

A photograph of three men sitting in director-style chairs in a workshop or studio setting. The man on the left is seen from the side, wearing a light blue shirt. The man in the middle is wearing a blue checkered shirt and holding a laptop. The man on the right is wearing a light blue checkered shirt and glasses, gesturing with his hands. The background shows studio lights and other chairs.

# DUE DILLIGENCE WORKSHOP

*The Law, Social Psychology and Risk*

## FREMANTLE

22,23 JULY 2019

*Enter*

Presenters

Dr Rob Long and Greg Smith



THE CENTRE FOR LEADERSHIP  
AND LEARNING IN RISK

## Introduction

Due Diligence is not a product of legislation. Due diligence is a broad organisational and individual responsibility that existed as a legal principle long before Work Health and Safety legislation. Every major accident inquiry anywhere in the world for the past 30 years has been critical of the failure of Due Diligence in organisations.

The failure of Due Diligence is evident in every health and safety prosecution in Australia. How does one demonstrate 'Due Diligence'? How does one know if they are negligent? How does one 'exercise' Due Diligence and generate **assurance** that critical risks are being effectively managed?

The purpose of this Workshop is to help people at every level of organisations understand how Due Diligence applies in practice, and offers an holistic approach to the challenge of Due Diligence and tackling risk in organisations.

The workshop **deconstructs** much of the mythology surrounding Due Diligence, particularly the notion that paper-based systems are a protection against prosecution.

The workshop **reconstructs** what is needed to demonstrate an assurance of Due Diligence by a focus on skill development in conversations.

## Expected Outcomes

By the conclusion of this Workshop participants will:

1. Better understand duties and obligations regarding Due Diligence as required by WHS legislation.
2. Learn to dispel myths about Due Diligence particularly with regard to attribution to 'paper systems'.
3. More clearly define Due Diligence and it's implications for leadership in organisations.
4. Develop a more comprehensive understanding of organizational culture and how Due Diligence is enacted.
5. Be equipped with a range of leadership skills (tools) to inspire and motivate others to practice diligence in tackling risk.
6. Leave with clarity and practical tools to help influence their organization in Due Diligence.



## Location

The Flying Club

Fremantle

<https://flyingangel.org.au/>

## Times

8.30am-4pm

22, 23 July 2019

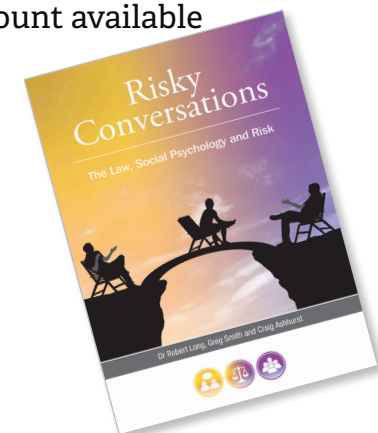
## Complementary Book

All participants receive a complementary copy of Dr Rob Long and Greg Smith's book 'Risky Conversations, The Law Social Psychology and Risk'.

## Cost

\$1350 per person

Group discount available





## Workshop Structure

### Day 1

Session	Focus/Activity	Outcome
1	<ul style="list-style-type: none"> <li>• Introductions</li> <li>• What is Negligence?</li> <li>• Welcome Jon Owen CEO The Wayside Chapel</li> <li>• Setting the scene, challenges in framing Due Diligence</li> </ul>	<ul style="list-style-type: none"> <li>• Network with others across industry</li> <li>• Hear how the Wayside Chapel 'Tackle Risk' and the Challenges of Due Diligence</li> </ul>
2	<ul style="list-style-type: none"> <li>• Due Diligence in Context</li> <li>• Due Diligence beyond Legislation</li> <li>• Greg Smith</li> </ul>	<ul style="list-style-type: none"> <li>• Case law examples</li> <li>• Due Diligence Framework</li> </ul>
3	<ul style="list-style-type: none"> <li>• Competing Values in Organisations</li> <li>• An Ethic for Due Diligence</li> <li>• Foundations and Balance</li> <li>• Rob Long</li> </ul>	<ul style="list-style-type: none"> <li>• Competing Values Framework Tool</li> <li>• An holistic sense of Justice</li> </ul>
Break		
4	<ul style="list-style-type: none"> <li>• A Culture of Due Diligence</li> <li>• It's not as if this is a secret</li> <li>• Greg Smith and Rob Long</li> </ul>	<ul style="list-style-type: none"> <li>• What does Due Diligence mean?</li> <li>• Understanding 'paper systems'</li> </ul>
5	<ul style="list-style-type: none"> <li>• Case Study - Pike River</li> <li>• Greg Smith</li> </ul>	<ul style="list-style-type: none"> <li>• Group discussion and application to context</li> </ul>
Break		

