

## Martin Scott KC



Martin Scott KC specialises in large project disputes in shipping and transport, civil engineering and energy infrastructure.

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### QUALIFICATIONS

Bachelor of Arts  
Bachelor of Laws  
Master of Laws  
Fellow - Chartered Institute of Arbitrators

### CORRESPONDENCE

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### CHAMBERS

Owen Dixon Chambers West  
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### COMMERCIAL LAW

Admiralty & Maritime | Building & Construction | Commercial Arbitration | Contractual Disputes | Private International Law | Corporations & Securities | Consumer Law

### PUBLIC LAW

Aged Care | Commissions & Inquiries

Martin is listed in Best Lawyers for International Arbitration, Shipping and Maritime Law, Doyle's Guide as a leading arbitration, construction and transport barrister as well as Who's Who Legal. Martin has been repeatedly recommended in Chambers and Partners. In 2023, he was described as "an exceptional senior counsel. He is calm, easy to work with and grasps issues very, very quickly. He is a pleasure to work with."

Martin is the author of Chambers Overview for Australia Shipping: The Bar.

He is also a panel arbitrator in South China and Singapore.

Martin was the founding Chair of the Victorian Bar's International Arbitration Committee, a Board Member Melbourne Commercial Arbitration and Mediation Centre (MCAMC) and the Australian Center for International Commercial Arbitration (ACICA) and a delegate for Australia to the ICC Commission on Arbitration and ADR. He is presently on the Board of the Australian branch of the Chartered Institute of Arbitrators and a CI Arb fellow.

*Liability limited by a scheme approved under the Professional Standards Legislation*

## Recent Cases

### MARITIME LAW

*Strong Wise Ltd v. Esso Australia Resources Pty Ltd* [2010] FCA 240; 267 ALR 249, [2010] FCA 575- admiralty claims, limitation of liability convention, appearing for vessel owners

*CMA CGM v. The Ship Chou Shan* [2014] FCA 74; [2014] FCAFC 90 admiralty, collision in Chinese EEZ

*Commonwealth of Australia v. Shenzhen Energy Transport Co Ltd* [2015] FCAFC 116- ship grounding, Limitation Convention

*Degroma Trading Inc v Viva Energy Australia* [2019] FCA 469- arbitration enforcement

### INTERNATIONAL LAW AND ARBITRATION

*Hui v Esposito Holdings Pty Ltd* [2017] FCA 648- removal of arbitrator and setting aside of partial award- UNCITRAL Arbitration Rules

*Liaoning Zhongwang Group Co Ltd v Alfield Group Pty Ltd* [2017] FCA 1223- challenge to enforcement of foreign award

*Lighthouse Corporation Limited v Republic of East Timor* [2019] VSC 278 & reserved appeal- private international law, sovereign immunity

### CORPORATIONS ACT AND DIRECTORS' DUTIES

*Newsat Limited v Ballintine* [2019] FCA- directors' duties case concerning satellite procurement project for >US\$300 million, project finance, corporate governance systems, foreign law, conflict of laws

### COMPETITION AND CONSUMER LAW

*ACCC v Mazda Australia Ltd* [2021] FCA 1493

*ACCC v Colgate Palmolive* [2017] FCA 1590; [2019] FCAFC 83- cartel case concerning wholesale and retail supply to supermarkets

*Mayfield Development Corporation v NSW Ports Operations Hold Co* [2019] FCA- cartel case concerning a project for the development of a container handling facility >\$300 million

#### COMMERCIAL LAW

*3143 Victoria Street Doncaster Pty Ltd v. Retirement Services Australia (RSA) Ltd* [2010] VSC 317; [2012] VSCA 134- contractual dispute

*Skilled Group Ltd v CSR Viridian Pty Ltd* [2012] VSC 290- contractual dispute concerning redevelopment of heavy infrastructure glass manufacturing plant

*Bakers Investment Group (Australia) Pty Ltd v Caason Investments Pty Ltd (No 2 )* [2014] VSC 598- contractual dispute

*UDP Holdings v Ironshore Corporate Capital* [2019] VSC 645- warranty indemnity insurance

#### COMMERCIAL ARBITRATIONS

Major arbitrations include (\$10 million or more):

Toll road infrastructure domestic arbitration (>\$90 million) (2008) IAA Rules, seated Melbourne, appearing for State road owner and BOOT licensor - road engineering, traffic engineering, financial modelling;

Wind farm international arbitration (>\$10 million) (2008) ACICA Rules, seated Melbourne appearing for project owner - electrical engineering, electricity generation, commissioning and regulatory compliance, construction;

3 Iron ore mining and supply contract international arbitrations (>\$250 million) (2010), UNCITRAL Rules, seated Perth appearing for People's Republic of China incorporated steel mill purchaser and trading companies - Contracts of affreightment, charterparty, mining engineering;

Oil and gas production (FPSO) international arbitration (>\$100 million) (2011), IAMA Rules, seated Melbourne appearing for Singaporean incorporated owner/facility operator – charterparty, engineering & safety case compliance, oil and gas regulatory compliance;

Gas fired power station domestic arbitration (>\$100 million) (2012) appearing for owner, ACICA Rules, seated Sydney - engineering compliance;

Grain trade domestic arbitrations (2013), appearing for Australian and Chinese counterparties, Grain Trade Rules, seated Brisbane - commodity trading- contract;

Agribusiness sale international arbitration (>\$45 million) (2015) for Chinese purchaser- UNCITRAL Rules, seated Melbourne -Agribusiness supply contracts, valuation;

Multiple engineering and construction arbitrations in the range \$12 million to >\$1 billion under various rules regimes for the Commonwealth, the State and private interests.

Further details of these arbitrations are available upon request.

## Memberships

Chair of the Victorian Bar's International Arbitration Committee

Board Member Melbourne Commercial Arbitration and Mediation Centre (MCAMC)

Board Member Australian Center for International Commercial Arbitration (ACICA)

Founding member of Melbourne Technology and Construction Chambers

Member Australian Bar Association Asia Committee

Member ICC Commission on Arbitration