

Duncan Marckwald

Barrister-at-Law

Level 16 Quay Central
95 North Quay
Brisbane QLD 4000

T | +61 7 3360 3378
E | dmarckwald@qldbar.asn.au
www.16quaycentral.com.au

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 I have been briefed include:

- 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 QC).
Queensland Taxi Licence Holders v State of Queensland [2020] QSC 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 QC, A Pomerence QC, A Stumer and S Webster).
Cherwell Creek Coal Pty Ltd v BHP Queensland Coal Investments Pty Ltd (No 27) [2020] QLC 32.
- Acting for a government owned entity, Hydro Tasmania, in the Paradise Dam Commission of Inquiry (led by D Kelly QC).
- Acting for the University of Queensland in a Supreme Court proceeding in relation to an injunction to prevent the University from pursuing a disciplinary process against a student (led by D Kelly QC).
Y v University of Queensland [2019] QSC 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 QC).
- Acting for the Australian Tax Office in relation to the taxation affairs of a large multi-national corporation (led by M Brennan QC and D Fuller).
- Acting in a Federal Court proceeding involving breach of trust and misleading and deceptive conduct claims (led by A Stumer).
- Acting for a 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 QC).
- Acting in an ICC Arbitration involving a multimillion-dollar damages claim for breach of contract and negligence arising from the supply of allegedly defective (led by D Kelly QC).
- 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 QC).
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).
Eaves v Commissioner of Police [2018] QCAT 180.
- Advising and appearing in a Federal Circuit Court trial regarding alleged payments owing 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).
 - Appearing 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, public examinations and other hearings.
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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 (Japan's largest firm), the University of Queensland, BrisConnections and LawRight.

AWARDS

- 2013 Lawyers Weekly Top 30 Lawyers under 30 – Winner, "Dispute Resolution"
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PROFESSIONAL QUALIFICATIONS

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

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