



Caroline Mackinnon

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Qualifications & Memberships

- Masters of Law (LLM), La Trobe University, Melbourne
- Bachelor of Commerce (Accounting)/Law (BCom/LLB), La Trobe University, Melbourne
- Qualified as an Australian Lawyer (April 2006)
- Qualified as a Solicitor of England and Wales (February 2008)

Caroline is a regulatory risk and compliance specialist with more than 17 years of experience in risk management, developing risk and compliance frameworks and advising on corporate governance.

As an energy and infrastructure lawyer prior to joining McGrathNicol, Caroline has a unique skill set of practicing law and performing forensic investigations, business reviews, compliance audits and dispute work with both international law firms and accounting firms. She has a wealth of experience gained across Australia, the UK and the US.

Caroline's industry sector experience includes financial services, energy and resources, aerospace and defence, education, construction and infrastructure. Caroline has also undertaken secondments in the Financial Markets team of a Top 4 Australian Bank and a Go8 university's Risk team.

Engagement Experience

Regulatory risk and compliance

- Risk frameworks – designing and developing scalable, 'fit-for-purpose' and principles-based frameworks to manage risk and compliance obligations.
- Fraud and corruption prevention framework – developing a framework which involved performing a fraud and corruption risk assessment, and implementing various mitigation strategies.
- Testing controls – testing the design and operating effectiveness of compliance and AML/CTF/sanctions key controls (in jurisdictions including Australia, the UK, US, Singapore, NZ, China, India and the Pacific Islands).
- Risk reviews - performing risk management framework reviews of ASX listed companies against ASIC's RG259, AS/NZS ISO 31000: 2018, Prudential Standard CPS 220 Risk Management and AS 8001.
- Conflicts of interest – assessing ongoing compliance with conflict management obligations (s.912A(1)(aa) of the Corporations Act 2001 and ASIC's RG181).
- Remediation – redrafting domestic and offshore compliance plans and embedding the framework within the 1LoD capability. This included accurate E2E oversight of new and emerging risks, identifying control gaps and weaknesses or enhancements to be implemented across business units.
- Counter-foreign interference – engaged by critical infrastructure owners and operators to identify areas of vulnerability (including insider threat risks and contractor risks) in the context of the Australian Government's counter-interference legislation and strategy.
- AML/CTF – drafting Part A/B programs, ML/TR risk assessments, AML/CTF trigger matrices and drafting FCPA anti-bribery and corruption policies.
- Due diligence – engagements identifying risks associated with Government, jurisdiction, reputation/market perception, industry, compliance and governance, and corporate and financial risk on third parties utilising open source information.



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Regulatory response and governance reviews

- Business reviews – engagements including internal reviews into significant business failures and executive decision making and judgements.
- Policy reviews – reviewing a Federal Government department's internal policies and procedures to assess whether they complied with the standard, to identify any gaps and to redraft existing policies where relevant.
- Licensing review – performing an audit of Australian live music performance venues' books and records to ascertain whether the amounts reported complied with licensing agreements.
- Anti-bribery and corruption assessment – performing part of a global anti-corruption compliance assessment for a multi-national trading corporation by completing transaction testing and interviewing employees.

Investigations

- Whistleblowing – various engagements involving public interest disclosures and whistleblower allegations in respect of maladministration and unauthorised business operations.
- Employee misconduct – engagements including employees' failure to manage conflicts of interest, breaching existing procurement and recruitment processes, personal expenditure (gifts and hospitality), and whether these met acceptable fiduciary standards; and accounting and asset registration practices.
- Bribery and corruption – a number of engagements involving corrupt payments made to foreign Government officials, religious organisations, charities and third parties to secure lucrative contracts.
- Export controls and sanctions – investigating whether certain sales by a global mining company's subsidiaries complied with export controls and trade sanctions.
- Unauthorised transactions – various investigations involving suspicious or irregular trading activities (mismatching of positions) and establishing their legitimacy.