Queensland Law Society

SPECIALIST PRACTICE CONFERENCE 26

7-9 OCTOBER 2026 • BRISBANE

Program – Personal Injury Law

1hr

Keynote Address: General Protection Claims with Vice President Asbury and Jim Murdoch KC

General protection claims continue to evolve and remain a significant area of risk for employers, employees and their advisers. This session will examine recent developments in general protections litigation, including the practical challenges arising from the reverse onus of proof, the assessment of economic and non-economic loss, and the Fair Work Commission's approach to the resolution of claims.

Bringing together judicial and practitioner perspectives, the discussion will explore strategic considerations before commencing proceedings, emerging trends in how claims are conducted and resolved, and the practical implications for those advising and representing parties in this rapidly developing area of practice.

Presenters:

Ingrid Asbury, Vice President, Fair Works Commission

James Murdoch KC, Barrister, Queensland Bar

Chair: **Michelle Morton**, Managing Partner, Wilson Ryan Grose

1hr

Case Analysis: Allen v Brother International (Aust) Pty Ltd [2025] QSC 129

Damien and Robyn will speak about the pitfalls for lawyers that can arise in the course of conferences and mediations, especially in the context of the various statutory regimes for personal injuries.

They will use as their starting point the analysis adopted in Allen v Brothers International [2025] QSC 129 and speak more broadly about optimal strategies that might be adopted to settle claims.

They will draw on their considerable experience as barrister and solicitor respectively, including what each branch of the profession might expect from the other, leading into a mediation.

Presenters:

Damien Atkinson OAM KC, Barrister, Queensland Bar

Robyn Hala, Special Counsel, MurphySchmidt

Chair: **Cameron Seymour**, Partner, Mullins

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1hr

Gratuitous Care: Emerging issues in judgments of Australian courts, dealing with awards of damages for the value of care and services

The paper will consider the extent to which there should be a reduction in the award for gratuitous care damages when more than one member of the household receives benefit from the service and how that interacts with the section 59 CLA threshold. The paper will look at the recent approach of courts to awarding damages for Griffiths v Kerkemeyer services and consider some of the nuances that arise from time to time as to whether particular types of care are compensable.

Presenter: **Travis Schultz OAM**, Managing Partner, Travis Schultz & Partners

Chair: **Peter Finocchio**, Director, Legal Funding Australia

Sponsored by Session Partner, Legel Funding Australia

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1hr

Identifying, assessing, presenting and proving the foundations of an economic loss claim

This workshop is to provide all attending practitioners with the knowledge and tools to secure comprehensive wage information more easily; and guidance on how to use that material to better assess and prove increased economic loss claims (both past and future) from current methodology as a result.

The workshop will cover:

- Provisions under the Fair Work legislation to compel the provision of employee records of claimants;
- Determining whether a claimant is Modern Award or enterprise agreement (EA) covered (and which one applies);
- Familiarisation with standard Modern Award/ EA terms that affect economic loss claims, including classification changes, Annual Wage Review and EA accretions;
- Identification of wage underpayments (and avenues to address it); and
- Evidentiary strategies for proof of pay and classification levels

Presenter: **Stephen Hughes**, Partner, Longton Blackwell

Chair: **Belinda Hughes**, Director, Hughes and Lewis



1hr

When time is running out: How to navigate a claim for the dying plaintiff

Navigating a claim for a plaintiff with a terminal condition raises important evidentiary and legal issues that require careful consideration from the outset to achieve the best possible outcome for the plaintiff and their family. This session will focus on a real-life medical negligence example and cover the following:

- How to expedite a personal injury claim across the major practice areas in Queensland, including how to bypass pre-court procedures and apply to the Court for a speedy trial.
- How to capture critical evidence before a plaintiff loses capacity to provide instructions and/or passes away.
- Critical issues to consider when assessing damages for a dying plaintiff and how their damages will be impacted if they pass away before their claim is finalised.
- Assessment of damages in a personal injury/estate claim versus assessment of damages in a future dependency claim.
- The potential impact of resolving a personal injury claim on a future dependency claim.
- Key limitation period considerations.

