



The Commercial Law Association of Australia Ltd  
ACN 001 290 115

## Annual Report 2024

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Building a bridge between commerce and law



# The Commercial Law Association of Australia Ltd

[www.cla.org.au](http://www.cla.org.au)

GPO Box 5186, Sydney, NSW 2001

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## Board of Directors as at 31 December, 2024

Sarah Hill, President

Edmund Finnane

James Biady, Vice-President

Sally Moten

Norman Donato, Treasurer

Professor Gerard Ryan

Stephen McMahon

Alison Haly

Ben Whitten

Michael Drummond (resigned June 2024)

## Registered Office

Level 2, Suite 212, 350 George Street, Sydney, NSW 2000

## Chief Executive Officer

Max Wilson BA, Grad Cert Management Communication, AFIMA. Email: [maxwilson@cla.org.au](mailto:maxwilson@cla.org.au)

## Member Services

Elizabeth Wilson. Email: [memberservices@cla.org.au](mailto:memberservices@cla.org.au)

## Commercial Law Quarterly Editors

Dr Gregory Tolhurst LLM (Syd)

Hon Justice Elisabeth Peden, BA Hons, LLB Hons (Syd), PHD (Cantab)

Thank you to all those who have supported us throughout the year



HERBERT  
SMITH  
FREEHILLS



SHINE  
LAWYERS  
RIGHT WRONG.

# President and Directors' Report

## 2024: year in review

As the CLA approaches its 60th anniversary in 2025, and we find ourselves looking back over what is almost a quarter of the 21st century, the changes brought about by the online world and their effect on the CLA are entirely clear.

When the CLA launched its first website in the early 2000s people were interested but cautious. Happy to visit it for information, willing to book for seminars but disinclined to use a credit card to pay for them online. That slowly changed over a couple of years ... smaller amounts for the lunchtime seminars and finally working their way up to half-day seminars and membership payments. Paying by cheque faded away as EFT took hold.

Paper disappeared too. Printed flyers for seminars quickly became email newsletters. It took longer for the *Commercial Law Quarterly* to go online, but inevitably it did. Postage became an almost forgotten item in our financial reports.

The other thing that has become clear was the importance of streaming our seminars online. All our seminars — in both Brisbane and Sydney — have benefitted from a large online audience from up and down the east coast. If it could be said that there was a benefit to COVID, then it was certainly the push it gave us to invest in streaming technology.

Interestingly, there has been a small but obvious trend back to attending seminars in person. We are hearing that people find it much more engaging to be in the room with the speaker and far easier to concentrate on a topic. No one denies the convenience of watching a seminar online (certainly not the CLA), but it's plainly too easy to do something else while you listen and lose the full focus on a topic you would otherwise have been in the room.

Speaking of Brisbane, we were very sorry to lose Michael Drummond from the Board during the year. Michael played a very large role in setting up the CLA's Queensland branch. We thank him very much for his efforts and wish him well for the future.

## Seminars

We were delighted early in March 2024 to be part of the opening celebrations of the Hemmant's List Centre in Brisbane. We would like to thank the Chief Justice of Queensland Helen Bowskill, Hon Martin Daubney AM KC, Hon Ian Callinan AC KC and the Hon Michael Whitten KC for agreeing to speak at 'The importance of arbitration to your legal practice'. The Queensland branch followed this success with the equally successful 'The ethics and legality of conferring with another party's expert' and 'Advocacy in mediation'.

On 30 August 2024 — with the invaluable support and assistance of Shine Lawyers — we ran the 'Beyond the trends: charting the future of class actions' half-day seminar. This seminar came very close to being the biggest seminar in the CLA's history. It also featured — for the first time in the CLA's history — a live international Zoom cross to a speaker in the USA.

In September we joined forces with the law faculty of the University of NSW to present a half-day seminar on 'Identifying and complying with fiduciary duties in the financial sector'. The Hon Justice Ashley Black and a host of other distinguished speakers ensured that this too was a successful function. We are very appreciative of the work Professor Simone Degeling did to bring the seminar about.

The stalwarts of our seminar program performed well across the year as they always do.

