



**BOXUN YIN**

Barrister

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

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

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<b>ACADEMIC</b>	<b>University of Oxford</b> Bachelor of Civil Law (2013)
	<b>University of Queensland</b> Bachelor of Laws (Honours Class 1) (2009) Bachelor of Arts (International Relations) (2009)
	<b>Academic Achievements</b> 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)

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<b>WORK</b>	2021 -	<b>Barrister</b> Banco Chambers
	2019 - 2021 2013 - 2018	<b>Debevoise &amp; Plimpton</b> Associate, <i>London and Hong Kong</i>
	2018 - 2019	<b>Fortress Investment Group</b> Vice President, <i>New York City</i>
	2011 - 2012	<b>Norton Rose Fulbright</b> Lawyer, <i>Brisbane and Singapore</i>
	2010	<b>Associate to the Hon Justice A P Greenwood</b> Federal Court of Australia
	2009	<b>Associate to the Hon Justice P D McMurdo</b> 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> , High Court (forthcoming hearing November 2023)	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> , application for special leave, High Court (forthcoming hearing November 2023)	Distinction between admissibility and jurisdiction; <i>functus officio</i> ; issue estoppel	J Sheahan 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 (award reserved)	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
<b>Class actions</b>	<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> (ongoing)	Securities class action, live export industry	W A D Edwards SC and R May
<b>Insurance</b>	<i>Various</i>	Ongoing trade credit insurance claims, validity of and construction of assignments of proceeds under insurance policies, validity of bills of lading, NSWSC and Federal Court	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
<b>Other</b>	<i>Guoao Holding Group Co Ltd v Xue</i> , Federal Court (forthcoming hearing Feb 2024)	Criminal contempt proceedings for breach of freezing orders, penalty	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

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

'Impact of Artificial Intelligence on International Arbitration', GAR Live Debate (forthcoming – 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