



JOHN ROWLAND QC

Year of call 1979

Queen's Counsel 1996

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Qualifications

BEcon (Hons) (University of Western Australia)

LLB (London)

Admitted to practice in all Australian jurisdictions 2002

Admitted to practice in England and Wales 1979

Queens Counsel 1996

Member of the Bar of England and Wales

Member of the Victorian Bar

Practice

John Rowland QC 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 practiced 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 in LCIA, ICC, ARIAS and ad hoc arbitrations.

John's principle areas of practice are:

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

Construction & Energy

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, desalination plants, electricity generating plants, gas platforms 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.

Examples of recent matters include:



- 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 Boulderstone 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.
- 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.

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.

John has also acted in cases involving claims arising from 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 and reinsurance recoveries arising from D&O and P&I losses flowing from regulatory action.

Other experience includes:

- 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 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.
- 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.
- 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 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 for delays caused by 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 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.

General Commercial

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.

Experience includes:

- Acting in disputes between Wright Prospecting Pty and Hancock Prospecting Pty Ltd arising out of 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 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.

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. 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. He was also instructed in a substantial ICC arbitration concerning a dispute for \$100 million arising from the failure of a computer system to perform dynamic optimization. The arbitration involved four hearings totaling sixteen weeks.

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. Recent appointments have included arbitrations concerning the Christchurch earthquakes and the Thai floods.