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9TH ANNUAL AGRIBUSINESS LAW CONFERENCE

From Duty to Liability: Directors' Duties and Risks in Agribusiness

From Paddock to Plate: Navigating the Legal Labyrinth of Food Production

Preparing for Nature Positive: The Road Ahead for Agribusinesses

Mastering ESG and Sustainability Reporting in Agribusiness

How Australia's Merger Law Regime will be overhauled in 2026

Safeguarding Against Anti-Competitive Risks

The Future of Greenwashing: A Regulator's Perspective

The long and the Short of it: Employment Law Update

Financial sustainability in Agribusiness

Agriculture 4.0 - Being Cyber Safe in Smart Agriculture

Tax Trends Shaping Agribusinesses

PPSR: Making it Work or You

A Two-day Conference
Thursday 8 & Friday 9 May 2025

Sofitel Gold Coast, Queensland

Feedback from last year's conference:

- “The quality of the speakers was second to none and the breadth of topics covered were informative and interesting. The conference also felt like it provided a great annual update on the state of agribusiness across Australia which I think is invaluable for in-house practitioners in this space.”
- “Always on point and relevant with excellent presenters.”
- “Good conference, with interesting topics and excellent speakers. A great way to meet and interact with peers in the industry.”



Your Trusted CPD Partner for 50 Years

DAY 1 - THURSDAY 8 MAY 2025

**CHAIR DAY 1 - AM: LARA GRAY,
REGIONAL GENERAL COUNSEL,
RABOBANK AUSTRALIA LIMITED,
SYDNEY, NSW**

MORNING THEME: CORPORATE GOVERNANCE

9.00 - 9.10am

Introduction and welcome

9.10am - 9.25am

Opening Address

*Speaker: Mr Donald McGauchie AO, Chairman,
Australian Agricultural Company*

9.25 - 10.10am

Session 1: From Duty to Liability: Directors' Duties and Risks in Agribusiness

These days, directors are subject to an ever-increasing raft of duties, spanning every aspect of business and enterprise operations. Directors who fail to discharge their duties not only run the risk of being held personally liable for civil penalties, compensation, debts and financial losses but may now even face imprisonment for particular breaches. This session will provide agribusinesses with a clear understanding of key liability risks facing directors in agribusiness and provide practical strategies for supporting directors in maintaining compliance across a diverse set of obligations. It covers:

- **Spotlight on WHS compliance:**
 - Review of directors' responsibilities in maintaining WHS standards, focusing on the agriculture sector's high-risk areas, including machinery safety, chemical handling and seasonal workforce management
- **Environmental and land use compliance:**
 - Potential liabilities related to land and resource use, including regulations on soil and water quality, management of natural resources and penalties for unauthorised land clearing or environmental damage
- **Supply chain transparency and modern slavery compliance:**
 - When is due diligence inadequate and what steps should be taken if violations occur within supply networks?
- **Responding to breaches - an in-house counsel's role:**
 - What in-house counsel should do if a breach occurs, from notifications and compliance assessments to managing board and public relations
 - Explore the support in-house counsel can offer to directors, including risk mitigation strategies, crisis management, and remediation measures.

*Speaker: Michael Linehan, Partner, Clayton Utz,
Melbourne, Vic*

10.10 - 10.20am Panel Comments and Questions

10.20 - 11.05am

Session 2: From Paddock to Plate: Navigating the Legal Labyrinth of Food Production

The Australian food industry faces a complex web of legal requirements, from ensuring food safety and accurate labelling to navigating emerging trends like plant-based proteins and gene editing. This session will provide agribusinesses with practical insights into key legal issues impacting food production, helping them mitigate risks, ensure compliance, and stay ahead of the curve. It covers:

- **Food Safety Standards: Keeping it Safe and Sound:**
 - Overview of the Food Standards Code and its practical application for primary producers, processors, and manufacturers
 - HACCP principles and developing robust food safety management systems.
 - Practical tips for compliance and audit preparedness.
- **Product Liability & Recalls: Protecting Your Business and Consumers:**
 - Developing and implementing effective traceability and recall procedures.
 - Legal obligations and best practices in the event of a food safety incident or recall.
 - Case studies of recent food recalls: lessons learned and preventative measures.

