



# Kristian Maley

Independent Counsel and Arbitrator

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## PROFILE

Kristian Maley is an independent counsel, advisor, and arbitrator experienced in resolving construction, energy, and resources disputes across the Asia-Pacific region. Kristian has over 15 years of experience on major projects disputes, including as advocate and counsel on some of the highest-value construction arbitration cases in South East Asia in recent years.

Kristian works principally on large-scale arbitration cases under the ICC, SIAC, UNCITRAL, ACICA, ICSID, and other institutional rules. His experience on engineering and construction disputes spans the power generation, oil and gas (upstream and downstream), mining, transport infrastructure, and building construction sectors.

Before establishing his independent practice, Kristian worked with Clifford Chance's arbitration group in Perth and Singapore, focusing on major projects construction disputes across East Asia and Africa. He previously worked as in-house counsel with Sino-Australian contractor John Holland, and within the disputes practices of Australian and American multinational law firms.

Kristian holds a Master's degree in Construction Law and Dispute Resolution from King's College London. He is a Fellow of the Chartered Institute of Arbitrators (FCIArb), and a Councillor and Vice President of Ciarb Australia. Kristian is empanelled with the Asian International Arbitration Centre (AIAC), the Australian Centre for International Commercial Arbitration (ACICA), and the Singapore International Arbitration Centre (SIAC) list of arbitrators.

Kristian is based in Perth, and is admitted in Western Australia and the High Court of Australia.

## PRACTICE

Kristian accepts appointments:

- As independent counsel by in-house legal teams and by law firms;
- As advisor in relation to all aspects of claim and dispute avoidance, management, and resolution; and
- As arbitrator by parties and institutions, including as emergency arbitrator.

## SELECTED EXPERIENCE

### Oil and Gas

- Counsel for an Asian multinational petrochemical company in an arbitration against a contractor concerning the construction of one of the largest refineries in Asia (ad hoc, UNCITRAL Rules).
- Counsel for Saipem SA (including as advocate) in a USD 1.5 billion arbitration concerning construction of a jetty for a major offshore LNG project in Australia (ICC Rules, Australian law).
- Counsel for a European subsea contractor in an arbitration concerning installation of an FPSO for an Indian state-owned energy corporation (Singapore-seated ad hoc, UNCITRAL Rules, English law).
- Counsel for a multinational energy company in an arbitration against an Australian contractor in relation to the construction of an LNG processing plant (ICC Rules, Perth seat, Australian law).
- Counsel for a Korean contractor in multiple disputes with an operator regarding construction of floating offshore production facilities.

- Counsel for Central Petroleum Ltd in a pre-arbitration application to the Supreme Court of Western Australia to restrain a contractor's threatened call on a bank guarantee.
- Counsel for a Japanese contractor in a statutory adjudication and associated enforcement proceedings in the Northern Territory Supreme Court concerning the Ichthys LNG project.
- Counsel for a listed Australian oil and gas developer in an arbitration against a drilling contractor relating to a drilling operations incident (Brisbane seat, Resolution Institute rules, Australian law).
- Advisor to the State of Western Australia in commercial and contract negotiations with Chevron for development of the Wheatstone LNG Project.

### **Mining and Resources**

- Counsel for Duro Felguera in an arbitration against Samsung C&T Corporation for claims of approximately USD 1 billion relating to construction of the Roy Hill Iron Ore mine in Western Australia (SIAC Rules, Australian law).
- Counsel in a dispute concerning the Kenticha lithium and tantalum project, including proceedings under the Netherlands-Ethiopia Bilateral Investment Treaty (ICSID Additional Facility Rules).
- Counsel for a European multinational contractor in an arbitration against a Chinese manufacturer of bulk handling equipment for an Australian mining project (Singapore-seated ad hoc, UNCITRAL Rules, Australian law).
- Counsel for an Australian subcontractor in a dispute concerning an iron ore expansion project in Western Australia, including multiple statutory adjudications, Supreme Court litigation, and mediation.
- Counsel for an Australian-Singaporean owner in a dispute relating to the construction of the Bootu Creek Manganese Mine in the Northern Territory, including litigation in the Australian courts.

### **Power and Energy Transition**

- Counsel for a multinational equipment supplier in an arbitration against an EPC contractor relating to the construction of a combined cycle gas power plant in Malaysia (ICC Rules, English law).
- Counsel for a multinational contractor in a Singapore-seated arbitration against a head contractor relating to the construction of a coal-fired power plant in Cambodia (SIAC Rules, English law).
- Counsel for the developer of an onshore wind project in Australia in relation to a dispute with an Australian contractor and European supplier regarding turbine defects, including strategic advice in relation to arbitral proceedings (ICC Rules, Australian law).
- Counsel for a developer in an arbitration against a host state in relation to the development of a hydro power project (ICC Rules, English law).
- Counsel for Acciona in a subcontractor dispute concerning an Australian waste-to-energy plant, including Supreme Court litigation.
- Counsel for a European multinational contractor regarding head contractor and subcontractor claims on an Australian green hydrogen project.
- Counsel advising a European multinational contractor on claims on a large-scale high voltage transmission project in Australia.

