

GREENS LIST

BARRISTERS



PHILIPPA KELLY

BAR ROLL: 2020 | ADMITTED: 2009

Philippa accepts briefs in commercial, public law, regulatory, common law and employment matters.

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CHAMBERS: Castan Chambers

EXPERTISE

Alternative Dispute Resolution | Appellate | Commercial Law | Common Law | Industrial Relations Law & Employment Law | Inquests, Inquiries, Tribunals & Commissions | Public Law & Administrative Law

PROFILE

Philippa practices predominantly in commercial and public law and regulatory matters.

She has a broad commercial law practice with experience in class actions, consumer protection, corporations and securities matters, insurance and financial services law.

She also has experience in regulatory proceedings and investigations, disciplinary proceedings, common law and professional negligence matters.

A selection of matters in which Philippa has acted include:

Class Actions

[Rebecca Lee Gatt v Taylors Stores Pty Ltd](#) (Federal Court of Australia, 2023) (ongoing) Representative Proceeding. For the Plaintiffs. Pawnbroking Contracts. Unlicensed Credit Provider under the NCCP Act. Interest. Unfair Contract Terms. Unconscionable Conduct. With M Guo. Instructed by Consumer Action Law Centre.

[Iddles & Anor v Fonterra Australia & Ors \(Fonterra Class Action\)](#) (Supreme Court of Victoria 2020) (2021-2023) Representative Proceeding. Breach of contract. Misleading & Deceptive Conduct. Unconscionable Conduct. For the Plaintiffs. Led by L Armstrong KC and with M Guo. Instructed by Adley Burstynier.

Lynden Iddles & Anor v *Fonterra Aust Pty Ltd & Ors* [\[2023\] VSC 566](#) (Settlement Approval Proceeding)

R&B Investments Pty Ltd v *Blue Sky Alternative Investments (In Liq) & Ors (Blue Sky Class Action)* (Federal Court of Australia 2022) Shareholder class action. Breaches of continuous disclosure obligations. Breaches of accounting standards. Misleading & Deceptive Conduct. For the Applicant. Led by L Armstrong KC and with C Tam. Instructed by Banton Group.

R&B Investments Pty Ltd (Trustee) v *Blue Sky Alternative Investments Limited (Administrators Appointed) (in liq)* [\[2022\] FCA 1443](#) (Confidentiality Orders)

R&B Investments Pty Ltd (Trustee) v *Blue Sky Alternative Investments Limited (Administrators Appointed) (in liq)* [\[2022\] FCA 1444](#) (Carriage Application)

Commissions and Public Inquiries

Royal Commission into the Robodebt Scheme (2022-2023). For the Commonwealth. Led by D Hogan-Doran SC with T Glover. Instructed by the Australian Government Solicitor.

Regulatory and Disciplinary Proceedings and Investigations

Advising an independent statutory authority with respect to its investigative and decision making powers (2023) (ongoing). Led by E Bennett SC with W Phillips.

ASIC Investigation of a RSE Licensee (2023) (ongoing). Section 912A Corporations. For an individual employee. Unled. Instructed by Mills Oakley.

Paul Simon v Victorian Legal Services Board (VCAT No. J64/2021) Solicitor disciplinary proceedings. Instructed by the Victorian Legal Services Board and Commissioner.

Advising a state integrity body on statutory powers and procedural fairness with respect to its investigations (2021-2022). Unled.

Australian Securities and Investments Commission v *Union Standard International Group Pty Ltd & Ors* (Federal Court of Australia, 2020) Civil penalty proceedings. Unlicensed financial advice. Misleading and deceptive conduct. Unconscionable conduct. Instructed by the Australian Securities and Investments Commission.

ASIC Investigation of an Australian credit licensee (2020) Consumer Credit. Responsible lending. *NCCP Act* (Cth). Led by E Nekvapil SC. Instructed by the Australian Securities and Investments Commission.

Regulatory prosecutions in the Magistrates' Court involving directors and companies. Unled.

Professional Negligence & Insurance

Trustees of the Roman Catholic Church for the Diocese of Maitland-Newcastle v Insurance Australia Limited (Supreme Court of NSW 2020/00130607) (2023, ongoing) Insurance, denial of indemnity. For the Defendant. Led by Dr A Hanak KC and F Spencer SC. Instructed by HWL Ebsworth.

Blue Constructions Pty Ltd v Karavias & Associates (County Court of Victoria CI-18-04646, 2020)

Professional negligence against a firm of solicitors. Dismissal of Proceedings. Unled. Instructed by Minter Ellison.

Newhaven Property Investments Pty Ltd v Newhaven College Pty Ltd & Ors (County Court of Victoria - CI-20-01709) (2020-2023) Contaminated land. Environmental claim. Professional Negligence. Breach of Contract. Misleading & Deceptive Conduct. Unled. Instructed by Lander & Rogers.

Common Law (tort)

Barun v Victorian Workcover Authority (County Court of Victoria CI-22-01134, 2022) Personal injury and TAC claim. Reinstatement Application. Equity. Consent orders entered into based on a mistake. Innocent misrepresentation. Led by R Kaye SC. Instructed by Lander and Rogers.

ABC v State of Victoria & Anor (Supreme Court of Victoria, 2022) Personal Injury. Institutional abuse. Freezing Order O37A. Second Defendant sold property. Freezing Order successfully obtained. With K Gladman. Instructed by Arnold Thomas & Becker.

XY v AB (Supreme Court of Victoria, 2023) Personal Injury. Institutional abuse . Freezing Order O37A. Defendant breached an undertaking and sold real property. Court ordered undertaking obtained. With K Gladman. Instructed by Arnold Thomas & Becker.

ZM v AB (Supreme Court of Victoria, 2023) Personal Injury. Institutional abuse. Freezing Order O37A. Defendant breached an undertaking and sold real property. Court ordered undertaking obtained. With K Gladman. Instructed by Arnold Thomas & Becker.

XY v AB (Supreme Court of Victoria, 2023) Personal injury. Institutional abuse. Disclosures made by plaintiff to school. Failure by school to report abuse. Ongoing. With K Gladman. Instructed by Arnold Thomas & Becker.

Advice

Philippa has undertaken a wide variety of advice work (both led and unled) for commercial matters, investigations, disciplinary matters, and administrative and civil penalty proceedings.

She is regularly briefed in appearance and advice work, to draw and settle pleadings and applications for corporations, insurers, financial service licensees, and private individuals in a range of industries.

In addition to her work as counsel, Philippa has been briefed in investigations by various organisations and individuals concerning employment and misconduct related issues.

Before coming to the Bar, Philippa was a Senior Lawyer at ASIC where she had carriage of high-profile matters including proceedings concerning the BBSW and ASIC's first best interests' case. She regularly conducted investigations and litigation which included consumer protection provisions, financial advice and managed investment schemes.

From 2010 to 2013, Philippa was a solicitor at DLA Piper Australia in its Litigation and Regulatory team where

she provided advice and conducted litigation in a range of commercial and insurance matters. She acted for a range of professionals on the instructions of insurers including valuers, real estate agents and health professionals.

From 2008 to 2010, Philippa was the associate to her Honour Judge Kennedy SC (now the Honourable Justice Kennedy SC of the Court of Appeal).

Philippa read with Elizabeth Bennett SC and her senior mentor is Anthony Strahan KC.

To discuss Philippa's availability or for more information, please contact the Clerks at [Greens List](#) on +61 3 9225 7222.

Memberships & Committees

[Victorian Bar](#)

Commercial bar association

Common law bar association

Industrial bar association

To get in touch with Philippa Kelly | or for more information please contact the Clerk on:

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