

# MarkDempseySC

## Arbitrator

## Mediator Expert

## Determiner

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**MarkDempseySC practices as independent arbitrator, mediator and expert determiner in commercial, construction and energy disputes in Australia and internationally.**



# Biography

Mark brings to his arbitral and dispute resolution practice the wealth of experience drawn from his 40 years of commercial practice, including 20 years as a Senior Counsel at the NSW and Australian Bars extending across contractual, corporate, banking, financial, insurance and insolvency areas.

Mark has acted for and against governments, and significant power, infrastructure and mining contractors. He has acted for against banks and financial institutions, and has advised major cultural, sporting and charitable institutions.

His practice as senior counsel in court and international and commercial arbitration specialised in disputes on major construction, engineering, infrastructure, mining and energy projects across Australia, Asia, and the Pacific.

Mark sits as party-appointed arbitrator and chair in arbitrations, including under ACICA, ICC, UNCITRAL, and RI rules. Mark was awarded Fellowship of the Chartered

Institute of Arbitrators (FCI Arb) through the Singapore branch in 2012. He is a Fellow, panel arbitrator and member of the Australian Centre for International Commercial Arbitration (ACICA); accredited as an Arbitrator - Grade 1 on the Resolution Institute's panel, and a member of the HKIAC's List of Arbitrators. He is also a panel arbitrator and mediator of the Asian International Arbitration Centre (AIAC), a Fellow of the Asian Institute for Alternate Dispute Resolution (AIADR), an arbitrator on the Dubai International Arbitration Court (DIAC) Arbitrator List, and a panel arbitrator appointed by both Commonwealth (NBN disputes) and NSW agencies (Mining Access Arbitrations). Mark is also a member of ICCA, ICC, LCIA, SI Arb and SOCL (UK, Australia and Singapore).

Mark acts as expert to determine commercial and construction disputes and has been appointed privilege referee in connection with SIAC arbitrations.

Mark has been an accredited mediator for over 12 years and regularly mediates construction and other commercial disputes.

Accolades include: Mark is a "Highly respected and experienced barrister who has a fine brain. Collaborative and hard-working with exceptional analytical and advocacy skills." (Legal500 2023). Mark is regularly acknowledged by sources to be one of the most experienced and accomplished senior counsel practicing in the construction space. Commentators testify extensively to his impressive track record of success and ability to master the most complex cases. Fully conversant with arbitration and mediation procedures as well as with those of the courtroom, his practice encompasses matters across Australia as well as the Asia-Pacific region more broadly". (Chambers Asia Pacific 2026 and Global 2026 - Construction & Infrastructure: The Bar - Band 1 - 12 years ranked).

# Qualifications Overview

## Sectors

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- Construction and Infrastructure
  - Energy and Utilities
  - Resources and Mining
  - Commercial
  - Joint Ventures
  - Banking and Finance
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## Principal Areas of Expertise

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- Arbitration – International
  - Arbitration - Domestic
  - Commercial Law and Equity
  - Construction and infrastructure Law
  - Competition and Consumer law
  - Corporations and insolvency
  - Banking Law
  - Insurance Law
  - Mediation
  - Professional Liability
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## Professional Experience

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- Arbitrator, Mediator and Expert Determiner 2012 – Present
  - Barrister and Senior Counsel 1988 – 2004, 2004 – 2024  
7th Floor Wentworth Selborne Chambers  
Sydney, Australia
  - Solicitor 1982 – 1988  
Allen, Allen & Hemsley (now known as Allens  
Linklaters) Corporate, Finance and Litigation  
Departments, Sydney, Australia
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# Professional Qualifications and Admissions

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• 2024	Arbitrator on the Hong Kong International Arbitration Centre's List of Arbitrators (HKIAC)
• 2024	Accredited as Arbitrator - Grade 1 with the Resolution Institute (RI)
• 2020	Member and Expert Determiner with the Resolution Institute (RI)
• 2014	Accredited Mediator, National Mediator Accreditation System (NMAS)
• 2013	Panellist, Asian International Arbitration Centre (AIAC)
• 2012	Fellow, Australian Centre for International Commercial Arbitration (ACICA)
• 2012	Fellow, Chartered Institute of Arbitrators Australia (FCI Arb) - Arbitrator
• 2004	Appointed as Senior Counsel (SC), New South Wales
• 1988	Admitted to the Bar of New South Wales
• 1983	Admitted as a Solicitor of the Supreme Court of NSW and ACT
• 1982	Bachelor of Laws (Honours) and Bachelor of Arts: Australian National University, Canberra

# Recent Accolades

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- Recognised in 4 categories - Alternative Dispute Resolution, Construction/ Infrastructure Law, International Arbitration, and Litigation.

