ELLY LOUISE PHELAN

Barrister

Nine Wentworth Chambers
A 9/180 Phillip Street, Sydney NSW 2000
T 02 8815 9295 |F 02 9233 4464 | E ephelan@ninewentworth.com.au

Principal areas of practice

Commercial and Equity, Domestic and Cross-Border Insolvency, Building and Construction, Insurance Disputes; Crime and Regulatory (including white-collar crime).

Admissions

2021	Called to the New South Wales Bar
2016	Admitted to the legal profession and the High Court of Australia

Qualifications

2018	Advanced Certification in Insolvency, Australian Restructuring Insolvency and Turnaround Association, *UTS*
2015	Bachelor of Laws with First Class Honours / Bachelor of Politics, Government and International Relations, *Griffith University*

Professional history

2025-	New South Wales Bar Association Councillor / Director
2025-	Barristers' Benevolent Association of New South Wales Director
2020-2021	Commonwealth Director of Public Prosecutions, Sydney (Federal Prosecutor, *Commercial, Financial & Corruption*)
2018-2020	Gilbert + Tobin, Sydney (Lawyer, *Disputes + Investigations*)
2017-2018	Rostron Carlyle Rojas Lawyers, Brisbane (Lawyer/Associate, *Insolvency and Restructuring*)
2016-2017	MinterEllison, Brisbane (Graduate/Lawyer, *Corporate* and *Energy/Resources*)
2014-2017	Griffith University, Nathan (Research Assistant/Lecturer, *Property Law*)
2013-2016	Mills Oakley Lawyers, Brisbane (Paralegal, *Commercial Disputes/Insolvency*)

Publications and presentations

Elly Phelan, 'Dealing with Winding up Actions on behalf of both Creditors and Debtors: Where Proceedings Come Undone', (Presentation and Paper, Legalwise Seminar on Debt Recovery: A Practical Guide, Sydney, 30 August 2023).

Elly Phelan and Tomislav Bicanic, 'Working with Silks 2022', (co-chaired on behalf of the NSW Bar Association New Barristers Committee, including panellists Ian Lloyd KC, Kate Eastman AM SC, Richard Pontello SC and Greg O'Mahoney), 27 October 2022.

Elly Phelan, 'Bystander policies and their importance in combating sexual harassment and bullying', (Presentation, NSW Bar Association Newcastle CPD Conference, 12 March 2022).

Kai Luck and Elly Phelan, 'Employee Entitlements: Legal Update: A New Liability Landscape for Employee Entitlements in Liquidation' (2019) 31(3) *Australian Restructuring Insolvency & Turnaround Association Journal* 32, 32-35.

Panels and memberships

2024-current: Legal Aid NSW Summary and Indictable Barrister Panels

2021-current: Junior Counsel Panel for the Commonwealth Director of Public Prosecutions

Elly is currently serving as a Councillor of the New South Wales Bar Association and as a member of the Bar Association Professional Conduct Committee #1.

Elly is a former member and chair of the NSW Bar Association's New Barristers' Committee (2022-2024), a former member of NSW Bar Association's Diversity & Equality Committee (2021-2024) and a former vice president of Queensland Young Lawyers (2017). Elly is also a life member of the Griffith University Law Society (awarded 2015).

SELECTED CASES

Corporations / Insolvency

In the matter of Skenews Pty Limited [2026] NSWSC 290 (Brereton J), [company reinstatement under the *Companies Act 1961 (repealed)* and *Interpretation Act 1987*].

In the matter of Quantra Group Limited [2025] NSWSC 1123 (Nixon J), led by Steven Golledge SC [oppression suit].

In the matter of Quantra Group Limited (Supreme Court of New South Wales Proceeding No.: 2025/00248384, 2 July 2025, Brereton J), led by Doran Cook SC [injunction].

In the matter of Personnel Concept Group Pty Limited (in liq) [2024] NSWSC 522 (Black J) [order under s 509(2) of the *Corporations Act 2001* (Cth)].

Trafford-Jones v Liu, in the matter of the bankrupt estate of Liu [2024] FCA 998 (Cheeseman J), led by Christian Bova SC [freezing order].

Peter Gothard, James Dampney and William Colwell in their capacity as joint and several administrators of Tritium DCFC Limited ACN 650 026 314, Tritium Holdings Pty Ltd ACN 145 324 910, Tritium Pty Ltd ACN 095 500 280 (all administrators appointed) & Ors (Federal Court of Australia Proceeding No.: NSD583/2024, 10 May 2024, Cheeseman J), led by Emma Beechey [convening period extension and funding deed approval].

Polyfone Telecom Pty Limited v Enseco Services Pty Limited (Federal Court Proceeding No.: NSD375/2021, 9 July 2021, Lee J) [order pursuant to s 1322(4)(b) of the *Corporations Act 2001* (Cth) for removal of a Form 519 from the ASIC company register].

Kelly, in the matter of Halifax Investment Services Pty Ltd (In Liquidation) (No 9) [2020] FCA 925 [solicitor without counsel, appeared for a class of investors in a joint hearing of Australian and New Zealand courts].

Cross Border Insolvency

In the matter of Million Up Ltd [2026] NSWSC 1105, led by Matt Karam [recognition of a Hong Kong winding up proceeding and liquidators as foreign representatives].

