

BRONWYN LINCOLN PARTNER

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CAREER SUMMARY

Bronwyn is a partner of Corrs Chambers Westgarth.

She has over 20 years' experience in advising clients in relation to the conduct of major international commercial disputes, specialising in international commercial arbitration and trans-national litigation. In parallel Bronwyn has extensive experience in commercial litigation in the Australian courts and in mediation and other forms of ADR. Her practice includes enforcement of foreign arbitral awards and foreign judgments and proceedings in aid of international commercial arbitration.

Bronwyn has a specific interest and expertise in disputes arising in relation to joint ventures and shareholder agreements and her practice traverses a range of industry sectors including energy and resources, renewable energy, building and construction, technology, mining, infrastructure, pharmaceuticals and consumer goods. Her arbitration experience includes UNCITRAL, SIAC, ACICA, HKIAC and ICC Rules. Bronwyn is a panel arbitrator with SIAC, NZIAC, AIAC and MIAC, a Fellow of ACICA and a list arbitrator for HKIAC.

In 2016 Bronwyn was appointed by the Federal Attorney-General as one of Australia's four designated ICSID conciliators.

SELECTED EXPERIENCE

Arbitration and international disputes (as counsel)

- UNCITRAL arbitration seated in Singapore with parallel Philippine litigation (resources – joint venture)
- Advising international professional services and technology entity on complex privilege and conflict issues in cross border context
- Advice in relation to enforcement of Malaysian court proceedings in Australia
- Telecommunications dispute for a Korean-based cable manufacturer
- Conduct of international arbitration proceedings for

Australian/PNG corporate – tax, contract law

- International property and joint venture dispute, foreign criminal investigation, extradition, involving Australian and Singapore entities
- International dispute (US based client – retail distribution agreement)
- Adviser on enforcement proceedings for awards made under Convention for the Settlement of Investment Disputes between States and Nationals of Other States (ICSID) (including consideration of foreign State immunity)
- Conduct of proceedings in Supreme Court of Victoria for urgent interim relief in aid of ICC arbitration in respect of on demand bank guarantees in international project – first of kind claim based on unconscionable conduct under the TPA (now ACL)
- ICC Arbitration for Swiss and Netherlands based pharmaceutical companies
- International arbitration seated in Hong Kong (telecommunications dispute)
- ICC arbitration seated in Singapore (oil and gas)
- Enforcement of foreign arbitral award made in Singapore against Australian and US entities (Australian courts) (included first of kind defence based on 'double recovery' as breach of public policy)
- SIAC/UNCITRAL arbitration seated in Singapore (pharmaceuticals) – included extra territorial application of the ACL (misleading and deceptive conduct and unconscionable conduct)
- Enforcement of foreign arbitral award made in Quebec (pharmaceuticals)

SELECTED ARBITRATOR APPOINTMENTS

- Sole arbitrator in arbitration conducted pursuant to ICC Rules – appointed by ICC Court, international arbitral proceeding parallel to domestic court and court of appeal proceedings, infrastructure project

- Sole arbitrator in ad hoc arbitration between Dubai based party and Australian based party – institutional appointment, property dispute
- Tribunal member in ad hoc arbitration – institutional appointment, construction dispute
- Presiding arbitrator in three complex arbitration proceedings, involving challenges to jurisdiction and intersection of mandatory domestic insolvency proceedings with international arbitration – appointed by SIAC Court, energy and resources dispute
- Sole arbitrator in arbitration conducted under SIAC Rules – appointed by SIAC Court, international arbitral proceeding, 'take or pay' agreement

Experience includes:

- Hearing and determining jurisdictional issues (including as preliminary issue)
- Hearing and determining of application for anti-suit injunction to restrain parallel proceedings in a superior court of a foreign jurisdiction
- Presiding over arbitration proceedings where respondent party does not participate and where respondent party participates irregularly
- Making of consent award

QUALIFICATIONS

Bachelor of Arts and Bachelor of Laws

Monash University, Melbourne, Australia
Admitted to practice in Victoria, New South Wales, Queensland, Western Australia, Tasmania and in the Federal courts of Australia

University of Adelaide

Diploma in Commercial Arbitration

RECOGNITION

Band 1 – Australia, Dispute Resolution

Chambers Asia Pacific and Global Guides, 2017-2021

Legal500

Leading Individual, Dispute Resolution: Arbitration

Global Leader

Who's Who Legal: Arbitration 2020 - 2021

International Arbitration Lawyer of the Year Melbourne 2017 & 2020

Australia's Best Lawyers

Preeminent Australian Arbitration Lawyer 2017 – 2020

Doyles

Leading individual, Australia – Dispute resolution: Arbitration

Legal500

Finalist – Partner of the Year Award 2016: Dispute Resolution and Litigation

Lawyers Weekly

Identified as a 'name to know'