The session aims to provide solicitors with practical tips and tricks so that by the end of the session, they feel confident in managing a claim for a plaintiff with a terminal condition.

Presenters:

Sarah Vallance, Director, Oak Medical Law, Accredited Specialist (Personal Injury Law) - Qld

Clare Eves, Barrister, Queensland Bar

Chair: **Hayley Stubbings**, Special Counsel, Legal Policy, Queensland Law Society

PM&BS PS

1hr

Disadvantage in the labour market: the origins, the UK approach and its relevance in Queensland

This session examines how Australian courts address labour market disadvantage, a frequently undervalued and misunderstood aspect of future economic loss in personal injury claims, by analysing the foundational UK principle of the Smith v Manchester award. It explores the calculation and application of these awards, which are designed to compensate injured workers for reduced employability and the heightened risks they face in the labour market.

Presenter: **Sebastian Olsen**, Principal, Murphyschmidt Solicitors

Chair: **Michael Garbett**, Managing Partner, Moray & Agnew; Chair, Queensland Law Society Accident Compensation/Tort Law Committee

Presenters



Vice President Ingrid Asbury

Ingrid Asbury is a Vice President of the Fair Work Commission and Chairperson of the Northern Territory Police Arbitral Tribunal and the Road Transport Advisory Group. Vice President Asbury has been a Member of the Fair Work Commission and its predecessor bodies since 2001, after first being appointed as a Commissioner of the Queensland Industrial Relations Commission (QIRC) in 2000. She was appointed Vice President in 2023, following her decade-long service as a Deputy President of the Commission from 2013. The Vice President is admitted as a Legal Practitioner of the Supreme Court of Queensland and holds the degrees of Bachelor of Arts and Bachelor of Laws.As Deputy President she was President of the Defence Force Remuneration Tribunal and had responsibility for the Meat, Coal and Mining, Sugar, and Electrical Power industries in Queensland. Before joining the QIRC, the Vice President served as National Industry Group Manager for the Australian Industry Group, where she developed and implemented industrial relations strategies for major infrastructure and resource development projects across Australia. She previously worked as a Senior Industrial Officer and Industrial Officer at the Australian Industry Group and the Metal Trades Industry Association.



Damien Atkinson OAM KC

Damien studied Arts and Law at the University of Queensland. He completed a Masters of Law at Cambridge, where he was awarded First Class honours as well as the Lady Foundress' Prize for Pembroke College. He was admitted to the Bar in 1995 and became a Nationally Accredited Mediator in 2017 before taking silk in 2018.

His practice as counsel is varied, regularly appearing in commercial and construction matters in the state and federal courts, as well as acting for doctors, patients and hospitals in major medicolegal litigation, acting in commissions of inquiry and inquests and appearing in general legal disputes such as property and personal injuries matters. He also has a busy practice as a mediator and is regularly engaged in that role by the private and public sectors.

Damien studied Arts and Law at the University of Queensland, graduating in Law with Honours. He completed a Masters of Law at Cambridge, where he was awarded First Class Honours as well as the Lady Foundress' Prize for Pembroke College. He was admitted to the Bar in 1995 and became a Nationally Accredited Mediator in 2017 before taking silk in 2018.

His practice as counsel is varied, so that he appears in commercial and construction matters, as well as acting for doctors, patients and hospitals in major medicolegal litigation, appearing in commissions of inquiry and inquests, and taking briefs in general commercial matters. He also has a busy practice as a mediator and is regularly engaged in that role by the private and public sectors.

He is the Senior Vice President of the Medico-Legal Society of Queensland. He is also the Chair of the Human Rights Committee for the Bar Association of Queensland and Chair of the Youth Advocacy Centre, Brisbane. He was awarded an Order of Australia Medal in 2019 for his work in youth justice.



Clare Eves

Clare was called to the Bar in 2024.

Prior to transitioning to the private Bar, Clare practiced in both Australia and the UK, having commenced her legal career in personal injury litigation in 2002 and going on to become admitted as a Solicitor in Queensland in 2010.

