



<b>Surname, First name</b>	Monichino K.C., Albert
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<b>Nationality/ Date of Birth</b>	Australian / 5 April 1960

## Educational/Professional Memberships

### Education

- Bachelor of Economics, Monash University (1982)
- Bachelor of Laws (Hons), Monash University (1982)
- Master of Law, University of Cambridge (1986)
- Graduate Diploma in Intellectual Property Law, University of Melbourne (1996)

### Arbitration Qualifications and Professional Memberships

- Chartered Arbitrator
- Delegate to ICC Commission on Arbitration and ADR (1 July 2024 to 30 June 2027)
- Past President, Chartered Institute of Arbitrators (Australia) (2014 – 2017)
- Fellow, Chartered Institute of Arbitrators (CIArb)
- Fellow, Australian Centre for International Commercial Arbitration (ACICA)
- Accredited as a Grade 1 Arbitrator by the Resolution Institute
- Member, Panel of Arbitrators, Singapore International Arbitration Centre (SIAC)
- Fellow, Singapore Institute of Arbitrators (SIArb)
- Member, Panel of Arbitrators, Australian Centre for International Commercial Arbitration (ACICA)
- Member, HKIAC List of Arbitrators
- Member, Panel of International Arbitrators, Korean Commercial Arbitration Board (KCAB)
- Member, Panel of Arbitrators, Asian International Arbitration Centre (AIAC), formerly the Kuala Lumpur Regional Centre for Arbitration (KLRCA)
- Member, Panel of Arbitrators, Shenzhen Arbitration Commission (SZAC)
- Member, Panel of Arbitrators, New Zealand Dispute Resolution Centre (NZDRC)
- Member, International Chamber of Commerce (ICC) Task Force on Financial Institutions and International Arbitration (2015 – 2016)
- Member, ICC Task Force on Emergency Arbitration Proceedings (2017 – 2019)

## Current Position

Albert practises as a barrister, arbitrator and mediator. Appointed Senior Counsel in 2010, he has over 30 years of experience in commercial dispute resolution. He is a former President of the Australia branch of the Chartered Institute of Arbitrator, a Chartered Arbitrator, and is accredited as an advanced mediator.

He has been listed consistently by Doyles Guide 2017 – 2023 as one of Australia's leading arbitration barristers.

## Professional Experience

Albert has acted as arbitrator or as counsel under various arbitration rules (including UNCITRAL, ICC, HKIAC and KLRCA Rules), in wide-ranging commercial disputes throughout the Asia Pacific region, including:

- construction, engineering and infrastructure disputes (including the Fluor v Anaconda arbitration, involving claims exceeding A\$1 billion);
- intellectual property disputes;
- shareholder and joint venture disputes;
- financial services and investment disputes;
- international sales disputes; and
- contractual disputes.

Albert's experience as an arbitrator encompasses various sectors, including mining, construction, infrastructure and telecommunications.

Albert also appears in the superior courts in Australia in a broad range of commercial litigation matters.

## Arbitration Experience

### Selected Arbitration Experience

- Acting as sole arbitrator in an international arbitration seated in Melbourne, according to ADC Rules, governed by Victorian law, in respect of a dispute involving allegations of breach of confidence in connection with an information technology services agreement (AUD 43 million): 2023 – 2024.
- Acting as a party-appointed arbitrator in an arbitration seated in Western Australia, governed by Western Australian law, in respect of a mining dispute involving electricity interruption issues (exceeding AUD 100 million): 2018
- Acting as a sole arbitrator in an arbitration seated in Sydney, according to UNCITRAL Arbitration Rules governed by NSW law, in respect of a foreign mining dispute between non-Australian parties (US\$ 1 million) 2016 -2017
- Acting as counsel in an international arbitration seated in Hong Kong, according to HKIAC Rules, governed by Victorian law, in respect of a share sale dispute involving South African gold mining assets (US\$ 100 million) 2015-2016
- Acting as sole arbitrator in an ICC arbitration seated in Singapore, governed by New York law, in respect of a share sale dispute (US\$ 28 million): 2015-2016
- Acting as presiding arbitrator in an arbitration seated in Malaysia, according to KLRCA Rules, governed by Malaysian law, in respect of a construction dispute between Malaysian and Chinese parties (US\$ 3 million): 2015

### Arbitration Teaching Experience

Albert is accredited as a Course Director and Examiner with CI Arb. He has lectured and/or tutored in the CI Arb Diploma Course in International Commercial Arbitration since its inception in 2006. Since 2010, he has been the Course (or Co-Course) Director of CI Arb's Accelerated Route to Fellowship (ARF) Course and, separately, CI Arb's Award Writing course. In 2015 he was the Co-Course Director of CI Arb Australia's Diploma of International Commercial Arbitration course and in 2016 he was the Co-Course Director of the inaugural CI Arb Asia-Pacific Diploma Course held in Singapore. Since 2023, Albert has been the lead lecturer of the intensive subject, 'Arbitration of International Commercial Disputes' offered by Monash University in its postgraduate law program.

## Publications

### Selected Publications

- "International Arbitration in Australia: 2020/2021 in Review and Reflections on a Decade since Reform" (2023) ADJR 1 (co-authored with Alex Fawke)

- “Cryptocurrency and Interim Court Relief: Chen v Blockchain Global Ltd, CLM v CLN and Fetch.ai Ltd v Binance (2022) 50 Australian Business Law Review 205
- “Staying Court Proceedings in the face of ADR Clauses” (2022) 52 Australian Bar Review 94 (co-authored with Gianluca Rossi)
- “Arbitration of Shareholder and Trust Disputes” (2021) 40(1) Arbitrator & Mediator 76.
- “Application of Arbitration Agreements to Non-Signatories: the ‘Through or Under’ Route” (2019) 7(2) ACICA Review 47
- “The Proper Approach to the Interpretation of Arbitration Agreements: Australian High Court Speaks Out” (2019) 7(1) ACICA Review 8 (co-authored with Monique Carroll)
- “The Problem With Rakna: The Scope of the Preclusive Effect of Article 16(3) of the Model Law” Singapore Academy of Law Journal (March 2019)
- “Lessons for Enforcement Across Jurisdictions: Reflections on Astro v Lippo” Asian Dispute Review (January 2019)
- “How Arbitral Tribunals Deal With Jurisdictional Objections in Practice – To Bifurcate or Not And Court Review of Jurisdictional Objections” (2018) Singapore Institute of Arbitrators Newsletter
- “Privilege disputes in international arbitration” (December 2016) The ACICA Review
- “Arbitration Downunder – Two Steps Forward, One Step Back” (August 2016) Australian Construction Law Newsletter
- “Termination for Convenience: Good faith and other possible restrictions” (March 2015) Building and Construction Law Journal
- “The future of International Arbitration in Australia” (2015) Victoria University Law and Justice Journal
- “Pathological Arbitration Clauses Revisited: Gallaway Cook Allan v Carr” (April 2015) Asian Dispute Review
- “Enforcement of foreign arbitral awards, issue estoppel and comity: developments in Australia” (January 2014) Asian Dispute Review (co-authored with Alex Fawke)
- “International arbitration: sheep, wolves and vegetarianism – a view from Down Under” (September 2013) Construction Law International
- “Australia and the Backlash against Investment Arbitration” (2013) The ADR Reporter (co-authored with Alex Fawke)
- “International Arbitration in Australia: The need to centralise judicial power” (2012) Australian Law Journal
- “Stop clock hearing procedures in arbitration” (July 2009) Asian Dispute Review

## Languages

English and Italian