

ELEVEN WENTWORTH



## Elisa Holmes SC

**Profile:**

Elisa has a busy trial and appellate practice, principally in the superior courts in commercial law and equity. She has been described in leading directories in Australia and England as follows:

"Elisa is an outstanding advocate and is always one step ahead of her opponent."

"An approachable and charming manner with the steel of a gritty and determined advocate".

"Enthusiastic and clever."

"Elisa Holmes ... has been instructed in several significant cases ... She instils confidence as she provides acute legal thinking and has an elegant style in court. High-profile clients such as the BBC and the MoD are anxious to employ her services."

"Committed, analytical and combative."

"A terrier-like desire to ensure that justice is done."

She is a very experienced advocate, and has practised as a barrister for over 20 years, including 8 years in London before returning to the Bar in Sydney in 2012.

Elisa's experience is extensive and broad. Whilst she has a particular focus on general commercial law and equity (in particular corporations, financial services, banking, insolvency, company, insurance, trade practices, contract, and competition law), she is also briefed in a wide range of other areas including public and administrative law, common law, and intellectual property. She has been counsel in several of the leading class actions and insolvency (including cross-border insolvency) cases in Australia, and has appeared in New Zealand and Vanuatu in landmark insolvency cases. She is regularly briefed in commercial and international arbitrations.

Elisa is also a leading sports lawyer. She is an arbitrator on the National Sports Tribunal and sits on sporting tribunals, panels and judiciaries, as well as appearing as an advocate for players, sporting associations and clubs.

The majority of Elisa's practice in the UK was in the High Court and the Court of Appeal, where she appeared in a large number of significant commercial and regulatory cases including many of the leading competition law cases of the time.

**Principal areas of practice:**

Commercial/Equity  
Corporations/managed investment schemes  
Financial services, including banking  
Insolvency/administration  
Class actions  
Insurance  
Arbitration  
Trade Practices/competition  
Public and administrative law  
Sports law

<b>Contact details:</b>	11/180 Phillip Street Sydney NSW 2000 t: (02) 9112 3301 e: holmes@elevenwentworth.com
<b>Admission to the Bar:</b>	1998 (South Australia)   2003 (England & Wales)   2012 (New South Wales) (Also admitted in New Zealand)
<b>Career Summary:</b>	2012 – current Barrister Sydney 2005-2012 Barrister – London 2003-2004 Pupillage, London 2002-2003 University of Oxford, MPhil (First Class) 2001-2002 University of Oxford, BCL (First Class) 1999-2001 Barrister – Adelaide 1998 Reader, Adelaide (Tom Gray KC and Lindy Powell KC) 1994-1997 University of Adelaide, LLB(Hons)(First Class)(University Medal)
<b>Selected recent cases – financial services / banking</b>	<a href="#">Madden v Australian Financial Complaints Authority Limited</a> [2025] FCA 196 <a href="#">Resolution Life Australasia Limited v Teagle</a> [2024] FCAFC 140 <a href="#">Resolution Life Australasia Ltd v Teagle</a> [2023] FCA 1607  <i>Mehajer v National Australia Bank, in the matter of Bankrupt Estate of Mehajer</i> <a href="#">[2021] FCA 1642</a>  <a href="#">Rafidi v Commonwealth Bank of Australia</a> [2020] FCAFC 26
<b>Selected recent cases – insolvency and corporations, including related regulatory</b>	<a href="#">In the matter of Regional Express Holdings Limited (Administrators Appointed)</a> [2024] NSWSC 1672 - Acting for former executive chairman of Rex in civil penalty proceedings brought by ASIC  <a href="#">Perry &amp; ors v Kelly &amp; ors (liquidators of Air Vanuatu (Operations) Limited (in liquidation) Judgment of the Court of Appeal of the Republic of Vanuatu;</a> Case No 24/3198 COA/CIVA - Complex insolvency appeal concerning the liquidation of Air Vanuatu  <a href="#">In the matter of Cyprus Community of N.S.W. Limited</a> [2024] NSWSC 1246 - Acted for administrators in the administration  <a href="#">Big Un Limited (in liquidation) v Evertz (No 3)</a> [2024] NSWSC 1048 <a href="#">Big Un Limited (in liquidation) v Evertz (No 2)</a> [2024] NSWSC 878 - Acting for director in proceedings for breach of duty and related causes of action brought by the liquidators on behalf of the company  <a href="#">Absolute Equity Performance Fund Ltd, in the matter of Absolute Equity Performance Fund Ltd (No 2)</a> [2022] FCA 1135 <i>Absolute Equity Performance Fund Ltd, in the matter of Absolute Equity Performance Fund Ltd</i> <a href="#">[2022] FCA 933</a>  <i>Arnautovic v Qaqour (No 2)</i> <a href="#">[2022] FCA 843</a>

