



Merissa Hannah Martinez
Barrister-at-Law

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Areas of Practice

Construction Specialist
 Projects & Engineering
 Transport Infrastructure
 Commercial Law
 Public / Administrative Law
 Consumer Law
 Environmental Law

Dispute Resolution

Litigation
 International Arbitration
 Tribunals
 Adjudication
 Mediation / ADR
 Expert Determination
 Prosecutions (Cth DPP)

Committees and Appointments

BAQ, University Relations & Regions
 NQBA, Treasurer
 Queensland Government Counsel Panel
 Commonwealth DPP Counsel Panel
 WLAQ Ambassador Townsville
 Townsville Community Law Volunteer
 Volunteer Surf Life Saver (Arcadian SLS)

Career

2017 Recommended in Doyle’s Guide as Emerging Construction & Infrastructure Junior Counsel, Queensland; shortlisted for the WLAQ Regional Woman Lawyer of the Year Award
 2015 Commenced practice at Paloma Chambers, Townsville
 2010 – 2014 Partner at Trowers & Hamblins LLP (London), a London City and International Law Firm, which won Construction Law Firm of the Year (2011) and Legal Firm of the Year (2010)
 2013 Recommended by the Legal 500 (leading UK law firms guide) for contentious construction
 2006 – 2010 Solicitor - Trowers & Hamblins’ (London) contentious construction
 2005 – 2006 Admitted as a Solicitor in England and Wales; worked for Treasury Solicitor, discovery for civil litigation arising from the Paddington Rail disaster; In-house assistant counsel, Bechtel – Channel Tunnel Rail Link (London)
 2004 Qualified Lawyers’ Transfer Test in UK
 2001 – 2004 Paralegal, working with Alstom Transport (Birmingham) and then at Lovells (London)
 2001 Admitted as Barrister-at-law in Queensland, Australia
 1999 – 2000 Associate to Deputy President Forgie, Administrative Appeals Tribunal (AAT) Brisbane
 Broad experience including: social security, veterans, environment, FOI, immigration, customs, aviation and pharmacies
 1998 – 1999 Legal Officer, Great Barrier Reef Marine Park Authority (GBRMPA), Townsville

University

1998 BA / LLB (Hons) James Cook University (JCU)
 1997 3rd International Jessup Moot Competition Written Memorial; 2nd JCU Moot Competition
 1996 Winner, JCU Moot Competition; President of JCU Law Students Society

Publications

2013 Co-author of *Construction Adjudication and Payments Handbook* published by Oxford University Press: a compendium of cases, legislation, material and commentary, relied upon at least twice in the UK High Court the year after publication
 2008 Co-editor of *Encyclopaedia of Forms and Precedents – Building and Engineering (Volume 5)* published by Butterworths Lexis Nexis publication

Recent cases in Australia

Isles v Queensland Minister for Police, Queensland Police Commissioner (Justice North) reserved September 2021, Queensland Supreme Court - resisting application under the *Judicial Review Act 1991* (Qld) for the applicant's deceased father to be added to the Honour Roll - whether a decision "under an enactment" - applicant's standing.

Harris v Panforta Pty Ltd, unreported Queensland District Court, 17 December 2020 (DCJ Dann) - successful appeal against penalty following guilty plea for the reckless operation of a vessel (Junior to John Agius SC).

ABC Glass & Aluminium Pty Ltd v Nik Nominees Pty Ltd [2019] QSC 171 (Justice Mullins) - whether an Adjudicator was in substantial breach of natural justice by failing to give the parties an opportunity to comment on unilaterally identified and misunderstood authority - whether the Adjudicator failed to discharge his statutory function.

Brisbane Airport Corporation Pty Ltd v Arup Pty Ltd [2017] QSC 232 (Justice Applegarth) - representing the Principal in a complex claim for \$37m against its designers for professional negligence and breach of ss.51A, 52 and/or 53 of the Trade Practices Act - leave granted under r.376 - new cause of action arising from substantially the same facts as pleaded in the original statement of claim (Junior to Gareth Beacham QC).

Annie Street JV Pty Ltd v MCC Pty Ltd [2016] 49 QLR 7; [2016] QSC 268 (Justice Flanagan) - whether adjudicator's determination was without foundation and illogical - whether adequate reasons were provided in accordance with s.26(3) of the BCIPA (Qld) - whether natural justice had been denied - whether function discharged when adjudicator refused to consider relevant contract clauses (Junior to Gareth Beacham QC).

Grocon Constructors (Qld) Pty Ltd v Juniper Developer No 2 Pty Ltd [2015] QCA 291 (CJ Holmes, Atkinson and McMeekin JJ) - penalty doctrine applicability to a Liquidated Damages clause (research note for Peter Franco QC).

BRB Modular Pty Ltd v AWX Constructions Pty Ltd [2015] QSC 218 (Justice Applegarth) - whether a BCIPA (Qld) 'reference date' arose - contractual pre-requisite of a statutory declaration void by s.99 (Junior to Peter Franco QC).

International complex engineering dispute experience

International arbitration 2018 – 2021 (ICC, London)

The only counsel outside of London representing the designer in a complex engineering dispute exceeding USD 900m, concerning transport infrastructure in the Middle East. Multi-disciplinary team of support of excavation / civil / MEP engineers, signallers, commercial and cost directors, with international experts in the USA and the UK. Four week ZOOM arbitration hearing in March 2021 with 160 international attendees.

Luton and Cambridgeshire Guided Busways 2011 – 2013

Partner representing one of the UK's largest civil engineering contractors: (i) multiple technical and disallowed cost related adjudications; (ii) litigation exceeding £120m concerning responsibility for late delivery, alleged defects, entitlements to compensation events; (iii) three QC expert determinations concerning liability and costs; and (iv) mediation of alignment, disallowed cost and handover.

London Underground Limited (LUL) 2009 – 2010

Solicitor seconded into LUL PM: (i) working with signalling experts, a QC, several junior barristers and project delivery team; (ii) numerous adjudications with signalling contractor concerning testing, change and disallowed cost; (iii) complex signalling dispute > £330m arising from a PPP for upgrade and maintenance of 3 tube lines.

UK Channel Tunnel Rail Link 2005 – 2006

In house PM on the largest UK infrastructure project: (i) administration of a >£3b contract for high-speed rail infrastructure/refurbishment of heritage buildings; (ii) *Costain Ltd & Ors v Bechtel Ltd & Anor* [2005] EWHC 1018 - the first substantive UK case concerning the NEC; (iii) £8m arbitration under the ICE Arbitration Procedure (London) regarding waterproofing design/workmanship; and (iv) several adjudications working with multi-disciplinary teams.

UK West Coast Main Line 2001 – 2004

Preparation of Alstom Transport's £180m Defence and Counter-claim to a High Court action by Virgin. Complex issues concerning infrastructure condition, compatibility, signalling and testing/commissioning.