The Mandatory CPD half-day seminar — run once again with the assistance of Professor Gerard Ryan from the University of Notre Dame Australia — attracted its usual interested audience. The 2024 June Judges series featured the Hon Justices Ian Jackman, Anthony Payne and Elisabeth Peden. Professor John Carter and Jeffrey Goldberger have never failed to pull a crowd and did so once again throughout 2024.

We would like to thank all our speakers for generously giving us their time.

## Social media

This year saw a significant financial investment in name recognition and database growth for the CLA. Along with advertising in *Lawyers Weekly*, our social media consultant Emma Heuston put considerable effort into a targeted LinkedIn campaign. What follows provides a comparative analysis from February 2024 to December 2024, incorporating the impact of our paid LinkedIn advertising in September 2024.

### Key Highlights

- Total Followers: Grew from 1,500 in February to 1,780 in December — an increase of 280 followers (18.7%).
  - New Followers: The year started modestly with 18 new followers in February, but by December, we had gained 208 new followers, reflecting significant acceleration.
  - Paid ads campaign: during the year we engaged The Digital Picnic to trial paid ads for LinkedIn. This was in addition to our organic presence (ie, posted by the CLA, not paid ads).
- Unique Visitors: Up from 12 in February to a peak of 155 in September (166.7% increase) during the course of our paid ad campaigns.

- Impressions:
  - Organic (unpaid) impressions: Grew from 2,663 in February to a record 11,420 in September, before settling at 3,595 in December.
  - Paid impressions (September campaign): 116,643 impressions, making it the most impactful month of the year.
- Engagement:
  - February: 35 reactions & 4 comments
  - September (best-performing month): 235 reactions (108% increase from the prior month)
  - December: 46 reactions, with the highest engagement rate (10.96%) for a post featuring a CLQ article by John Ledbetter and Jacob Lerner.

### **Analysis and Insights**

- Follower Growth Strategy: The CLA saw consistent follower increases, with a 44% jump in November/December alone, partly attributed to strategic content and CLQ article promotions plus my consistent month on month invitations directly to people online to follow the CLA.
- Content Engagement Improved: Posts that tagged well-known contributors or presenters with large social media followings, such as the CLQ article in December, performed significantly better.
- Paid Ads: The September LinkedIn ad campaign drove 116,643 paid impressions, setting a record for visibility and resulting in the best month for engagement. However, this came with a cost and while engagement was high, the financial impact of cost as compared to bookings will need to be examined separately by the Board to truly determine the overall impact of the paid ad campaigns.

We can safely say that 2024 marked a strong growth year for CLA's LinkedIn presence.

### **Financial update**

The CLA ended the year with a deficit of \$29,642.04. To view the audited 2024 financial reports, please visit our website.

Finally, a very appreciative thank you to all those associated with the CLA — our members, speakers, writers, editors, filmographers, executive management, and my fellow board members. The CLA would not exist without your support.

I look forward to seeing you soon at one of our functions.

**Sarah Hill, President**

# 2024 Seminar Program

## **Goldberger on Contract master class**

9 February

Jeffrey Goldberger, Special Counsel, Norton Rose Fulbright, Hon Justice Fabian Gleeson, Supreme Court of NSW (Chair)

## **Mandatory CPD halfday seminar**

23 February

Professor Gerard Ryan, University of Notre Dame Australia; Liam Meagher, 6 St James Hall Chambers; Susanna Kipping, Head of Legal Transformation, Herbert Smith Freehills

## **Interaction between express termination rights and common law rights**

4 March

Emeritus Professor John Carter, consultant, Herbert Smith Freehills

## **The importance of arbitration to your legal practice**

7 March, QLD

The Hon Chief Justice of Queensland Helen Bowskill; Hon Martin Daubney AM KC, Level 17 Chambers, Brisbane; Hon Ian Callinan AC KC, 11 Inns of Court, Brisbane; Hon Michael Whitten KC, Dawson Chambers, Melbourne; Ben Whitten, Hemmant's List, Brisbane (Chair)

