

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.

Matters in which Duncan has been briefed include:

- Acting for a successful applicant in an anti-discrimination matter on the grounds of race and pregnancy in the area of accommodation [\[2023\] QCAT 189](#)
- Acting for Don Kyatt Spare Parts Group in the successful defence of a claim for commission on the sale of a business (*led by S Couper KC*) [\[2022\] OSC 100](#).
- 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* [\[2020\] OSC 94](#); on appeal [\[2020\] QCA 282](#); special leave refused [\[2021\] HCASL 80](#).
- 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](#).
- Acting in a complex Supreme Court of Queensland matter for an insured defendant relating to a fire to commercial premises as a result of the collapse of an electricity pole (*unled*).
- 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*).
- Acting for a government owned entity, Hydro Tasmania, in the Paradise Dam Commission of Inquiry (*led by D Kelly KC*).
- 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* [\[2019\] OSC 282](#); and on appeal [\[2020\] QCA 216](#).
- Acting for the University of Queensland in a complex Supreme Court contractual dispute on the Supervised Case List (*led by S Couper KC*).
- Acting for the Commissioner of Taxation in relation to the audit of the taxation affairs of a large multi-national corporation (*led by M Brennan KC and D Fuller*).
- Acting for the Commissioner of Taxation in five related Federal Court appeals in which the applicants are seeking a review of the Commissioner's objection decisions and involving Division 7A, s 45B and Part IVA issues (*led by M Brennan KC and M Baker SC*).
- Acting in a Federal Court proceeding involving breach of trust and misleading and deceptive conduct claims (*led by A Stumer*).
- Acting for an insured demolition company in the defence of a multimillion-dollar damages claim for negligence in the Supreme Court said to arise from delay occasioned to a neighbouring construction project (*led by S Couper KC*).
- Acting in an ICC Arbitration involving a multimillion-dollar damages claim for breach of contract and negligence arising from the supply of allegedly defective parts (*led by D Kelly KC*).

- 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.
- 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*). See, for example, *Eaves v Commissioner of Police* [2018] QCAT 180.
- Advising and appearing in a Federal Circuit Court trial regarding alleged payments outstanding to an employee under an enterprise agreement (*unled*).
- Advising and appearing in enforcement proceedings on behalf of the Fair Work Ombudsman in the Federal Circuit Court in respect of penalties obtained against individuals under the *Fair Work Act 2009* (Cth) (*unled*).
- 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.
- Conducting a workplace investigation into allegations of assault and bullying in a workplace, (*unled*).
- Appearing *unled* in interlocutory applications, appeals, mediations, public examinations and other hearings.

PRIOR EMPLOYMENT

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.

AWARDS

- 2013 Lawyers Weekly Top 30 Lawyers under 30 – Winner, “Dispute Resolution”

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)