

Bronwyn Lincoln
Partner
International Arbitrator

ADVICE | TRANSACTIONS | DISPUTES
Domestic & Cross Border

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Bronwyn is an international arbitrator with recent appointments as presiding and sole arbitrator in the construction and infrastructure, pharmaceutical, international trade (including 'take or pay') and energy space. She 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, AIAC, HKIAC and ICC Rules.

Bronwyn is a panel arbitrator with the Singapore International Arbitration Centre, the New Zealand International Arbitration Centre, the Asian International Arbitration Centre, the Hong Kong International Arbitration Centre, KCAB International, the Maldives International Arbitration Centre, the Western Australian Economic Regulation Authority, the Australian Energy Regulator and a Fellow of the Australian Centre for International Commercial Arbitration.

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

Recognition and recommendations

- *Chambers* (2023) Band 1 – Dispute Resolution: Arbitration - Australia, Global and Asia-Pacific
- *Doyles Guide* (2022) - Preeminent Arbitration Lawyer
- *Legal500* (2023) - Leading Individual, Dispute Resolution: Arbitration
- *Best Lawyers* (2022) – Litigation, International Arbitration and Alternative Dispute Resolution
- *Who's Who Legal* (2022) - Global Leader and National Leader, Arbitration

Relevant experience

Arbitration (as arbitrator)

- 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

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- Sole arbitrator in arbitration conducted under AIAC Expedited Rules – appointed by AIAC, distribution agreement (including escrow arrangements)

Experience as arbitrator includes:

- Hearing and determining jurisdictional issues (including as preliminary issue and as subject of partial award)
- 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
- Conduct of international arbitration proceedings where respondent fails to appear

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)
- Advice 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)

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

Memberships and Associations

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)

KCAB International

Panel arbitrator
(2021 to 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)

Commonwealth Attorney-General's International Legal Services Advisory Council

Member (2004 – 2013)

Asia Pacific Forum for International Arbitration

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

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)

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)

ArbitralWomen

Board member (2008 – 2015)

Languages

English, German and basic French