*Speaker: Scott Bouvier, Partner, King & Wood
Mallesons, Sydney, NSW*

11.05 - 11.15am Panel Comments and Questions

11.15 - 11.40am Networking Break and Morning Tea

DAY 1 - THURSDAY 8 MAY 2025

11.40am - 12.25pm

Session 3: Preparing for Nature Positive: The Road Ahead for Agribusinesses

Since 2022, there has been growing momentum in both Federal and State environmental regulation legislation towards the concept of 'nature positive'. Stage 3 of the federal reforms will see a wholesale restructure of the environmental legislation to achieve nature positive outcomes. With further (significant) changes on the way, now is the perfect time to pause, take stock and reflect on the concept and what a move to 'nature positive' will mean for agribusinesses and what steps should be taken now to prepare for the changes. This session examines how the move to nature positive will impact the sector, as well as specific business strategies, including:

- Deep dive into the reforms, focusing on how they change the obligations for, and impact, individual agribusinesses
- Practical ways in which it is anticipated businesses from a range of agricultural industries could move away from ecologically sustainable development towards achieving 'a net gain for nature' - what are some examples of projects which modified or supplemented existing business to be nature positive, what was required to produce net gains etc
- How the AMO (avoid, minimise and offset) hierarchy will be incorporated into the legislative framework, the role of the offsets regime in the new framework and share, in a practical sense, what may satisfy reasonable measures, reasonable steps, genuine measures etc given the lack of definition in the amendment bill

Speaker: Matthew Austin, Partner, King & Wood Mallesons, Brisbane, Qld

12.25 - 12.35pm Panel Comments and Questions

12.35 - 1.20pm

Session 4: Mastering ESG and Sustainability Reporting in Agribusiness

As pressures for transparency and accountability grow, Australian agribusinesses are increasingly expected to disclose their impact across a wide range of environmental, social, and governance (ESG) areas. These expectations go beyond climate and environmental disclosures to include issues like food security, waste management, community impact, Indigenous reconciliation, human rights, modern slavery, and animal welfare. With evolving frameworks and standards, it can be challenging to keep pace with both required and recommended disclosures. This session will provide a practical guide to navigating these complexities, covering:

- The current reporting frameworks impacting Australian agribusinesses and the core reporting requirements
- The key regulatory ESG developments on the horizon, including EU Taxonomy, CSRD, Corporate Sustainability Due Diligence Directive and International Sustainability Standards Board
- The potential opportunities voluntary disclosure can afford an individual business
- Examples from approaches from different businesses on how to approach mandatory and voluntary ESG reporting

Speaker: Samantha Daly, Partner, Johnson Winter Slattery, Sydney, NSW

1.20 - 1.30pm Panel Comments and Questions

1.30 - 2.25pm Luncheon

DAY 1 - THURSDAY 8 MAY 2025

**CHAIR DAY 1 - PM: FRANKI GANTER,
PARTNER, ALLENS, BRISBANE, QLD**

AFTERNOON THEME: COMPETITION AND CONSUMER LAW ISSUES

2.25 - 3.10pm

Session 5: Change is A-coming: How Australia's Merger Law Regime will be overhauled in 2026

Australia's merger law regime is set to be overhauled with the most significant reforms to M&A in 50 years set to come into effect in 2026. Apart from the move from voluntary to mandatory notification requirements and need for ACCC approval for certain deals (that meet new thresholds), there are key aspects to the new merger law regime that will impact agribusinesses including fixed review periods, increased decision-making powers for ACCC, new tests for assessing an acquisition's effect on competition and a substantial public benefit test. This session will help businesses understand these changes in detail and will explore the steps required to increase compliance with the new merger law regime, including:

- The current proposal for the thresholds (monetary and market concentration) and special rules for serial acquisitions that will trigger the need to obtain ACCC approval and notify
- What will constitute a material connection to Australia and provide examples of new transactions that may be (surprisingly) caught by the new regime
- How the thresholds are anticipated to be applied in practice by the ACCC
- The new fixed periods in the merger review process and share tips for inhouse counsel to manage internal compliance with the new timelines
- How the ACCC is anticipated to apply the new competition test and substantial public benefits test, flag issues which may arise for individual businesses
- Deep dive into the increased administrative decision-making powers of the ACCC with a focus on what this will mean for agri-businesses (e.g. process to review ACCC determinations, tips for applying and preparing for review, and the Notice of Competition Concerns for acquisitions subject to phase 2 review)

*Speaker: Michele Laidlaw, Partner,
Johnson Winter Slattery, Sydney, NSW*

3.10 - 3.20pm Panel Comments and Questions

3.20 - 4.05pm

Session 6: Fair Play in Agribusiness: Safeguarding Against Anti-Competitive Risks

