

Caroline Kenny KC

Year of Call: 1985

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Practice Summary

Caroline Kenny is an international Chartered Arbitrator and AMDRAS accredited mediator specialising in commercial disputes. She has more than 35 years' experience acting in complex international matters, including over 18 years as King's Counsel. She is admitted to practice in Australia, the United Kingdom and New York and maintains chambers in Melbourne and London. Caroline currently serves as the elected trustee for Australasia of the Chartered Institute of Arbitrators (CIArb) and is currently the only female Chartered Arbitrator in Australia. She is highly respected in the international arbitration community for her commitment to the promotion of arbitration as the preferred means for resolving international disputes and for her diligent, responsive and practical approach as an arbitrator.

Caroline has served as presiding arbitrator, sole arbitrator and wing arbitrator in a broad range of complex disputes, including banking and finance, joint ventures, oppression, construction, mergers and acquisitions, energy, insurance, re-insurance, IP, licensing, sale of business, sale of goods, crypto-currency, entertainment and sports. She has an in-depth knowledge of all major arbitral institutions including the International Chamber of Commerce (ICC), the London Court of International Arbitration (LCIA), the Singapore International Arbitration Centre (SIAC), the Hong Kong International Arbitration Centre (HKIAC), the World Intellectual Property Organisation (WIPO), and the International Centre for Dispute Resolution (ICDR). Caroline also has experience working with the UNCITRAL Arbitration Rules for ad hoc arbitrations and IFTA disputes.

Caroline's decision as an arbitrator was considered by the High Court of Singapore in Malini Ventura v Knight Capital Pte Ltd and others [2015] SGHC 225. Her approach to a challenge to jurisdiction was upheld by Justice Judith Prakash in the High Court and led to new law on a Tribunal's discretion under the Singapore International Arbitration Act 1994 (CAP 143A). The decision of Justice Prakash was subsequently

endorsed by Chief Justice Menon in Tomolugen Holdings Ltd and another v Silica Investors Ltd and other appeals [2015] SGCA 57.

Caroline also has a keen interest in sports arbitration. She is a member of Australia's National Sports Tribunal and in 2023 was appointed to preside over the first appeal from the General Division of the Tribunal. She served as a tribunal member for the 2024 Australian Olympic/Paralympic Selection Appeals. She is also on the panel of arbitrators of the Court of Arbitration for Sport (TAS/CAS).

Longstanding commitment to arbitration teaching and research

Caroline has a deep academic interest in international arbitration, in both teaching and research. She is on the Approved Faculty Listing of the CIArb to teach all international arbitration courses and is also a Regional Pathway Leader for all of CIArb's courses, including the highly acclaimed Diploma Fellowship Course, the Award Writing Fellowship Course and the Accelerated Route to Fellowship Course. Caroline's doctoral thesis, undertaken at the internationally recognized Monash University, was on the topic: 'Is Confidentiality an Accepted Principle in International Commercial Arbitration, and if so, Should it Be Regulated by the Model Law.' This involved a detailed review of the approach taken to confidentiality in leading arbitration jurisdictions as well as the development of proposed amendments to the UNCITRAL Model Law to regulate confidentiality.

Contribution to the work of arbitral institutions

Caroline brings a practical perspective as a thought leader to her international arbitration practice through her contribution to the work of a number of leading arbitration institutions. Her role as trustee for CIArb involves her in helping to shape the policy direction for the Institute, which supports a network of more than 18,000 members across 149 countries. As trustee she collaborates with trustees from Asia, Africa, Europe, England and the MENA region which has deepened her knowledge of arbitration in those regions.

Caroline also currently serves as a member of the Professional Advisory Committee of the Australian Centre for International Commercial Arbitration (ACICA), having previously served on ACICA's board of directors and the International Advisory Board. Caroline is also a member of the Advisory Board of Deakin University Law School.

Depth of commercial understanding and industry knowledge

Caroline brings a depth of knowledge in commercial law disputes through her more than 35 years of practice, including 18 years as a Kings Counsel. As Kings Counsel Caroline has been retained in significant high profile disputes for commercial parties including major corporates, banks, insurers, re-insurers, the Commonwealth of Australia, the Australian Defence Force, the Australian Federal Police, and the Australian Securities and Investment Commission. Caroline is known for her attention to detail and organisational skills in leading

large teams in complex commercial disputes. These skills have been honed in multi-party commercial disputes including class-actions/representative proceedings.