Clare has practiced almost exclusively in injury litigation for the duration of her career, specialising in catastrophic injury claims and medical law claims.

Clare is also a nationally accredited mediator.

Clare's practice at the Bar involves all areas of personal injury litigation, medical negligence litigation, coronial inquests and mediation.



Peter Finocchio

Peter is one of the founding Directors of Legal Funding Australia, with more than 15 years' experience in disbursement funding. Known for his approachable nature and innovative thinking, he is passionate about helping law firms improve cash flow and simplify their operations. Peter is dedicated to making disbursement funding simple, efficient, and valuable, enabling lawyers to focus on achieving the best outcomes for their clients.



Michael Garbett

Michael has practised exclusively in the area of accident compensation since admission in 1993. He is highly regarded by his clients and colleagues across the insurance industry.

Over the course of his career, Michael has acted for private and government CTP insurers, WorkCover Queensland and public liability insurers.

Michael has developed a special interest in catastrophic claims and has represented insurers in numerous multi-million dollar claims.

Michael now devotes his time to practising in the area of motor vehicle accident compensation and represents several different CTP insurers in Queensland. He is very focused on proactively bringing suitable matters to a swift resolution via cost effective settlement methods while simultaneously identifying fraudulent and exaggerated claims which need to be brought to trial.

Michael has many long standing relationships with his insurance clients in Queensland.



Robyn Hala

Robyn is a Special Counsel at MurphySchmidt Solicitors and has practised exclusively in plaintiff personal injury law since commencing with the firm as a research clerk in 2011, before being admitted in 2013. She has considerable experience across the various personal injury regimes including workplace accidents, public liability, CTP claims, medical negligence and civil aviation claims.



Stephen Hughes

Stephen holds a Bachelor of Laws from University of Queensland & Master of Laws from QUT. He was admitted as a solicitor in 1991, & has >34 years' experience working across employment, health & safety and compensation law. Stephen is also admitted in the High Court of Australia.

In the employment law sphere, Stephen acts for select clients across a full range of workplace relations, industrial relations and employment law matters ranging from front end enterprise bargaining strategizing to back end unfair dismissal and adverse action litigation, HR policy and procedure drafting to anti-bullying and harassment matters, and work health and safety compliance to Notifiable Incident notifications and prosecution defences.

Stephen has been a committee member of the LAWASIA Employment Law sub-committee for over 10 yrs.

Stephen is a Queensland Law Society Accredited Specialist (personal injuries) of over 25 years' standing; & is 1 of the few still practicing from the inaugural accredited cohort. Stephen was previously a workers' compensation & CTP insurer respondent panel lawyer for almost 20 years, before transitioning to claimant representation.

Stephen is a regular presenter at CPD events on personal injuries & employment law for providers such as QLS, ALA, Legalwise, LexisNexis and Crown Leadership.

Stephen deeply understands the impacts that injury can have on a person's life and livelihood, both through his extensive legal experience and from serving as an Honorary Board Member and Legal Counsel for the Australian Society of Rehabilitation Counsellors Ltd (ASORC) since 1993. In 2021 Stephen was proud to be awarded an ASORC Honorary Fellowship in recognition of his many decades of service.

In 2023, Stephen received an Associations Hall of Fame Award from Associations Forum for his pro bono services to the not-for-profit sector.



Belinda Hughes

Belinda Hughes is a director of Hughes & Lewis Legal, a specialist personal injuries firm.

She acts for insurers, self-insurers, businesses and individuals - and is dedicated to practicing law in a better way.

Hughes & Lewis Legal is a fully remote legal firm comprising of only senior lawyers who manage all aspects of their files.

Both the firm and Belinda are consistently recognised by both Doyle's Guide and Best Lawyers as a leading workers' compensation (defendant) law firm and a leading workers' compensation lawyer.



Michelle Morton

Michelle has been the Managing Partner of wilson/ryan/grose for more than two decades – leading the firm's strategic growth and ensuring its continuous support and investment in local communities.

