

CAROLINE KENNY KC C.Arb FCIArb

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Professional Profile:

Caroline has more than 30 years' experience in commercial disputes including as Kings' Counsel for 13 years, as a nationally accredited mediator and as an international arbitrator. She has practised in Australia, New York and London and is admitted in all three jurisdictions.

Caroline specialises in complex commercial disputes particularly in the banking, finance, regulatory and insurance sectors. She has also acted in a number of class action disputes including the first class action to challenge class action rules in the High Court (*Mobil Oil v State of Victoria*). Caroline has also more than 20 years' experience as a non-executive director which allows her greater corporate insight when advising clients in commercial disputes.

Caroline has been retained in significant disputes by the Commonwealth of Australia including proceedings against the Australian Defence Force and the Australian Federal Police. Caroline also has a regulatory law practice. She has been retained by ASIC in disputes arising from the Future of Financial Advice (FOFA) reforms including in enforcement proceedings arising from the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry.

Caroline also has an international arbitration practice. She is at present the only female Chartered Arbitrator in Australia. She has been elected to the position of Trustee of the London based Chartered Institute of Arbitrators (CI Arb), a global organisation with more than 18,000 members worldwide. She is the past President of the Australian branch of CI Arb, a Fellow of CI Arb and a Fellow and Director of the Australian Centre For Commercial Arbitration (ACICA).

She has been appointed sole arbitrator and presiding arbitrator in numerous international commercial arbitrations under the rules of major arbitral institutions, both ad hoc and institutional. She is on the London based CIArb Approved Faculty Listing (AFL) and has taught the CIArb pre-eminent Diploma Course in International Commercial Arbitration in Australia, Singapore, Hong Kong and for three successive years at Oxford university. Caroline was the Course Director for the APAC Diploma Course in International Arbitration held in Perth in July 2018 and in Singapore in May 2019. She is also the Course Director for the CIArb Accelerated Route to Fellowship course and for the CIArb Award Writing course.

Caroline's ruling as a sole arbitrator in a challenge to jurisdiction was upheld by the High Court of Singapore and led to new law on an arbitral tribunal's discretion when a challenge to jurisdiction is made: *Malini Ventura v Knight Capital Pte Ltd and others* [2015] SGHC 225.

Educational Qualifications:

- Master of Laws (University of Melbourne)
- Bachelor of Arts (University of Melbourne)
- Certificate in Mediation (Bond University, Queensland)
- Diploma International Commercial Arbitration (CIArb, completed at St Anne's College, Oxford)
- Accelerated Route to Fellowship (CIArb, completed at Santiago, Chile)

Professional Qualifications:

- Kings Counsel
- Member of the Honourable Society of Lincoln's Inn, London
- Counsellor and Attorney-at-law, New York
- Nationally Accredited Mediator
- Chartered Arbitrator
- Fellow, Chartered Institute of Arbitrators (CIArb)
- Fellow, Australian Centre for International Commercial Arbitration (ACICA)
- Member of the London Court of International Arbitration
- Member of the International Chamber of Commerce
- CIArb Regional Pathway Leader

Jurisdictions Admitted to Practice:

- Australia (Barrister and Solicitor)
- New York (Attorney and Counsellor-at-Law)
- England and Wales (The Honourable Society of Lincoln's Inn)
- Registered Foreign Lawyer, Singapore International Commercial Court

Acknowledgements: Doyle's Guide

- Leading Arbitration Barrister
- Leading Mediator

Professional Appointments:

- Arbitration Panel, Singapore International Arbitration Centre (SIAC)
- Arbitration Panel, Australian Energy Regulator (AER)
- Arbitration Panel, Beijing International Arbitration Commission (BAC/BIAC)
- Arbitration Panel, Asian International Arbitration Centre (AIAC)
- Arbitration Panel, Pacific International Arbitration Centre (PIAC)
- Arbitration Panel, Hong Kong International Arbitration Centre (HKIAC)
- Arbitration Panel, Australian Centre for International Arbitration (ACICA)
- Arbitration Panel, Taipei International Arbitration Centre
- Arbitration Panel, World Intellectual Property Organisation (WIPO)
- Arbitration Panel, International Centre for Dispute Resolution (ICDR)
- Arbitration Panel, Russian Arbitration Centre
- Presidential Panel, Chartered Institute of Arbitrators (London)
- Approved Faculty Listing, Chartered Institute of Arbitrators (to teach all courses in international commercial arbitration)
- Pool Member, NBN (Australia)
- Panel Member, National Sports Tribunal (Australia)
- Regional Pathway Leader, Chartered Institute of Arbitrators (London)