## **Recent developments in the NSW Supreme Court Equity Division**

29 April

Hon Justice Elisabeth Peden, Supreme Court of NSW

## **How does a Corporation think?**

7 June

Hon Justice Anthony Payne, Court of Appeal, Supreme Court of NSW; Sarah Hill, 4 Selborne Chambers (Chair)

## **Cryptocurrency**

21 June

Hon Justice Ian Jackman, Federal Court of Australia; Sarah Hill, 4 Selborne Chambers (Chair)

## **Contractual damages**

29 July

Hon Justice Elisabeth Peden, Supreme Court of NSW; Sarah Hill, 4 Selborne Chambers (Chair)

## **Contractual writing requirements and other boilerplate clauses: do they work?**

12 August

Emeritus Professor John Carter, consultant, Herbert Smith Freehills

## **The ethics and legality of conferring with another party's expert**

22 August, QLD

Geoffrey Diehm KC, Hemmant's List; William Isdale, Hemmant's List; Ben Whitten, Hemmant's List (Chair)

## **Beyond the trends: charting the future of class actions**

30 August

Vicky Antzoulatos, Joint Head of Class Actions, Shine Lawyers (Chair); Craig Allsopp, Joint Head of Class Actions, Shine Lawyers; Hon Justice Michael Lee, Federal Court of Australia; Zoe Hillman, Alinea Chambers; Julian Sexton SC, Tenth Floor Chambers; Kione Johnson, Practice Leader, Shine Lawyers; Lina Kolomoitseva, Senior Investment Manager, Litigation Capital Management (LCM); Amanda Beattie, Partner, Wotton & Kearney; Kirsten Smith, Portfolio Manager (Australia), Senior Investment Manager, Omni Bridgeway; Alex Morris, Partner, King Wood Mallesons; Michael Hodge KC, Omnia Chambers; Jonathan Wertheim, Practice Leader, Shine Lawyers; John Walker, Chair, CASL Management; Greg Coleman, Senior Partner, Milberg, USA.

## **Identifying and complying with fiduciary duties in the financial sector**

20 September

Hon Justice Ashley Black, Supreme Court of NSW; Associate Professor Scott Donald, School of Private and Commercial Law, UNSW Law & Justice; Professor Simone Degeling, School of Private and Commercial Law, UNSW Law & Justice; Professor Dimity Kingsford Smith, UNSW; Sarah Yu, Partner, King Wood Mallesons; Joanna Bird, Regulatory Consultant; Sarah Hill, 4 Selborne Chambers (Chair)

## **Advocacy in mediation**

24 October, QLD

John McKenna KC, 16 Quay Central Chambers, Brisbane

## **Reasonable and best endeavours: is there a difference?**

4 November

Emeritus Professor John Carter, consultant, Herbert Smith Freehills

## **Contract damages: key principles and the latest High Court decisions**

15 November

Jeffrey Goldberger, Special Counsel, Norton Rose Fulbright; Sarah Hill, 4 Selborne Chambers (Chair)

**Seen at the seminars**





## Current Board of Directors



### **Sarah Hill BA/LLB (Hons) (USyd)**

Sarah Hill has practised as a barrister in NSW since 2004. She holds a BA/LLB (Hons) from the University of Sydney. She has a broad ranging equity and commercial practice covering such areas of the law as contracts, corporate law, insolvency, equity, property, trusts and wills and estates. Sarah has given presentations in many of these areas at industry conferences and to various legal bodies. She was admitted to the Supreme Court of NSW, the Federal Court of Australia and the High Court of Australia in 2003. Sarah was appointed to the Board of Directors of the CLA in 2018 and is currently serving as the President of the CLA.



### **James Biady BEc, LLB, Accredited Specialist Business Law, FCLA**

Jim Biady is an experienced commercial lawyer who commenced practice in 1983. He advises clients in a number of specialty areas including structuring of entities, employment law, commercial litigation, dispute resolution, sale & purchases of businesses, sale & purchases of property, wills and estates, as well as commercial leasing. He focuses on understanding each client's business and finding appropriate effective commercial solutions. Jim is a Business Law Specialist accredited by the Law Society of New South Wales. Jim was appointed to the Board in 2011 and is currently the Vice-President of the Commercial Law Association.



