

Kelly McIntyre

BARRISTER | NMAS MEDIATOR | MCI Arb ARBITRATOR



Kelly was called to the Bar in 2010 and has a broad commercial and administrative law practice, including civil litigation, mining, planning, environment, local government and insurance (general, personal injuries & marine). She is an experienced Counsel in both State and Federal jurisdictions. Kelly is a nationally accredited mediator and arbitrator, mediating a wide range of disputes including commercial matters, land access, resources and insurance disputes. She frequently appears as Counsel in international arbitrations inside and outside of Australia.

Contact

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Inns of Court

107 North Quay

Brisbane Qld 4000

Member of the Hemmants List

Member of the Development Tribunal

Admission

First call to the Bar - 2010

High Court of Australia - 2006

Queensland Supreme Court - 2006

Education

M Laws (International Trade)

B Laws

B Commerce (Politics & Public Policy)

Experience

Administrative Law

Alternative Dispute Resolution

Commercial

Contract

Environmental Law

Insurance

Mining, Energy and Resources

Personal Injury

Property & Planning

Maritime

Kelly is known for her forensic analysis of evidence, persuasive written submissions and ability to manage large litigation and arbitration.

Kelly has appeared as Counsel in the Supreme Court, Land Court, District Court and Federal Court of Australia. Since coming to the Bar, Kelly has predominantly appeared in administrative review matters and complex commercial matters.

Kelly has appeared in a number of significant administrative review matters including *Citigold Corporation Limited v. Chief Executive, Department of Environment and Heritage Protection (No 5)* [2016] QLC 62 and *Xstrata Coal Queensland Pty Ltd & Ors v. Friends of the Earth - Brisbane Co-Op Ltd & Ors, and Department of Environment and Resource Management* [2012] QLC 013.

Most recently, Kelly was Counsel in an international arbitration under the ICC Rules of Arbitration. Kelly also has a personal injuries practice and in 2013 was engaged to undertake quantum assessments of claimants in two separate class actions. She is an AAI Limited approved panel Barrister.

Kelly is a nationally accredited mediator and is the General Editor of the LexisNexis Alternative Dispute Resolution Bulletin. She holds a statutory appointment as a General Referee on the Queensland Government Development Tribunal and is also appointed to the Land Court ADR Panel as a panel mediator for the Land Court.

Holding a Masters of Law in International Trade (Maritime), Kelly has a particular interest in law of the sea, marine insurance and transport, international trade and arbitration. She has recently appeared in the Federal Court with respect to a vessel lost at sea and has experience in the arrest of ships and various types of cargo and insurance matters.

Kelly is an accomplished presenter and regularly presents at national and state conferences.

Former Employers

Ansaldo STS Australia Pty Ltd

Mallesons Stephen Jaques

Minter Ellison Lawyers

Carter Newell Lawyers

Current Assoc.

Bar Association of Queensland

Maritime Law Association of Australia and New Zealand (MLAANZ)

Australian Mining and Petroleum Law Association (AMPLA)

Women Lawyers Association of Queensland (WLAQ)

Queensland Public Interest Law Clearing House (QPILCH)

Zonta Club of Brisbane

Current Positions

AMPLA - Committee Member

ADRB - General Editor

Development Tribunal – Referee

Land Court – ADR Panel Mediator

NAMS - Mediator since 2010

Former Positions

Bayside Community Legal Centre – Board member (2014 – 2016)

Maritime Law Association of Australia and New Zealand – Chair (2014 - 2015)

WLAQ – Social Secretary (2007)
Committee Member (2012)
President (2014)

Bar Association of Queensland – Council member (2013)

Law Council of Australia – Australian Young Lawyers Committee (2013)

Zonta Club of Brisbane – board member (2011-2013)

BAQ Flood Advice Scheme – Mediation coordinator (2011/2012)

Australian Cervical Cancer Foundation – Acting Secretary (2008)

RECENT PUBLICATIONS

- *"Providing Medical Records to Third Parties"* Avant seminar 23 October 2020
- *"The Compulsory Conference & Negotiation Skills"* Legalwise Personal Injury Conference 12 March 2020
- *"Changes in Financial Assurance and Environmental Regulation"* Legalwise conference on Mining Law: The Latest in M&A and JVs 22 March 2019
- *"Ethical Issues for the Personal Injury Practitioner"* LegalWise Personal Injury Conference 14 March 2019
- *"Litigation Essentials - Federal Court Costs"* presentation to Thynne + Macartney Lawyers on 7 February 2019
- *"Costs of Litigation : How to Maximise your Return"* presentation to Ashurst on 29 August 2018
- *"Ethics & Power : Trump, GOT and the Legal Profession"* presentation delivered at various law firm conferences and at the QELA Conference February and March 2018
- Beacham, G & McIntyre, K *"Pre- Contractual Agreements and Conditions Precedent: Where does negotiation end and a contract begin?"* [2017] AMPLA Year Book at p. 229
- *Developments on financial assurance requirements in Queensland* AMPLA State Conference May 2016
- McIntyre, K *"Farm debt mediation – How does it work and is it effective?"* Australian Alternative Dispute Resolution Law Bulletin (2016) Vol 3. No 1
- Ambrose, P & McIntyre, K *"Mediator's Ethical Obligations"* Australian Alternative Dispute Resolution Law Bulletin (2014) Vol 1. No 2
- Ambrose, P & McIntyre, K *"Statutory Requirements to Attend or use ADR: Queensland"* Australian Alternative Dispute Resolution Law Bulletin (2014) Vol. 1 No. 1
- *Compensation under the Petroleum and Gas (Production and Safety) Act 2004 post Sullivan and the 2010 amendments: who is entitled to compensation and what are we compensating?* AMPLA State Conference 15 June 2013 with P. V. Ambrose QC

CASES of NOTE

Arbitration seated in Melbourne and conducted under the ICC Rules. Choice of law, Western Australia. Claim: USD \$10.26 M. Retained as Counsel March 2017. Final Award, 28 February 2018.

Acacia Coal Ltd v Springsure Creek Coal B573/15 (resolved prior to trial 2017)

Citigold Corporation Limited v Chief Executive, Department of Environment & Heritage Protection (No. 3) [2016] QLC 21

Citigold Corporation Limited v Chief Executive, Department of Environment & Heritage Protection (No. 2) [2015] QLC 50

Citigold Corporation Ltd v Chief Executive, Department of Environment & Heritage Protection [2015] QLC 10

Casey -v- DePuy International Ltd and Johnson & Johnson Medical Pty Ltd (DePuy LCS Duofix Class Action) Counsel assessing Qld claimant quantum claims for knee and hip replacements (2013-2014)

Xstrata Coal Queensland Pty Ltd & Ors v. Friends of the Earth - Brisbane Co-Op Ltd & Ors, and Department of Environment and Resource Management [2012] QLC 013