

Martin Scott QC



Martin Scott QC principally appears in superior courts of record and large commercial arbitrations (including international and expedited arbitrations)

QUALIFICATIONS

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

CORRESPONDENCE

P 03 9225 8558
F 03 9225 8668
E mrscott@vicbar.com.au

CHAMBERS

Owen Dixon Chambers West
Level 23 Room 5
525 Lonsdale Street
Melbourne VIC 3000

COMMERCIAL LAW

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

PUBLIC LAW

Aged Care | Commissions & Inquiries

Martin's expertise includes shipping and transport, competition and general commercial law and infrastructure and project disputes. A significant part of his practice involves related legal advice, both tactical and strategic. He has practiced as an advocate for over 25 years.

Typical disputes (arbitration and litigation) include large ship casualties, transport infrastructure, electricity generation, mining and oil and gas production, contracts of affreightment, trade and commodities. Most involve issues of private international law. Details are available on request.

He is listed in Best Lawyers for International Arbitration, Shipping and Maritime Law, Doyle's Guide as a leading arbitration, construction and transport barrister and as a Band 1 shipping lawyer in Chambers' Asia Pacific Guide.

He is Chair of the Victorian Bar's International Arbitration Committee, a Board Member Melbourne Commercial Arbitration and Mediation Centre (MCAMC), a Board Member Australian Center for International Commercial Arbitration (ACICA) and a delegate for Australia to the ICC Commission on Arbitration and ADR.

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 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