



BOXUN YIN
Barrister

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CALL	2021	Barrister, New South Wales
	2017	Solicitor-Advocate, England & Wales
	2015	Solicitor, England & Wales
	2010	Solicitor, Supreme Court of Queensland

RANKINGS	2024 Who's Who Legal: Future Leader Australia and New Zealand – Arbitration
	2023 Who's Who Legal: Recommended Australia and New Zealand – Arbitration

ACADEMIC	University of Oxford Bachelor of Civil Law (2013)
	University of Queensland Bachelor of Laws (Honours Class 1) (2009) Bachelor of Arts (International Relations) (2009)
	Academic Achievements UQ Law Society Medal for Most Outstanding Graduate (2009) Faculty of Social & Behavioural Sciences Dean's Scholar (2006-2008) Dean's Commendation for High Achievement (2004-2008)

WORK	2021 -	Barrister Banco Chambers
	2019 - 2021 2013 - 2018	Debevoise & Plimpton Associate, <i>London and Hong Kong</i>
	2018 - 2019	Fortress Investment Group Vice President, <i>New York City</i>
	2011 - 2012	Norton Rose Fulbright Lawyer, <i>Brisbane and Singapore</i>
	2010	Associate to the Hon Justice A P Greenwood Federal Court of Australia
	2009	Associate to the Hon Justice P D McMurdo Supreme Court of Queensland

SELECTED MATTERS	Matter	Principal issues	Led by
<i>Arbitrations / arbitration-related court proceedings / expert determinations</i>	<i>Tesseract International v Pascale Construction</i> , High Court (judgment reserved)	Whether, and if so on what basis, proportionate liability legislation applies to an Australian-seated commercial arbitration	J A Redwood SC and K Lindeman
	<i>CBI Constructors v Chevron Australia</i> , High Court (judgment reserved)	“Beyond scope” ground (s 34(2)(a)(iii)); admissibility vs jurisdiction; <i>functus officio</i> ; issue estoppel	J Sheahan KC
	<i>Next Era v Kingdom of Spain</i> , Federal Court (ongoing)	Enforcement of intra-EU ICSID award; State immunity; modification of treaties <i>inter se</i>	C H Withers SC
	Confidential investor-State arbitration (advisory)	Nationality, breach, causation, damages	L Bastin KC
	Confidential commercial arbitration, Paris-seated, Australian law, ICC Rules (ongoing – advisory)	Jurisdiction and admissibility issues; mining joint venture dispute	Unled
	Confidential commercial arbitration, Perth-seated, WA law, UNCITRAL Rules	Misleading or deceptive conduct and breach of contractual warranties in the sale and acquisition of a business; measure of damages	J A Redwood SC, J Collins and T Owen
	<i>CAF v CPB Contractors</i> [2022] NSWSC 1264 (stay application); [2022] NSWSC 1483 (costs)	Stay in favour of arbitration; whether arbitration agreement inoperative	R Dick SC
	<i>Guoao Holding Group Co Ltd v Xue (No 2)</i> [2022] FCA 1584	Recognition and enforcement of a Beijing-seated arbitral award, public policy exception	S H Hartford Davis
	<i>Mineralogy v WA</i> , Queensland Court of Appeal (settled)	Recognition and enforcement of WA-seated arbitral award notwithstanding purported statutory extinguishment	J A Redwood SC and L V Sheptooha
	Confidential investor-State arbitration (advisory)	Interim relief, provisional measures, jurisdiction, fair and equitable treatment, expropriation by State	J A Redwood SC