### **Infrastructure and Building Construction**

- In-house counsel for John Holland (Australian subsidiary of China Communications Construction Company Ltd) in a AU\$300 million dispute with the State of Western Australia arising from the Perth Children's Hospital project.
- In-house counsel for John Holland in relation to a dispute with a European multinational contractor in relation to a subcontract for ICT, building controls, and automation works on the Perth Children's Hospital project.
- Counsel for a European multinational contractor in a dispute with the Government of Western Australia relating to construction of a wastewater treatment plant.
- In-house counsel for John Holland in a dispute with a subcontractor in relation to an urban motorway project in Western Australia.
- Advisor to the Government of Western Australia in a dispute with an ECI contractor JV regarding a highway construction project in remote northwest Australia.

- Counsel for a multinational contractor in a statutory adjudication concerning construction of a large accommodation facility.
- Counsel for an American multinational contractor in a dispute with the operator of a major international airport relating to construction of an electronic perimeter intrusion detection system.

### Maritime and Shipping

- Counsel for a shipbuilder in an arbitration against a Mexican offshore services company concerning the construction of high speed crew boats (ICC Rules, English law).
- Advising a shipbuilder in relation to negotiations and drafting of naval shipbuilding contracts for the Australian Defence Force.

### Contract and Claims Management

- Advisor to a South African multinational contractor on contract and claims management and dispute adjudication in relation to an Australian wind project.
- Counsel for a European multinational contractor on contract drafting and negotiation support for a green hydrogen project in Australia.
- Advisor to a confidential client pursuing claims against a subcontractor in relation to a waste-to-energy plant in Australia, including statutory adjudication.

## PROFESSIONAL EXPERIENCE

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|----------------|-------------------------------------------|------------------------------------|
| 2026 – present | <b>Independent Counsel and Arbitrator</b> |                                    |
| 2021 – 2026    | <b>Counsel</b>                            | Clifford Chance, Perth / Singapore |
| 2019 – 2021    | <b>Senior Associate</b>                   | Clifford Chance, Perth             |
| 2018 – 2019    | <b>Legal Counsel</b>                      | John Holland, Perth                |
| 2014 – 2018    | <b>Associate</b>                          | Jones Day, Perth                   |
| 2011 – 2014    | <b>Lawyer, then Senior Associate</b>      | Allens, Perth                      |
| 2009 – 2011    | <b>Lawyer</b>                             | Middletons (now K&L Gates), Perth  |

## INSTITUTIONAL AFFILIATIONS AND PANEL MEMBERSHIPS

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### Chartered Institute of Arbitrators (Ciarb)

- Fellow (FCI Arb) (2016-present)
- Vice President, Events, Ciarb Australia (2024-present)
- Councillor, Ciarb Australia (2017-present)
- Director, Ciarb Australia Pre Moot (2017-present)
- Director, Ciarb Australia Young Members Group (2025-present)
- Chair, Ciarb Australia Young Members Group (2017-2025)

### Australian Centre for International Commercial Arbitration (ACICA)

- Fellow and Panel Member (2024-present)

### ACICA and Ciarb Australia International Arbitration Conference

- Programming Committee Member (2025-present)

### Asian International Arbitration Centre (AIAC)

- Panellist (2026-present)

### Singapore International Arbitration Centre (SIAC)

- List of Arbitrators (2026-present)

### Asia-Pacific Forum for International Arbitration

- Committee Member (2017-2021)

## RECOGNITION

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- Legal 500 Asia Pacific, Dispute resolution: arbitration (Australia) — named in client commentary.

## EDUCATION AND QUALIFICATIONS

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| 2015 | Master of Science (Construction Law & Dispute Resolution)         | King's College London |
| 2011 | Barrister and Solicitor of the High Court of Australia            |                       |
| 2009 | Barrister and Solicitor of the Supreme Court of Western Australia |                       |
| 2008 | Bachelor of Laws (Honours)                                        | Murdoch University    |
| 2008 | Bachelor of Arts (Asian Studies: Japanese)                        | Murdoch University    |

## LANGUAGES

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- English (native speaker).
- Japanese (basic).

