

2025 PROGRAMME

WORKPLACE HEALTH & SAFETY LAW CONFERENCE

Australia's Premier Health & Safety
Law Conference

13 November 2025
Sydney and Online

GAIN
6 CPD
POINTS



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WORKPLACE HEALTH & SAFETY LAW CONFERENCE

Schedule



08:30 - 09:00	Registration and arrival
09:00 - 09:10	Welcome from MC
09:10 - 09:55	Opening Keynote Session
09:55 - 10:40	Session: Lessons from the Bench: What Recent WHS Prosecutions Teach Us
10:40 - 11:10	Morning Tea & Networking Break
11:10 - 11:55	Category 1 Offences and Industrial Manslaughter in Focus
11:55 - 12:40	PANEL: Silicosis - From Zero to 100: A Case Study in Crisis-Driven Reform and Reputational Risk Management
12:40 - 13:25	Lunch & Networking Break
13:25 - 14:10	When the Inspector Calls: Responding to WHS Investigations with Confidence
14:10 - 14:55	Managing Psychosocial Risk: Legal Duties, Enforcement Trends & System Maturity
14:55 - 15:25	Afternoon Tea & Networking Break
15:25 - 16:10	Inside the Courtroom: Navigating WHS Prosecutions and Legal Processes
16:10 - 16:55	Safety in the Boardroom: Contemporary Practice for Director Due Diligence
16:55 - 17:05	MC Close & Event Close

WORKPLACE HEALTH & SAFETY LAW CONFERENCE

Agenda

Registration

8:30AM - 9:00AM

Welcome from the MC

9:00AM - 9:10AM

Session 1 - Opening session to be announced

9:10AM - 9:55AM

Session 2

9:55AM - 10:40AM

Lessons from the Bench: What Recent WHS Prosecutions Teach Us



Katherine Morris
Partner, Norton Rose Fulbright

As WHS enforcement intensifies across Australia, recent court decisions are offering powerful lessons in compliance, accountability, and risk management. This session takes a deep dive into landmark prosecutions and emerging enforcement trends, revealing how regulators, courts, and legal precedent are shaping the future of workplace safety.

Attendees will gain insights into the legal reasoning behind key judgements, the types of breaches most likely to trigger prosecution, and the operational missteps that often lead organisations into legal trouble. From director liability to systemic failures, this session will explore what the bench is telling us and how businesses can respond.

Key discussion points include:

- What recent WHS prosecutions reveal about regulator priorities
- Common themes in enforcement actions and sentencing outcomes
- How courts are interpreting “reasonably practicable” and duty of care
- Lessons for directors, officers, and safety leaders
- How to use legal precedent to strengthen your WHS governance

This session is essential for legal counsel, compliance officers, WHS professionals, and executives seeking to understand the real-world consequences of safety failures and how to avoid becoming the next case study.

Morning tea & networking

10:40AM - 11:10AM

Session 3

11:10AM - 11:55AM

Category 1 Offences and Industrial Manslaughter in Focus



Judge Andrew Scotting

District Court of New South Wales

With industrial manslaughter laws now enacted across all Australian states and territories as of September 2024, the regulatory landscape has shifted dramatically. The introduction of these laws, most recently in NSW and Tasmania, signals a nationwide commitment to holding organisations and individuals accountable for the most serious breaches of workplace safety.

This session will explore the legal, operational, and reputation implications of Category 1 offences and industrial manslaughter, including:

- The legal thresholds and enforcement trends for Category 1 offences under WHS legislation
- Key lessons from landmark prosecutions
- The role of directors and officers in managing WHS risks and avoiding personal liability
- The shift from education to enforcement in high-risk sectors

Maximum penalties now reach up to:

- 25 years imprisonment for individuals
- \$20 million fines for corporations (with NSW leading in severity)

This session is essential for legal counsel, compliance officers, executives, and safety professionals seeking to understand the real-world consequences of failing to manage workplace risks—and how to proactively protect their people and organisations.

Session 4

11:55AM - 12:40PM

Panel - Silicosis - From Zero to 100: A Case Study in Crisis-Driven Reform and Reputational Risk Management

This session uses silicosis as a case study to explore how unions, media, and advocacy can rapidly escalate a WHS issue and the complex challenges organisations face when managing the fallout.

