



Jesse Kennedy

NEW/CHAMBERS

LLM (New York University);
LLB (Hons, University Medal) / BA (Australian National University)

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Admitted to the legal profession 2009
Admitted as a barrister in NSW 2017
Also entitled to practise in All Australian jurisdictions (Commonwealth, State and Territory), New York

Principal areas of practice

Administrative Law
Admiralty and Maritime
Alternative Dispute Resolution
Appellate
Arbitration
Aviation and Transportation Law
Building, Construction and Technology
Commercial Law
Competition and Consumer/Trade Practices
Conflict of Laws
Constitutional Law
Contracts
Corporations and Securities
Equity
Insurance and Reinsurance
International Law
Mining, Resources and Energy
Property
Public Law
Trusts

Previous professional experience

2014-2017: Associate, Skadden Arps Slate Meagher & Flom (New York)
2010-2013: Associate, Norton Rose Fulbright (Sydney)
2009-2010: Associate to the Hon Justice W M C Gummow AC, High Court of Australia
2009: Graduate, Blake Dawson (Ashurst) (Sydney)

Professional memberships

New South Wales Bar Association
Australian Centre for International Commercial Arbitration
Maritime Lawyers Association of Australia and New Zealand
Asia-Pacific Forum for International Arbitration
Young ICCA
ICC-Young Arbitrators Forum
Young ICSID

Awards or professional recognition Publications

[Chambers Global, Asia-Pacific 2020: Australia – Shipping: The Bar](#)

- “Autocatalysis in Investment Treaty Law”, 47(3) *Georgetown Journal of International Law* 1085 (2016)
- “Tickets, Money, Passport – and an Arbitration Agreement? Pro-Arbitration Policy in *Dampskibsselskabet Norden A/S v. Gladstone Civil Pty Ltd*”, 30(4) *Arbitration International* 687 (2014)
- “Protecting Regulatory Measures in Investment Treaty Law”, 2013 *Czech Yearbook of Int'l Law* 1
- “Arbitrate This! Enforcing Foreign Arbitral Awards and Chapter III of the Constitution”, 34 *Melbourne University Law Review* 558 (2010)
- Co-author: Address at the University of Sydney International Investment Treaty Law and Arbitration Conference: “Change You Can Believe In: The UNCITRAL Arbitration Rules, Investor-State Arbitration and Human Rights” (Feb. 19, 2010)
- Co-author: “New Alternative Dispute Resolution Framework Proposed for New South Wales”, 127 *Australian Construction Law Newsletter* 38 (2009)

Professional profiles

<https://www.linkedin.com/in/jesse-kennedy-a05a6758/>

Selected cases (as counsel)

Appellate

- [Deigan v Fussell \[2019\] NSWCA 299](#) (property law, wills and estates, equity)
- *The Ship "Thor Commander" v Mount Isa Mines Ltd* (2019) FCAFC (settled before hearing, admiralty, contract (charterparties), tort (negligence), salvage, general average)
- *Barangaroo Delivery Authority v Lendlease (Millers Point) Pty Ltd* (2019) NSWCA (settled before hearing, contract, good faith)
- [BGP Geosplorer Pte Ltd v Mineralogy Pty Ltd \[2018\] QCA 230](#) (unled, discharge of undertakings, stay pending appeal)
- [Mineralogy Pty Ltd v BGP Geosplorer Pte Ltd \[2018\] QCA 174](#) (contract, equity, guarantees and indemnities)
- [ARJ17 v Minister for Immigration and Border Protection \(2018\) 360 ALR 64](#) (FCAFC, administrative law, constitutional law, migration)

Arbitration

- Australian individuals v Australian company (CAA, Perth seat, accessorial liability, arbitrability, contract, corporations, equity, trusts)
- Australian company v Korean company (ACICA, Sydney seat, South Australian governing law, competition and consumer law, contract, sale of goods, tort (negligence))
- Indian company v Australian company (HKIAC, Hong Kong seat, Indian governing law, contract, enforcement)
- Enforcement of ICSID award (advisory role)
- United States reinsurers v Australian insurer (English arbitration, advisory role)