Session	Focus/Activity	Outcome
6	<ul style="list-style-type: none"> <li>• Due Diligence as risk maturity</li> <li>• Culture as the Collective Unconscious</li> <li>• Your words and discourse could be held against you</li> <li>• Rob Long</li> </ul>	<ul style="list-style-type: none"> <li>• Understanding Human Decision Making and Social Influence</li> <li>• Semiotics and Semantic sunk cost</li> </ul>
7	<ul style="list-style-type: none"> <li>• Reporting and Due Diligence</li> <li>• Disconnects between WHS notions of natural justice and the court system</li> <li>• Greg Smith</li> </ul>	<ul style="list-style-type: none"> <li>• Exemplar decisions and surprises in outcomes</li> <li>• What the magistrate said and what the ruling was</li> </ul>
8	<ul style="list-style-type: none"> <li>• Close and review</li> </ul>	



## Workshop Structure

### Day 2

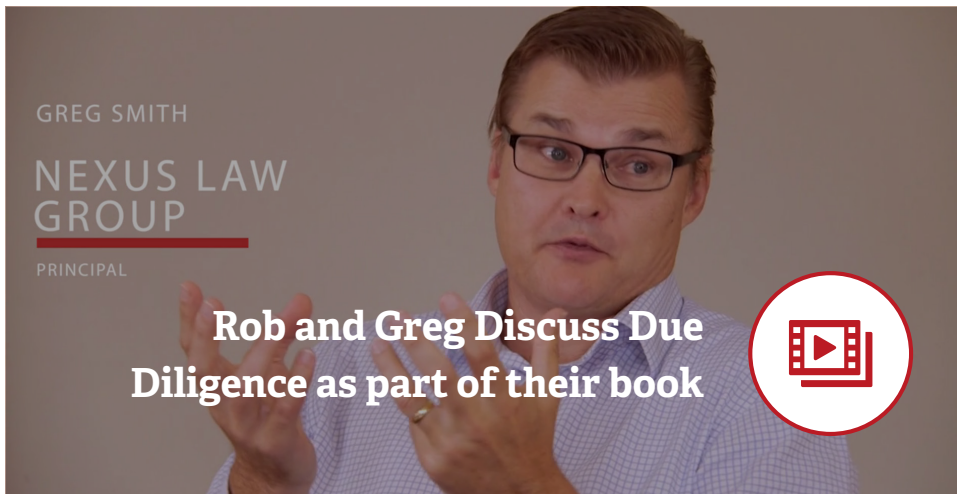
Session	Focus/Activity	Outcome
1	<ul style="list-style-type: none"> <li>Layers of risk missed in workplace audits and thinking</li> <li>Wisdom and discernment in risk</li> <li>Rob Long</li> </ul>	<ul style="list-style-type: none"> <li>Primary, Secondary and Tertiary risk tool</li> <li>Are you risk intelligent?</li> <li>How culture is influenced</li> </ul>
2	<ul style="list-style-type: none"> <li>The illusion of safety</li> <li>The safety Paradox</li> <li>Greg Smith</li> </ul>	<ul style="list-style-type: none"> <li>Challenging common paradigms about the effectiveness of systems</li> </ul>
3	<ul style="list-style-type: none"> <li>Case studies in risk and reality</li> <li>Royal Commissions findings and significant rulings</li> <li>Greg Smith</li> </ul>	<ul style="list-style-type: none"> <li>Hand outs and discussion activities</li> </ul>
Break		
4		
5	<ul style="list-style-type: none"> <li>What parts of our Safety Management System (SMS) do we need to pay attention to?</li> <li>What does the court want to know?</li> <li>Can you give an assurance that your critical systems work?</li> <li>Greg Smith</li> </ul>	<ul style="list-style-type: none"> <li>The place of testimony in court proceedings</li> <li>The nature of evidence</li> <li>Ensuring the effectiveness of crucial systems</li> </ul>
Break		