### **Stephen McMahon BComm, FCA, F Fin, FCLA**

Stephen was a specialist forensic accountant. He has now retired from his successful practice. Stephen is a fellow of the Financial Services Institute of Australia (Finsia) and a fellow of the Institute of Chartered Accountants Australia and New Zealand (CAANZ). He was a founding principal of McMahon Worth Forensic Accountants. The firm specialised in forensic and investigative accounting, litigation support, financial evaluation of insurance claims, fraud and corruption investigations, business valuations, financial due diligence along with investigating and solving complex financial and business issues which require the application of a combination of accounting, auditing and detective skills. He was appointed as a Director to the CLA in 1998 and has served many years as the Membership and Marketing Chairman. Stephen was awarded Life Membership of the CLA in 2018.



### **Edmund Finnane BA and LLB (ANU), LLM (Corporate & Commercial Law) (UNSW), FCLA**

Edmund Finnane has practised as a barrister in NSW since 1997. He has a wide ranging practice in commercial law and equity. Edmund is particularly interested in corporate insolvency, mortgage law, equity and contract law. He has delivered seminars to members of the legal profession on areas including commercial damages, equity, insolvency law and de facto relationships law. Edmund is co-author of two books: *Equity Practice and Precedents* (2nd Edition) (Finnane, Newton and Wood, Thomson Reuters, Sydney, 2019), (as well as the first edition of that book published in 2008) and *Pleading Precedents* (Azize, El Khoury and Finnane [6th Ed], Thomson Reuters, Sydney, 2009). From 2009 to 2022 he was the author of the annotations in the Thomson Reuters annual and online publication, *Corporations Legislation with Annotations*. Edmund has been the general editor of the *Company and Securities Law Journal* (Thomson Reuters) since 2018. He was appointed as a director of the CLA in 2009, and also served on the Legislative Review Task Force of the CLA between 2003 and 2014. In 2025, he was appointed as a part-time member of the NSW Civil and Administrative Tribunal.



### **Norman Donato BEc, LLB, LLM, FCLA**

Norman Donato, admitted as a solicitor in 1987, practises predominantly in corporate finance and corporate & commercial law. He has extensive corporate and finance experience acting for national and international clients including government bodies, major banks, public companies, SMEs and entrepreneurs. Norman is a Banking and Finance and Corporate Commercial partner at the national law firm Mills Oakley. He is associated with several industry bodies. Norman was appointed to the board of the CLA in 2008 and was elected President 2015. After serving seven years in that role, he step-aside and is now the Treasurer of the CLA. He holds a directorship with the Pain Foundation Limited, and sits on the investment committee of that charitable organisation.



### **Sally Moten LLB (Hons) (USyd), BCom (USyd)**

Sally Moten was admitted as a Solicitor in NSW in 2005. She has a Bachelor of Laws (First Class Hons), and Bachelor of Commerce, both from the University of Sydney. Sally is a partner at Lander & Rogers who specialises in all aspects of employment and safety law. Prior to this, Sally spent several years working in commercial laws firms Blake Dawson (now Ashurst) and Henry Davis York (merged with Norton Rose Fulbright). She also spent time working in-house at a large NSW Government Agency. Sally provides advice on matters ranging from performance management and disciplinary matters to defending unfair dismissal and discrimination claims, managing industrial disputes, advising on restructuring of organisations, defending WHS prosecutions and providing WHS advice on compliance and safety legislation. Sally joined the CLA's Board of Directors in 2016.



### **Professor Gerard Ryan BEc (Hons) (USyd), LLB (Hons) (USyd), GradDipLP (UTS), LLM (Hons) (USyd), GCUT (UNDA), FHEA**

Gerard is a Professor of Law at the University of Notre Dame Australia (UNDA). He graduated from the University of Sydney with First Class Honours in Economics and Law. His Masters of Law included an Honours thesis in competition law. Gerard was admitted as a solicitor in 1991. He was a partner in a large city commercial law firm, specialising in commercial work in the energy sector (including electricity derivative transactions, large energy infrastructure projects and regulatory advice). From 2008 to 2012 he was Dean of the School of Law, Sydney at UNDA. His main areas of teaching are contracts, commercial practice, commercial drafting, ethics, corporations law and property. He has supervised research students in contracts, competition law and other areas. Gerard and his UNDA colleagues have conducted the CLA's annual CPD presentation on ethics, practice management and professional skills since March 2011. He joined the CLA Board of Directors in 2018.



