

Adj. Professor Stephen A. Hibbert

Arbitrator & Mediator

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United Arab Emirates

- **Engineer and Lawyer**
- **Experienced International Commercial Arbitrator & Mediator**
- **Particular experience in building & construction; oil & gas; real estate and commercial disputes**
- **Lectured extensively on the FIDIC suite of contracts at Sydney universities**
- **Conducted many ICC arbitrations – both as arbitrator and counsel**
- **Experienced in the Middle East in all forms of dispute resolution**

Has acted as Major Projects and Disputes lawyer for over 25 years on numerous projects throughout Australia and Asia and China, including PPP/PFI style rail car and rail systems; toll roads; social infrastructure (schools, hospitals and water and utility systems) and in all forms of project delivery – from design & construct to BOOT style projects.

Has extensive “hands on” experience in the drafting of contracts, including particularly ADR provisions. Brings to commercial arbitration a unique blend of experience in the formulation of projects as well as the management of major disputes – in all forums.

Has acted as arbitrator and advocate in many international arbitrations throughout Asia, including ICC-managed maritime and construction disputes.

Lectured for over 15 years at the University of Sydney and the University of New South Wales in post-graduate courses in Construction Law and International Arbitration and Dispute Resolution.

Drafted standard form contracts for the Australian Standards Association for design and construct and performance contracts and new, “modular”, forms of project contracts.

Played an active role in the Australian Institute of Arbitrators & Mediators (IAMA) including lecturing on all facets of arbitration and mediation. National Director of IAMA 2002- 2007. Director responsible for IAMA’s rules for arbitrations and mediations and practice notes.

Conducted a Commission of Enquiry into design and construction non-conformities in a new, \$60m, detention facility in Australia, on the appointment of the State government.

Extensive experience in the arbitration of access pricing for public infrastructure, including the privatization of power and water facilities.

Has made more than 30 determinations on IT and domain name disputes for the Australian domain name regulatory body.

Independently assessed in Chambers Legal 500 & Who's Who Legal as one of the top 10 commercial arbitration lawyers in the Asia region.

Retained throughout Asia for the independent assessment of claims and disputes, including acting for some of the major suppliers on disputes issues arising from the Channel Tunnel project.

Currently based in the United Arab Emirates (Abu Dhabi/Dubai), working throughout the Gulf on all forms of major projects and project financings, including particularly disputes and arbitrations.

Advised the government of Oman on numerous disputes including ICC arbitrations. Acted for one of Oman's largest private financiers in the structuring and documentation of a new \$1 billion integrated tourist development in the south of Oman.

Lectured across the Gulf on local and international arbitration procedures and mediation. Authored the section on Oman's Arbitration laws in the 2009 publication *A Practitioners Guide to Arbitration in MENA* (Excelsior Publishing, Dubai)

Education

Bachelor of Engineering (*Civil*) (Sydney University, 1979)

Masters of Laws (Sydney University)

Admitted to the Bar of the Supreme Court of New South Wales 1983

Solicitor of the Supreme Court of New South Wales 1985

Admitted to the High Court of Australia 1992

Professional Associations

Accredited Mediator - Australian Commercial Disputes Centre
Graded Arbitrator, Institute of Arbitrators & Mediators, Australia (IAMA)

Member, London Court of International Arbitration (LCIA).

Arbitrator, Dubai International Arbitration Centre (DIAC)

Arbitrator (and Director 2002-2006),

Australian Centre for International Commercial Arbitration

Arbitrator, Singapore International Arbitration Centre

Arbitrator, Abu Dhabi Conciliation & Commercial Arbitration Centre

Professional Positions & Appointments

Adj. Professor and Lecturer, Building and Construction Law, Sydney University (*Engineering Faculty*); NSW University (*Built Environment*).

Appointed by the Premier of NSW to the Independent Pricing and Regulatory Tribunal as an arbitrator for disputes regarding access pricing and access conditions to NSW infrastructure.

Independent Complaints Investigator and member of Independent Appeals Body for Australian Communications Industry Forum Limited.

National Director IAMA 2000-2007

Director, Australian Centre for International Commercial Arbitration 2002-2006

Publications

Over 300 professional publications, including undergraduate and post-graduate course materials on Construction Law and International Arbitration, including:
Construction Dispute Resolution – Future Directions - Building & Construction Law Journal
Commercial & Legal Consequences of Risk Taking in Major Projects - BCLJ

In 2009, authored the *Arbitration Laws of Oman* chapter in
The Practitioner's Guide to Arbitration in MENA (Excelsior Publishing, Dubai)

Professional History

Has practiced as both a civil engineer and lawyer. Acted as Arbitrator, Mediator or Counsel in over 200 domestic and international disputes, involving major projects in all construction and development fields and has been both instructing counsel and advocate in numerous arbitrations within Australia and throughout Asia, including Thailand and China and the UK and Europe.

Currently - Practicing Arbitrator and Mediator. Consultant to both government and private sector companies in the major projects sector and in the formulation and assessment of claims. Dispute Adjudication Board member or advisor on projects in the UAE and Qatar.

2009- 2010 Director of the Abu Dhabi office of the prominent UAE national law firm, *Habib Al Mulla & Company*, continuing to work in the fields of major projects and arbitration.

2008- 2009 - Said Al Shahry Law Office (SASLO), Muscat, Oman as head of the firm's major projects and arbitration practice across the Gulf.

2002 to 2007 – Partner in the Australian law firm Corrs Chambers Westgarth for six years, heading up their major projects and disputes group in New South Wales.

1998 to 2002 - International Partner in Andersen Legal, which was part of the Arthur Andersen worldwide organization.

1983 to 1998 – lawyer, then partner, in the oldest and (then) largest Australian law firm, Allen Allen & Hemsley, specializing in major engineering and construction projects, and related disputes and arbitrations. Acted for governments, owners, contractors, consultants and financiers in a wide range of engineering construction and infrastructure projects in Australia & Asia.

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