Session	Focus/Activity	Outcome
6	<ul style="list-style-type: none"> <li>Developing conversations of trust</li> <li>Rob Long</li> <li>Developing conversations of assurance</li> <li>Greg Smith</li> <li>Practical tips on what can be done beyond the seduction of 'paper systems'</li> </ul>	<ul style="list-style-type: none"> <li>Skill development activities</li> <li>Due Diligence iCue Tool</li> <li>Observing and listening for cultural indicators of Due Diligence</li> </ul>
7	<ul style="list-style-type: none"> <li>Plenary</li> <li>How can a better approach be implemented?</li> </ul>	<ul style="list-style-type: none"> <li>Group reflections on tools and connections to own organisations</li> </ul>
8	<ul style="list-style-type: none"> <li>Close and review</li> </ul>	

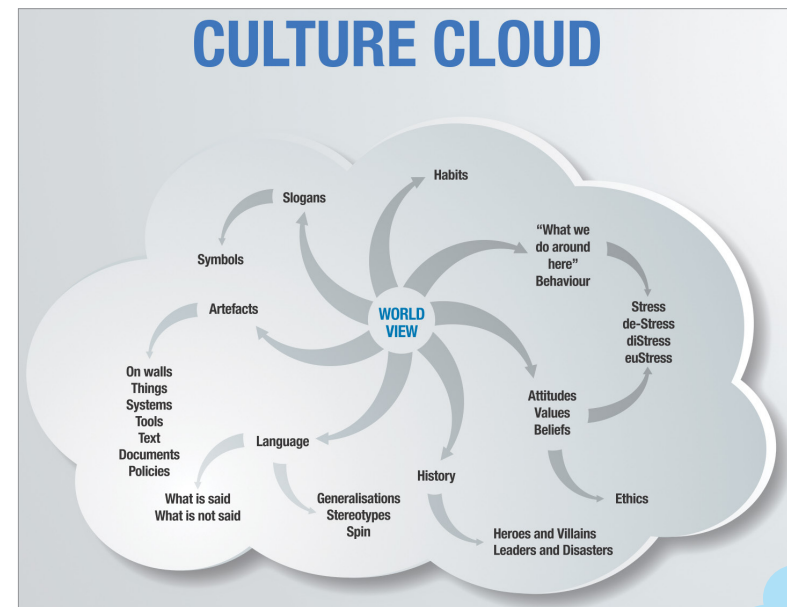
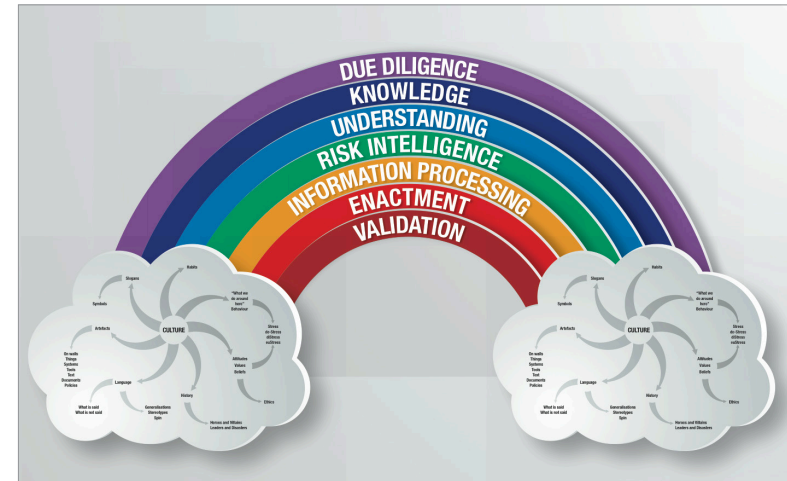


