

MARK DEMPSEY, SC

EDUCATION

1980 BA ANU (English & Philosophy)
1982 LLB (Hons) ANU

ADMISSION TO PRACTICE

2004 appointed as Senior Counsel (NSW)
1988 admitted to the Bar
1983 admitted as a Solicitor

PROFESSIONAL QUALIFICATIONS

2014 NMAS (Accredited Mediator)
2012 FCI Arb, FACICA (Arbitrator)



PREVIOUS EXPERIENCE

1982-1988 Solicitor, Allen Allen & Hemsley (corporate, finance and litigation departments).

CAREER

Mark is a highly experienced advocate with a wide-ranging commercial practice. He appears at trial and appellate levels in State and Federal Courts throughout Australia and in Arbitration and Mediation. He has developed a special expertise in construction and engineering disputes, in particular, in complex and challenging cases.

He has been recognised as a leader in the field of construction law and litigation in Best Lawyers in Australia (2017 edition), Chambers Asia Pacific (2018) and Doyle's List (2017) and in previous years. Chambers Asia Pacific (2018) stated: "Mark is widely regarded as being the leading construction barrister in Australia. He is a gentleman, is easy to work with and provides excellent value."

Mark also practices as an Arbitrator (he is a Fellow of the CI Arb) and Mediator in Australia, Singapore and Malaysia.

PRACTICE AS A BARRISTER

Mark has practised as counsel extensively in jurisdictions throughout Australia including the ACT, Victoria, Queensland, South Australia and Western Australia, and in Fiji.

AREAS OF PRACTICE

Mark's principal areas of practice are appellate, arbitration - commercial & international, commercial law, construction, mining & resources, competition and consumer law, corporations & insolvency, employment, equity, insurance, mediation – domestic and international, and professional liability.

SELECTED CASES

Ku-ring-gai Council v Chan [2017] NSWCA 226

Carmelo Adriano Mastronardo v Commonwealth Bank of Australia trading as BankWest [2017] NSWSC 1052

Walker Group Constructions Pty Ltd v Tzaneros Investments Pty Ltd [2017] NSWCA 27 [2017] 94 NSWLR 108

PT Thiess Contractors Indonesia v PT Arutmin Indonesia [2015] QSC 123

Coshott v Prentice [2014] FCAFC 88; (2014) 221 FCR 450; (2014) 311 ALR 428

Avery v Saree Holdings Ltd; Lava Ltd v Avery [2012] NSWSC 463

Built Environs Pty Ltd v Saunders International Limited [2012] SASC 111

Lipman Pty Ltd v Emergency Services Superannuation Board [2011] NSWCA 163

Bitannia Pty Ltd v Parkline Constructions Pty Ltd [2009] NSWSC 1302

Manildra Laboratories v Campbell [2009] NSWSC 987

Rickard Constructions Pty Ltd v Rickard Hails Moretti Pty Ltd & Ors [2006] NSWCA 356

Abigroup Contractors Pty Ltd v Sydney Catchment Authority (No 3) [2006] NSWCA 282; (2006) 67 NSWLR 341

PRACTICE IN ARBITRATION

Mark has extensive experience in arbitration (commercial and international), mediation and all forms of alternative dispute resolution.

Mark practices as an arbitrator and mediator in Australia, Singapore & Malaysia and has appeared in large complex international disputes international arbitration in Singapore and Australia.

Mark is a Fellow of the Chartered Institute of Arbitrators (FCIArb), a Fellow of ACICA, an arbitrator on the panels of ACICA and the Kuala Lumpur Regional Centre for Arbitration (KLRCA).

Mark has been appointed to the Panels of Arbitrators approved by the ACCC for Disputes involving NBN Co, and by the NSW Government for land access arrangements under the Mining Act (NSW).

He is an accredited arbitrator, mediator and expert determiner with the NSW Bar Association.

RECENT ARBITRATIONS

SIAC Arbitration concerning a dispute between an Australian structural steel installer and South Korean steel supplier and fabricator involving claims in the order of AUD30M.

SIAC Arbitration concerning a Vietnamese mining company and an Australian engineering consultant involving claims in excess of AUD165M.

PRACTICE IN MEDIATION

Mark is a mediator accredited with the Supreme and District Courts of NSW, the NSW Bar Association, and under the Australian National Standards (NMAS), and a panel mediator of KLRCA.

PROFESSIONAL ACTIVITIES & ASSOCIATIONS

Bar Associations of NSW and ACT, Fellow of Chartered Institute of Arbitrators (FCIArb), Fellow of Australian Centre for International Commercial Arbitration (FACICA), International Council for Commercial Arbitration (ICCA), Society of Construction Law (Australia & UK) (SoCL), AMPLA (the Resources and Energy Law Association), and the Dispute Resolution Board Foundation.

CONTACT

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Senior Counsel
Arbitrator and Mediator



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