Well-known and respected in her area and by her peers, Michelle is highly experienced in her chosen practice areas of workplace relations and personal injury law. She advises both individuals and organisations on workplace and injury issues and has represented her clients in multiple courts and tribunals, including the Fair Work Commission and Federal Circuit Court.

Michelle's cross-section of expertise enables her to identify and understand the links between workplace and personal injury claims – including between workplace bullying psychological safety / discrimination / WorkCover and General Protections claims – and assists her clients to either achieve justice or achieve compliance to reduce future risks.

As an Accredited Specialist in both Workplace Relations and Personal Injury law, Michelle uses her market leading technical expertise, together with more than 35 years of experience, to provide clear and practical guidance to her clients.

Michelle's clients appreciate her ability to resolve complex problems with discretion as well has her ability to articulate a clear pathway to the resolution of an issue. Internally at wilson/ryan/grose, Michelle is known for her dedication to the team and guidance as a leader and mentor.

Michelle is an active member of the Townsville community and holds multiple board and committee positions, having previously served as Deputy Chair of the Townsville Hospital and Health Service and currently a board member of Racing Queensland. She is also a Fellow of the Australian Institute of Company Directors.



James Murdoch KC



Sebastian Olsen

Sebastian is a Queensland Law Society Accredited Specialist in Personal Injures Law. He brings a unique perspective to his role as Principal at Murphy Schmidt Solicitors, having completed a medical science degree before undertaking his legal qualification.

Sebastian is a former member of the Brisbane Turf Club Young Members Committee and current Chairman of the Queensland Rugby League Judiciary, Code of Conduct and Appeals Tribunals. He is also a volunteer solicitor for Anglicare.



Cameron Seymour

Cameron was admitted as a solicitor in 1990. He has practised extensively in torts law and became an Accredited Specialist in personal injuries law in 1998. Cameron joined Mullins Lawyers in 1999 where he has been a Partner since 2000. He practises primarily in workers' compensation, public liability and compulsory third party claims. He is a contributing editor to LexisNexis loose leaf service Personal Injuries Queensland (Work Injuries), is on the Queensland Law Society's Accident Compensation & Tort Reform Committee and delivers seminars to clients and the profession on personal injuries law.



Travis Schultz OAM

Travis Schultz OAM is the Founder and Managing Partner of Travis Schultz & Partners (TSP), a compensation law firm known for its ethical approach and specialist expertise. Travis has dedicated more than 25 years to the legal profession and is regularly sought out to lead complex matters. He is the only Queensland lawyer ranked in the national Doyle's Guide listings and the only Australian lawyer recognised as 'Preeminent' in all three core areas of compensation law – public liability, workers' compensation, and motor vehicle law.

Renowned not only for his legal expertise but also for his community leadership and mentorship, Travis is an advocate for ethical leadership, a trusted advisor to other professional service firms, and a regular presenter at legal conferences and industry events. He plays an active role in shaping the profession through education, governance and public service through long-standing service on various boards and advisory bodies.



Hayley Stubbings

Hayley has worked with a diverse range of legal policy committees at Queensland Law Society (QLS) and currently supports the work of the Family Law Committee, Domestic and Family Violence Committee, Migration Law Consulting Committee and Accident Compensation and Tort Law Committee. Prior to joining QLS, Hayley worked in health law, insurance and litigation. She has undergraduate degrees in law and science from the University of Queensland and a Master of Laws from QUT.



Sarah Vallance

Sarah is a director of Oak Medical Law and accredited specialist in personal injuries law and focuses solely on representing patients and their families in medical negligence claims, inquests, and health care complaints in Queensland and the Northern Territory.

Sarah's vision is to improve patient outcomes by increasing access to expert legal services and to advocate for social change.

Sarah completed a Master of Laws majoring in Health Law in 2018, which focused on end-of-life issues. She is a committee member of the ALA Medical Law SIG which has led to several opportunities to assist in drafting submissions on a wide range of patient issues, including voluntary assisted dying and safe access zones, along with several appearances at parliamentary inquiries into voluntary assisted dying.