

## WELCOME - WEDNESDAY, 13 MARCH 2024

6.00pm – 7.30pm	Welcome drinks Art Gallery of South Australia
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## DAY ONE - THURSDAY, 14 MARCH 2024

7.45am – 4.30pm	<b>Registration</b> Foyer Area, Level 15, Pullman Adelaide 16 Hindmarsh Square, Adelaide SA 5000
8.45am – 9.15am	<b>Official Opening</b> Hindmarsh Ballroom, Conference Floor
9.15am – 9.30am	<b>Address by the Chair, Superannuation Committee, Law Council of Australia</b> Natalie Cambrell Director, KHQ Lawyers  <b>Presentation of the 2024 New Superannuation Lawyer's Award</b> Luke Barrett - Partner, Gilbert & Tobin
9.30am – 10.30am	<b>Session 1: Libby Slater Plenary Session</b> Hindmarsh Ballroom, Conference Floor
<b>Speaker</b> Tim Bowley Centre for Commercial Law and Regulatory Studies Faculty of Law, Monash University  <b>Chair</b> Maged Girgis Partner, Herbert Smith Freehills	<b>Topic: Super Funds in the Hotseat: Trends, Challenges and Implications of ESG Activism by and against Superannuation Funds</b> ESG-related activism is a significant trend in Australian and overseas capital markets. As major aggregators of capital, superannuation funds are at the centre of many developments in ESG activism – whether as activists through their investment and stewardship, as targets by ESG activists or by being drawn in on ESG-related debates. Super funds have therefore become subject to political and media scrutiny, criticism and litigation from members and activist organisations. This session will examine: <ul style="list-style-type: none"><li>• The factors driving ESG activism in the capital markets</li><li>• The role played by super funds as exponents of ESG activism, including notable recent trends</li><li>• The challenges faced by super funds in this environment, including:<ul style="list-style-type: none"><li>○ managing evolving expectations of members, activist organisations and the public and reconciling those expectations with funds' legal obligations</li><li>○ legal claims by members and activist organisations</li><li>○ political scrutiny</li></ul></li><li>• The future trajectory of ESG activism and its implications for super funds.</li></ul>
10.30am – 11.00am	<b>Morning Tea</b>
11.00am – 12.00pm	<b>Session 2</b> Hindmarsh Ballroom, Conference Floor
<b>Speakers</b>	<b>Topic: Investment Governance</b>

<p>Hanna Lee Head of Investments Legal, Australian Retirement Trust</p> <p>Zoe Green Head of Legal - Investments, Aware Super</p> <p><b>Chair</b> Luke Barrett Partner, Gilbert &amp; Tobin</p>	<p>Recent evolutions within the operational environments of superannuation funds and their approaches to investment management can require new approaches to long-standing regulatory requirements.</p> <p>In this wide-ranging panel discussion, we will discuss how developments such as the increasing scale of funds under management, together with the growth in internal investment management and international investing, affect how funds respond to modern challenges such as:</p> <ul style="list-style-type: none"> <li>• managing ESG risks and greenwashing issues</li> <li>• conflicts of interest</li> <li>• best financial interests duty and sole purpose test</li> <li>• operational independence</li> <li>• valuation issues, and</li> <li>• international regulatory requirements.</li> </ul>
<p>12.00pm – 1.00pm</p>	<p>Lunch</p>
<p>1.00pm – 2.00pm</p>	<p><b>Session 3</b> Hindmarsh Ballroom, Conference Floor</p>
<p><b>Speakers</b> Penny Limperis Head of Legal, Australian Prudential Regulation Authority</p> <p>Jessica Spence Senior Manager – Superannuation, Australian Securities and Investments Commission</p> <p><b>Chair</b> Nathan Hodge Partner, King &amp; Wood Mallesons</p>	<p><b>Topic: Regulator Session</b> In this session, speakers from both ASIC and APRA will discuss the Regulator’s implementation of FAR and their focus under that regime.</p>
<p>2.00pm – 3.00pm</p>	<p><b>Session 4</b> Hindmarsh Ballroom, Conference Floor</p>
<p><b>Speaker</b> Ian Roberts Head of Tax, Australian Retirement Trust</p> <p><b>Chair</b> Suzanne MacKenzie, Counsel Bar Chambers</p>	<p><b>Topic: Tax</b> Key developments in taxation laws and their impact upon large superannuation fund trustees and members.</p>
<p>3.00pm – 3.30pm</p>	<p>Afternoon Tea</p>
<p>3.30pm – 4.30pm</p>	<p><b>Session 5</b> Hindmarsh Ballroom, Conference Floor</p>
<p><b>Speaker</b> David Thomas, SC</p>	<p><b>Topic: Misleading and Deceptive conduct</b> In this session we will discuss:</p>

<p>Sixth Floor, Selborne Wentworth Chambers</p> <p><b>Chair</b>          Claire Machin          General Counsel, Financial Services          AMP Australia</p>	<ul style="list-style-type: none"> <li>• The ambit and operation of the various misleading and deceptive provisions under the Corporations Act and ASIC Act, including s1041H, s12DA and 12DB and when the regulators will rely on one provision over another.</li> <li>• The latest developments and trends in regulatory and judicial application of these sections.</li> <li>• How ASIC has increasingly been using these statutory obligations to enforce greater accountability by superannuation trustees for confusing, inaccurate, or incomplete communications to members.</li> <li>• Practical insights, future likely hotspots in the regulator's sights and guidance on ways to manage legal and regulatory risk associated with these provisions.</li> </ul>
<p>6.30pm –10.30pm</p>	<p><b>Gala Dinner</b>          Adelaide Town Hall</p>