[Gothard \(Liquidator\), in the matter of Halifax Investment Services Pty Ltd \(in liquidation\) v Loo](#) [2024] FCA 323

[Kelly \(Liquidator\), in the matter of Halifax Investment Services Pty Ltd \(in liquidation\) v Loo \(No 3\)](#) [2022] FCA 1544

[Kelly \(Liquidator\), in the matter of Halifax Investment Services Pty Ltd \(in liquidation\) v Loo \(No 2\)](#) [2022] FCA 1078

[Loo, in the matter of Halifax Investment Services Pty Ltd \(in liquidation\) v Quinlan \(Liquidator\) \(No 2\)](#) [2021] FCAFC 204

[Loo, in the matter of Halifax Investment Services Pty Ltd \(in liquidation\) v Quinlan \(Liquidator\)](#) [2021] FCAFC 186

[Kelly \(Liquidator\), in the matter of Halifax Investment Services Pty Ltd \(in liquidation\) v Loo](#) [2021] FCA 531

[Kelly \(Liquidator\), in the matter of Halifax Investment Services Pty Ltd \(in liquidation\) v Loo \(No 3\)](#) [2022] FCA 1544

[Kelly \(Liquidator\), in the matter of Halifax Investment Services Pty Ltd \(in liquidation\) v Loo \(No 2\)](#) [2022] FCA 1078

[Kelly, in the matter of Halifax Investment Services Pty Ltd \(in liquidation\) \(No 11\)](#) [2020] FCA 1282

[Kelly, in the matter of Halifax Investment Services Pty Ltd \(in liquidation\) \(No 10\)](#) [2020] FCA 1146

[Kelly, in the matter of Halifax Investment Services Pty Ltd \(in liquidation\) \(No 9\)](#) [2020] FCA 925

[Kelly, in the matter of Halifax Investment Services Pty Ltd \(in liquidation\) \(No 8\)](#) [2020] FCA 533

[Kelly, in the matter of Halifax Investment Services Pty Ltd \(in liquidation\) \(No 7\)](#) [2020] FCA 248

[Kelly, in the matter of Halifax Investment Services Pty Ltd \(in liquidation\) \(No 6\)](#) [2019] FCA 2111

[Kelly, in the matter of Halifax Investment Services Pty Ltd \(in liquidation\) \(No 5\)](#) [2019] FCA 1341

- Major cross-border insolvency including joint sittings at first instance and on appeal of the Federal Court of Australia and the High Court and Court of Appeal of New Zealand

[Loo v Quinlan](#) [2021] NZCA 613

[Loo v Quinlan](#) [2021] NZCA 561

[Halifax New Zealand Limited \(in liquidation\) v Loo](#) [2021] NZHC 1113

[Kelly](#) [2020] NZHC 1112

[Halifax New Zealand Limited \(in liquidation\)](#) [2020] NZHC 894

[Halifax New Zealand Limited \(in liquidation\)](#) [2019] NZHC 3434

[Robinson, in the matter of Farmaforce Limited \(Administrators Appointed\)](#) [2022] FCA 397

[Australian Securities and Investments Commission v Vocation Limited \(In Liquidation\) \(No 2\)](#) [2019] FCA 1783

[Australian Securities and Investments Commission v Vocation Limited \(In Liquidation\)](#) [2019] FCA 807

