

John Rowland KC

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John Rowland KC is a highly accomplished advocate and arbitrator.

John has had an extensive commercial litigation practice in London for over 30 years and is regularly recognized in leading directories as an expert in his field. During the period 2011 to 2016 John practised as an advocate with Clayton Utz in Australia. He has recently returned to independent practice at the English Bar and the Victorian Bar. John's practice includes significant international work providing legal advice to foreign lawyers and clients.

John also sits as an arbitrator on a wide range of disputes under the auspices of various arbitral bodies such as LCIA, SIAC, ICC, ARIAS as well as ad hoc arbitrations.

John's principle areas of practice are:

- Construction, Energy & Natural Resources
- Insurance & Reinsurance
- Professional Negligence
- General Commercial
- International Arbitration

Australia

In respect of instructions received in John Rowland KC's capacity as a member of the Victorian Bar, his liability is limited by a scheme approved under Professional Standards Legislation.

Construction, Energy & Natural Resources

John has a wealth of experience in disputes involving large infrastructure and construction projects such as tunneling, commercial buildings, housing developments, roads, ports and research facilities. He also has particular expertise in major energy, power, mining and related construction disputes. He has had a long involvement with energy projects since the 1980s when he was retained by British Gas to advise on its "Take or Pay" contracts in the North Sea. Since then, he has been involved in major arbitrations in connection with nickel processing, mining, desalination plants, electricity generating plants, gas platforms, pipelines and nuclear power. John's recent arbitrations have included claims involving an offshore LPSO, the construction of a new bio research centre in Victoria, a gas turbine electricity generating plant and

gas pipelines for LNG projects and a major defects claim in respect of the Alice Springs Hospital. Other cases have involved clean-up contracts, off shore patrol boats for military use, computer aided training equipment and a carbon black facility in India.

John acts for both developers, contractors and professionals such as architects, engineers and designers.

He has advised on a number of joint venture proposals involving development of coal mines and iron ore.

Featured Construction, Energy & Natural Resources cases

An arbitration concerning the design and construction of a large nickel and cobalt facility in Australia, having originally represented the client in an arbitration with insurers over the liquidated damages insurance coverage dispute.

Acting for Biosciences Research Centre (a joint venture between the Victorian Department of Environment and Primary Industries and La Trobe University) in relation to a dispute over extension of time claims.

Acting for Biosciences Research Centre in relation to its dispute with Grocon Constructors (Vic) Pty Ltd concerning a pre-action discovery application.

Acting for Health Administration Corporation (NSW Health) in relation to its dispute involving asbestos removal costs arising from the new Royal North Shore Hospital development in Sydney.

Acting for Barangaroo Delivery Authority in relation to its Valuation Methodology dispute with Lend Lease.

Acting for Stockland Development Pty Ltd in relation to a dispute with Laing O'Rourke Australia Construction Pty Ltd concerning the redevelopment of the Townsville shopping centre.

Acting for Baulderstone in disputes regarding the Westpoint Shopping Centre redevelopment.

Acting for a major energy company in a dispute concerning the construction of a gas fired power station.

Acting for a major energy company in relation to a turbine failure at a coal fired power station.

Acting for a JV involving several large oil majors in a dispute over the provision of an FPSO.

Acting for a major contractor in relation to offshore gas development in Western Australia.

Acting for hotel developer in UAE in relation to disputes over design issues.

Acting for the employer in a major arbitration concerning defects in an unmanned gas platform located in the Bass Strait and its associated onshore processing facility.

Force majeure claims arising in respect of power plant operations, noise abatement issues in respect of a gas turbine power plant and disputes over the Woollybutt gas field.

Acting for contractor in relation to LNG gas pipeline in Queensland.

Acting for a government entity in relation to failure of undersea power cable.

Acting for contractor in relation to a brine concentrator treating mining process water.

Insurance & Reinsurance

John has a leading practice in insurance and reinsurance. He has extensive experience with product liability disputes including asbestos related illnesses, health and toxic torts and environmental claims. His experience runs from direct claims to large reinsurance treaty disputes. John was involved in most of the Lloyd's names actions, disputes over the implementation and development of the Wellington Agreement and the Lloyd's reconstruction plan.

John has extensive knowledge of the London market and Lloyd's as well as the reinsurance markets in Bermuda, USA and Australia. He has acted for most of the major reinsurers in the London market, a significant number of US insurers and many European reinsurers and insurers. In recent years he has acted policy holders on major infrastructure projects involving mining, gas pipelines and processing plants in respect of specific project insurance coverage disputes.

John has also acted in cases involving claims arising from political risks, business interruption, contractors all risks cover and delayed startup/liquidated damages, pharmaceutical and therapeutic drugs including drugs for treating HIV/AIDS and contamination of drugs during production.

Recent cases have involved advising insureds on losses arising from the Christchurch earthquake, flood damage to the Queensland rail system, floods in Thailand and reinsurance recoveries arising from D&O and P&I losses flowing from regulatory action.

Featured Insurance & Reinsurance cases

Advising a number of large insurers on D&O coverage in the wake of the global economic and banking crisis with particular emphasis on Insured v Insured clauses, aggregation, notification issues and fraud/dishonesty clauses.

Disputes arising under Delay in Start Up/Liquidated damages policies for large construction projects.

Acting for ARTC in relation to an insurance claim following a train derailment in Queensland.

A product liability insurance claim arising from contaminated products caused by the presence of ITX in printing ink.

Advising in relation to major business interruption claim following the breakdown of a critical item of equipment in an aluminium plant.

Acting for insureds in a claim involving failed turbine blades.

