



John Kelly

Partner

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OVERVIEW

John Kelly is a partner in the complex commercial litigation and dispute practice with more than 30 years experience. His practice focusses on large scale litigation which extends to all Australian superior courts. John has significant experience in dispute resolution by arbitration and other alternate dispute resolution procedures.

John has advised major clients on contractual disputes, class actions, tort claims, public inquiries and prosecutions by government and regulatory authorities. He has worked extensively in the energy and resources industry.

John has broad experience in advising clients in relation to major corporate incidents, particularly in the energy and resources industry. In these matters, he regularly advises on strategic issues surrounding incident response including internal incident investigation processes, responses to government investigations, prosecutions, the retention of experts and the potential civil claims that may arise from an incident.

ACHIEVEMENTS

- *Best Lawyers in Australia*, listed in Alternative Dispute Resolution (2013-present)
- *Best Lawyers in Australia*, listed in Litigation (2013-present)
- Recognised in Regulatory Compliance and Investigations, *Legal 500 Asia Pacific* (2020)
- Recognised as one of Australia's leading dispute resolution lawyers, *Legal 500 Asia Pacific* (2018 – 2019)

PROFESSIONAL / CIVIC ACTIVITIES

- Law Institute of Victoria member
- Resources and Energy Law Association (AMPLA) member
- Association of Corporate Counsel (ACC) member

EDUCATION

- LL.B., Monash University, 1985
- Bachelor of Economics, Monash University, 1983

ADMISSIONS

- High Court of Australia
- Supreme Court of Victoria

THOUGHT LEADERSHIP POWERED BY HUB

- October 2017, Arbitration World (*Alerts/Updates*)
- December 2016, Arbitration World (*Alerts/Updates*)
- June 2016, Arbitration World (*Alerts/Updates*)
- 17 March 2016, Franchising Update (*Alerts/Updates*)
- January 2016, Arbitration World (*Alerts/Updates*)
- September 2015, Arbitration World (*Alerts/Updates*)

AREAS OF FOCUS

- Complex Commercial Litigation and Disputes
- Class Action Litigation Defense
- International Arbitration
- Oil and Gas
- Power

REPRESENTATIVE EXPERIENCE

- Representing a large range of clients in defence of common law personal injury and public liability claims, including advising clients in relation to third party claims, negotiations with insurers, acting for self-insured clients, engagement of expert witnesses and medical examinations, and involving a wide variety of alleged injuries from a number of plaintiffs.
- Representing Centro Retail Limited in the largest Federal Court securities class actions in Australia commenced by hundreds of unit holders who alleged multi million dollar losses following the collapse of the company's share price when lender support was withdrawn.

- Advising one of Australia's big four banks in its capacity as trustee of a number of large industry based superannuation funds. This includes acting for the trustee in the defence of numerous total (TPD) and partial (PPD) disability claims made by members of the superannuation funds throughout Australia, where the trustee has formed the view that the members did not qualify for payment of a disability benefit.
- Acting for an Australian Mining Company in an ICC arbitration in relation to the design and contamination of a water treatment plant.
- Advising Apache on an explosion and fire at its oil and gas processing facilities on Varanus Island in 2008.
- Advising Apache on various applications made by third parties under applicable Freedom of Information legislation for access to documents related to the explosion and fire at Varanus Island in 2008.
- Acting for Apache in proceedings in the Supreme Court of Western Australia in respect of a claim by a customer under a long term gas supply agreement.
- Acting for Apache in proceedings in the Supreme Court of Victoria over the acquisition by Apache of shares in a company.
- Acting for ExxonMobil in an arbitration with a customer over liability under a long term gas supply agreement due to an interruption to supply following the explosion and fire at Longford in Victoria.
- Acting for ExxonMobil in proceedings in the Supreme Court of Victoria in a dispute between joint venturers.
- Complex Litigation, Royalty Entitlements, Appeal
- Acting for ExxonMobil and BHP Billiton in Federal Court of Australia proceedings against the Comptroller of Customs and the Commonwealth of Australia in relation to the classification of certain oil and gas wells for excise purposes.
- Acting for ExxonMobil and BHP Billiton in multiple arbitrations against Government owned gas and electricity utilities in relation to disputes over the contractual entitlement to increase the price of natural gas under long term gas supply agreements.
- Acting for a large multinational in an arbitration in respect of the construction of a gas fired power station in New South Wales.
- Acting for Western Mining Corporation (now part of BHP Billiton) in proceedings in the Supreme Court of Victoria in a dispute with a construction contractor over the construction of mining facilities at the Olympic Dam in South Australia.
- Acting for Delhi Petroleum (then part of ExxonMobil) in a joint venture dispute with Santos over the Cooper Basin joint venture.
- Acting for ExxonMobil in a Royal Commission in respect of an explosion and fire at Longford in Victoria.
- Acting for Centro Retail Trust in a Federal Court of Australia class action by unit holders for breach of continuous disclosure obligations.