

Duncan Marckwald

Barrister-at-Law

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PRACTICE

I was called to the bar in 2017. I have a broad commercial practice, with a focus in the areas of contracts, insolvency, insurance and property. I also practice in administrative law. I have appeared led and unled in State and Federal courts and tribunals, and in commissions of inquiry. I accept briefs to appear in mediations and to act as a mediator.

Prior to being called to the bar, I worked as a solicitor for 9 years (from 2014 as a senior associate) in commercial litigation at Corrs Chambers Westgarth Lawyers. That time included secondments to Nishimura and Asahi Lawyers in Tokyo, the University of Queensland, BrisConnections and LawRight.

Matters in which Duncan has been briefed include:

- **Corporations / Equity** – Acting for a group of respondents in a claim for breach of director's and fiduciary duties in relation to a property development project:
 - security for costs *CIP Group Pty Ltd v So (No 4)* [2024] FCA 1372 and *CIP Group Pty Ltd v So (No 10)* [2025] FCA 1240;
 - privilege *CIP Group Pty Ltd v So (No 6)* [2024] FCA 1436 and *CIP Group Pty Ltd v So (No 7)* [2024] FCA 1437;
 - variation of an injunction *CIP Group Pty Ltd v So (No 8)* [2025] FCA 482 and *CIP Group Pty Ltd v So (No 9)* [2025] FCA 694;
 - subpoenas *CIP Group Pty Ltd v So (No 11)* [2025] FCA 1547;
 - leave to amend / derivative leave *CIP Group Pty Ltd v So (No 12)* [2026] FCA 60;
 - indemnity costs *CIP Group Pty Ltd v So (No 13)* [2026] FCA 267.
- **Insolvency** – Acting for the successful respondent in an unreasonable director related transaction claim (*led by S Couper KC*): *Yang v Wong* [2025] FAC 693; on appeal [2026] FCAFC 39.
- **Taxation** - Acting for the Commissioner of Taxation in related Federal Court appeals involving s 45B and Part IVA issues (*led by M Brennan KC and M Baker KC*): *Ierna v Commissioner of Taxation* [2024] FCA 592; on appeal [2025] FCAFC 171; special leave refused [2026] HCADisp 98.
- **Anti-discrimination** - Acting for a successful applicant in an anti-discrimination matter on the grounds of race and pregnancy (*unled*) *Gitau v De Soysa Walsh Pty Ltd* [2023] QCAT 189; on appeal [2024] QCATA 100; on further appeal [2025] QCA 41.
- **Enforcement** - Advising and appearing in enforcement proceedings on behalf of the Fair Work Ombudsman (*unled*): e.g. *Fair Work Ombudsman v Jenni International Pty Ltd* [2023] FedCFamC2G 1138.
- **Contract** - Acting for a defendant in the successful defence of a claim for commission on the sale of a business (*led by S Couper KC*) *Findex Corporate Finance (Aust) Pty Ltd v Don Kyatt Spare Parts (Qld) Pty Ltd* [2022] QSC 100.
- **Summary Judgment** - Acting for the State of Queensland in a proceeding commenced by 956 taxi drivers against the State of Queensland in relation to the State's response to ride share operators such as Uber (*led by M Brennan KC*): *Queensland Taxi Licence Holders v State of Queensland* [2020] QSC 94; on appeal [2020] QCA 282; special leave refused [2021] HCASL 80.
- **Civil Procedure** - Acting for the BHP-Mitsubishi Alliance (BMA) in a claim for compensation for over \$100m concerning an alleged lost commercial opportunity (*led by S Doyle KC, A Pomerence KC, A*

Stumer and S Webster): *Cherwell Creek Coal Pty Ltd v BHP Queensland Coal Investments Pty Ltd* (No 27) [2020] QLC 32.

- **Administrative Law** - Acting for the University of Queensland in a proceeding in relation to an injunction to prevent the University from pursuing a disciplinary process against a student (*led by D Kelly KC*): *Y v University of Queensland* [2019] QSC 282; and on appeal [2020] QCA 216.
- **Insurance / Summary Judgment** - Acting in two related multi-million-dollar Supreme Court proceedings for an insurer involving issues of indemnity under a liability policy arising from an incident involving a prime mover truck (*led by S Couper KC*): *Queensland Rail Ltd v Eden* [2019] QSC 212.
- **Migration** - Acting for the applicant in the judicial review of a decision by the Immigration Assessment Authority to refuse the grant of a Safe Haven Enterprise Visa (*led by S Keim SC*): *ATU19 v Minister for Home Affairs* [2019] FCCA 3042, and on appeal [2020] FCA 1165; special leave refused [2021] HCASL 7.
- **Privacy** - Acting in a Queensland Civil and Administrative Tribunal proceeding involving claims of breach of the Information Privacy Principles by the Queensland Police Service (*led by S Keim SC*): *Eaves v Commissioner of Police* [2018] QCAT 180.
- **Workplace Investigations** - Conducting a workplace investigation into allegations of assault and bullying in a workplace, (*unled*).
- **Commission of Inquiry** - Acting in a Commission of Inquiry in Papua New Guinea regarding a major transaction involving the State of Papua New Guinea (*led by M Varitimos KC*).
- **Commission of Inquiry** - Acting for a government owned entity, Hydro Tasmania, in the Paradise Dam Commission of Inquiry (*led by D Kelly KC*).

AWARDS / RECOGNITION

- 2013 Lawyers Weekly Top 30 Lawyers under 30 – Winner, “Dispute Resolution”
- 2026 Doyles Guide - Leading Commercial Litigation & Dispute Resolution Junior Counsel – Queensland - Recommended

PROFESSIONAL QUALIFICATIONS

- Called to the Queensland Bar (2017)
- Admitted to the Supreme Court of Queensland (2008)
- Admitted to the High Court and Federal Courts of Australia (2008)

EDUCATION

- Bachelor of Laws (Hons) (Qld) (2007)
- Bachelor of Commerce (Qld) (2007)
- ARITA Advanced Certification in Insolvency (2010) (third in Australia in graduating class)