GAR 100 – 9th Edition, Global Arbitration Review

Best Lawyer – Alternative Dispute Resolution

Best Lawyers Peer Review, 2011 – 2020

Best Lawyer – Litigation

Best Lawyers Peer Review, 2015 – 2020

Best Lawyer – International Arbitration

Best Lawyers Peer Review, 2013 – 2020

Mentor of the Year

Lawyers Weekly Awards, 2017

PROFESSIONAL MEMBERSHIPS

Singapore International Arbitration Centre

Panel arbitrator (2013 – present)

Asian International Arbitration Centre

Panel arbitrator (2016 – present)

ICC Commission on Arbitration & ADR

Member (March 2018 – present)

Hong Kong International Arbitration Centre

List arbitrator (2019 – present)

Australian Centre for International Commercial Arbitration

Fellow (2013 – present)

Maldives International Arbitration Centre

Panel arbitrator (2020 – present)

Australian Energy Regulator

Panel arbitrator (August 2017 – present)

Western Australian Economic Regulation Authority

Panel arbitrator (April 2018 – present)

International Centre for Settlement of Investment Disputes (ICSID)

Australian designee to the panel of conciliators
(December 2016 – present)

New Zealand International Arbitration Centre

Panel arbitrator (2020 – present)

London Court of International Arbitration

Arbitrator, database (2016 – present)

Resolution Institute

Graded arbitrator (Grade 1) (2003 – present)

Australian Disputes Centre

Director (July 2010 – present)

Australian Centre for International Commercial Arbitration

Director (2017 – present)

Chartered Institute of Arbitrators

Member (2014 – present)

SIAC Users Council

Member (2020 – present)

Law Council of Australia, Trans-national Litigation Committee

Co-chair (July 2015 – present)

Law Council of Australia, Federal Litigation and Alternative Dispute Resolution Executive

Member (2004 – present)

*In this role Bronwyn also participates as a member of the **Federal Court Liaison Committee.***

International Council for Commercial Arbitration

Member (2019 – present)

Melbourne Commercial Arbitration and Mediation Centre

Chair (December 2015 – June 2020)

London Court of International Arbitration Asia Pacific Users' Council

Councillor (2010 – 2016)

Commonwealth Attorney-General's International Legal Services Advisory Council

Member (2004 – 2013)

ArbitralWomen

Board member (2008 – 2015)

Asia Pacific Forum for International Arbitration

Co-founder and inaugural co-chair, executive member
(2004 – 2012)

LANGUAGES

English, German and basic French

RECENT PUBLICATIONS

Why Determination 'On the Papers' is a Genuine Option for Commercial Parties

Asian Dispute Review
July 2021

AIAC launches new arbitration rules

<https://corrs.com.au/insights/aiac-launches-new-arbitration-rules>

ICC Report released: witness evidence in international commercial arbitration

<https://corrs.com.au/insights/icc-report-released-witness-evidence-in-international-commercial-arbitration>

Choice of Law in Arbitration Agreements: important clarification from the UK Supreme Court

<https://corrs.com.au/insights/choice-of-law-in-arbitration-agreements-important-clarification-from-uk-supreme-court>

Five Practical Steps to Ensure Due Process during Virtual Hearings

<https://corrs.com.au/insights/five-practical-steps-to-ensure-due-process-during-virtual-hearings>

The United Nations Convention on Contracts for the International Sale of Goods – Implications for Australian business during COVID-19

<https://corrs.com.au/insights/the-un-cisg-and-its-implications-for-australian-businesses-during-the-covid-19-pandemic>

The role of the World Trade Organisation in international trade post-COVID-19

<https://corrs.com.au/insights/the-role-of-the-wto-in-international-trade-post-covid-19>

International arbitration and COVID-19 – Reconsidering the Hearing

<https://corrs.com.au/insights/international-arbitration-and-covid-19-reconsidering-the-hearing>

Update on 2021 LCIA Rules

<https://corrs.com.au/insights/keeping-up-with-the-times-2020-update-to-the-lcia-arbitration-rules>

Choice of law in arbitration agreements: important clarification from UK Supreme Court

<https://corrs.com.au/insights/choice-of-law-in-arbitration-agreements-important-clarification-from-uk-supreme-court>

RECENT SPEAKING ENGAGEMENTS

Webinar: Quo Vadis, Malaysia? Revisiting Third Party Funding

Panellist with Briana Young – Herbert Smith Freehills, Anne K Hoffmann – Hoffmann Arbitration, Marjolein van den Bosch-Broeren – Omni Bridgeway, Mohanadass Kanagasabai – Mohanadass Partnership and Dato' Nitin Nadkarni – LHAG (as moderator)
Asian International Arbitration Centre, August 2021

