

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, 2025 Who's Who Legal: Future Leader**
Australia and New Zealand – Arbitration
2023, 2024, 2025 Who's Who Legal: Recommended
Australia and New Zealand – Arbitration
2024 Doyle's Guide Leading Arbitration Barrister
Australia

ACADEMIC

University of Oxford, St Hugh's College
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, *London and Hong Kong*
- 2018 - 2019 **Fortress Investment Group**
Vice President, *New York City*
- 2011 - 2012 **Norton Rose Fulbright**
Lawyer, *Brisbane and Singapore*
- 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
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SELECTED MATTERS	Matter	Principal issues	Led by
<i>Arbitrations / arbitration-related court proceedings / expert determinations</i>	<i>Tesseract International v Pascale Construction</i> [2024] HCA 24	Whether proportionate liability laws apply to arbitration; choice of substantive, procedural and curial law	J A Redwood SC and K Lindeman
	<i>CBI Constructors v Chevron Australia</i> [2024] HCA 28	Proper role of supervisory court in jurisdictional review; meaning of <i>functus officio</i> ; preclusive estoppel	J Sheahan KC
	<i>Next Era v Kingdom of Spain</i> , Federal Court (judgment reserved)	Enforcement of intra-EU ICSID award; State immunity; treaty modification under VCLT	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	J A Redwood SC

		and equitable treatment, expropriation by State	
	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-Cardé 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 (ongoing)	Breach of contract; damages	A J L Bannon SC, D Sulan 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</i> 80609 [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

Jonathon Redwood SC, Lucas Bastin KC, Boxun Yin, Brendan Hord, ‘International Arbitration: Trends and Developments in Australia’, *Chambers and Partners* (2024).

Jonathon Redwood SC and Boxun Yin, ‘Provisional Measures’ in *Investment Treaty Arbitration Review* (Edition 9, 2024).

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).

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