## **The Best Lawyers in Australia (19<sup>th</sup> Edition) (2026)**

- "... regularly acknowledged by sources to be one of the most experienced and accomplished senior counsel practicing in the construction space. Commentators testify extensively to his impressive track record of success and ability to master the most complex cases. Fully conversant with arbitration and mediation procedures as well as with those of the courtroom, his practice encompasses matters across Australia as well as the Asia-Pacific region more broadly."

## **Chambers Asia-Pacific: Construction & Infrastructure: The Bar - Band 1 - 12 years ranked (2026)**

- Thought Leader - Construction and Recommended in Australia & New Zealand - Construction

## **Lexology Index (2025)**

- Arbitration Lawyer of the Year

## **Best Lawyers in Australia (2023)**

- "A thorough and tenacious senior counsel with an ability to master difficult forensic issues and large amounts of material"

## **Legal 500 - Band 1 Leading Silks (2021)**

- Finalist - Arbitrator of the Year

## **Australian ADR Awards (2026)**

- "... regarded as one of the most experienced construction counsel in the country. He is regularly appointed as counsel and arbitrator in complex infrastructure disputes."

## **Chambers Asia-Pacific and Global: Construction & Infrastructure: The Bar - Band 1 - 12 years ranked (2026)**

- "A brilliant expert and a very clever man"

## **Lexology Index (formerly known as Who's Who Legal) Thought Leaders Construction (2023)**

- "Highly respected and experienced barrister who has a fine brain. Collaborative and hard-working with exceptional analytical and advocacy skills."

## **Legal 500 (2023)**

- "... very considered" "his maturity and experience of litigation come through," "an excellent advocate and a pleasure to work with" "as comfortable down in the technical detail as he is up high advising on strategy" and "notable for his delicacy and diplomacy"

## **Chambers & Partners Asia-Pacific: Construction & Infrastructure: The Bar - Australia - Band 1 (2020)**

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- Construction & Infrastructure Senior Counsel, Australia and NSW.

**Doyle's Guide (2020 - 2026)**

- Leading senior counsel in each of Construction/ Infrastructure Law, International Arbitration and Litigation

**Best Lawyers in Australia (2017-2026)**

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# Professional Appointments, Memberships & Associations

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- Hong Kong International Arbitration Centre (HKIAC) List of Arbitrators - 2024
  - Resolution Institute - accredited as Arbitrator - Grade 1 - 2024
  - Member of the Dispute Resolution Board Foundation - 2013-2015, 2024
  - ICC Australia - since 2024
  - Member of ACICA Professional Advisory Board – since 2024
  - Arbitrator on the Dubai International Arbitration Court (DIAC) Arbitrator List - since 2023
  - Co-Chair of NSW Bar Association International Committee from 2023-2025, and member 2021-2025
  - Resolution Institute - Expert Determination Panel - since 2021
  - London Court of International Arbitration (LCIA) - since 2023
  - Director of the Australian Centre for International Commercial Arbitration (ACICA) - 2019 to 2024
  - Head of Chambers - 7 Wentworth Selborne Chambers, Sydney - 2020 - 2022
  - International Council for Commercial Arbitration (ICCA) - since 2019
  - Chair of the International Committee of the Australian Bar Association (ABA) -2019 to 2025
  - Panel Arbitrator & Mediator of the Asian International Arbitration Centre (AIAC) - since 2013
  - Accredited Mediator (NMAS) - since 2014
  - Fellow of the Chartered Institute of Arbitrators (FCIArb) - since 2012
  - Fellow of the Australian Centre for International Commercial Arbitration (ACICA) - since 2012
  - Society of Construction Law (UK, Australia and Singapore) (SoCL) - since 2015, 2018 and 2020
  - Director of Counsels Chambers Limited - 1993 to 2002
  - New South Wales Bar Association, ACT Bar Association, Victorian Bar Association - since 1988, 1988 and 2020
  - Australian Bar Association - since 1988
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## Links

