



Adj. PROFESSOR STEPHEN A. HIBBERT
Arbitrator & Mediator

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Engineer and lawyer.

Experienced international arbitrator, with over 35 years acting as counsel, solicitor advocate and tribunal member in arbitrations across Australia, Asia and the Middle East.

From 2008, as a resident of the Middle East, acting as counsel and tribunal member in over 30 arbitrations across Oman; U.A.E and Qatar, with appointments from the LCIA, ICC, DIAC and QICCA.

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

Lectured across the Gulf on local and international arbitration procedures and mediation.

Admitted to the New South Wales Supreme Court, as a Barrister, in 1983 and as a Solicitor Advocate in 1985. For over 25 years, practiced as Counsel and Solicitor Advocate;

- in courts and tribunals across Australia, including:
 - o The NSW Supreme Court's Building & Construction Division, including the full conduct of cases and appeals in the Court of Appeal
 - o The Land & Environment Court on planning and administrative matters
 - o Acted as counsel in numerous arbitrations.
- in arbitrations as Counsel (or instructing Counsel) in Australia, Hong Kong, Singapore, and Bangkok.

Appeared as Counsel for one of NSW's largest property owners during the two-year long Gyles Royal Commission into the NSW Building Industry (1990-1992).

Appeared as Lead Counsel representing the Electricity Commission of NSW, and other Australian State electricity supply agencies, in the Gibbs (Sir Harry Gibbs, ex- High Court Chief Justice) Commission of Enquiry into Community matters associated with High Voltage Power Lines and EMF issues.

Commissioner appointed by an Australian State government to enquire into various technical and operational failures in a major new correctional facility (\$AUS 60m).

Lecturer in courses on International Arbitration, and Contracts for International Construction Projects, in the School of the Built Environment at the University of New South Wales.

Lecturer on International Arbitration in the Civil Engineering Department (final year students) at the University of Sydney.

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.

RECENT PROFESSIONAL BACKGROUND

2020- 2023: Arbitrator and Consulting Projects Lawyer, based in Dubai, UAE.

2012 – 2020: (8+ years) **General Counsel & Head of Legal Services** for the Employer, the Qatar Railways Company, for one of the world's largest civil/rail projects – the Qatar Rail Doha Metro. The full network of 37 stations (31 underground); 140 km of underground tunnels/track was completed and brought into service within 6 years of signing the first contract. The project has been heralded as a great success and set world records, including having 21 TBMs all running at one time.

Took the project from commencement (2012) to completion and into full operations (2019).

- Responsible for the establishment of the Legal Dept. and the drafting and awarding of all project contracts in the USD 35bn plus railway programme for Qatar, including the Doha Metro; Lusail Light Rail and the Long-Distance Passenger & Freight project.
- Providing day-to-day advice to the CEO/MD on commercial; insurance; claims management and governance issues and the drafting of laws, regulations, and procedures to permit the rail projects to be built and operated in Qatar.
- Reviewed all contractor claims. As part of the executive group, direct involvement in the assessment: negotiation and resolution of project claims progressively during the project.
- Responsible for the insurance function on the projects, including submissions to the insurance market followed by the negotiation and placement of the Owner Controlled Insurance Programs for both the construction and operations phases.
- Consulting; Rolling Stock; Systems Supply and Maintenance and all operations contracts (incl. new laws and regulations; 3rd party commercial agreements).
- Tender and procurement structuring and documentation.
- Project risk analysis and allocation – incl. complex underground and site issues.
- Direct interaction with all major subcontractors and suppliers; with an extensive provisional sum program as part of the project.
- Post-contract award – structuring systems for contract administration.
- Contractors claim assessments and dispute resolution.

EDUCATION

- Bachelor of Engineering (Civil) (Sydney University) (1979)
- Admitted to the Bar of the Supreme Court of New South Wales (1983)
- Solicitor of the Supreme Court of New South Wales (1985)
- Master of Laws (Sydney University) (1987)
- 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)
- Member & Arbitrator, Dubai International Arbitration Centre (DIAC)
- Director 2002-2006, Australian Centre for International Commercial Arbitration (ACICA)
- Arbitrator, Singapore International Arbitration Centre (SIAC)
- Arbitrator, Abu Dhabi Conciliation & Commercial Arbitration Centre (ADCCAC)
- Fellow, Chartered Institute of Arbitrators, UK (CI Arb)

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 NS infrastructure.
- Independent Complaints Investigator and member of Independent Appeals Body for Australian Communications Industry Forum Limited.
- National Director IAMA 2000-2007
- Director, ACICA 2002-2006

PUBLICATIONS

Over 100 professional publications, including undergraduate and post-graduate course materials on Construction Law and International Arbitration. Recent publications include:

- FIDIC 2017: How to make Site Conditions and Site Risk Allocation work in follow-on contracts for major projects (2022)
- FIDIC 2017: Making the contractor's "design" obligations effective – FIDIC cl 5.1 (2022)
- FIDIC 2017: Clause 8 – Programming: Delay Analysis and Concurrent Delay (2022)
- Amending FIDIC for Major Projects – with reference to the contracts used on the Doha Metro Project (2023)
- FIDIC Users Conference 10 May 2023 – How the amended FIDIC Yellow Book was applied successfully for the delivery of the Doha Metro
- Risk Assessment in Major Projects: How the psychology of individuals, and our personal attitude to risk, can directly affect corporate risk analysis – with particular reference to the risk analysis used to determine the best UK Channel crossing solution.

PROFESSIONAL HISTORY

- 2020 to date - Independent Arbitrator; Mediator and Project Consultant.
- 2012 - 2020 - Head of Legal Services & General Counsel, Qatar Railways Company.

- 2011 – 2012 - Partner, Patton Boggs LLP, Abu Dhabi & Qatar, specializing in major projects & construction law and international arbitration, across the UAE and Middle East, including transactions and disputes in the real estate; commercial contracts; IT systems and oil & gas sectors.
- 2009 – 2010 - Director (Abu Dhabi) of the prominent UAE national law firm, Habib Al Mulla & Company, continuing to work in the fields of major projects and arbitration.
- 2008 – 2009 - Senior Consultant, Said Al Shahry Law Office (SASLO), Muscat, Oman as head of the firm's major projects and arbitration practice across the Gulf.
- 2002 - 2007 - Partner in the Australian law firm Corrs Chambers Westgarth, heading up their major projects and disputes group in Sydney.
- 1998 - 2002 - International Partner in Andersen Legal, which was part of the Arthur Andersen worldwide organization.
- 1983 - 1998 - Senior Associate, then Partner (1987), 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.
- 1977 - 1983 - Practicing Civil Engineer – Electricity Commission (NSW) and Dravo Corporation (USA) in the design and construction of power stations and associated works; aluminum smelters and various other civil and structural projects throughout Australia.

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