Current Boards and Committees:

- Trustee for Australasia of the London based Chartered Institute of Arbitrators
- Chair, Governance Committee, Chartered Institute of Arbitrators (London)
- Director, Australian Centre for International Commercial Arbitration (ACICA)
- Advisory Board, Deakin University, Melbourne, Australia
- Chair, Foley's List, Barristers

Past Boards and Committees:

- President, Chartered Institute of Arbitrators (Aust) Pty Ltd
- Advisory Board, Australian Centre for International Commercial Arbitration (ACICA)
- Member of the Victorian Bar Council
- Vice President, Chartered Institute of Arbitrators (Aust) Pty Ltd
- Chair, Education Committee, Chartered Institute of Arbitrators (Aust) Pty Ltd
- State Convener, Chartered Institute of Arbitrators (Aust) Pty Ltd
- Chair, Centenary Committee, Chartered Institute of Arbitrators (Aust) Pty Ltd

- Director, Barristers' Chambers Limited
- Director, SandyBay Community Centre
- National Advisory Board, PANDA

Select Teaching Appointments:

- Course Director CIArb (Virtual) Introduction to International Commercial Arbitration, Melbourne 2023.
- Lecturer CIArb (Virtual) International Commercial Arbitration Diploma course in 2023.
- Faculty Member, Introduction to International Arbitration (2022).
- Faculty Member, Federation for International Arbitration Advocacy, Beijing, China 2019.
- Course Director for the CIArb APAC International Commercial Arbitration Diploma course in Singapore 2019.
- Course Director for the CIArb APAC International Commercial Arbitration Diploma course in Perth, Australia 2019.
- Lecturer, CIArb APAC International Commercial Arbitration Diploma course in Hong Kong 2017.
- Lecturer CIArb APAC International Commercial Arbitration Diploma course in Singapore 2016.
- Lecturer CIArb International Commercial Arbitration Diploma course in Sydney, Australia 2015.
- Lecturer CIArb International Commercial Arbitration Diploma course in Oxford 2015.
- Lecturer CIArb International Commercial Arbitration Diploma course in Oxford 2014.
- Lecturer CIArb International Commercial Arbitration Diploma course in Oxford 2013.
- Course Director CIArb Accelerated Route to Fellowship, Melbourne 2018.
- Lecturer CIArb Accelerated Route to Fellowship, Sydney 2017.
- Lecturer CIArb Accelerated Route to Fellowship, Perth 2016.
- Lecturer CIArb Award Writing Course, Melbourne 2019.
- Course Director CIArb Award Writing Course, Melbourne 2018.
- Lecturer CIArb Award Writing Course, Melbourne 2017.
- Lecturer CIArb Award Writing Course, Melbourne 2016.
- Lecturer CIArb Introduction to International Arbitration Course, Melbourne, 2018.

Recent Speaking Engagements/Seminars/Moots/Authorship:

- CIArb/International Womens Day, 2023, speaker.
- CIArb/Federal Court, Melbourne, 2022, speaker.
- AMINZ Conference, New Zealand, 2021, speaker.
- CIArb Journal, Third Party Funding in International Commercial Arbitration, Melbourne 2020.

