TIM ELLISS

YEAR OF CALL: 2024



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Tim has a general commercial practice. He appears led and unled in State and Federal Courts and in domestic and international arbitrations.

Prior to being called to the bar, Tim was a partner at a leading commercial dispute resolution firm based in London where he led global teams in complex international commercial litigation and arbitration. He also has particular expertise on matters relating to cryptocurrency.

Tim started his career at Allens in Brisbane where he qualified in November 2008. He worked in Litigation and Insolvency at Allens until 2011, before spending two years at a leading offshore firm. In 2013, Tim joined Enyo Law in London and was a partner between 2016 and 2024.

Tim is an AMDRAS accredited mediator and sits on the AFLQ tribunal.

Tim also maintains an English law practice as a consultant to Enyo Law in London on appropriate matters.

AREAS OF PRACTICE

Appellate, Arbitration, Banking, Class Actions, Commercial Equity, Competition & Consumer, Contract, Corporate Insolvency & Bankruptcy, Corporations, Insurance, International, Judicial Review & Administrative, Land Law & Property, Professional Negligence, Resources & Energy, Sport.

CASES

Tran Health Pty Ltd v Bradfield Pharmacy Group Pty Ltd **[2026] QSC 252**
October 2026, Corporate Insolvency & Bankruptcy

QRAD Ltd v Philips Electronics Australia limited **[2025] QSC 317**
November 2025, Contract

Deputy Commissioner of Taxation v Peever (No 3) **[2025] FCA 1187**
September 2025, Commercial Equity, Tax

Australian Securities and Investments Commission v Macrolend Pty Ltd (No 3) **[2025] FCA 1158**
September 2025, Corporations

Taringa Property Group Pty Ltd v Kenik Pty Ltd **[2025] QSC 222**
September 2025, Contract, Corporate Insolvency & Bankruptcy

Deputy Commissioner of Taxation v Peever **[2025] FCA 460**
May 2025, Tax

Abbott Builders (Qld) Pty Ltd v Queensland Building and Construction Commission **[2025] QCAT 144**
April 2025, Building & Construction, Judicial Review & Administrative

EXPERIENCE

Recent experience includes:

Commercial

- Acting (led by Michael de Waard) for the claimant in an ad hoc arbitration under the UNCITRAL Arbitration Rules arising from the supply of non-conforming product.
- Acting (led by Matthew Hickey OAM KC) for the first defendant on Supreme Court proceedings concerning the repair and operational readiness of magnetic resonance imaging machines. *QRAD Ltd v Philips Electronics Australia Ltd* [2025] QSC 317.
- Acting (led by Rob Anderson KC) for the sellers in urgent Supreme Court proceedings concerning the construction of a special condition in a contract for the sale of a cattle station and livestock.
- Acting unled for a supplier of medical equipment in a District Court claim for breach of an agency agreement and an equipment hire agreement, breach of fiduciary duty and misleading or deceptive conduct.

Corporations, regulatory and revenue

- Acting (led by Stewart Webster KC) for the defendants to civil penalty proceedings brought by ASIC alleging the provision of unlicensed financial services, the operation of an unregistered managed investment scheme and misleading representations, and seeking declarations, injunctions, disqualification and publication orders. *Australian Securities and Investments Commission v Macrolend Pty Ltd (No 3)* [2025] FCA 1158.
- Acting (led by Rob Anderson KC) for the first respondent to freezing orders obtained by the Deputy Commissioner of Taxation and in underlying claims for dishonest assistance and knowing receipt. *Deputy Commissioner of Taxation v Peever (No 3)* [2025] FCA 1187.
- Appearing unled for the first respondent in the same proceeding on an application by a national newspaper for access to documents and transcript. *Deputy Commissioner of Taxation v Peever* [2025] FCA 460.
- Advising on whether a proposed acquisition of shares involved the giving of financial assistance by a company for the acquisition of its own shares.
- Advising a cryptocurrency exchange on the legal characterisation of how it holds customer assets.

Insolvency and restructuring

- Acting (led by Stewart Webster KC) for a company in liquidation in response to an application for leave to proceed with claims to recover alleged overpayments and damages under a terminated design and construct contract.

Taringa Property Group Pty Ltd v Kenik Pty Ltd [2025] QSC 222.

- Acting (led by Paul McQuade KC) for a church body in receivership in Supreme Court proceedings seeking declarations as to the beneficial ownership of church assets.
- Acting (led by David Chesterman KC) for liquidators on issues arising in the completion of a contract for the sale of a mining business.
- Advising liquidators on the merits of recovery proceedings in relation to potential uncommercial transactions.
- Acting unled for a trustee in bankruptcy seeking to recover real property transferred without consideration under a financial agreement and subsequently sold, including claims in tracing and breach of trust.