As penalties for competition and consumer law breaches continue to rise, agribusinesses must be vigilant in preventing anti-competitive practices. This session provides essential guidance on identifying, mitigating, and managing risks related to anti-competitive behaviour. Key topics include:

- When do contacts with competitors arise in the agribusiness sector and when might there be a competition problem? What are the red flags?
- How can you mitigate risks of contacts or arrangements with competitors?
- How can you avoid collusion and information sharing pitfalls?
- How to optimise your procurement strategies while also complying with competition laws.
- Practical and prudent steps that should be considered to minimise breaches - what does a robust and adequately resourced compliance process look like and what training is required to support it.
- Responding to regulatory inquiries – practical advice on responding to inquiries and investigations.

Speaker: Felicity McMahon, Partner, Allens, Sydney, NSW

4.05 - 4.15pm Panel Comments and Questions

4.15 - 4.35pm Networking Break and Afternoon Tea

DAY 1 - THURSDAY 8 MAY 2025

4.35 - 5.20pm

Session 7: The Future of Greenwashing: A Regulator's Perspective

It has been 2 years since the ACCC published its report on the greenwashing by businesses in Australia. Since then, corporate regulators have continued to crack down on businesses engaging in purported greenwashing with several high-profile Federal Court wins. But is this current focus in the environmental space a sign of more to come? To help understand the priority of the regulator when it comes to greenwashing and environmental concerns, this session shall:

- Examine whether the 2023 report and subsequent cases have resulted in any change by businesses from the perspective of ACCC
- Share insights from the regulator about problematic behaviour in the agricultural space involving greenwashing - what behaviour in the agricultural space they are seeking to target
- Examine recent significant Federal Court decisions involving greenwashing

Speaker: Mick Keogh, Deputy Chair, Australian Competition & Consumer Commission, Sydney, NSW

5.20 - 5.30pm Panel Comments and Questions

5.30pm Conference Close

6.00 - 8.00pm

**Conference Cocktail Party
Hosted by AACo**



DAY 2 - FRIDAY 9 MAY 2025

CHAIR DAY 2 - AM: ANNE-MAREE KEANE, PARTNER, KPMG, BRISBANE

MORNING THEME: NAVIGATING PEOPLE, CONTRACTS AND CYBERSECURITY

9.00 - 9.05am

Introduction and welcome

9.05 - 9.50am

Session 8: The long and the Short of it: Employment Law Update

Employment law has been a whirlwind of activity over the past few years and 2025 is no exception. To help agribusinesses understand the impact of these key changes, this session explores the following:

- An overview of key employment law updates over the past year and flag further reform on the horizon
- Explore in a detailed, practical, way how agribusinesses should deal with:
 - whistleblower management - what does a sound whistleblower management system look like in an agricultural context, practical tips for engaging with investigations and enforcement
 - psycho-social health and safety - examples of how agribusiness could reduce psycho-social hazards, what steps does the regulators expect them to take, preparing for onsite psycho-social WHS checks and what to expect and how to approach consultation with workers to implement their psycho-social hazard management strategy
 - right to disconnect - how does this operate in an agricultural work environment, changes to consider in employment contracts, and what to include when educating and training employees and management about implementation of s333M Fair Work Act

Speaker: Alanna Fitzpatrick, Partner, K&L Gates, Brisbane, Qld

9.50 - 10.00am Panel Comments and Questions

10.00 - 10.45am

Session 9: Agriculture 4.0 - Being Cyber Safe in Smart Agriculture

Smart farming is here and looks like it is here to stay. It seems that almost every aspect of the supply chain has been digitised and automated - from farm, machine and distribution level. While this has brought significant benefits, increased digitisation and automation has also exponentially increased opportunities for cyber-attacks. Agricultural enterprises are particularly vulnerable given the speed at which the sector adopted innovative smart farming technology and infrastructures. As a result, Australian agribusinesses are becoming an increasingly attractive (and lucrative) target for cyber-attacks. To help the sector comprehensively understand the cyber-security risks - and how such risks could be mitigated against - this session examines the following:

- Current trends in cyber-threats to all levels of the smart farming technology architecture from around the globe, including sensing layer, network/data communication, support and application layers, and smart farming infrastructure levels
- Current best practice for how the agricultural sector could/should respond to cyber threat intelligence, including the role of Chief Information Security Officer and related governance frameworks
- Steps individual businesses could and are expected to take to protect against cyber-security from a director duties perspective - what are the minimum standards to discharge duty vs best practice?