<b>DAY TWO – FRIDAY, 15 MARCH 2024</b>	
8.00am – 3.30pm	<b>Registration</b> Foyer Area, Level 15, Pullman Adelaide 16 Hindmarsh Square, Adelaide SA 5000
9.00am – 10.00am	<b>Session 6: David Maclean Plenary Session</b> Hindmarsh Ballroom, Conference Floor
<b>Speaker</b> Dominique Hogan Doran SC 5 Wentworth Chambers  <b>Chair</b> Michael Vrisakis Partner, Herbert Smith Freehills	<b>Topic: The extent and limits of regulatory powers of ASIC and APRA</b> With new legislation affording ASIC and APRA increasing regulatory powers and the greater use of those powers, this session will explore their extent and the limits imposed by law on their use. In addition to considering the usual investigatory and enforcement powers, of particular interest will be the two regulators' licence condition powers, APRA's directions power, the use and negotiation of Enforceable Undertakings, and challenging regulatory decisions via internal review, Administrative Appeals Tribunal (and its pending successor) and the Federal Court (including how these interconnect).
10.00am – 10.30am	<b>Morning Tea</b>
10.30am – 11.30am	<b>Session 7</b> Hindmarsh Ballroom, Conference Floor
<b>Speaker</b> Sarah Barker Partner, MinterEllison  <b>Chair</b> Ian Pendleton General Counsel, Aware Super	<b>Topic: Embedding ESG – (practical approaches to prepared for the new climate related financial reporting standards)</b> ESG has given rise to greenwashing actions, misleading and deceptive conduct claims, stewardship and target setting challenges. Rapidly approaching are the new climate related financial reporting standards. This session will focus on practical guidance to best prepare for the new standards, including: <ul style="list-style-type: none"> <li>• The questions Boards should be asking now about the new reporting standards?</li> <li>• What should you be doing to prepare for the new regime?</li> <li>• Common climate financial reporting misconceptions.</li> <li>• How best to protect your client/organization, deal with imperfect data, develop forward looking statements and other FAQs.</li> </ul>
11.30am – 12.30pm	<b>Session 8</b> Hindmarsh Ballroom, Conference Floor
<b>Speakers</b> Zein El Hassan Partner, Commercial Law KPMG Australia  Peter Bryant Managing Director, Enterprise Australia & New Zealand Morningstar Australasia	<b>Topic: Advice and Quality of Advice Review</b> In the context of the Government's recent final response to the recommendations of the Quality of Advice review, this panel session will discuss: <ul style="list-style-type: none"> <li>• What the proposed reforms seek to achieve, and whether they solve the barriers and problems of the past.</li> <li>• Whether any new legal issues and implications arise from the proposed reforms and draft legislation, including what areas requiring greater clarity.</li> <li>• What will be the practical impact on the industry and the advice</li> </ul>

<p><b>Chair</b> Lisa Butler Beatty Partner, KPMG</p>	<p>models that are supported by funds, and what legal and trustee governance issues arise?</p> <ul style="list-style-type: none"> <li>• Practical suggestions for delivery of advice.</li> </ul>
<p>12.30pm – 1.30pm</p>	<p>Lunch</p>
<p>1.30pm – 2.30pm</p>	<p><b>Session 9</b> Hindmarsh Ballroom, Conference Floor</p>
<p><b>Speaker</b> Cam Whittfield Partner, Herbert Smith Freehills</p> <p><b>Chair</b> Joanne Dwyer Of Counsel, Jones Day</p>	<p><b>Topic: Cyber incidents – what to do when there’s a data breach</b></p> <p>The last 18 months have seen some high profile cyber incidents impacting some of our largest corporates. This session will consider (from a superannuation fund’s perspective) likely cyber incident scenarios, and share some insights about how to deal with them, including:</p> <ul style="list-style-type: none"> <li>• Are you prepared for a data breach – data breach response plans, first responses and accountabilities</li> <li>• What can happen to your members’ data following a breach</li> <li>• Notification requirements – how do you assess the likelihood of “serious harm”.</li> <li>• Negotiating with cyber criminals and an introduction to the dark web</li> <li>• Engaging with your insurer about your response and notifications.</li> <li>• Conducting investigations.</li> <li>• When should members be remediated, and what does remediation look like.</li> <li>• Class action risks.</li> </ul>
<p>2.30pm – 3.30pm</p>	<p><b>Session 10</b> Hindmarsh Ballroom, Conference Floor</p>
<p><b>Speaker</b> Sanela Osmanovic Senior Associate, KHQ Lawyers</p> <p><b>Chair</b> Tony Nemec Head of Legal Consulting, Mercer</p>	<p><b>Topic: Case Law update</b></p> <p>In this session we will look at the following pivotal cases over the last year:</p> <ul style="list-style-type: none"> <li>• Kayler-Thomson v Colonial First State Investments Limited (No 3) [2023] FCA 606</li> <li>• Briebach v Host-Plus Pty Ltd [2023] FCA 1122</li> <li>• Braz v Host-Plus Pty Ltd [2023] FCA 1454.</li> </ul>
<p>3.30pm</p>	<p><b>Conference Close</b> Maged Girgis, Conference Chair Partner, Herbert Smith Freehills</p>