Caroline's involvement as a director of commercial and not-for-profit boards for more than 20 years has enabled her to bring the 'board perspective' where necessary into her decision-making. From 2023 to 2025 she served as the elected chair of Foley's List, the largest barristers' List (Chambers/Set) in Australia, with more than 300 multi-discipline barristers and more than 20 clerks and other staff.

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 intelocutory 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 Amercan 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 Liminted 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).

Recent Arbitration Teaching Appointments

Caroline has been involved in teaching CIArb's Fellowship courses for more than 10 years. Recent teaching engagements include:

• Special Course Adviser, CIArb's Asia Pacific Diploma Course, Hong Kong (2026)

• Course Director, CIArb's Asia Pacific Diploma Course, Singapore (2025)

• Course Director, Introduction to International Arbitration, Australia (2023)

• Lecturer CIArb Global Diploma Course, virtual (2023)

• Lecturer CIArb Global Diploma Course, virtual (2022)

• Faculty Member, Introduction to International Arbitration, Australia (2022)

• Course Director, CIArb's Asia Pacific Diploma Course Perth, Australia (2020)

• Course Director, CIArb's Asia Pacific Diploma Course, Singapore (2018).

• Faculty Member, Federation For International Arbitration Advocacy, Beijing, China (2019).

Recent Speaking Engagements/Seminars/Moots/Authorship

Caroline is an accomplished presenter and chair and is in demand as a speaker at arbitration conferences worldwide. Recent speaking engagements include:

• Dubai, DAW 2025, Speaker, Enforcement Battlefield: What Actually Happens After the Award?

• London, LIDW 2025, Speaker, Innovating Arbitration - Insights into the New SIAC Rules and Future Developments

• Hong Kong, 2025, 5th Asia HK International Arbitration & CC Summit, Keynote, Recent Developments Affecting Global International Arbitration and the Outlook for 2025

• Jakarta, 2025 Legal Plus 11th Indonesia & SE Asia International Arbitration & CC Summit, Moderator, The Need for Speed: Advising GCs on Emergency Arbitration & Expedited Procedures: Dealing with Non Compliance, Efficiency & Regional/ Cultural Issues.

• Jakarta, 2025 Legal Plus 11th Indonesia & SE Asia International Arbitration & CC Summit, Keynote, How to Get the Best Out of Your Tribunal – Advocacy and Award Writing

• Dubai, DAW 2024, Speaker, Through the Looking Glass: Shaping the Future of ADR In the Region

• Sydney University, RCAP-UNCITRAL 2024, Speaker, Confidentiality v Transparency: Are they Mutually Exclusive Ideals in International Arbitration?

• Webinar, 2020, Speaker, Virtual Hearings in the New Normal

• Webinar, 2020, Speaker, Bridging the Distance, Interview with the Chief Justice of Singapore, Sundaresh Menon

• Brisbane, AAW, 2019 Conference Chair, Building Bridges in International Commercial Arbitration

• Brisbane, AAW, 2019, Speaker, In Conversation with Paula Hodges QC- President of the London Court of International Arbitration,' Australian

• Da Nang, Vietnam, 2019, Speaker, ASA/HKIAC Arbitration Seminar for Arbitrators

• Hong Kong Arbitration Week, 2019, Speaker, Holman Fenwick Willan Seminar, Has the Proliferation of Institutional Rules Caused Arbitration to Lose its Way?

• Kuala Lumpur, Asia ADR Week, 2019 The Kintsukuroi Perspective: The Asian ADR Revolution, Speaker, Public Policy As A Shield: Enforceability of Contractual Obligations

• Vienna, 2019 Panel of Arbitrators, Vis Moot Elimination Rounds, 27th Vis Moot - The Annual Willem C. Vis International Commercial Arbitration Moot

• Perth, AAW, 2019, Conference Host, International Commercial Arbitration in a Changing Global Economy

• Atlanta, 2018, Speaker, CIArb Global Symposium for CIArb Branch Chairs

• Atlanta, 2018, Speaker, International Arbitration Society 7th Annual Conference

• Hong Kong, 2018, Speaker, 7th ADR in Asia Conference, The Use of Summary Procedures in International Arbitration

• Melbourne, 2018, Moderator, The Role of Law in International Commercial Arbitration

