



The Hon. Wayne Martin AC KC*

Year of call: 1988 | Silk: 1993

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The Honourable Wayne Martin AC KC was Chief Justice of Western Australia between 2006 and his retirement from the bench in July 2018. Prior to his appointment, he practised at the Western Australian Bar in the field of commercial litigation, mainly involving disputes in the mining, energy, resources, construction and financial sectors. His practice included international and domestic arbitration. As Chief Justice, he created and managed the Arbitration List of the Supreme Court of Western Australia and he has published many decisions in that field (and others).

Before taking judicial office, he held a number of elected positions such as president of the Western Australian Bar Association, chairman of the Law Reform Commission, president of the Law Society and Director of the Law Council of Australia. In 2012, he was appointed as a Companion in the General Division of the Order of Australia for his eminent service to the judiciary and the state's legal system.

He is a qualified and experienced mediator and at 39 Essex Chambers is taking appointments as an international arbitrator and mediator.

He serves as a part time judge of the courts of the Dubai International Financial Centre at first instance and on appeal. He is also a member of the National Sports Tribunal (Australia).

Areas of expertise

Litigation and Dispute Resolution

Commercial Arbitration

Mediation

Litigation and Dispute Resolution

As junior counsel and Queen's Counsel, Wayne provided advice and representation in all areas of commercial dispute resolution including:

- Litigation relating to major resource development projects, including oil and gas, iron, gold and other precious metal projects
- Litigation relating to infrastructure access and charges – relating to gas pipelines, rail and port facilities
- Corporate and commercial disputes, including takeover litigation, oppression proceedings and insolvency

- As counsel in domestic and international arbitration (see details separately provided)
- Regularly appearing in mediations as counsel and less frequently as mediator.

Between 2001 and 2003, Wayne was appointed as Senior Counsel assisting the Royal Commission into the Collapse of the HIH Group of Insurance Companies. In that capacity, Wayne was the senior lawyer responsible for the investigation and conduct of a wide-ranging inquiry into various commercial aspects of the failure of a group of insurance companies, which had a significant impact upon a number of aspects of commercial activity in Australia. As a consequence of the findings of the Royal Commission, the Commonwealth government, as the major creditor, was able to pursue claims which resulted in the recovery of over \$600m (AUD).

Wayne also acted as solicitor advocate and junior counsel appearing with senior counsel in a wide range of commercial disputes involving significant amounts in issue, including:

- A dispute relating to the value of iron ore for the purposes of royalty payments due under an agreement for the sale of tenements which were the foundation of Australia's iron ore industry – involving litigation in the Supreme Court of Western Australia, an appeal to the Privy Council, and an arbitration
- A dispute between Western Australia's largest coal mining company and the state-owned energy producer with respect to the purported termination of a long-term coal supply contract, with potentially profound implications for both parties and the state
- A series of disputes between Australia's major airlines and a new entrant to the Australian airline industry
- The provision of advice and representation to many of Western Australia's media outlets.

During this period, Wayne appeared as instructing solicitor and junior counsel (often without a leader) in courts at all levels of the state judicial hierarchy, the Federal Court, the High Court of Australia and, on two occasions, the Privy Council (prior to the abolition of appeals to that body from Australia).

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