- Acted for director of company in civil penalty proceedings brought by ASIC

## **Selected recent cases – class actions**

[Dwyer v Volkswagen Group Australia Pty Ltd](#) [2021] NSWSC 314

[Louise Haselhurst v Toyota Motor Corporation Australia Limited trading as Toyota Australia](#) [2020] NSWSC 1607

[Brewster v BMW Australia Ltd](#) [2020] NSWCA 272

[Owen Brewster v BMW Australia Ltd](#) [2020] NSWSC 1261

[Haselhurst v Toyota Motor Corporation Australia Ltd t/as Toyota Australia;](#)

[Whisson v Subaru \(Aust\) Pty Ltd; Kularathne v Honda Australia Pty Ltd;](#)

[Brewster v BMW Australia Ltd; Bond v Nissan Motor Co \(Australia\) Pty Ltd;](#)

[Coates v Mazda Australia Pty Ltd; D](#)[2020] NSWCA 66

[Takata Air Bag Class closure and registration](#) [2019] NSWSC 1493

[BMW Australia Ltd v Brewster; Westpac Banking Corporation v Lenthall](#)

[2019] HCA 45

[Brewster v BMW Australia Ltd](#) [2019] NSWCA 35

[Owen Brewster v BMW Australia Ltd](#) [2018] NSWSC 1602

- Seven class action proceedings about defective airbags
- Hearings in Supreme Court, Court of Appeal and High Court
- Included joint sitting of Full Court of the Federal Court and the Court of Appeal

[Kenquist Nominees Pty Limited ATF The Kenquist Superannuation Fund v](#)

[Campbell \(No 6\)](#) [2020] FCA 1388

[Petersen Superannuation Fund Pty Ltd v Bank of Queensland Limited \(No 3\)](#)

[2018] FCA 1842

[Allen Dodd as Trustee for the Dodd Superannuation Fund v Shine Corporate](#)

[Ltd](#) [2018] QSC 40

**Selected recent cases –  
public / administrative law  
and common law**

[Darley v City of Parramatta](#) - Supreme Court of NSW (Common Law Division, Administrative Law List) 2024/266362)

- Judicial review application concerning councillor sanction

[Coffey v Sydney Church of England Grammar School](#) [2022] NSWSC 1293

- Historic sexual abuse

[T v South Western Sydney Local Health District](#) [2022] NSWSC 1173

- Protective proceedings (mental health)

[The Council of Trinity Grammar School v Anderson](#) [2019] NSWCA 292

[Anderson v The Council of Trinity Grammar School](#) [2018] NSWSC 1633

- Historic sexual abuse

**Selected recent cases –  
other general commercial  
/ equity**

[Kang v Yao](#) [2024] NSWSC 361

- Equitable fraud, misleading conduct and contract proceedings

[In the matter of Lorebray Pty Ltd \(No 2\)](#) [2024] NSWSC 105

[In the matter of Lorebray Pty Ltd](#) [2023] NSWSC 1650

- Partnership / joint venture / receivership

[Stojanovski v Stojanovski](#) [2023] NSWSC 1645

[Stojanovski v Stojanovski](#) [2022] NSWSC 508

- Equity / equitable fraud / receivership / contempt
- Included related Family Court proceedings raising complex commercial and equitable issues

[Carrafa v Asfar \(No. 3\)](#) [2023] NSWSC 24

[Carrafa v Asfar \(No. 2\)](#) [2022] NSWSC 1177

- Equitable fraud case

[Milevski v Paltos](#) [2022] NSWSC 261

[Milevski v Paltos \(No 2\)](#) [2022] NSWSC 437

- Partnership dispute raising complex equitable issues

[Donau Pty Ltd v ASC AWD Shipbuilder Pty Ltd](#) [2019] NSWCA 185

[Donau Pty Limited v ASC AWD Shipbuilder Pty Limited \(No 2\)](#) [2018] NSWSC

1589

[Donau Pty Limited v ASC AWD Shipbuilder Pty Limited](#) [2018] NSWSC 1273

- Contract proceedings in relation to construction contracts for Australian naval vessels

