



Albert Monichino QC

Barrister – Chartered Arbitrator - Mediator

CONTACT

List A Barristers
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Biography

Albert practises as a barrister, arbitrator and mediator. Appointed Senior Counsel in 2010, he has over 25 years of experience in commercial dispute resolution. He is a former President of the Australian branch of the Chartered Institute of Arbitrators, a Chartered Arbitrator, and is accredited as an advanced mediator.

He has been listed consistently by Doyles Guide 2017 – 2021 as one of Australia's leading arbitration barristers.

Qualifications

- 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)

Areas of Practice

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, renewables and telecommunications.

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

Arbitration Qualifications

- Chartered Arbitrator
- 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 Arbitrators, Korean Commercial Arbitration Board (KCAB)
- Member, Panel of Arbitrators, Asian International Arbitration Centre (AIAC), formerly 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)

Selected Arbitration Experience

- 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 CIArb. He has lectured and/or tutored in the CIArb Diploma Course in International Commercial Arbitration since its inception in 2006. Since 2010, he has been the Course (or Co-Course) Director of CIArb's Accelerated Route to Fellowship (ARF) Course and, separately, CIArb's Award Writing course. In 2015 he was the Co-Course Director of CIArb Australia's

Diploma of International Commercial Arbitration course and in 2016 he was the Co-Course Director of the inaugural CIArb Asia-Pacific Diploma Course held in Singapore.

Albert has also acted as a guest lecturer since 2010 for the subject international commercial arbitration across a number of LLM programmes, including those taught at the University of New South Wales, the University of Melbourne, and Monash University.

Selected Publications

- “Arbitration of Shareholder and Trust Disputes” (2021) 40(1) Arbitrator & Mediator 76.
- “International Arbitration in Australia: 2019/2020 in Review” (2021) Australasian Dispute Resolution Journal (co-authored with Alex Fawke)
- “Ex parte Enforcement of Arbitral Awards and the Rule of Law: Mineralogy v Western Australia” (2021) Australasian Dispute Resolution Journal (co-authored with Gianluca Rossi)
- “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)
- “International Arbitration in Australia: 2017/2018 in Review” (2019) Australasian Dispute Resolution Journal (co-authored with Alex Fawke)
- “Australia Country Update” Asian Dispute Review (July 2018) (co-authored with Dr Luke Nottage)
- “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
- “Court Review of An Arbitrator’s Preliminary Jurisdictional Ruling and Arbitrability of Domestic Building Disputes” (2018) Australia Construction Law Newsletter 180
- Cross-border contracts – beware, things may go wrong, presentation to Legalwise Annual Contract Law conference on 21 March 2018, Melbourne
- “International Arbitration in Australia: 2016/2017 in Review” (2018) Australasian Dispute Resolution Journal (co-authored with Alex Fawke)
- “Privilege disputes in international arbitration” (December 2016) The ACICA Review
- “International Arbitration in Australia: 2015/2016 Year in Review” (November 2016) Australasian Dispute Resolution Journal (co-authored with Alex Fawke)
- “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
- “Costs in statutory derivative actions: the lingering ghost of Wallersteiner” (January 2015) Company and Securities Law Journal
- “The future of International Arbitration in Australia” (2015) Victoria University Law and Justice Journal
- “Pathological Arbitration Clauses Revisited: Galloway 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
- “The construction of written commercial contracts – a confluence of approach” and “Rectification of written commercial contracts” presented to the Leo Cussen Institute on 30 March 2007, Melbourne