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Mark Dempsey SC at [markdempsey.com](http://markdempsey.com)

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**Mark is a fellow of CIArb, ACICA and AIAC and sits as chair and party appointed arbitrator in arbitration proceedings in Australia and Asia in the construction, infrastructure and energy sectors.**

**Mark has extensive experience in arbitration, having appeared over the last 3 decades as counsel in complex domestic and international commercial arbitrations in Australia and Asia, including enforcement actions in the State and Federal Courts.**

## **Recent Arbitrations**

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- Sitting as Sole Arbitrator under ICC Rules (2024-2025) - dispute between Consortium members in relation to Battery Energy Storage facility in NSW
  - Chair of Tribunal under UNCITRAL rules (2025) - USD60m dispute over private-government project in Asia.
  - Sitting as sole Arbitrator of a construction dispute concerning a health facility (2023 - 2025).
  - Chair of a Tribunal ACICA arbitration for an infrastructure joint venture dispute (2024).
  - Sitting as Arbitrator in a commercial dispute under UNCITRAL rules (2024) - dispute under a supply contract for the upgrade of a utility plant.
  - Privilege Referee appointed by SIAC Tribunal (2024) - dispute in relation to a significant housing development in Brunei.
  - Sat as Arbitrator of several access agreement arbitrations under the Mining Act NSW (2022 - ongoing).  
Sitting as an Arbitrator under the RI Rules in relation to the mine equipment supply agreement (2025).
  - Sat as Arbitrator for a dispute between the principal and contractor under an EPC Contract in relation to a solar power plant concerning competing claims for delay, delay damages, variations and liquidated damages (2021 - 2023).
  - Acted as counsel in Gemcan Constructions Pty Ltd v \* Westbourne Grammar School (Enforcement of Arbitral Award) [2022] VSC 6 in a case recognising issue estoppel as a ground within the public policy exemption for recognition and enforcement (2022).
  - Acted as a privilege expert determiner appointed by the SIAC panel in a significant international construction dispute (2021).  
Sat as arbitrator in a commercial dispute under ACICA rules (2021).
  - Acted as counsel in a successful SIAC Arbitration concerning the design and construction of a polymetallic processing plant in Vietnam and an international engineering consultant involving claims of more than AUD \$165 million, and enforcement proceedings in the Federal Court of Australia
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## Mark has been involved in various capacities in relation to expert determination and expert determination clauses for many years:

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- As expert determiner of disputes
  - As privilege expert determiner as an adjunct to ongoing arbitration proceedings
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- As counsel advising and conducting expert determinations
  - As counsel, in court proceedings challenging expert determinations and expert determination clauses.
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Mark is also available for appointment as a facilitator of joint expert conferences. As counsel in construction, infrastructure, and mining cases Mark has vast experience in the presentation and cross examination of experts in a broad array of disciplines including time and delay analysis, the quantification of loss and damage, all aspects of engineering (including structural, geotechnical, chemical, metallurgical, finite element analysis, power station operation, the design and rectification of refractory linings in furnaces in power station boilers, tunnelling and mining), architectural, valuation, and other experts.

## Recent Expert Determinations

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- Expert Determiner appointed in relation to a dispute under a D&C contract for a rolling stock manufacturing facility in Queensland (2025).
  - Expert facilitator appointed by the NSW Supreme Court (2025).
  - Privilege Referee appointed by SIAC Tribunal (2021) in connection with a commercial dispute on a coal-fired mega power project.
  - Privilege expert appointed by SIAC panel in a significant international construction dispute (2024).
  - Expert Determination of dispute between developer and contractor on major hotel development in Sydney on contractual and technical issues (2021).
  - Expert Determination of dispute between a State Government Department and a leading contractor on a significant public infrastructure project (2019).
  - The Illawarra Community Housing Trust Limited v MP Park Lane Pty Ltd [2020] NSWSC 751 and related proceedings - the Court considered the proper approach to the construction of expert determination clauses. Related proceedings, which settled before judgment, considered whether a court should enforce an expert determination procedure if it were not reasonably capable of providing a just determination of the dispute.
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