



HERBERT
SMITH
FREEHILLS



MARK DARWIN

PARTNER

[Brisbane](#)
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Mark is the head of the Australian insurance focus group.

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KEY SERVICES

Insurance Coverage
Commercial Litigation

KEY SECTORS

Energy
Mining

EXPERIENCE

Mark has 30 years experience helping clients resolve a wide range of commercial disputes including contract and insurance disputes and has been part of crisis management teams following major incidents involving infrastructure failures, floods, fires, environmental contamination and public health issues.

He helps clients negotiate outcomes which protect their liability exposure and helps corporate policyholders recover business interruption losses from their insurers.

Mark's expertise is recognised by clients and peers in the *Australian Financial Review's 'Best Lawyers'*, *Chambers Asia-Pacific* and *Legal 500* guides, which rank Mark as one of the leading litigation and insurance lawyers in Australia. *Chambers* quotes clients describing Mark as "smart, articulate and vastly experienced" and "exactly the sort of lawyer you need by your side in a big claim - he is knowledgeable, articulate and tenacious".

Mark's experience includes advising:

- BHP Billiton-Mitsubishi Alliance (BMA) following the 2008 Queensland floods to its 8 Central Queensland coal mines. Mark negotiated the recovery of almost \$700m for business interruption losses in what is understood to be one the largest BI insurance claims ever successfully concluded by a single policyholder
- the owner of Dalrymple Bay Coal Terminal following the collapse of a coal reclaimer which closed the port operations for several weeks. Mark successfully ran the landmark court case on 'subsequent damage' (Prime Infrastructure v Vero Insurance) to help the client recover repair costs and BI losses despite the original sequence of the collapse having been initiated due to excluded faulty workmanship
- the Gold Coast Desalination Plant Alliance (involving the State, Veolia and John Holland) to recover losses arising from several issues encountered during construction of the plant, involving construction, design, insurance and contracting issues
- Santos when one of its oil pipelines burst in the Brisbane suburb of Algester, resulting in contamination of a local park and waterways. Mark helped Santos persuade it's liability insurer to indemnify it for the remediation costs which it had volunteered to pay (despite negotiations with the regulator meaning that there was no third party claim made against Santos for the damage)
- Leighton Properties to secure permission to affix ground anchors under the land to a luxury residential high rise development, where access had become contentious and the refusal was causing expensive delays in the construction timetable.