**Videos:** The following videos are available on the challenges of Due Diligence.

**Risky Conversations Videos:** <https://vimeo.com/album/3938199>



## Examples of Tools provided as part of the Program





## Presenters



### Dr Robert Long

PhD, BEd., B., MEd., MOH, Dip T., Dip Min.,

Rob is global founder of the Social Psychology of Risk and, Director of Human Dymensions, Centre for Leadership and Learning in Risk and, Social Psychology of Risk Pty Ltd. Rob is an International presenter and author of five books on the Social Psychology of Risk.

Rob has a creative career in teaching, education, community services, government and management. He has lectured at various universities since 1990 including University of Canberra, Charles Sturt University and ACU. He has also held distinguished positions outside of academic life including Manager Evacuation Centre during the Canberra Bush Fires in 2003, Emergency Coordination Operations Group Beaconsfield 2006, Community Recovery Beaconsfield 2006 and Risk Management Coordinator World Youth Day (Canberra Goulburn) 2008.

Rob is the founding Principal of the Galilee School which he established in 1996 to educate the most high-risk young people in the Australian Capital Territory (ACT). He was Director of Youth, Community and Family Support services in the ACT Government and has served on numerous Australian inter-governmental task forces, committees, ministerial councils and working groups in areas such as gambling, crime, homelessness, indigenous disadvantage, social infrastructure, child protection, youth-at-risk, drug addiction, prisons and social justice.

Rob founded the social psychological perspective in risk, safety and security in 2003 and is engaged by organisations because of his expertise in culture, learning, risk and social psychology. He is a skilled presenter and designer of learning events, training and curriculum.



### Greg Smith

B.Juris and LLB

Greg Smith is a Principal of the Nexus Law Group. He has spent more than two decades specialising in risk, safety and health management, helping clients to understand organisational and individual responsibility for safety and health, and implement and verify processes to discharge those responsibilities.

Greg is an international award winning author and qualified lawyer who has worked as a partner and legal practitioner in some of Australia's leading law firms.

In addition to his legal experience, Greg has worked as the Principal Safety Advisor for Woodside Energy Limited. In that role, he reported to the Vice President Safety and Health, and was responsible for the ongoing development and implementation of Woodside's global safety management strategy. Key strategic responsibilities included contractor safety management, incident

investigation, the introduction of an organisational behavioural framework to drive cultural change, training and competencies, and developing corporate level standards and procedures.

Greg has appeared in the Supreme Court, District Court and Magistrates Court of Western Australia, the Federal Court, Equal Opportunity Tribunal and the State Administrative Tribunal. He has also been involved in military boards of inquiry into major accidents. He also teaches accident prevention as part of the School of Public Health, Health, Safety and Environment at Curtin University in Perth, Western Australia. In 2010, Greg acted for a number of parties in the Montara Commission of Inquiry.

Greg is the author of several books, and his book, *Contractor Safety Management* won the Educational Award presented by the World Safety Organisation.

## Costs

\$1350 per person

Group discount available

## Catering

The fee includes all materials provided and all catering for both days. If you have special dietary requirements please contact [admin@humandymensions.com](mailto:admin@humandymensions.com) with your details.

## Take Aways

The cost includes all materials provided and all catering for both days.

Participants receive an activity card holder, skill development tools, pen, folder, writing pad, compendium holder and of course, a copy of 'Risky Conversations, The Law, Social Psychology and Risk'.

## Cost & Bookings

[admin@humandymensions.com](mailto:admin@humandymensions.com)

**BOOK AND PAY HERE**

## Contacts

If you are interested in this workshop but want more information please contact Rob or Greg by emailing:

[rob@humandymensions.com](mailto:rob@humandymensions.com)

[gws@nexuslawyers.com.au](mailto:gws@nexuslawyers.com.au)

## Certification

All participants receive a Certificate of Participation from the Centre for Leadership and Learning in Risk.