Speaker: David Rountree, Partner, Allens, Brisbane, Qld

10.45 - 10.55am Panel Comments and Questions

10.55 - 11.15am Networking Break and Morning Tea

DAY 2 - FRIDAY 9 MAY 2025

**CHAIR DAY 2 - PM: MICHAEL LINEHAN,
PARTNER, CLAYTON UTZ, MELBOURNE**

AFTERNOON THEME: FINANCIAL ISSUES

11.15am to 12noon

Session 10: Feeling The Pinch – Financial Sustainability in Agribusiness

Whether it be floods, bushfires, labour shortages, supply chain constraints, wars, strained relationships with major trading partners and rising fuel costs – it goes without saying that that agribusinesses have certainly been feeling the pinch in recent times. Insolvency rates for Australian businesses continuing to climb, and those in the agricultural sector are not immune to this trend. To help agribusinesses consider their options, this session shall:

- Discuss warning signs that signal financial distress and how agribusinesses tend to come unstuck in recent times
- Provide practical examples of early intervention measures that could stave off insolvency for agricultural businesses - what are some examples of solutions that have helped others and tips for customising a solution to tailor fit specific business needs
- Guide inhouse counsel through the options available to deal with debt - tips for reaching agreements with creditors, restructuring, voluntary administration etc

Speaker: Lauren McCann, Director, KPMG, Perth, WA

12.00pm - 12.10pm Panel Comments and Questions

12.10 - 1.10pm Lunch

1.10 - 1.55pm

Session 11: Tax Trends Shaping Agribusinesses

In today's dynamic tax landscape, keeping abreast of developments that impact the agricultural sector is crucial. This session provides an essential update on tax matters with significant implications for agribusinesses, including:

- Carbon farming and tax incentives:
 - Tax issues associated with carbon farming initiatives.
 - Eligibility criteria
 - Effective structures for carbon farming projects
- Water rights and CGT developments:
 - Composite asset and statutory licence rollover issues
 - Taxable Australian property for foreign investors
 - Practical issues impacting water acquisition and sale transactions
- Foreign investment CGT reporting issues
- Agribusiness transactions: emerging practices for price allocation
- Trends in landholder duty acquisitions

Speaker: Peter Slegers, Director, Cowell Clarke Lawyers, Adelaide, SA

1.55 - 2.05pm Panel Comments and Questions

2.05 - 2.50pm

Session 12: PPSR: Making It Work for You

Does your agribusiness buy or sell livestock, wool, timber, harvested produce, feed, fertiliser, crops or nursery trees? Does it lease, bail or hire out stud, breeding stock or sell or lease farm machinery or irrigation? Does it sell grain or other goods on credit or retention of title terms? If the answer to any of these questions is yes - then you need to have a sophisticated understanding of the PPSR. This session explores the key issues, including:

- How the PPSR works in practical terms, with examples of how it has benefitted agricultural businesses in practice (e.g. protection when buying/selling good, special priority and interests in land
- The financing options available, agricultural PMSIs, and the PPSR's role in agricultural lending
- Some of the practical issues and challenges of seeking security over livestock (e.g. registering livestock - tracing of livestock through NLIS etc)
- The use of the PPSR as a risk management tool

Speaker: Matthew Bode, Partner, Gadens, Brisbane, Qld

2.50 - 3.00pm Panel Comments and Questions

3.00pm Conference Close

GENERAL INFORMATION

Conference Registration Fee

The registration fee includes attendance at the conference and conference papers. Refreshment breaks and lunch on both conference days.

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 (Australia wide): 11 CPD units

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

Sofitel are offering a **15% discount** on the unrestricted rate of the day to any guests attending Agribusiness Law Conference. This discount will apply to any guests staying between Wednesday 8th May to Friday 10th May 2024.

To take advantage of this discount, simply call the in-house Reservation Team on (07) 5592 2250 or via email on H0454@sofitel.com and **quote the code: OS15OFF**

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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- [] **Discount Registration** – for registrations made on or before 17 April 2025 – **\$2255** (\$2050 + \$205 GST)
- [] **Full Price Registration** – **\$2420** (\$2200 + \$220 GST)

- 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.

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The papers are **\$198** (\$180 + \$18 GST) (code: PGALMAY25).

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