and safety of investigation participants, notifying WHS regulators of notifiable incidents, and embedding investigations within a broader psychosocial risk management framework.

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

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 link below.

<https://tinyurl.com/GWHOCT26>

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 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
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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):
 - 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.

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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.

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GPO Box 61, Melbourne, Victoria 3001

Phone (03) 8601 7700 Enquiries Jenna Pickrell (03) 8601 7729

Register online: <http://www.tved.net.au> – go to CONFERENCES

Please register me for the **First Annual Workplace Risk and Safety Conference** – a 1.5-day conference to be held at the Gold Coast on Thursday 15 & Friday 16 October 2026 [GWH0CT26]

Delegates have 2 options for attending the 2026 conference – both cost the same.

☐ **Registration type 1:** Attend in person [code: GWH0CT26]

☐ **Registration type 2:** Attend online [code: GWH0CT26L0]

☐ **Early Bird Registration** – for registrations made on or before 4 September 2026 – **\$1826** (\$1660 + \$166 GST)

☐ **Discount Registration** – for registrations made on or before 30 September 2026 – **\$1958** (\$1780 + \$178 GST)

☐ **Full Price Registration** – **\$2134** (\$1940 + \$194 GST)

Multiple registration discount? Discounts are available for multiple registrations: The more you send, the greater the discount. Please contact our Conference Manager, Jenna Pickrell, to organise your registrations. jenna@tved.net.au or phone (03) 8601 7729.

- 3 registrations – **5% discount** for each delegate
- If you register 4 people at the same time you are entitled to a **10% discount** for each delegate
- If you register 5 people or more people at the same time you are entitled to a **15% discount** for each delegate.

One-part only? We do accept bookings for attending one day only (either day 1 or day 2). To organise a one-day booking, please contact Jenna: jenna@tved.net.au or phone (03) 8601 7729.

Conference Papers

The papers from this conference will be available in electronic format approximately 1 week after the conference has been held. You can pre-order the papers now online via our website at www.tved.net.au.

The papers are **\$198** (\$180 + \$18 GST) (code: E/PGWH0CT26).

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