

T.W.H. KENNEDY-GRANT, QC
CURRICULUM VITAE

1. **Personal Details**

Full names : Tómas Williamson Harper KENNEDY-GRANT

Date of Birth : 10 May 1941

Citizenship : NZ, UK

2. **Qualifications**

- Queen's Counsel
- MA Oxon,
- Barrister at Law Gray's Inn (1965)
- Advocate of the High Court of Rhodesia (now Zimbabwe)(1970)
- Barrister of the High Court of New Zealand (1975)
- Solicitor of the High Court of New Zealand (1976)
- FCI Arb, FICA, FSI Arb, FAMINZ(Arb/Med)
- Chartered Arbitrator

3. **Career**

- Arbitrator, adjudicator, mediator and legal adviser (2002-)
- Master of the High Court of New Zealand (1992-2002)
- Barrister, Auckland, New Zealand (1988-1992)
- Partner in Simpson Grierson Butler White or predecessor firm, Auckland (1979-1987)
- Staff Solicitor, various Auckland law firms (1975-1979)
- Advocate, Salisbury, Rhodesia (now Harare, Zimbabwe) (1970-1974)
- Barrister practising on the North Eastern Circuit, England (1966-1969)
- Assistant Public Prosecutor, Rhodesian Government Service (1964-1966)

4. **Areas of Expertise**

- Arbitration and Adjudication
- Civil and Commercial Law
- Construction Law
- Mediation
- Medical Law

See the following sections of this CV

5. **Arbitration and Adjudication**

- Experience
 - 28 years' experience as counsel in construction and commercial arbitrations
 - 21 years' experience as arbitrator, both domestically and internationally
 - 10 years' experience as judicial officer
 - Appointments as sole arbitrator, party appointed arbitrator, and chairman/ presiding arbitrator

- Experience of ICC, UNCITRAL and SIAC Rules
- Chartered Arbitrator of the Chartered Institute of Arbitrators (1999)
- Past President (1992-1994) and Honorary Life Member (1998) of the Arbitrators' and Mediators' Institute of New Zealand
- Member, Expert Panel advising Minister of Internal Affairs on design and establishment of dispute resolution service in New Zealand under the Weathertight Homes Resolution Services Act 2002 (2002)
- Overseas Member, Society of Construction Arbitrators (UK) (2004)
- Queen's Counsel (2005)

- Fellowships
 - Chartered Institute of Arbitrators (1984)
 - Arbitrators' and Mediators' Institute of New Zealand (1987)
 - Indian Council of Arbitration (2000)
 - Singapore Institute of Arbitrators (2004)

- Panel Memberships
 - American Arbitration Association (1985)
 - Hong Kong International Arbitration Centre (1987)
 - Arbitrators' and Mediators' Institute of New Zealand (formerly the Arbitrators' Institute of New Zealand) (1987)
 - Kuala Lumpur Regional Centre for Arbitration (1990)
 - Chartered Institute of Arbitrators, London (1990)
 - Singapore International Arbitration Centre (1992)
 - Australian National Committee of the International Chamber of Commerce (1995)
 - Cairo Regional Centre for International Commercial Arbitration (1997)
 - Qingdao Arbitration Commission (1997 and 2003)
 - Indian Council of Arbitration (2000)
 - International Arbitration Committee of ICC New Zealand (2001- foundation member)
 - CIETAC Panel of Arbitrators for Disputes arising out of Wool Standard Contracts (2005)
 - Australian Centre for International Commercial Arbitration Ltd (2005)
 - Singapore Institute of Arbitrators (2006)
 - Asia Pacific Regional Arbitration Group (2007)

- Educational Involvement
 - Approved Tutor of the Chartered Institute of Arbitrators (1995)
 - Lecturer, Chartered Institute of Arbitrators Diploma in International Commercial Arbitration (January and September 1996)
 - Lecturer in Transnational Litigation and Arbitration, School of Commerce and Economics (Department of Commercial Law), University of Auckland (1990-1992)
 - Member (with only short breaks due to other commitments), Education and Qualifications Committee of the Arbitrators' and Mediators' Institute of New Zealand or its predecessor Committees and Convenor of the Committee for much of that time(1991-2003)
 - Member, Massey University - Arbitrators' and Mediators' Institute of New Zealand Joint Advisory Committee for the Dispute Resolution Centre, Massey University (1993-2003)