Greylag Goose Leasing 1410 Designated Activity Company v P.T. Garuda Indonesia Ltd [2023] NSWCA 134 (Bell CJ, Meagher JA and Kirk JA), led by Emma Beechey [claim of foreign state immunity].

In the matter of Hydrodec Group Plc (No 2) [2021] NSWSC 1491, led by Emma Beechey [costs].

In the matter of Hydrodec Group Plc [2021] NSWSC 755, led by Emma Beechey [successfully opposed an order for recognition of an application for recognition of a UK moratorium proceeding under the UNCITRAL Model Law on Cross-Border Insolvency].

Equity / Commercial

New South Wales Cycling Federation Incorporated v Commonwealth Bank of Australia (Supreme Court of New South Wales Proceeding No. 2024/00310346, 22 August 2024, Slattery J) [injunction/freezing order].

Patrick John Fox & Anor v XO Developments Pty Ltd & Ors (Supreme Court of New South Wales Proceeding No.: 2024/00096683, 20 March 2024, Hammerschlag J), led by Pouyan Afshar [injunction].

Spotpress Pty Ltd & Ors v Spotpress Newspapers Pty Ltd & Ors (Supreme Court of New South Wales Proceeding No.: 2023/00432453, 8 March 2024, Ball J), led by Christian Bova SC [injunction].

Application by SCS Super Pty Limited atf Australian Catholic Superannuation and Retirement Fund [2022] NSWSC 686 (Hallen J), led by Dominique Hogan-Doran SC [superannuation fund trustee application for judicial advice].

Property

Hung Lam v Lidcombe Property Holdings Pty Ltd [2026] NSWCATCD [dispute under the *Retail Leases Act 1994* (NSW)]

Bishop v Neighbourhood Association DP No 286150 [2025] NSWCATCD 22 [successful application under s 191 of the *Community Land Management Act 2021* (NSW)].

Secure Funding Pty Ltd v Close [2024] FedCFamC2G 1447 [National Credit Code and *Personal Property Securities Act 2009* (Cth) application for possession of a motor vehicle].

Charith Tharanga Fernando v Meg 52 Pty Ltd ACN 635 077 744 (Supreme Court of New South Wales Proceedings No.: 2022/00163044, 3 June 2022, Richmond J) [ex parte injunction to restrain the sale of a property].

Exp No 1 National Park Street Pty Ltd v Abe Froman Pty Ltd, Foleys Music Pty Ltd and Sandra Lindsay (Supreme Court of New South Wales Proceeding No.: 2021/00290691, 22 October 2021, Sackar J), led by Greg McNally SC [expedition].

Perpetual Trustees Victoria Limited v Babasa [2021] NSWSC 1062 [order for possession and release of mortgage for a third party].

Guo Hui Zhong v Galleria Suv Pty Ltd and Hoang Vincent Tran (District Court of Queensland Proceeding No.: 1996/21, 6 August 2021, Dick SC DCJ) [order for possession and seizure of collateral pursuant to s 123 of the *Personal Property Securities Act 2009* (Cth)].

Building & Construction

Smith v JT Quality Carpentry & Construction Pty Ltd; JT Quality Carpentry and Construction Pty Ltd v Unanderra Timber & Joinery Pty Ltd t/as UTJ Interiors; JT Quality Carpentry and Construction Pty Ltd v Beccari [2026] NSWCATCD 9 [defence of a *Home Building Act 1989* (NSW) claim].

SPS Building Contractors Pty Ltd v Keith Dyer Plumbing Pty Ltd [2024] NSWSC 1426 [summary dismissal application].

Ronald Suharta v Builtcorp Group Pty Ltd (NSW Civil & Administrative Appeals Tribunal File No.: HB 23/00225, 24 May 2023, L Wilson) [successfully defended a builder in a claim under the Home Building Act 1989 (NSW)].

Opal Tower litigation [acted for the structural engineer in both representative proceedings led by James Neal and Alex Barnett].

Disciplinary proceedings

ASIC v Joseph John Santangelo, (Companies Auditors Disciplinary Board Matter No.: 03/NSW23, 9 December 2024), led by Greg McNally SC [appeared for ASIC in a company auditor disciplinary proceeding].

ASIC v Joseph John Santangelo, (Companies Auditors Disciplinary Board Matter No.: 03/NSW23, 9 December 2024), led by Greg McNally SC [decision on publicity].

Crime / Inquests

R v Khanafer [2026] NSWDC 282 (Newlinds J), led by David Staehli SC [sentence, support a criminal organisation].

R v Astro Waetford (District Court of New South Wales Proceeding No.: 2021/00110224, 13 July 2026, Judge Herbert), led by David Staehli SC [jury trial, drug importation planned via AN0M devices]

R v Muath Sallam (District Court of New South Wales Proceeding No.: 2021/00110224, 4 December 2025, Judge Herbert), led by David Staehli SC [jury trial, fraud].

Inquest into the death of Jasmynd Gibbs (2021/129807) [2024] NSWCorC 7 [appeared for the petitioning family].

R v Li Zhang (District Court of New South Wales Proceeding Nos.: 2014/00034635 & 2015/00258606, 9 February 2024, Judge Blackmore SC), led by Kieran Ginges and Katrina Curry [jury trial, fraud].

Callum Forbes ats R (Local Court of New South Wales, 26 July 2023, Magistrate Brender) [charges dismissed].

Zhang v R [2021] NSWCCA 266, led by Kieran Ginges [permanent stay application successfully opposed].