

MarkDempseySC

Arbitrator

Mediator Expert

Determiner

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SC

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



Biography

Arbitrator

Mark sits as a 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 (FCIArb) 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 Alternative 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, SIARB and SOCL (UK, Australia and Singapore).

Expert Determiner

Mark acts as an expert determiner of commercial and construction disputes and has been appointed as a privilege referee in connection with SIAC arbitrations.

Mediator

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

Experience

Mark brings to his arbitral and dispute resolution practice the wealth of experience drawn from his 40 years of commercial practice, including 22 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 and 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.

Accolades include:

"Mark Dempsey SC brings four decades of experience to resolving major engineering and infrastructure disputes, where sources describe him as "extremely knowledgeable, detailed and quick" when navigating technically demanding proceedings."

Lexology - Thought Leader - Construction Australia and New Zealand (2026)

"Mark is regularly acknowledged by sources to be one of the most experienced and accomplished senior counsel practicing in the construction space. Commentators testify 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).

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).

Qualifications Overview

Sectors

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|-----------------------------------|-----------------------|
| • Construction and Infrastructure | • Commercial |
| • Energy and Utilities | • Joint Ventures |
| • Resources and Mining | • Banking and Finance |

Principal Areas of Expertise

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|---------------------------------------|-------------------------------|
| • Arbitration – International | • Corporations and insolvency |
| • Arbitration - Domestic | • Banking Law |
| • Commercial Law and Equity | • Insurance Law |
| • Construction and Infrastructure Law | • Mediation |
| • Competition and Consumer Law | • Professional Liability |

Professional Experience

• Independent Arbitrator, Mediator and Expert Determiner	2024 – Present
• Barrister and Senior Counsel	Barrister 1988 – 2004, Senior Counsel 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

Professional Qualifications and Admissions

• 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 (FCIArb) - 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

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 (FCI Arb) - 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

Mark Dempsey SC at markdempsey.com

Arbitrator

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.

Recent Arbitrations

- Presiding Arbitrator of Tribunal under UNCITRAL rules (2025) - USD 60 m dispute over private-government project in Asia.
 - Sitting as Sole Arbitrator under ICC Rules (2024-2025) - dispute between Consortium members in relation to Battery Energy Storage facility in NSW
 - 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).
 - Lead 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 (2019)
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Expert Determiner

Mark is regularly appointed as an expert determiner and in related roles in major disputes

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| • As expert determiner of disputes | • As privilege expert determiner as an adjunct to ongoing arbitration proceedings |
| • As counsel advising and conducting expert determinations | • As counsel, in court proceedings challenging expert determinations and expert determination clauses. |

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) concerning adjustments to the contract sum (\$140m +) and date for completion (295 days). | • Expert Determiner of delay dispute between construction company and NSW Government entity (2026) |
| • Expert facilitator appointed by the NSW Supreme Court (2025). | • Privilege referee 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). | • Privilege referee appointed by SIAC Tribunal (2021) in connection with a commercial dispute on a coal-fired mega power project. |
| • The <i>Illawarra Community Housing Trust Limited v MP Park Lane Pty Ltd</i> [2020] NSWSC 751 and related proceedings - the Court considered the proper approach to the construction of expert determination clauses. | • Expert Determination of dispute between a State Government Department and a leading contractor on a significant public infrastructure project (2019). |

Recent Accolades

- “Mark Dempsey SC brings four decades of experience to resolving major engineering and infrastructure disputes, where sources describe him as “extremely knowledgeable, detailed and quick” when navigating technically demanding proceedings.”

Lexology - Thought Leader - Construction Australia and New Zealand (2026)

- Recognised in 4 categories - Alternative Dispute Resolution, Construction/ Infrastructure Law, International Arbitration, and Litigation.
The Best Lawyers in Australia (19th 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)

- 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)

- Construction & Infrastructure Senior Counsel, Australia and NSW.
Doyle's Guide (2020 - 2026)

- “Mark Dempsey has a great reputation.”
Chambers Global Guide 2026 Band 1 and Chambers Asia Pacific 2026 Band 1: Construction & Infrastructure: The Bar

- **Finalist - Arbitrator of the Year, Australian ADR Awards 2026**

- “Mark Dempsey is 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”
WWL 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)

- Leading Senior Counsel in each of Construction/ Infrastructure Law, International Arbitration and Litigation
Best Lawyers in Australia (2017-2025)