



## Caroline Kenny QC

Year of call: 2010, 1985 (Australia)

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### Practice Summary

Caroline Kenny practices in commercial law, with expertise in trade practices, insurance and insolvency. She is an experienced trial and appellate advocate.

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### Appointments

- Admitted to Practice: 4th March 1985
  - Appointed Senior Counsel: 26th November 2008
  - Nationally Accredited Mediator: 12th June 2008
  - Fellow, Chartered Institute of Arbitrators
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### Academic Qualifications

- BA, LLM (University of Melbourne)
  - Mediation Course (Bond University)
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### Admitted to Practice

- England and Wales
  - Federal Court of Australia
  - High Court of Australia
  - State Courts of Australia
  - New York
  - Dubai
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## Significant cases

*Port of Portland v State of Victoria* (High Court/Court of Appeal/Supreme Court). Retained for the State of Victoria at trial and in the appeal in a contractual claim against the State arising out of the privatisation of the Port of Portland.

*Board Solutions Pty Ltd v Westpac Banking Corporation* (Supreme Court, Commercial Court). Retained for the plaintiff against Westpac and Bendigo Bank for the interim and interlocutory injunction proceedings and for trial. At issue was the validity and enforceability of a performance bond.

*Chen v Chan* (Court of Appeal). Retained for the third appellant in an appeal to review the trial judge's finding of fraud. The appeal raised complicated issues under *Barnes v Addy* as applied by the High Court in *Say Dee v Farah Constructions Pty Ltd*, the procedure for taking accounts in the Supreme Court and contempt of court.

*Australia and New Zealand Banking Group v American Express International Inc* (Supreme Court, Commercial Court).

Retained for the Bank in injunctive proceedings to restrain AMEX from breach of contract in relation to the conduct of its business in the South Pacific.

*Ascott International Management (Australia) Pty Ltd v Renaissance Assets Pty Ltd* (Supreme Court, Commercial Court, with Mr Myers QC and Mr Pannam QC). Retained for a Singaporean listed company and its Australian subsidiary in proceedings which raised issues of trade practices, directors' duties and equity.

*Newcrest Mining Limited v Smith* (Supreme Court, Common Law Division). Retained by Newcrest Mining in a significant breach of employment contract claim.

*Robert John Millard v State of Victoria* (Court of Appeal). Retained by the State of Victoria in an appeal from the Court Court which raised issues under s 23A of the Limitations of Actions Act 1958 (Vic).

*ACCC v Kaye; ASIC v Kaye* (Federal Court). Retained for Henry Kaye in proceedings brought by ASIC and the ACCC in relation to Kaye's public campaign to make five people a millionaire.

*Rainsford v State of Victoria* (Federal Court, with Mr D Graham QC, S.G). Retained by the State of Victoria in proceedings challenging the jurisdiction of the Federal Magistrates' Court to hear proceedings under HREOC Act 1986 (Cth).

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