### **Ben Whitten LLB, LLM (Com), FCLA**

Ben has practised as a barrister in Queensland since 1999. He holds a Bachelor of Laws and a Master of Laws majoring in commercial law. Ben practises in all aspects of commercial and insurance litigation, with special interests in matters involving technology, engineering and construction issues. Having practised both as a solicitor and as a barrister, he has gained considerable practical experience in representing companies, businesses and individuals in mediations and in interlocutory, trial and appeal hearings in all levels of State and Federal courts. Ben is a committee member of the Building Dispute Practitioners Society, member of the Society of Construction Law of Australia, member of the Australian Insurance Law Association, and an interstate member of the Melbourne Technology Engineering and Construction Chambers. Ben's work has been recognised in *Doyle's Guide* as a recommended leading counsel in construction law from 2019 to 2024. Ben is a Fellow and Director of the CLA, and the inaugural Chairman of the Queensland Division of the CLA. He was appointed to the CLA's Board in 2021.



### **Alison Haly BA/LLB (UQld)**

Alison is an international and local mediator aiming to make a difference in the way we manage conflict and engage in dialogue. She was the first woman to establish a mediation practice in Australia in insurance, commercial and international law, is cited as a leading mediator in *Doyle's International Guide* and has been honoured by her peers as a Lawyer of the Year on multiple occasions in the AFR Best Lawyers List. In her life prior to commencing her mediation practice, Alison had a long history of practice in commercial and insurance litigation when a partner at the world's largest commercial law firm DLA Piper, and prior to that, as a solicitor in commercial litigation at Feez Ruthning which became Allens.



### **Michael Drummond BA (JCU), LLB (QUT)**

Michael Drummond was a practicing solicitor, working in small, mid-tier and large law firms before opening his own practice. More recently, Michael left private practice to take up the positions of In-house Counsel, Director of Corporate Services and eventually Head of Sales — Global for an Australian coffee roaster operating in Australia, New Zealand, China and the USA. Michael commenced as the Clerk for Hemmant's List in November 2018. He was elected to the Board of the CLA in 2022.

# Standing Committees as at December 31, 2024

## QUEENSLAND BRANCH COMMITTEE

Ben Whitten (Chair)  
Alex Tuhtan  
Richard Schulte  
Samantha Amos  
Alison Haly

## MEMBERSHIP & MARKETING COMMITTEE

Stephen McMahon  
Max Wilson

An important element of the Association's image is to ensure that marketing assists in attracting legal practitioners and those involved in commerce to our Association's activities. By promoting our seminar programs and other programs we aim to encourage people to join the Association. Listening to our members and reacting to their needs is also very important in maintaining membership.

## PUBLICATIONS COMMITTEE

Sarah Hill  
Hon Justice Elisabeth Peden  
Dr Gregory Tolhurst  
Max Wilson

The *Commercial Law Quarterly* is the official publication of the Commercial Law Association. The journal has been published continuously for 30 years and is a highly respected reference material for those involved with the practice of law. All manuscripts submitted to the *Quarterly* are refereed prior to acceptance for publication. The journal contains articles and news about commercial law issues from around Australia and overseas. One of the main objectives of the Commercial Law Association is to make business people aware of the constant changes to the law and make law-makers aware of the constantly changing business environment. Through the publication of the *Commercial Law Quarterly*, the Association aims to:

- encourage members of the commercial and corporate community and the legal profession to examine and consider jointly commercial law usages and practices;
- disseminate information on concerning new legislation proposed or enacted by the Parliaments of Australia or overseas relating to commercial or corporate law usages and practices.

All copies of the *Commercial Law Quarterly* from 1986 to the present day are available online. There is also a number of copies of *The Bulletin* (CLQ's predecessor) in the library, but we are still seeking some issues. The library is available on our website.

The Editors welcome the submission of notes to cases and issues of law reform and longer articles.