

Hugh Foxcroft QC

Barrister, Arbitrator & Adjudicator

BA (Hons); LLB

Hugh Foxcroft QC has a commercial practice involving appearances and paperwork relating to construction and commercial matters predominantly before arbitrators, special referees and in the Supreme Court of Victoria. During the last twenty years his practice has been principally concerned with major commercial construction and civil engineering project litigation, appearing mainly in arbitrations and special references.

Hugh was appointed Queen's Counsel in 2000. He is admitted to practice in all Australian jurisdictions. As a Grade 1 arbitrator, Fellow and former National Councillor of the Institute of Arbitrators & Mediators Australia he has extensive experience in the conduct of arbitrations, including international arbitrations. He is a Fellow of the Australian Centre for International Commercial Arbitration (ACICA), and a member of the International Chamber of Commerce Australia (ICC).

Regularly appearing as an advocate and acting as arbitrator, Hugh has provided advice and appeared in proceedings related to major projects in Victoria, all states of Australia and overseas (including the Philippines, Malaysia and Brunei). Representative projects include iron ore projects (such as Roy Hill, Western Australia), LNG projects (Pluto in Western Australia, Ichthys in the Northern Territory), pipeline projects (Telfer, Goldfields and Wimmera Mallee), building construction projects (Crown Casino, Victorian Hospitals Cogeneration Project), road and rail construction projects (CityLink in Melbourne, Victoria Regional Fast Rail Project, Spencer Street Station Redevelopment, Geelong Road widening, South Improvement Alliance, Lane Cove Tunnel), hydro-electric projects (Bakun Hydro-power Project, Philippines), construction of port and naval facilities (South Wharf redevelopment Port of Melbourne, Muara Naval Base, Brunei), various types of chemical engineering plant (including phosphate, mineral sands processing and nickel recovery plants), quarry rehabilitation (Niddrie), correctional centres (Hopkins Correctional Centre, Ararat), waste recycling plant (Mindarie, Western Australia), educational facilities (RMIT University, ACU, La Trobe and Swinburne), hospitals (Epworth) and power plants (Laverton and Mindarie).

Hugh has appeared in cases involving interpretation of legislation, including in the construction field (such as *H Buildings v Owners Corporation* [2017] VSC 802) and in arbitration, both domestic (such as *Manningham City Council v Dura (Australia) Constructions Pty Ltd* [1999] VSCA; (1999) 3 VR 13) and international (such as *IMC Aviation Solutions v Altain Khuder* [2011] VSCA 248), and in complex tax cases involving technical expertise (petroleum resources rent tax in Bass Strait).

Accredited by the Resolution Institute (formerly Institute of Arbitrators & Mediators Australia) as an adjudicator under the *Building and Construction Industry Security of Payment Act 2002* (Vic), Hugh has published adjudication determinations with reasons. He is an honorary life member of the Building Dispute Practitioners' Society (Victoria), and is a member of the Supreme Court of Victoria TEC List advisory committee, the Construction and Infrastructure Law Committee of the Law Council of Australia, Business Law Section, the Society of Construction Law (UK and Australia) and the International Bar Association (IBA).

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