Extensive advisory work in relation to coverage issues under CAR/ALOP/Public Liability policies both for insurers and insureds – involving issues such as late notification, incomplete notification, damage versus defect disputes, latent damage.

Several residual value policies including a major dispute concerning a very large fleet of leased motor vehicles and a number of policies written in Bermuda covering aggregate losses.

Major finite reinsurance disputes including claims under one of the world's largest single policies for reinsurance of asbestos-related claims for a major asbestos producer.

A dispute concerning reinsurance protecting the future estimated income from a leased aircraft fleet of more than 400 aircraft.

Acting for the Commonwealth Government of Australia in a large reinsurance dispute between ComCover (the insurance provider for the Commonwealth Government) and Lloyds and others.

Engaged by reinsurers in a major dispute concerning various coal mines in the Bowen Basin and damage resulting from the Queensland floods in 2008.

Acting for insured in relation to damage on large infrastructure project off the coast of Australia.

Involvement with many of the problems associated with Insurance company insolvencies. He has advised on schemes of arrangement and coverage issues associated with long tail business. These have involved cross border insolvencies involving England and USA, Australia, Bermuda and Singapore.

A significant number of disputes over trade credits/political risk insurance. In recent years he has been involved in several arbitrations concerning non-payment and confiscation and expropriation claims (for example in relation to sugar losses in Cuba, timber concessions in Africa, Infrastructure investments in Argentina following the Argentine crisis of 2001/2, infrastructure assets in Chile, power plants in Africa and several claims relating to non-payment arising from former eastern bloc countries) as well as losses arising out of civil war.

Litigation in relation to coverage for an expropriation/confiscation claim in respect of the shutdown of the Dabhol power plant in India.

A damages claim against insurers for delays resulting from defective work in respect of an Australian mining and mineral processing plant.

Provision of insurance cover for film financing.

Insolvency recoveries.

Several major market arbitrations involving Workers' Compensation coverage, personal health and accident coverage, life insurance pools and similar issues.

Professional Negligence

In addition to acting directly for parties to insurance and reinsurance coverage disputes, John is prominent in professional negligence disputes for a variety of professionals involved in the insurance and reinsurance field as well as financial institutions. He has frequently represented auditors, lawyers, underwriting agents and brokers. In the same context he has represented Insureds in claims against insurance intermediaries where insurance coverage has been deficient or where advice given has been inadequate.

Cases have included representing a large multinational law firm based in Canada over an investment fraud, defending a New York based firm of attorneys over tax advice given to clients, representing auditors of Lloyd's syndicates and a large international firm in relation to advice given in respect of a takeover bid, and acting for a State Government bringing a misleading and deceptive conduct claim against a contractor.

Commercial Disputes

John has acted in a wide range of commercial disputes involving matters such as foreign exchange trading, derivative contracts under the ISDA Master Agreement, commodity trading and partnership disputes.

John also provides specialist advice to commercial clients involved in mergers and acquisitions where litigation issues arise or dispute resolution clauses are in issue.

Featured Commercial Disputes cases

Acting in disputes between Wright Prospecting Pty and Hancock Prospecting Pty Ltd arising out of various iron ore projects.

Acting for bond issuers in a major derivatives dispute arising out of the financing of the Royal Bank of Scotland takeover of ABN Amro.

Advising a number of banks on the implications of the recent decision of the High Court of Australia on penalties in Andrews.

Acting in disputes between joint venturers engaged in various resource developments.

Acting in respect of various recovery actions, for example advising on the Satyam insolvency in India; on bullion loss in Hong Kong and claims arising from fraudulent loans in New York.

Acting in relation to claim for breach of licensing agreement involving pharmaceuticals.

Acting in relation to a disputed force majeure claim concerning an infrastructure failure.

Acting for government in relation to toll revenue dispute involving toll road system in Australia.

Acting in relation to joint venture disputes concerning coal and iron ore tenements.

Acting for developer of a resort development in Abu Dhabi against landowners.

International Arbitration

John's insurance, energy and mining practice has inevitably resulted in his involvement in many high value and high-profile international arbitrations. He has been involved as counsel in arbitration in England, France, Switzerland, Bermuda, Singapore, Australia, Hong Kong, Dubai, Abu Dhabi, Spain and the USA.

These have included large mining and construction disputes, the IT sector and commercial disputes involving long term commodity transactions or financing arrangements as well as a wide range of commercial matters. In the latter area he has had cases involving the "take or pay" contracts involving mineral resources, losses arising from forward exchange transactions and hedging operations and sales of assets. By way of example, he was instructed in a substantial ICC arbitration concerning a dispute for \$100 million arising from the failure of a computer system to perform dynamic optimization of a desalination plant in Saudi Arabia. The arbitration involved four hearings totaling sixteen weeks.

His current arbitrations involve claims relating to gas pipelines, iron ore developments, joint venture disputes and offshore oil and gas developments.

John is familiar with all the major international arbitration bodies and their rules. Many of his arbitrations have been conducted under the auspices of the ICC, LCIA, SIAC, HKIAC and ACICA. He has been appointed to many arbitration panels both in respect of arbitrations governed by one of the major arbitral bodies and those arranged by the parties on an ad hoc basis.

Featured International Arbitration cases

Christchurch earthquakes.

Thai floods.

Offshore and onshore gas disputes.

Waste co-generation plants in Europe and in the UK.

Appointments

- Admitted to practice in all Australian jurisdictions (2002)

Memberships

- Victorian Bar

Education

- BEcon (Hons), University of Western Australia
- LLB (London)