



MARK DARWIN

PARTNER

[Brisbane](#)
[Australia](#)

Mark is the head of the Australian insurance focus group.

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BACKGROUND

MARKET RECOGNITION

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. He was also named a 5-Star Insurance Lawyer in Australasian Lawyer 2021. Client's and peers have described Mark as:

- "the best legal practitioner in Australia in the area of complex property and business interruption claims"
- "one of Australia's most impressive policyholder lawyers".
- "Mark's extensive experience in the industry means that he is able to step into a matter and provide quick value-adds and structure to our approach"
- "smart, articulate and vastly experienced,"
- "exactly the sort of lawyer you need by your side in a big claim - he is knowledgeable, articulate and tenacious" and
- having an "exceptional understanding of the nuances of this very bespoke area."

KEY SERVICES

Insurance Disputes
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.

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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 of 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 Algeester, resulting in contamination of a local park and waterways. Mark helped Santos persuade its 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.