Key themes include:

- How union-led investigations and media coverage exposed systemic failures, with silica exposure levels reaching 208 times the legal limit
- The speed of escalation: from isolated cases to 13 tunnel worker diagnoses, parliamentary disclosures, and national outrage within weeks
- The tension between privacy obligations and public interest in large-scale health disclosures
- Legal and reputation liability: what happens when WHS breaches become front-page news
- Crisis management strategies: how to respond when regulators, unions, and the public demand accountability
- Broader implications for WHS governance, risk oversight, and board-level engagement

This session is essential for legal counsel, WHS leaders, communications teams, and executives seeking to understand how modern advocacy and public pressure shape regulatory outcomes, and how to prepare for the next crisis before it hits.



Roger Singh

National Practice Leader – Dust Diseases & Specialist Litigation, Shine Lawyers

+ more to be announced

Lunch & networking

12:40PM - 1:25PM

Session 5

1:25PM – 2:10PM

When the Inspector Calls: Responding to WHS Investigations with Confidence



Harold Downes

Partner, Workplace Relations,
Employment & Safety,
Mills Oakley

A workplace visit from a WHS inspector can be routine, or it can mark the beginning of a formal investigation. How your organisation responds in those first moments can significantly influence the outcome, from compliance notices to potential enforcement action.

This session provides practical guidance on how to prepare for, respond to, and manage WHS inspections, drawing on real-world examples and lessons learned from recent cases across high-risk sectors. Whether triggered by an incident, complaint, or random audit, inspections are a critical moment for demonstrating your organisation's commitment to safety and compliance.

Session 6

2:10PM – 2:55PM

Managing Psychosocial Risk: Legal Duties, Enforcement Trends & System Maturity



DR. REBECCA MICHALAK

Managing Director,
PsychSafe

Psychosocial risk is no longer a fringe issue, it's now central to workplace health and safety law.

In this session, Dr Rebecca Michalak will unpack the evolving legal duties around psychosocial hazards, including how regulators are interpreting and enforcing these obligations in 2025. Drawing on recent prosecutions, regulator guidance, and the NSW Code of Practice (with a refresh expected soon), this session will explore the maturation of psychosocial risk law from its early "embryo" stage to the complex "toddlerhood" organisations now face. Attendees will learn how to conduct dynamic, legally defensible risk assessments, understand the role of "state of knowledge" in enforcement, and adapt their systems to meet emerging expectations.

Key discussion points include:

- What psychosocial risk duties look like under current WHS law *How enforcement trends are evolving, and what triggers regulator action
- The importance of dynamic vs static risk assessments
- What hazards are being listed and prosecuted *How to future-proof your WHS system for psychosocial risk Lessons from the first wave of prosecutions and regulator commentary

This session is essential for WHS professionals, legal counsel, HR leaders, and executives seeking to understand and manage psychosocial risk in a legally sound and operationally effective way.

Afternoon Tea & networking

2:55PM – 3:25PM

Session 7

3:25PM - 4:10PM

Inside the Courtroom: Navigating WHS Prosecutions and Legal Processes

What does it really look like when a workplace safety breach ends up in court?

As WHS enforcement intensifies across Australia, with faster prosecution timelines, higher penalties, and increased scrutiny organisations must be prepared to navigate the legal process with confidence and clarity. This session offers a behind-the-scenes look at the legal journey of a WHS prosecution, from initial investigation to sentencing.

Key discussion points include:

- The step-by-step process: investigations, summons, hearings, and sentencing
- What to expect in court: timelines, legal strategy, and managing internal and external stakeholders
- The emotional and reputational toll on individuals and organisations
- How the reinstated Industrial Court of NSW is streamlining WHS prosecutions, with contested hearings or sentencing expected within six months of summons
- The role of regulators, unions, and media in shaping the courtroom narrative
- Lessons in crisis management, legal preparedness, and reputational risk mitigation

This session is essential for legal counsel, executives, safety professionals, and HR leaders who want to understand the full scope of WHS legal exposure—and how to proactively manage risk before it becomes a courtroom reality.