• Melbourne, AAW, 2018 Conference Host, The Business of International Arbitration

• Melbourne, 2018, Keynote Speaker and Grand Final Judge, Second Alfred Deakin ICA Moot

• Melbourne, 2018, Moderator, Federal Court, UN Day Lecture, 60 Years of the New York Convention

• Hong Kong, 2018, Keynote Speaker, 60 Years of the New York Convention

• Hong Kong, 2018, Moderator, International Commercial Law Conference, Arbitration on the One Belt, One Road – Enforcement of Foreign Awards in China

• Sydney, 2018, Sponsor’s Welcome Address at the ICCA Gala Dinner, ICCA 2018 Congress

• Melbourne, 2018, Speaker, Federal Court Seminar, Jurisdictional Challenges in International Arbitration

• Ascot, 2017, Speaker, CIArb South East Branch workshop on International Commercial Arbitration

• Ascot, 2017, Speaker, CIArb Global Symposium

• Hong Kong, 2017, Speaker, 7th Annual GAR Live

• Perth, 2017, AAW, Conference Chair Out of Africa- the Hot Spot in International Commercial Arbitration

• Hong Kong, 2017, Speaker, Summit on Commercial Dispute Resolution in China, Third Party Funding Reforms

• Beijng, 2016, Speaker, Enforcement of Awards Under the New York Convention

Recent Authorship

• ACICA Review, December 2025, A Note on Developments in International Commercial Arbitration in 2025

• ACICA Review December 2024, Reform of the 1996 Arbitration Act (UK): What To Expect (with Arran Dowling-Hussey)

• The Int'l J. of Arb., Med. & Dispute Mgmt 87, no. 2 (2021): A Comparison of Singapore and Hong Kong's Third-Party Funding Regimes to England and Australia

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Educational Qualifications

- Doctor of Juridicial Science (Monash University)
- 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)
- Mediator under the AMDRAS Accreditation scheme
- Accelerated Route to Fellowship (CIArb, completed at Santiago, Chile)

Professional Qualifications

- King's Counsel
- Chartered Arbitrator
- Member of the Honourable Society of Lincoln's Inn, London
- Counsellor and Attorney-at-Law, New York
- Nationally Accredited Mediator
- Fellow, Chartered Institute of Arbitrators (CIArb)
- Fellow, Australian Centre for International Commercial Arbitration (ACICA)
- 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)

Acknowledgements

- Leading Arbitration Barrister, Doyle's Guide
- Leading Mediator, Doyle's Guide

Panel Appointments

- Arbitration Panel, Hong Kong International Arbitration Centre (General List)
- Arbitration Panel, Hong Kong International Arbitration Centre (Financial Services List)

- Arbitration Panel, Singapore International Arbitration Centre (SIAC)
- 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, Dubai International Financial Centre (DIAC)
- Arbitration Panel, Taipei International Arbitration Centre
- Arbitration Panel, World Intellectual Property Organisation (WIPO)
- Arbitration Panel, International Centre for Dispute Resolution (ICDR)
- Arbitration Panel, Court of Arbitration for Sport (CAS)
- Arbitration Panel, British Virgin Island International Arbitration Centre (BVI IAC)
- Arbitration Panel, Russian Arbitration Centre
- Presidential Panel, Chartered Institute of Arbitrators (London)
- Panel Member, Australian National Sports Tribunal (NST)
- Panel Member, Arbitration Panel for Access to Land Exploration (NSW Government)
- Panel Member, Australian Energy Regulator (AER)
- Pool Member, National Broadband Network (NBN) (Australia)

Boards and Committees

- Trustee, Chartered Institute of Arbitrators (CIArb)
- Professional Advisory Committee of the Australian Centre for International Commercial Arbitration (ACICA)
- Advisory Board, Deakin University Law School
- Member, Foleys List Committee
- Former President, Chartered Institute of Arbitrators, Australian Branch
- Former Director, Australian Centre for International Commercial Arbitration (ACICA)
- Former Member, Ministerial Advisory Committee to Minister For Police and Corrections
- Former Member, Advisory Board of ACICA
- Former Director, Barristers’ Chambers Limited
- Former Member, Advisory Board of PANDA
- Former Director, Sandybeach Centre
- Former Member, Consumer Practice Panel of the Consumer Law Action Centre

Areas of Expertise

- International Arbitration
- Commercial