



Amelia Kelly

Partner

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Amelia is a Partner in our Restructuring Team and Insolvency Group. She undertakes recovery, insolvency and restructuring work for banks, financial and non-financial institutions, companies, directors and leading insolvency practitioners. She also advises and acts on a range of litigious matters, including large-scale and complex matters in the Supreme Court of New South Wales and the Federal and High Courts.

Amelia also advises clients in relation to various commercial disputes such as contractual claims, equitable claims, injunctive relief, directors duties, shareholders actions, trade practices and corporate regulatory investigations. She acts for financial institutions, major companies, insolvency practitioners, high net worth individuals and company directors and officers.

RELATED SERVICES

- Restructuring

RELATED SECTORS

- Financial Services

EXPERIENCE

- Acting for one of Australia's largest media companies and several of its executive directors and officers in respect of the folding of a large ASX-listed communications company in relation to Supreme Court proceedings brought by the regulator and investigations by the regulator.
- Acting for the Executive Director of one of Australia's largest manufacturers of complementary medicines on issues relating to the unravelling of a company as a result of the most extensive product recall in Australia's history.
- Acting for one of the world's largest gold producers and its Australian subsidiaries in relation to legal proceedings arising out of the restructure of its Australian operations.
- Acting for a large global manufacturing group in relation to an application to wind up insolvent Australian subsidiaries.
- Acting for large group of mining companies in respect of restructuring and insolvency including acting in respect of insolvent trading proceedings, public examinations and winding up applications.
- Acting for the receivers in relation to the receiverships including large commercial and residential project in New South Wales and Queensland, including various building disputes.
- Acting for a major bank in all aspects of the demise of the manager of a large Australian agricultural managed investment scheme.

- Acting for the former executive directors of an ASX-listed global financial services company (Receivers appointed) in relation to investigations by ASIC.
- Acting for the New Zealand Administrators/Liquidators of a New Zealand company and its Australian subsidiaries.
- Acting for one of Australia's largest telecommunications groups in multi-defendant trade practices litigation involving damages claims in excess of USD1 billion.

CREDENTIALS

Professional Qualifications

- Solicitor of the Supreme Court of New South Wales, 2002
- Solicitor of the High Court of Australia, 2002

Prior Experience

Amelia has been previously seconded as an in-house lawyer to one of Australia's leading financial institutions.

Education

- Bachelor of Laws (Hons), University of New England, 2001
- Bachelor of Arts, University of New England, 2001

Memberships

- Law Society of New South Wales
- Australian Restructuring Insolvency & Turnaround Association
- International Women's Insolvency & Restructuring Confederation
- Women Lawyers Association of NSW
- Women in Banking Association
- Executive Women Australia
- Insolvency and Turnaround Community

INSIGHTS

Publications

A *Saad* compromise? Different interpretations of the model law promoting inconsistency in a law meant to remove it

20 December 2019

As the name suggests, the UNCITRAL Model Law on Cross-Border Insolvency 1997 (Model Law) seeks to address complexities caused where insolvencies cross borders, while leaving substantive insolvency laws of each country largely unaltered. However, as jurisdictions continue to adopt and interpret the Model Law, inconsistencies in its application are coming to light. The focus of this article is on the distinct interpretations by Australian, English and US Courts in two primary areas of the Model Law: the criterion when determining a company's 'Centre of Main Interests' (COMI); and the question of when the COMI is assessed.

Creditors' schemes of arrangement in Australia

25 October 2019

The use of creditors' schemes of arrangement is on the rise in Australia. Along the way the Australian courts have made valuable contributions to international scheme jurisprudence. In this article we look at some of these contributions and then explore how Australian law might be further developed to remain a leading jurisdiction for creditors' schemes.

Creditors' schemes of arrangement in Australia

26 June 2019

The use of creditors' schemes of arrangement is on the rise in Australia (as we discussed in our previous article - Update on Creditors Schemes of Arrangement in Australia). Along the way the Australian courts have made valuable contributions to international scheme jurisprudence. In this article we look at some of these contributions and then explore how Australian law might be further developed to remain a leading jurisdiction for creditors' schemes.

Australia: 2018 in review, and what's in store for 2019?

25 March 2019

In this article, we review developments in the Australian insolvency and restructuring landscape during 2018, with an overview of key judgments and legislative changes, and look at what lies ahead in 2019.

Australia: Enhanced protection for employee entitlements and measures to combat illegitimate "phoenixing"

17 DEC 2018

Restructuring - Global Insight

This article looks at two Australian Bills expected to be passed in 2019 to address the growing problems associated with "phoenixing," the term used to describe situations where a company's directors strip out its cash and assets, liquidate the company and then restart it - usually under a slightly different name.

Latest round of corporate insolvency reforms in Australia may have significant consequences for financiers

26 OCT 2018

An overview of the amended corporate insolvency regime and what it entails.

Australia's corporate insolvency reforms: Ipso facto rules

20 JUL 2018

We explain the ipso facto amendments to the corporate insolvency regime, which are designed to give companies breathing space to continue trading during a formal restructure or insolvency process.

Update on Creditors Schemes of Arrangement in Australia

9 MAY 2018

In the past, criticism has been levelled at Australia's corporate restructuring system for being unduly conservative and not providing distressed companies with adequate support or flexibility to execute effective restructuring proposals and avoid formal insolvency.

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- Australia: Creditors' Schemes Of Arrangement In Australia, 11 December 2019, Mondaq.com