Session 8

4:10PM - 4:55PM

Safety in the Boardroom: Contemporary Practice for Director Due Diligence



NERISA JESSUP

Partner, Herbert Smith Freehills
Kramer

In today's regulatory climate, directors are under increasing pressure to demonstrate proactive engagement with workplace health and safety. Yet, the question remains: what does effective due diligence actually look like in practice?

This session explores the current and emerging expectations for directors under WHS law, drawing on recent prosecutions, governance failures, and evolving standards of accountability. A practical guide to Section 27 duties, due diligence, and how senior leaders can meet their legal obligations.

Event close

5:05PM

WORKPLACE HEALTH & SAFETY LAW CONFERENCE

Speakers

Katherine Morris Partner, Norton Rose Fulbright



Katherine Morris is a work health and safety lawyer based in Sydney. She has over 20 years' experience in work health and safety law, employment and industrial relations, representing clients across a range of industries including, infrastructure construction, real estate, and energy. Katherine is identified as a leading individual in key global legal rankings publications including Chambers & Partners, Asia-Pacific Legal 500 and Best Lawyers Australia. Her experience includes providing strategic advice to boards on health and safety issues, serious incident response, dealing with regulators and responding to enforcement action including successful defence of corporate entities and individuals in health and safety prosecutions, and developing extensive compliance systems.

Judge Andrew Scotting District Court of New South Wales



Andrew Scotting is a judge of the District Court of New South Wales and the Dust Diseases Tribunal of New South Wales. Since 2015, Andrew has presided over a wide variety of Work Health and Safety prosecutions and has been at the forefront of current and emerging issues in that space. At the Bar, his practice included acting for hoteliers and other licensed businesses in the implementation of diverse compliance systems. Andrew holds a Master of Laws specialising in mental health law and a Graduate Certificate in Strategic Management from the AGSM. Andrew is currently the Chair of the Sydney Hockey Judiciary.

Dr. Rebecca Michalak Managing Director, PsychSafe



Dr Rebecca Michalak (Dr Becs) is a specialist in psychosocial risk management and organisational performance. With 25+ years of experience spanning the public, private, and NFP sectors, she draws from her uniquely transdisciplinary expertise to help organisations tackle wicked problems. Her expert opinion, strategic advisory, and capability building work demystifies what 'bad to best' really means on the journey from compliance-orientated cost-saving, through to value-adding.

WORKPLACE HEALTH & SAFETY LAW CONFERENCE

Speakers



Harold Downes

Partner, Workplace Relations, Employment & Safety, Mills Oakley

Harold has more than 30 years' experience advising in industrial relations, employment and work health and safety (WHS) regulatory law. He was one of only four "Leading Individuals" listed in the Asia-Pacific Legal 500 's inaugural WHS review in 2016, a rank which he continues to hold today. Harold is also listed as a "Pre-eminent" lawyer in Queensland by Doyle's Guide for his WHS expertise.

Clients describe Harold as "calm and level-headed in a crisis" as well as "courageous, intelligent and focused on excellence" and an advisor whom clients "have on [their] speed-dial."



Roger Singh

National Practice Leader - Dust Diseases and Specialist Litigation, Shine Lawyers

Roger Singh is one of the brightest legal minds in Australia, whose tenacity is matched only by how much he cares for his clients. He has spent more than twenty-five years as a dust diseases expert and specialist personal injury lawyer in Australia and the United Kingdom. Roger has spent his life fighting for workers who've been left with often incurable diseases like mesothelioma, asbestosis, silicosis and scleroderma from exposure to asbestos and silica dust. The self-confessed "street brawler" has taken on some of the biggest manufacturing and mining giants in the world and secured tens of millions of dollars in compensation for tradies and their families left devastated by corporate negligence.



Nerida Jessup

Partner, Herbert Smith Freehills Kramer

Nerida is an industry leader helping clients manage their risk. Keeping businesses and their people safe (physically, psychologically and reputationally) is at the core of what she does. With a strong background in safety, Nerida acts for many of Australia's leading corporates, but she is increasingly being called upon to advise companies and boards on complex issues including around the emerging risk areas captured under psychosocial regulations. Highly attuned to the significant reputational and financial risk of these areas, both at an organisational and a personal level, Nerida is accustomed to helping clients navigate these areas where regulation and practice is still evolving. Nerida supports clients in crisis and incident response as well as investigation prosecution, inquests and inquiries.



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