	Confidential matter on behalf of SOE in defence industry (settled)	Preliminary discovery, dispute resolution clause, State immunity	J T Gleeson SC and F Roughley
	Confidential expert determination (settled)	Dispute re amount of earn out payable following acquisition of business	R Dick SC and R May
	Confidential commercial arbitration, seated in HK, HKIAC Rules (settled)	Breach of trust; forgery; validity of trust documents; Chinese law issues	Lord Goldsmith QC, PC, C Kimmins QC, L Pearce
	<i>Nova Group v Romania</i> , ICSID arbitration under the Dutch-Romanian BIT	Jurisdiction (intra-EU BIT; nationality); provisional measures	Lord Goldsmith QC, PC
Class actions	<i>Elliot-Carde v McDonald's</i> [2023] FCAFC 162	Power to make Settlement CFO; whether within judicial power; "matter"	G Donnellan
	<i>Furniss v Blue Sky</i> [2022] FCA 1546	Leave to appeal carriage decision	J A Redwood SC
	<i>Ewok Pty Ltd v Wellard Limited</i> [2024] FCA 296	Securities class action, live export industry; settlement approval	W A D Edwards SC and R May
General commercial	<i>Kingfisher Mobile Australia v Telstra Limited</i> , NSWSC	Breach of contract; damages	A J L Bannon SC, D M Forrester, with B Hord
	<i>Various</i> , NSWSC and Federal Court	Ongoing trade credit insurance claims, validity of and construction of assignments of proceeds under insurance policies, validity of bills of lading	C Withers SC, G Ng SC, B Cameron, N Bailey
	<i>Marketlend v BCC Trade Credit</i> (settled)	Trade credit insurance claim, Federal Court of Australia	A Horvath SC
Other	<i>Guoao Holding Group Co Ltd v Xue (Contempt)</i> [2024] FCA 278	Criminal contempt proceedings for breach of freezing orders	S H Hartford Davis
	<i>Guoao Holding Group Co Ltd v Xue (No 3)</i> [2023] FCA 689	Release of security for costs	Unled
	<i>Sebie v Bresic Whitney</i> [2022] NSWSC 816	Vexatious proceedings order	Unled

<i>Jordan v Sutton</i> [2022] FedCFamC1F 553	Freezing orders	Unled
<i>Brenchley v Owners SP 80609</i> [2022] NSWSC 646	Strata dispute	D Sulan SC
<i>Wormald v Maradaca Pty Ltd</i> [2021] NSWCA 307	Lump sum costs order	A d'Arville
<i>Bunnings</i> – investigation by Australian Information Commissioner (ongoing)	Facial recognition technology and privacy	R C A Higgins SC and S H Hartford Davis
<i>Re AVLI (in liq)</i> , Federal Court (discontinued)	Statutory unconscionable conduct	T Wong SC and R Pietriche

SPEAKING ENGAGEMENTS

BenchTV presentations on applying to set aside awards and applying to recognise or enforce awards under the Model Law regime (forthcoming, May 2024, with Andrew Berriman).

NSWBA International Practice Series #5, 'Practical Considerations in Recognition, Enforcement and Execution of Arbitral Awards in the Federal Court and Supreme Court' (March 2024, with Stewart J, Ball J and F T Roughley SC).

'Impact of Artificial Intelligence on International Arbitration', GAR Live Debate (November 2023, Sydney).

'Australian Insights: Update on the UNCITRAL Working Group III and the Future of ISDS Reform' (Australian Arbitration Week, October 2023, Perth).

'Clash of Cultures – Exploring the Impact of Culture on Advocacy in International Arbitration' (panel discussion, October 2023).

'Australia's Engagement in the ISDS reform process' (Australian Arbitration Week, October 2022, Melbourne).

PUBLICATIONS

Danielle Forrester and Boxun Yin, 'Australia as a Recognition and Enforcement Jurisdiction? The High Court of Australia's Reasoning in *Kingdom of Spain v Infrastructure Services Luxembourg S.à.r.l.* [2023] HCA 11 and Likely Implications' (Kluwer Arbitration Blog, 2023).

Jonathon Redwood SC and Boxun Yin, 'Provisional Measures' in *Investment Treaty Arbitration Review* (Edition 8, 2023).

Boxun Yin, 'When is a Denial of Procedural Fairness "Material"?' , *Bar News*, Summer 2022, 16-17.

Lord Goldsmith QC, PC and Boxun Yin, 'Intra-EU BITs: Competence and Consequences' in Kaplan and Moser (eds), *Jurisdiction, Admissibility and Choice of Law in International Arbitration: Liber Amicorum Michael Pryles* (Kluwer, 2018).

Lord Goldsmith QC, PC, Aimee-Jane Lee and Boxun Yin, 'English Court of Appeal Clarifies Test for Abuse of Process in Subsequent Litigation Collaterally Challenging an Arbitral Award', *ALI Adviser*, March 2017.

COMMITTEES

Member, International Committee, NSW Bar Association

Member, Legislative Committee, ACICA

Member, Expert Advisory Committee on Working Group III – ISDS Reform,
UNCITRAL National Coordinating Committee for Australia