

# 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

- Recognised by *Legal 500 Asia Pacific*
  - Regulatory Compliance and Investigations, 2020
  - Dispute Resolution: Litigation, 2018-2019 and 2021-2024

"John Kelly was a valuable source of guidance for us throughout the dispute – we appreciated his clear, level-headed approach to the matter and his suggestions on the more commercial aspects of the negotiations." (*The Legal 500 Asia Pacific* 2023)

John Kelly "is commercial and strategic in his advice, which has been greatly appreciated by me and the business." (*The Legal 500 Asia Pacific* 2021)

- Listed in *The Best Lawyers in Australia*™
  - Alternative Dispute Resolution, 2015-2027
  - Litigation, 2015-2027

- Recognised by *IFLR 1000* as a highly regarded practitioner for restructuring and insolvency, 2022

## 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*

- 7 December 2022, Will Group Costs Orders "Anchor" Class Actions in Victoria?
- 30 March 2022, Check Your [Legal Professional] Privilege - A Timely Reminder From the Federal Court of Australia
- 14 February 2022, What Privilege Rules Govern My International Arbitration?
- November 2021, Arbitration World
- 30 July 2021, International Arbitration in Australia: ACICA Releases 2021 Edition of Arbitration Rules
- October 2017, Arbitration World
- December 2016, Arbitration World
- June 2016, Arbitration World
- 17 March 2016, Franchising Update
- January 2016, Arbitration World
- September 2015, Arbitration World

## NEWS & EVENTS

- 16 April 2026, More Than 80 K&L Gates Lawyers Across Asia-Pacific Recognised in 2027 Best Lawyers, Ones to Watch Editions

## AREAS OF FOCUS

- Commercial Disputes
- Class Action Defense
- International Arbitration

## INDUSTRIES

- Energy
- Oil and Gas
- Power

## EMERGING ISSUES

- ESG - Sustainability and Responsible Business

## REPRESENTATIVE EXPERIENCE

- 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.

- 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.