Commercial / General Litigation

- [Rinehart v Rinehart \[2019\] NSWSC 759](#) (corporations, shareholder rights, trusts and trustees, practice and procedure)
- [Campbell v Van Der Velde \[2019\] FCA 1871](#) (bankruptcy, equity, property law, trusts)
- [Large v D'Jamirze \[2019\] NSWSC 716](#) (contract, competition and consumer law, fiduciary duties, financial services, trusts)
- [Lendlease \(Millers Point\) Pty Ltd v Barangaroo Delivery Authority \[2018\] NSWSC 1931](#) (contract, good faith)
- [Fussell v Deigan \(2018\) 19 BPR 38,755](#) (property law, contract, specific performance, wills and estates, equity)
- *Canberra Greyhound Racing Club v Australian Capital Territory*, FCA (constitutional law, contract, leases)
- *Mineralogy Pty Ltd v Sino Iron Pty Ltd*, WASC (contract, environmental law, indemnities, mining, specific performance, trusts)
- *Simpson v Thorn Australia Pty Ltd*, FCA (class action, competition and consumer law)
- *Kilburnie Cattle Co Pty Ltd v Clift* (2018) DCNSW (unled, contract, bailment)

Maritime / Insurance

- [Motor Yacht Sales Australia Pty Ltd v Megisti Yacht Charters Ltd \[2019\] FCA 1454](#) (unled, shipping registration, caveats, contracts, trusts)
- *Port of Brisbane Pty Ltd v The Ship "Charles Darwin"* (2019) FCA (admiralty, collision claims, contracts, indemnities, tort (negligence))
- *WM Industries Pty Ltd v Markel Syndicate 3000*, FCA (insurance, marine insurance, contracts)
- *North Cape Fisheries Pty Ltd v The Ship "Svitzer Nana"*, FCA (admiralty, collision claims, tort (negligence))
- *DBCT Management Pty Ltd v McConnel Dowell Constructors & GeoSea Australia Pty Ltd Joint Venture*, FCA (admiralty, collision claims, tort (negligence))
- *Geodis Wilson Australia Pty Ltd v Austral Asia Line Pte Ltd* (2017) FCA (admiralty, carriage of goods by sea, bailment, contract, tort (negligence))

Selected cases (as a solicitor or attorney)

Arbitration

- [NTT Docomo v Tata Sons](#), LCIA Arbitration (London seat, Indian governing law) (successfully obtained US\$1.25 billion award in favour of NTT Docomo for breach of shareholders agreement, including enforcement of the award in New Delhi, London and New York)
- US Company v Chinese Company, LCIA Arbitration (London seat, English governing law) (taxation and purchase price adjustments)
- Power Plant v Electricity Distributor, AAA Arbitration (Little Rock seat, New York governing law) (breach of contract)
- Devas v Antrix, ICC Arbitration (New Delhi seat, Indian governing law) (unlawful repudiation)
- [Devas v India, UNCITRAL Arbitration](#) (Mauritius-India Bilateral Investment Treaty, acting for investors)
- [Gambrinus v Venezuela, ICSID Case No. ARB/11/31](#) (Barbados-Venezuela Bilateral Investment Treaty, acting for investors)

Litigation

- [TCL Air Conditioner \(Zhongshan\) Co Ltd v Castel Electronics Pty Ltd \(2013\) 251 CLR 533](#) (constitutional law, international arbitration)
- [Bank of China v Ship "Hai Shi" \(No 3\) \[2013\] FCA 660](#) (representing Admiralty Marshal)
- [Castel Electronics Pty Ltd v TCL Air Conditioner \(Zhongshan\) Co Ltd \(No 2\) \[2012\] FCA 1214](#) (enforcement of arbitration award)
- [Atlasnavios Navegacao, LDA v The Ship "Xin Tai Hai" \(No 2\) \(2012\) 215 FCR 265](#) (application to set aside arrest and forum non conveniens)
- [Atlasnavios Navegacao, LDA v The Ship "Xin Tai Hai" \(2012\) 291 ALR 795](#) (anti-suit injunction)
- [State of New South Wales v Public Transport Ticketing Corporation \[2011\] NSWCA 60](#) (public interest immunity – part of broader litigation concerning termination of contract)
- [Yueh-Lan Wang v New Mighty US Trust, 843 F 3d 487 \(DC Cir. 2016\)](#) (trusts, constitutional law and federal jurisdiction – part of a multi-jurisdictional trusts dispute involving Taiwan, Hong Kong, Bermuda and the US)