## SELECTED TEACHING ENGAGEMENTS

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- Faculty Member, Ciarb Asia Pacific Diploma in International Arbitration (Hong Kong, 2026; Singapore, 2025; Perth, 2018).
- Course Director, Ciarb Introduction to International Arbitration (Brisbane, 2026).
- Faculty Member, Ciarb Introduction to International Arbitration (Darwin, 2025; Perth, 2024).
- Faculty Member, Ciarb Accelerated Route to Membership (Sydney, 2025).
- Faculty Member, Ciarb Accelerated Route to Fellowship (Perth, 2025).
- Chair, Dispute Resolution Mechanisms in Energy Contracts, Legalwise (2025).

## SELECTED PUBLICATIONS

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- 'The Common Law and Anglophone Construction Costs Problem: Lessons for Australia', Building and Construction Law Journal (2024) 39(3) 247.
- 'The New Security of Payment Act in Western Australia: Does it Apply to Marine and Offshore Construction?' Construction Law Journal (2022) 38(8) 514.
- 'Disputing a Final Certificate: Does the Contractor Still Need to Pay?', Jones Day Commentary, October 2017 (with John Cooper and Stephen McComish).
- 'The Limits to the Conformity of Goods in the United Nations Convention on Contracts for the International Sale of Goods (CISG)', International Trade and Business Law Review (2009) 12(1) 82.

## SELECTED SPEAKING ENGAGEMENTS

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- Cleared for Take-Off: Party Representatives and Advisors  
Moderator, Online Event, 22 July 2026, Ciarb Australia, Singapore and East Asia Branches.
- Ciarb Australia Vis Pre Moot  
Arbitrator, Grand Final tribunal, Sydney, 2024 and 2025.
- Arbitral Agents Provocateurs  
Panellist, Sydney, 14 October 2025, Ciarb Australia.
- International Arbitration Conference (ACICA and Ciarb Australia)  
Joint Master of Ceremonies, Sydney, 13 October 2025.
- Working Together: Dealing with Common Issues and Risks in Joint Ventures  
Panellist, Energy and Resources Law Conference, Perth, 10 September 2025.

- Artificial Intelligence in the Courts and Arbitration: Servant or Skynet?  
Speaker, Perth, 23 July 2025, Ciarb Australia and Federal Court of Australia.
- The Many Roads to Resolution: A Global Perspective on Deciding Commercial Disputes - In Conversation with The Hon Wayne Martin AC KC  
Speaker, Perth, 20 September 2024.
- Navigating an Oilfield Minefield: Managing the Legal Risks of Decommissioning  
Speaker, AOG Energy 2024, Perth, 14 March 2024.
- International Experiences in Dispute Resolution  
Speaker, Online Event, 16 November 2023, Ciarb East Asia Branch.
- ACICA Practice and Procedures Toolkit Workshop  
Co-Chair, Perth, 12 October 2023.
- Ciarb Annual Lecture delivered by Hon Robert French AC  
Introductory remarks, Perth, 10 October 2023.
- The Common Law and Anglophone Construction Costs Problem  
Speaker, Society of Construction Law Australia Conference, Uluru, 26 May 2023.
- Arbitration Incubation: Ideas from the Next Generation  
Moderator, International Arbitration Conference (ACICA and Ciarb Australia), 18 October 2021.
- Ciarb World Tour: Appeals in Arbitration – to be or not to be?  
Moderator, Online Event, 25 March 2021.
- Ciarb World Tour: ADR Trends in Australia and New Zealand  
Co-Moderator, Online Event, 24 March 2021.
- Pulp Jurisdiction: An Arbitral Tale Set in the Time of COVID  
Speaker, Online Event, 3 October 2020, Ciarb Australia.
- Investor-State Arbitration: A Force for Good?  
Moderator, Brisbane, 19 November 2019, Ciarb Australia.
- Launching a Career in International Arbitration  
Moderator, Melbourne, 18 October 2018, Ciarb Australia.
- Launch of the Ciarb Australia Young Members Group  
Introductory remarks for Hon Michael Kirby AC, Sydney, 23 November 2016.

## SELECTED PODCASTS AND ONLINE MEDIA

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- Podcast: Energy Transition Projects in Asia Pacific — Wind Projects (Part 2), Construction Law Conversations, Clifford Chance, September 2023.
- Podcast: Energy Transition Projects in Asia Pacific — Wind Projects (Part 1), Construction Law Conversations, Clifford Chance, August 2023.
- Podcast: Security of Payment in Western Australia — Offshore Construction, Construction Law Conversations, Clifford Chance, 2022.

## TESTIMONIALS

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- "...an impressive ability to develop a compelling narrative despite a factually complex and voluminous dispute and very tight deadlines. His lateral thinking identified a novel solution to procedural challenges that achieved a quick and favourable outcome..."
- "...a lawyer with exceptional technical skills and commercial acumen."
- "Kristian developed an innovative strategy to move our dispute from litigation into arbitration to best serve our interests ..."