Webinar: Party Autonomy during COVID-19 – testing the reach of the tribunal's mandate

Moderator of panel discussion with Professor the Honourable Marilyn Warren, Professor the Honourable Clyde Croft and Dr Drossos Stamboulakis
Australian Disputes Centre, June 2020

Webinar: Interim measures during COVID-19
Panellist with Leah Ratcliff - Jones Day, and Edwina Kwan - King & Wood Mallesons and Wayne Martin AC QC as Chair
Australian Centre for International Commercial Arbitration
June 2020

Webinar: The Importance of Expert Valuations in Arbitration

Panellist with K Luan Tran - King & Spalding, Peter Bird - Berkeley Research Group LLC and Vikki Wall - Haberman Illet UJ
Asian International Arbitration Centre
July 2020

Webinar: Arbitration in Practice – A Close Look at the IBA Guidelines on Party Representation in International Arbitration

Panellist with Joon Byun - King & Chang, Sapna Jhangiani QC, Daniel Kalderimis – Chapman Tripp, Yoko Maeda – City-Yuwa Partners, Swee Im Tan – 39 Essex Chambers and Helen Shi – Fangda Partners as moderator
IBA Asia Pacific Arbitration Group (APAG)
11 September 2020

Webinar: Due Process in Virtual Hearings
Speaker, with Corina Song – Allen & Gledhill LLP, Matthew Harvey – Victorian Bar, and David Goodwin – Associate Professor at Victoria University (as moderator)
October 2020

Panel presentation: Enhancing Efficiencies in the Arbitral Process

Panellist, together with The Hon Chief Justice James Allsop AO (as moderator), Amanda Lees - Simmons & Simmons, Neil Kaplan CBE QC SBS - International Arbitrator and Tan Swee Im – 39 Essex Chambers
ACICA/CI Arb Australia International Arbitration Conference Australian Arbitration Week
October 2020

Panel presentation: ICC in a World of COVID-19
Panellist, together with Abhinav Bhushan, ICC Singapore, Joachim Delaney, Baker & McKenzie, Ana Stanic, E&A Law, Daisy Mallett, King & Wood Mallesons, Dr Matthew Secomb, White & Case LLP, Hazel Tang, ICC Singapore, Tim Robbins, Arbitration Chambers and Mary Walker, 9 Wentworth Chambers.

Australian Arbitration Week
October 2020

GAR Interactive Hong Kong: The GAR Live decision time
Moderator of panel discussion
Panellists include Stephen Anway – Squire Patton Boggs,
Karl Hennessee – Senior VP and Head Litigation,
Investigations and Regulatory at Airbus, Sue Prevezer QC
– Brick Court Chambers and Sherlin Tung – Withers
22 October 2020

Webinar: *Halliburton v Chubb*: Implications for Arbitration
in Australia
Speaker with Hazel Brewer, HWF Perth, Peter McQueen,
Independent Arbitrator and Mediator, with Matthew Harvey
QC as chair
Maritime Law Association Australia and New Zealand
(Victoria) Branch
March 2021

Webinar: *A Practical and Comprehensive Guide to
Arbitration*
Speaker with Sam Luttrell, Clifford Chance, Edwina Kwan,
King & Wood Mallesons, Dr Vicky Priskich, Barrister, with
Lucy Martinez as chair
LegalWise
March 2021

Webinar and tutorial: *Online Training – Essential
Knowledge for Arbitration Users and Counsel*
Faculty member, Vietnam Academy for Arbitration
April 2021

Webinar: *Introducing the ACICA Rules 2021*
Speaker with the Hon Clyde Croft AM SC; Monique
Carroll, Cite Legal; Chad Catterwell, Herbert Smith
Freehills; Erika Williams, ACICA; Leah Ratcliff, Jones Day;
Siba Diqer, LCM Finance
Australian Centre for International Commercial Arbitration
2 September 2021

Carroll, Cite Legal, Jonathan McTigue, Clayton Utz; Raini
Zambelli, List A Barristers; Francisco Malaga, Linklaters;
Swee Im Tan, 38 Essex Chambers
Australian Arbitration Week
19 October 2021

Webinar: *The Future of Arbitrating Environmental, Climate
Change and Sustainability Disputes*
Moderator with Nastasja Suhadolnik, Corrs Chambers
Westgarth; Lisa Sachs, Columbia University; Kathryn
Khamsi, Three Crowns; Judith Levine, Independent
Arbitrator; Louise Camenzuli, Corrs Chambers Westgarth
Australian Arbitration Week
19 October 2021

SCHEDULED SPEAKING ENGAGEMENTS

Webinar: *The Intersection between Insolvency &
Arbitration*
Speaker with: The Hon Clyde Croft AM SC; Monique