**Selected recent cases – arbitrations as arbitrator**

[Michael Freiberg & Kieran Murphy v AusCycling](#) [2024] NST NST-E24-444517

[Oscar Dart v Triathlon Australia](#) [2023] NST NST-E23-156958

[Smith v Gymnastics Australia and Sport Integrity Australia](#) [2022] NST E21-138149

[Liddick v Gymnastics Australia and Sport Integrity Australia](#) Determination [2021] NST E21-148532

[Liddick v Gymnastics Australia and Sport Integrity Australia](#) [2022] NST E21-148532

**Professional appointments, recommendations, directories**

Inaugural arbitrator on the National Sports Tribunal

Recommended in a number of leading directories in Australia and the UK including Legal 500, Chambers, Who's Who Legal / Lexology. Comments include:

'Elisa is an outstanding advocate and is always one step ahead of her opponent.'

"Elisa Holmes ... has been instructed in several significant cases ... She instils confidence as she provides acute legal thinking and has an elegant style in court. High-profile clients such as the BBC and the MoD are anxious to employ her services."

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"Committed, analytical and combative."

"A terrier-like desire to ensure that justice is done."

"An approachable and charming manner with the steel of a gritty and determined advocate".

Committee Member, Competition and Consumer Committee, Law Council of Australia

Team Advocate, Australian Olympic Committee – London 2012

Appeals adviser, Australian Olympic Committee – London 2012, Sochi 2014

Arbitrator, UK Sports Resolution Panel

Adelaide Law School Advisory Committee

**Directorships and related appointments**

Graduate and Member, Australian Institute of Company Directors

Director, KU Children's Services

Director, Sport NSW

Port Adelaide Football Club Eastern Advisory Board

Trustee, Directors Guild Trust of Great Britain

**Publications, research and academic positions**

Kevin Lindgren AM KC and Elisa Holmes, "The doctrine of election before and after *Allianz*" forthcoming in the Australian Law Journal

"Current issues in commercial arbitration", paper presented to the South Australian Bar Association Conference, 2025

"Universal justice, different languages: Harmonising civil and common law approaches in international commercial arbitration", paper presented at the Australian Bar Association Conference, 2014

Chapter in Essays in Advocacy (Barr Smith Press, 2012)

Dissertation supervisor, Faculty of Law, University College, London 2011

Chapter in EU Competition Law: Procedures and Remedies (OUP, 2006)  
Contributing author, Vaughan and Robertson: Law of the European Union (OUP)

"Law's Moral Criterion" (with Prof. John Gardner) chapter Exploring Law's Empire (OUP 2006)

"Anti-discrimination rights without equality" (2005) 68 MLR 175 Book Review, Fredman & Spencer eds, Age as an Equality Issue [2004] PL 913

Visiting Research Fellow, Lecturer, Faculty of Law, Columbia University, New York City, 2004

Tutor (contract law and tort), Balliol College, University of Oxford, 2002-2003

Young Researcher-International Association for Philosophy of Law & Social Philosophy, 2003

Paper, "Two Concepts of Law" (with Prof John Gardner) - Oxford Philosophy Colloquium, 2003

Research assistant to Professor Chris McCrudden, Lincoln College, Oxford, 2002

Tutor, Faculty of Law, University of Adelaide, 2000-2001

"Getting Notices Right", paper presented at Consumer Credit Laws Seminar on 26 August 1999, published by Legal and Accounting Management Services Pty Ltd

"Major Utility Failure – Class Actions", paper co-authored with Tom Gray QC, the Australian Mining and Petroleum Law Association Seminar, 22 June 1999

## **Academic background**

MPhil, University of Oxford (Magdalen College), 2002-2003 (First Class)  
Overseas Research Scholar, Freshfields Scholar, Law Faculty, University of Oxford, Oppenheim Scholar (Magdalen College), Commonwealth Scholar

BCL, University of Oxford (Magdalen College), 2001-2002 (First Class)

Bachelor of Laws (Hons), University of Adelaide, 1995-1997 (First Class) (University Medal) The Thompson Playford Prize and Medal, The Angas Parsons Prize, David Murray Scholar, Law Society of South Australia Centenary Prize, John Bray Law Chapter of the Alumni Association Prize, several subject prizes

Bachelor of Arts, University of South Australia, 1992-1994

