

Mark Sheldon

Mark was recognised as a Recommended barrister in the *Doyles Guide* of leading Construction barristers in New South Wales in 2016 and 2018 and as an Emerging Construction & Infrastructure Junior Counsel in New South Wales in 2017. He maintains a significant practice in major engineering and construction disputes. His broader practice encompasses complex commercial law and property disputes and insurance and reinsurance claims.

Mark regularly provides advice and appears both led and unled in a wide variety of Australian courts and tribunals. He has also appeared in a number of multi-million dollar domestic and international arbitrations in the Asia-Pacific region.

Prior to being called to the Bar in 2015, Mark practised as a solicitor at Corrs Chambers Westgarth and Arnold Bloch Leibler and before that was the Tipstaff to the Honourable Justice Einstein in the Supreme Court of New South Wales (Commercial and Technology and Construction Lists).

ADMISSIONS TO PRACTICE

- 2015 Admitted to the Bar of New South Wales
- 2012 Admitted as a Solicitor of the Supreme Court of New South Wales

PROFESSIONAL QUALIFICATIONS

- 2010 Bachelor of Laws (Honours): University of New South Wales
- 2010 Bachelor of Commerce (Distinction): University of New South Wales

ACCOLADES

- 2018 *Doyles Guide* – Recommended as a Leading Construction Barrister: New South Wales
 - 2017 *Doyles Guide* – Recommended as an Emerging Construction & Infrastructure Junior Counsel: New South Wales
 - 2016 *Doyles Guide* – Recommended as a Leading Construction Barrister: New South Wales
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PRINCIPAL AREAS OF PRACTICE

- Arbitration (Domestic and International)
- Building and Construction
- Commercial and Equity
- Competition and Consumer Law
- Corporations Law
- Insurance and Reinsurance
- Property Law

PROFESSIONAL EXPERIENCE

- 2015 - present Barrister, 7 Wentworth Selborne Chambers
- 2014 - 2015 Solicitor, Arnold Bloch Leibler (Commercial Litigation Department)
- 2011 - 2014 Solicitor, Corrs Chambers Westgarth (Construction Litigation Department)
- 2010 - 2011 Tipstaff to the Hon. Justice Einstein, Supreme Court of New South Wales (Commercial and Technology and Construction Lists)

PROFESSIONAL MEMBERSHIPS

- Member: New South Wales Bar Association

PUBLICATIONS

- *A wise decision on an 'unwise' amendment – New SOPA provisions considered for the first time* (2014) Australian Construction Law Newsletter Issue #159, p.28
- *The effect of Andrews v ANZ: Going beyond bank fees – It's about performance too!* [2013] I.C.L.R. 187 (International Construction Law Review)
- *ASIC – How far does its obligations of fairness extend* (2011) 26 Aust Jnl of Corp Law 112 (Australian Journal of Corporate Law) (with the Hon. Justice Clifford Einstein)

OTHER RELEVANT ACTIVITIES

- Intern at the Australian Centre for International Commercial Arbitration (ACICA) - 2013
- Author of commercial arbitration catchwords for the New South Wales Law Reports (with John West QC)
- Headnote author for the New South Wales Law Reports - 2011 to 2017
- Visiting Lecturer at the University of New South Wales teaching Resolving Civil Disputes, LAWS 2371
- Volunteer Magistrate for the Law Society of New South Wales Interschool Mock Trial Competition - 2015

DOMESTIC AND INTERNATIONAL ARBITRATION

- Acting for a top-tier Australian contractor on an international arbitration being conducted in Singapore under SIAC Rules (led by R McHugh SC and T Breakspear)
- Acted for a Vietnamese mining operator on an international arbitration against a leading international design house under SIAC Rules (led by M Dempsey SC and D Hughes)
- Acted for an Australian subcontractor against a large Australian contractor on a domestic arbitration in Melbourne concerning the Gladstone piping project (led by D Miller SC)
- Acted for an Australian subcontractor against a large Australian contractor on a domestic arbitration in Perth concerning a mining project in Western Australia (led by D Miller SC)