- Webinar, ‘Virtual Hearings in the New Normal’ Melbourne 2020
- Webinar, ‘Bridging the Distance’, interview with Chief Justice of Singapore, Sundaresh Menon, Melbourne 2020.
- Brisbane, Australia, Conference Chair, ‘Building Bridges in international Commercial Arbitration,’ 7th Australia Arbitration Week (November 2019).
- Brisbane, Australia, Speaker, ‘In Conversation with Paula Hodges QC- President of the London Court of International Arbitration,’ Australian Arbitration Week Conference (November 2019)
- Brisbane, Australia, Welcome Address, CIArb Australia Annual Lecture (November 2019).
- Brisbane, Australia, Participant Arbitrator, Arbitration Roundtable on Best Practice in International Arbitration, (November 2019).
- Da Nang, Vietnam, Participant Arbitrator, ASA/HKIAC Arbitration Seminar for Arbitrators (May 2019).
- Hong Kong Arbitration Week, Speaker, Holman Fenwick Willan Seminar, ‘Has the proliferation of institutional rules caused arbitration to lose its way?’ (October 2019).
- Kuala Lumpur, Asia ADR Week, 2019 The Kintsukuroi Perspective: The Asian ADR Revolution, Presenter on the topic, ‘Public Policy As A Shield: Enforceability of Contractual Obligations’ (June 2019).
- Vienna, Panel of Arbitrators, Vis Moot Elimination Rounds, 27th Vis Moot - The Annual Willem C. Vis International Commercial Arbitration Moot (April 2019).
- Atlanta, USA, CIArb Global Symposium for CIArb Branch Chairs (November 2018).
- Atlanta, USA, International Arbitration Society 7th Annual Conference (November 2018).
- Hong Kong, Speaker, 7th ADR in Asia Conference, on the topic ‘The Use of Summary Procedures in International Arbitration’ (November 2018).
- Melbourne, Australia, Moderator, ‘The Role of Law in International Commercial Arbitration’ (October 2018).
- Melbourne, Australia, Conference Host, 6th International Arbitration ‘The Business of International Arbitration’ (October 2018).
- Melbourne, Australia, Keynote Speaker and Grand Final Judge, Second Alfred Deakin ICA Moot, (October 2018).
- Melbourne, Australia, Moderator, Federal Court, UN Day Lecture on ‘60 Years of the New York Convention’ (October 2018).
- Hong Kong, Keynote Speaker, CIArb Hong Kong branch on ‘60 Years of the New York Convention’ (September 2018).
- Brisbane, Australia, Welcome Address, Brisbane Business Lunch (September 2018).
- Hong Kong, Moderator, International Commercial Law Conference, ‘Arbitration on the One Belt, One Road – Enforcement of Foreign Awards in China’ (21 September 2018).

- Melbourne, Australia, Welcome Address, CIArb Australia Annual Business Lunch (August 2018).
- Perth, Australia, Welcome Address, CIArb Diploma Course Dinner (August 2018).
- Sydney, Australia, Sponsor's Welcome Address at the ICCA Gala Dinner, ICCA 2018 Congress (April 2018)
- Melbourne, Australia, Welcome Address, Federal Court Seminar, '*Jurisdictional Challenges in International Arbitration*' (February 2018)
- Ascot, UK, CIArb South East Branch workshop on International Commercial Arbitration (November 2017)
- Ascot, UK, CIArb Global Symposium for CIArb Branch Chairs (November 2017)
- Hong Kong, Speaker, 7th Annual GAR Live, (October 2017)
- Perth, Australia, Conference Host, '*International Commercial Arbitration in a Changing Global Economy*,' 5th Australia Arbitration Week (November 2019)
- Perth, Australian Arbitration Week, '*Out of Africa- the Hot Spot in International Commercial Arbitration*', Chair (November 2017)
- Hong Kong Summit on Commercial Dispute Resolution in China, '*Third Party Funding Reforms*' (19 October 2017)
- Melbourne, Australia, Welcome Address, CIArb Business Lunch, (July 2017)
- Beijing International Arbitration Centre, Speaker, seminar on '*Enforcement of Awards Under the New York Convention*' (September 2016)
- Sydney, Australia, Conference Host, '*New Horizons in International Commercial Arbitration*' 4th Australian Arbitration Week,
- Sydney, Australia, Moderator, '*International Arbitration in the Asia Pacific Region*' (October 2016)
- Sydney, Australia, Speaker, CIArb Annual Dinner (October 2016)
- Melbourne, Australia, Speaker, Australian Insurance Law Association *CGU v Blakeley* (2016)
- Melbourne, Australia, Speaker, Australian Insurance Law Association '*The Use of Hot Tubs for Expert Evidence*' (2016)
- Melbourne, Australia, Speaker, Federal Court of Australia, '*The Role of the Court in International Arbitration*' (2016)
- Oxford, Speaker, CIArb Diploma Alumni Conference, (September, 2015)
- Melbourne, Victorian Bar/LIV Conference Panel member '*Cost Effective Management of Litigation*' (2014)
- Melbourne, Moderator, '*Emergency Arbitrators*' Baker & McKenzie seminar.
- *Lawyers Weekly*, Article, '*In the Nick of Time*' (2014)
- Melbourne, Moderator '*Investor- State Arbitrations*' Allens Linklaters, (2014).