- Co-presenter AMINZ Seminar on Construction Contracts Act 2002 (2003)
- Faculty Member, Arbitration Law Workshop for Pacific Nations, Auckland, (2003) (sponsored by the New Zealand Ministry for Foreign Affairs and Trade)
- Lecturer, King's College London - National University of Singapore MSc Course in Construction Law and Arbitration (2005-2006)
- Co-presenter AMINZ Seminar on Arbitrators' Duties (2005)
- Publications and Recent Papers
 - National Report on NZ Arbitration Law in ICCA Yearbook Commercial Arbitration (1983)
 - New Zealand Chapter in IBA publication *Interim Court Remedies in Support of Arbitration* (1987)
 - *Dispute Resolution in New Zealand* (1992) 58 JCI Arb 2(S), 38-41
 - *Advocacy in Arbitration* (1993) 59 JCI Arb 3, 148-151
 - *A South Pacific Perspective on International Arbitration and Dispute Resolution since 1961* (1995) 1 NZBLQ 195-243
 - *Alternative Dispute Resolution in New Zealand in Alternative Dispute Resolution - what it is and how it works* (1997)
 - *Transnational Litigation and Arbitration* [1998] NZLJ 7
 - National Report on NZ Arbitration Law in ICCA International Handbook on Commercial Arbitration (1998)
 - *Of Cabbages and Kings: The UNCITRAL Model Arbitration Law and Other Things* [2003] ICLR 219-239
 - *What the Arbitrator Should Not Do!* [2003] NZLJ 106-108 and 185-188
 - *A guide to the Construction Contracts Act* (co-authored with G Bayley) (Rawlinson's Media Ltd, 2003) ISBN 0473088142
 - *The Role of the Courts in relation to Arbitration Awards* (Massey University Dispute Resolution Centre Occasional Paper Series 03/2)
 - *Arbitration, Adjudication and Dispute Resolution in Australasia* (2003) a paper presented at the Joint CIOB/MBAM International Construction Conference 2003
 - *Adjudication* a paper presented to a meeting of the Singapore Institute of Arbitrators (2004)
 - *ADR – Antipodean Dispute Resolution* (a paper presented to a meeting of the Society of Construction Law (UK))(2004) and published (2005) 21 Const.L.J. 561-589
 - *Arbitration & Expert Determination in New Zealand* (2005) a paper presented at the Lawasia Downunder conference
 - *A Review of the Existing Legislative Models for a Construction Industry Payment and Adjudication Act* (2005), a paper presented at the International Forum – Construction Industry Payment and Adjudication Act, Kuala Lumpur
 - *The Role of the Courts in Arbitration Proceedings* (2005), a paper presented at the UNCITRAL-SIAC Conference “Celebrating Success”, Singapore and published by those organizations in 2006.
 - *Pacta Sunt Servanda – or are they? An introduction to the Enforcement of Arbitration Agreements*, a paper presented to a meeting of the Singapore Institute of Arbitrators (2007)
 - *International Arbitrations* - chapter in *Green & Hunt on Arbitration Law and Practice* (Brookers Ltd 2007)
 - *Adjudication – The New Zealand Position* (2007)
 - *Promised Land or Fire Swamp? Interim Measures – The New Zealand Revolution*

- (2007) (a shortened version of this paper has been published at [2008] NZLJ 83-92)
- *The New Zealand Experience of the UNCITRAL Model Law: A Review of the Position as at 31 December 2007* (2008) (a further version of this paper has been published at (2008) 4 AIAJ 1-63)
- *The Role of Arbitration in Developing and Developed Economies and the Importance of Arbitration Systems in Attracting Foreign Direct Investment* (2008), a paper presented at the Inaugural Brunei Arbitration Conference, August 2008
- *The Effect of Gradual Liberalisation of the Definition of “An Agreement in Writing,* (2008), a paper presented at the UNCITRAL-CIAC Conference, New Delhi, October 2008
- *A guide to the Construction Contracts Act* (co-authored with Geoff Bayley) 2nd ed, 2009
- *A Review of the Cases on the Construction Contracts Act 2002 as at 24 November 2009* (2010)
- *The New Zealand Experience of the UNCITRAL Model Law: A Review of the Position as at 31 December 2009* (2010)

6 **Civil and Commercial Law**

- Experience
 - 28 years’ experience as counsel, in particular, in the fields of company law, commercial law, contract law, corporate and personal insolvency, intellectual property law, procedural remedies and torts (including professional negligence)
 - 21 years’ experience as arbitrator
 - 10 years’ experience as judicial officer
 - Queen’s Counsel (2005)
- Educational involvement
 - Lectured in:
 - Civil Procedure, Law School, University College of Rhodesia (1971-1972)
 - Creditors’ Remedies, School of Law, University of Auckland (1990-1991)
 - Transnational Litigation and Arbitration, School of Commerce & Economics (Department of Commercial Law), University of Auckland (1990-1992)