SELECT MATTERS (Led)

- Acted for a builder successfully seeking a referral to arbitration under section 8 of the *Commercial Arbitration Act* (led by T Duggan SC) (*Broken Hill City Council v Unique Urban Built Pty Ltd* [2018] NSWSC 825)
- Acted for a developer against an owner on an application for judgment under the *Building and Construction Industry Security of Payment Act 1999* (NSW). Case concerned the requirements of a valid supporting statement (led by I Roberts SC) (*Central Projects Pty Ltd v Davidson* [2018] NSWSC 523)
- Acted for Ceerose Pty Ltd (developer) against an Owners Corporation in a home building defects dispute in the Supreme Court of New South Wales (led by D Miller SC at first instance and I Roberts SC on appeal) ([2017] NSWCA 140; [2016] NSWSC 1629; [2016] NSWSC 1545)
- Acted for St Hilliers Pty Ltd against ACT Projects in a dispute under the *BCISP Act* in the Supreme Court of the ACT (led by D Miller SC) (*St Hilliers Property Pty Limited v ACT Projects Pty Ltd and Anor* [2017] ACTSC 177)
- Acted for a strata lot owner in a judicial review application under the *Strata Schemes Management Act* in the Supreme Court of New South Wales (Led by J Lazarus) (*Colbert v McDonald & Ors* [2016] NSWSC 1291)
- Acted for Cumberland Council against Sydney Construction & Developments Pty Ltd in a dispute over a Contract for the Sale of Land in the Supreme Court of New South Wales (led by A Galasso SC and J Lazarus) (*Sydney Constructions & Developments Pty Ltd v Cumberland Council* [2018] NSWSC 304)
- Acting for Acciona on the Sydney Light Rail Dispute
- Acting for Caltex Australia Pty Ltd against CCS Ceska & Anor in a complex IT services contract dispute in the Supreme Court of New South Wales (led by J Giles SC)
- Acting for 32 Drummoyne Pty Ltd against Skyworks Pty Ltd in a construction dispute in the Supreme Court of New South Wales (led by D Miller SC)

SELECT MATTERS (Unled)

- Acted for Ralan (Culworth) Pty Ltd against an Owners Corporation in a successful appeal from an order transferring the proceedings to the Supreme Court of New South Wales (*Ralan (Culworth) Pty Ltd v Owners Corporation SP 83405* [2017] NSWCATAP 223)
- Acted for Downer EDI Engineering Pty Ltd against Deluxe Developments Ptd Ltd (In Liquidation) & Anor in a construction dispute in the Supreme Court of New South Wales
- Acting for White Constructions against a water services coordinator and a designer in a professional negligence claim in the Supreme Court of New South Wales
- Acting for Fortus Holdings Pty Ltd & Anor against Somersby Land Investments Pty Ltd in a construction dispute in the Federal Court of Australia

- Acting for a mid-size developer against a painting subcontractor in a dispute concerning defective works and payment in the District Court of New South Wales
- Acting for Kodari Securities against Switzer Communications in a misleading or deceptive conduct claim in the Federal Circuit Court
- Acting for a developer against a project management company in a dispute under the *Building and Construction Industry Security of Payment Act 1999* (NSW) in the District Court of New South Wales
- Acted for a plastering subcontractor against a head contractor in a construction dispute for non-payment in the Local Court of New South Wales
- Acted for Peter Ray Plumbing against Quasar Constructions Pty Ltd in a construction dispute in the District Court of New South Wales
- Acted for Steelx Pty Ltd against Con Clark Tractors in a construction dispute in the Local Court of New South Wales
- Acted for Sold Out National Event Management against Mobile Stage Truck Pty Ltd in the Local Court of New South Wales