

MARK WILLIAMS
BARRISTER-AT-LAW

CURRICULUM VITAE

Mark was called to the Queensland Bar in March 1995 practising in Brisbane.

Prior to then Mark had been a solicitor since 1990, having completed his Articles of Clerkship with Morris Fletcher & Cross (later to become Minter Ellison) from 1988 in Brisbane. Upon admission as a solicitor Mark stayed with the firm, first as an employed solicitor then, from 1993, as a Senior Associate in the Construction & Engineering Law section. During his time with Minter Ellison, in addition to practising in Brisbane and conducting litigation throughout Queensland, Mark also practised in the Northern Territory and also, for prolonged periods, practised in Canberra, Melbourne and Sydney, gaining a national perspective on the litigation of construction and engineering disputes.

Upon commencing practice at the Bar Mark, in the intervening twenty-three years, has developed a general practice in commercial litigation; while maintaining his interest in construction and engineering law.

Mark has acted as counsel in cases both large and small; not just in Brisbane but throughout Queensland and interstate as well.

While the bulk of his practice is in the field of construction and engineering law Mark has also acted, and acts, in a range of commercial disputes, including:

- property matters including vendor purchaser disputes, lease disputes and relief against forfeiture, and caveats and their removal;
- corporate insolvency and personal bankruptcy;
- corporate matters generally;
- defending claims of unfair dismissal;
- contract disputes in general;

- arbitration including the registration of domestic arbitral awards, as well as advising upon the validity, under Australian Law, of an international arbitral award, so as to be enforced in a foreign court.

In the field of construction and engineering disputes Mark has acted in respect of both commercial and domestic building disputes of all sizes, including:

- disputes over payment including claims for payment on account of variations to the work undertaken;
- delayed completion including claims for delay, disruption and acceleration costs, extensions of time and liquidated damages;
- show cause and default notices;
- subcontractors' charges.

That experience, gained through assisting clients in their disputes, has given Mark a deep understanding of the risks involved in construction and engineering projects; and so has enabled him to assist clients in the formulation of their contracts at the front end rather than fight at the back end. Mark is often called upon to advise in relation to construction and engineering contracts at the outset of a project and, from time to time, to assist in the drafting of their terms.

As part of his experience, now spanning over a quarter of a century, Mark has also acted extensively as counsel in a great many disputes involving the Queensland Building and Construction Commission (formerly the Queensland Building Services Authority), including matters involving:

- directions to rectify defective and completely omitted works;
- builder's licencing matters, including those involving financial compliance;
- classification of persons as "permitted individuals" in the wake of a builder's insolvency;
- claims against the statutory insurance fund and the recovery by the fund of payments made.

Additionally Mark has significant experience in advising upon, and acting in relation to, claims for payment made under the *Building and Construction Industry Payments Act 2004* (Qld) in respect of which he is a Registered Adjudicator; having before the Act's amendment,

in late 2014, been on the panel of adjudicators maintained by the then of Institute of Arbitrators & Mediators Australia.

Mark is also a Registered Adjudicator for New South Wales, the Northern Territory, Victoria and Western Australia. He is a Senior Adjudicator with the Royal Institution of Chartered Surveyors - Dispute Resolution Service for New South Wales, the Northern Territory, Victoria and Western Australia.

While, from time to time, Mark is appointed by the Queensland Building and Construction Commission as the adjudicator of payment claims made under the Act, he also advises upon the validity of adjudication decisions made by other adjudicators (focusing on whether they are vulnerable to successful challenge before the Supreme Court) as well as assisting in preparing claims for payment and responses to such claims for submission to adjudication.

Mark has always adopted the approach that litigation through to a final hearing is, more often than not, the least cost effective way of dealing with a dispute and so, while sometimes there are no alternatives to a full blown trial leading to judgment, he is also mindful that there are often alternatives; whether they are the making of a specific application which could change the whole outlook of the litigation in question or, more alternative, means.

Consistent with that Mark has, for many years, appeared for parties in numerous mediations and is himself a qualified mediator.

Mark has acted as mediator in just over 150 disputes, having been on the panel of mediators maintained first by the Queensland Building Tribunal and after that, the Commercial and Consumer Tribunal in Queensland.

He is both a Nationally Accredited Mediator and LEADR Accredited Mediator.

Mark is admitted not just in Queensland but the Northern Territory and New South Wales as well. He is also a barrister of the High Court of Australia and so also appears in Commonwealth courts.

Mark holds the following degrees and qualifications:

Bachelor of Laws (with Honours)

University of Queensland

Master of Laws

Queensland University of Technology

Mediation Training Certificate

Queensland University of Technology

Certificate in Adjudication (QLD)

Institution of Arbitrators & Mediators Australia

Certificate in Adjudication (NSW)

Royal Institution of Chartered Surveyors – Dispute Resolution Service

Certificate in Adjudication (VIC)

Royal Institution of Chartered Surveyors - Dispute Resolution Service

Certificate in Adjudication (WA)

Royal Institution of Chartered Surveyors - Dispute Resolution Service

Registered Adjudicator Queensland, Northern Territory, New South Wales, Victoria
& Western Australia

Senior Adjudicator New South Wales & Northern Territory

Royal Institution of Chartered Surveyors – Dispute Resolution Service

National Mediation Accreditation System - Mediator Accreditation

LEADR Mediator Accreditation

Mark, in addition to being a member of the Bar Association of Queensland, is a member of the:

- Law Council of Australia (Business Law Section) and Queensland Law Society Construction & Infrastructure Law Committee;
- Society of Construction Law Australia;
- Resolution Institute (Practitioner Member) – formerly LEADR and Institute of Arbitrators & Mediators Australia.

Mark is also a Sessional Academic and Unit Co-ordinator at the Queensland University of Technology Law School, where he teaches the Construction and Engineering Law subject as part of the University's Master of Laws programme. He is the author of the textbook *Building Contracts & Regulation Queensland*.

Mark was listed as Recommended Junior Counsel for Construction & Engineering Law for Queensland in Doyle's 2012 Guide and was Lawyer Monthly UK's Alternative Dispute Resolution Barrister of the Year for Australia.

In 2017 Mark was named Contracts Disputes Barrister of the Year for Australia by Finance Monthly UK, the Alternative Dispute Resolution Barrister of the Year for Australia by the International Advisory Experts Awards, Recognised Leader in Construction & Engineering Law Australia by the APac Insider Legal Awards, and Dispute Resolution Service Provider for the Year in Australia by Global Law Experts.