7 **Construction Law**

- Experience
 - 28 years' experience as counsel
 - 21 years’ experience as arbitrator
 - 10 years’ experience as judicial officer
 - Queen’s Counsel (2005)
 - Inaugural President of the Society of Construction Law New Zealand Inc (2005-2008)
- Educational involvement
 - Lecturer on Professional Liability, Continuing Education for Engineers, School of Engineering and Centre for Continuing Education, University of Auckland (1983-

- 1990) and on "Legal aspects of specification writing for electrical engineering contracts"(1986) for same body
- Presented New Zealand Law Society Seminar on Construction Law (1989)
 - Conducted Construction Law Seminar for M.ComLaw students, School of Business & Economics, University of Auckland (2001-2003)
 - Co-presenter AMINZ Seminar on Construction Contracts Act 2002 (2003)
 - Lecturer, King's College London - National University of Singapore MSc Course in Construction Law and Arbitration (2005-2006)
- Publications and Recent Papers
 - *Aspects of New Zealand Construction Law* [1996] ICLR 350-390
 - *Construction Law in New Zealand* published by Butterworths of New Zealand Limited (1999 and reprinted by LexisNexis NZ Ltd 2003) (ISBN 0409702250)
 - *Of Cabbages and Kings: The UNCITRAL Model Arbitration Law and Other Things* [2003] ICLR 219-239
 - *A guide to the Construction Contracts Act* (co-authored with G Bayley) (Rawlinson's Media Ltd, 2003) ISBN 0473088142
 - *Expert Evidence in Construction and Engineering Cases* a paper presented at a Legal Research Foundation Conference on *The Role and Use of Expert Witnesses* (2002) (published in [2003] ICLR 401-412)
 - *ADR – Antipodean Dispute Resolution* (a paper presented to a meeting of the Society of Construction Law (UK))(2004) and subsequently published by that organization
 - *A Review of the Existing Legislative Models for a Construction Industry Payment and Adjudication Act* (2005), a paper presented at the International Forum – Construction Industry Payment and Adjudication Act, Kuala Lumpur
 - *Cross Fertilisation – New Zealand Developments in Construction Law and Adjudication* (2008), a paper presented to a meeting of the Society of Construction Law, Singapore in October 2008
 - *A guide to the Construction Contracts Act* (co-authored with Geoff Bayley) 2nd ed, 2009
 - *A Review of the Cases on the Construction Contracts Act 2002 as at 24 November 2009* (2010)
 - *The New Zealand Experience of the UNCITRAL Model Law: A Review of the Position as at 31 December 2009* (2010)

8 **Mediation**

- Experience
 - Trained by CDR Associates of Boulder, Colorado (1991)
 - Member of Mediators' Panel of Arbitrators' and Mediators' Institute of New Zealand (1987)
 - Chaired Seminar on Partnering and Close Working Relationships, Auckland (1994)
 - Conducted over 80 judicial settlement conferences as a Master of the High Court of New Zealand (1992-2002)
 - Chaired Institute of Judicial Studies' Judicial Settlement Conference Seminars (2001)
 - Member, Expert Panel advising Minister of Internal Affairs on design and establishment of dispute resolution service in New Zealand under the Weathertight Homes Resolution Services Act 2002

- Member, LEADR Mediation Panel (2003)
- Conducted over 50 mediations since return to practice in 2002
- Queen’s Counsel (2005)

- Educational involvement
 - Member (with only short breaks due to other commitments), Education and Qualifications Committee of the Arbitrators’ and Mediators’ Institute of New Zealand or its predecessor Committees and Convener of the Committee for much of that time(1991-2003)
 - Member, Massey University - Arbitrators’ and Mediators’ Institute of New Zealand Joint Advisory Committee for the Dispute Resolution Centre, Massey University (1993-2003)

- Publications and Recent Papers
 - *Dispute Resolution in New Zealand* (1992) 58 JCI Arb 2(S), 38-41
 - *A South Pacific Perspective on International Arbitration and Dispute Resolution since 1961* (1995) 1 NZBLQ 195-243
 - *Alternative Dispute Resolution in New Zealand in Alternative Dispute Resolution - what it is and how it works* (1997)
 - *Expert Determination and the Enforceability of ADR* [2000] NZLJ 223

9 Medical Law

- Extensive personal injuries claim work in England, Rhodesia (now Zimbabwe) and New Zealand.
- Experience of inquests into medical misadventure and of commissions of inquiry into wider medical issues, including the Cartwright Inquiry (1987-1988)
- Chairman, Research Ethical Committee, Royal New Zealand College of General Practitioners (1988-1992)
- Delivered paper on *Informed Consent as it relates to New Zealand General Practice - Research Considerations* at Annual Conference of Royal New Zealand College of General Practitioners, Auckland, June 1991
- Delivered numerous decisions as Master of the High Court of New Zealand determining the availability in law of claims for medical misadventure or malpractice

10 Contact details

(a) New Zealand

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(b) Singapore

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