Banking and finance

- Acting (led by Ben Katekar SC, Dominic Pyle and Rob Ivessa) for a law firm, its principal and related entities in response to recovery proceedings brought by a bank, and on their counterclaim alleging misleading and deceptive conduct, breach of the Banking Code of Practice and negligent valuation.
- Appearing unled for a bank on an originating application for a declaration that it held an equitable mortgage following the erroneous release of its registered mortgage, and for orders for judicial sale, vesting and possession.
- Acting for a victim of fraud resisting a mortgagee's claim for possession and its application for summary judgment, on grounds including non est factum and the fraud and in personam exceptions to indefeasibility.
- Acting unled for a guarantor resisting declarations that a guarantee and indemnity created an equitable charge over land.
- Regularly appearing on recovery proceedings for banks and credit providers.

Energy and resources

- Acting for a global energy company in a cross-border dispute concerning breach of warranty and a purchase price adjustment under a share purchase agreement for the sale of an energy business.
- Acting for a global energy company in a dispute arising from a series of agreements for the design and construction of a plastic waste to fuel business.
- Acting (led by Michael May) for the lessor of the site of a Queensland wind farm in a dispute over the operation of the rent formula under a registered lease.

Insurance and product liability

- Acting for Airservices Australia (led by Simon Couper KC and Stewart Webster KC) in Supreme Court proceedings brought by Brisbane Airport Corporation concerning contamination by per- and poly-fluoroalkyl substances arising from the historical use of firefighting foam, involving claims in nuisance and negligence and under contractual indemnities.
- Acting (led by Matthew Hickey OAM KC) for a major university in a claim against a maintenance contractor and an equipment supplier arising from water damage to a health facility.
- Acting unled for a university in product liability claims arising from separate laboratory and building fires, engaging the consumer guarantee and defective goods provisions of the Australian Consumer Law, the electrical safety legislation and the relevant Australian Standards.
- Appearing unled for a plaintiff on the recoverability of credit hire charges following a motor vehicle collision.

Building and construction

- Appearing unled for the applicant builder on a tribunal review of decisions of the Queensland Building and Construction Commission to issue a direction to rectify and to record unsatisfactory work, where the builder had been prevented from completing the directed work for reasons beyond its control. *Abbott Builders (Qld) Pty Ltd v Queensland Building and Construction Commission* [2025] QCAT 144.
- Appearing unled for the respondent contractor at a two-day final hearing of a domestic building dispute in QCAT concerning the statutory warranties implied by the Queensland Building and Construction Commission Act 1991 (Qld).
- Acting unled for a head contractor in a claim against a subcontractor for defective works under service level agreements and period subcontracts, and on an application for leave to substitute the plaintiff following a corporate restructure.
- Acting for a supplier defending a claim arising from the supply of contaminated soil and mulch.

Class actions

- Tim regularly advises litigation funders on the merits of potential class actions in Australia.

RECOMMENDATIONS

As a solicitor:

Chambers and Partners

Crypto-asset disputes – Band 2 (2025 and 2026)

Legal 500

- Commercial Litigation (Premium) (2024): Leading Partner
- International Arbitration (2024): Recommended lawyer

"Tim Elliss is very bright, sensible, down to earth, good judgment."

"Tim Ellis is extremely sharp and provides strategic advice to clients with a big-picture approach to matters that is essential to the complex matters that he handles."

"Tim Elliss is a very bright and seasoned litigator. He's an absolute pleasure to work with and very hardworking, but has a deep knowledge of the law and a fine sense of how a court will deal with things."

"Partner Tim Elliss has an excellent grasp of both the wider strategy and the detail of the matter, which is very reassuring as you feel in safe hands."

"Tim Elliss is noted for his cross-border expertise."

Who's Who Legal (2022 – 2024)

- Asset Recovery: Recommended Lawyer

- Arbitration: Future Leaders – Partners
- Commercial Litigation: Future Leaders – Partners

APPOINTMENTS

2026 AMDRAS Mediator

MEMBER

Bar Association of Queensland

CAREER

2024 Barrister, Queensland

2014 Admitted as a solicitor, England and Wales

2013 - 2024 Partner (from 2016), Enyo Law (London)

2011 - 2013 Associate, Babbe Advocates (Guernsey, Channel Islands)

2008 - 2011 Solicitor, Allens Arthur Robinson (Brisbane)

2008 Admitted as a solicitor, Supreme Court of Queensland

EDUCATION

2007 Bachelor of Laws (Hons II), Griffith University

2007 Bachelor of International Business, Griffith University

Liability limited by a scheme approved under professional standards legislation