



THE HON. WAYNE MARTIN AC QC

Year called 1988

Silk 1993

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The Honourable Wayne Martin AC QC 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 will be taking appointments as an international arbitrator and mediator.

PRACTICE AREAS

- Litigation and Dispute Resolution
- Commercial Arbitration
- Mediation

PRACTICE AREAS

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

BARRISTERS · ARBITRATORS · MEDIATORS

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, Mr Martin was appointed as Senior Counsel assisting the Royal Commission into the Collapse of the HIH Group of Insurance Companies. In that capacity, Mr Martin 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 \$600,000,000.

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 coalmining 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).

COMMERCIAL ARBITRATION

Wayne has appeared extensively in domestic and international commercial arbitration in the fields of:

- Building and construction
- Major civil engineering works
- Resource pricing and long-term supply contracts (iron ore, gas and tantalum)
- Disputes relating to mine development and management
- Ship building

Some of these cases occupied months of hearing and involved very substantial amounts in issue.

MEDIATION

Wayne appears regularly on behalf of clients engaged in mediation, and, following his appointment as Queen's Counsel, on occasions served as mediator in relation to complex commercial disputes.

In 2013, he completed the mediation programme (5 days) offered by Harvard Law School. After completing that programme, he has regularly conducted mediations in the most complex cases before the Supreme Court of Western Australia, including cases relating to:

- long-term resource supply contracts
- infrastructure access (rail lines)
- major property developments
- mining contracts
- claims for damages by large numbers of plaintiffs (100 in one case; 500 in another) following bush fires

As Chief Justice, Wayne enthusiastically supported and promoted the mediation programme offered by the Supreme Court of Western Australia. Under his leadership, that court has adopted the general practice of directing that all civil cases go to mediation before trial. In 2017, the Supreme Court of Western Australia was awarded the Courts and Tribunals ADR Group of the Year Award by the Australian Disputes Centre.

In 2018, Martin CJ gave the inaugural annual ADR address "*Alternative Dispute Resolution – a misnomer?*" (at <http://www.supremecourt.wa.gov.au>)

QUALIFICATIONS

Secondary School

Christ Church Grammar School, Perth, Western Australia (1965 – 1969) (on academic scholarship) – awarded University Exhibition for receiving the fifth highest grades in the State in state-wide examinations at the end of year 12.

Tertiary Education

Bachelor of Laws with first-class honours, University of Western Australia (1970 – 1973) (on Commonwealth scholarship)

Various academic prizes including Parsons Prize for outstanding law graduate, served as President of Law Students' Society and student representative on Law Faculty.

Master of Laws

King's College, University of London (1974 – 1975) (on Hackett studentship)

Harvard Law School

ADDITIONAL INFORMATION

Honorary positions and awards

- Lieutenant Governor of Western Australia (2009-present) (Acting Governor on numerous occasions)
- Appointed a Companion in the General Division of the Order of Australia (2012) (for eminent service to the judiciary and to the law, particularly as Chief Justice of Western Australia, to legal reform and education, and to the community)
- Western Australia Citizen of the Year for the Professions (2007)
- President – Western Australian Bar Association (1996-1999) (Vice President 1994-1996)
- Chairman of the Law Reform Commission of Western Australia (1996-2001)
- President – The Law Society of Western Australia (2006) (Vice President 2004-2005)
- President – Administrative Review Council (2002-2005) (member 1998-2002)
- Chairman – Defamation Law Reform Committee (2002-2004)
- Honorary Doctorate in Law – Murdoch University
- Honorary Doctorate in Law – Edith Cowan University
- Honorary Doctorate in Letters – Curtin University
- Frank Beasley Medal, Law School, University of Western Australia
- Chair – National Judicial College of Australia (2007-2012)
- Chair – Judicial Council on Cultural Diversity (2013-2017)
- Board member – Holyoake Australian Institute for Alcohol & Drug Addiction Resolutions (2008-2018)
- Council member – Australian Lung Foundation (1997-2001)
- Director – Woodside Valley Foundation (Charity) (2003-2009)
- Patron – Institute for Respiratory Health
- Patron – Helping Minds (formerly ARAFMI Mental Health Carers Association)
- Patron – Street Law Centre WA Inc
- Patron – The Royal Society for the Prevention of Cruelty to Animals (WA)
- Joint Patron – Constable Care
- Vice Patron – Royal Agricultural Society of Western Australia
- Joint Patron – Aboriginal Males Healing Centre
- Patron – Anglo-Australian Lawyers Society (WA) Inc
- Patron – Tournament of Minds (WA) Inc

- Patron – Hellenic Australian Lawyers (WA Branch)
- Patron – Tenancy WA Women & Children’s Homelessness Prevention Legal Programme
- Patron – RUAH Community Services 50 Lives 50 Homes Project
- Patron – Western Australian Institute of Dispute Management (Murdoch University)
- Patron – Tura New Music Programme
- Ambassador – Perkins Institute of Medical Research
- Fellow – Australian Academy of Law
- Board member – Police and Community Youth Clubs (WA) (2012-2016)
- Member – University of WA Faculty of Law Advisory Board
- Chair – Edith Cowan University Law Programme Consultative Committee
- Chair – Francis Burt Law Education Centre Advisory Board
- Chair – Curtin University Law School Advisory Board
- Member – Murdoch University School of Law Advisory Board
- Life Member of The Law Society of Western Australia
- Life Member of the Royal Society for the Prevention of Cruelty to Animals (WA)

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