



List A Barristers

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Areas of Practice

- Alternative Dispute Resolution / Mediation
- Banking and Finance
- Building and Construction
- Commercial Law
- Corporations and Securities
- Intellectual Property
- International Commercial Arbitration
- Professional Negligence
- Trade Practices

Educational Qualifications

- B.Ec, LLB(Hons) (Mon), LLM (Cambridge), Grad Dip Intell Prop Law
- **Monash University, Australia**
1978 – 1982
Bachelor of Economics (major in Accounting)
Bachelor of Laws (with Honours)
- **University of Cambridge, England**
1985 – 1986
Master of Law (specialising in International and Commercial Law)
- **University of Melbourne, Australia**
1995 – 1996
Graduate Diploma in Intellectual Property Law

General Qualifications

- Appointed Senior Counsel in 2010.
- Former Vice-President (Convenor) of the Commercial Bar Association of the Victorian Bar ('COMMBAR') and Co-Chair of its Arbitration and ADR Section (1999 – 2012)

Arbitration Qualifications

- Chartered Arbitrator (2016)
- 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)

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- 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, Kuala Lumpur Regional Centre for Arbitration (KLRC)
- 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 (2016 - 2018)
- Australian National Correspondent for CLOUT (Case Law on UNCITRAL Texts), covering arbitration (2012 – 2023)

Selected Litigation Practice

Albert has a broad commercial litigation practice appearing in the superior courts in Australia, including building and construction, corporations law and contractual disputes. A select number of reported cases include:

- Alphington Developments Pty Ltd v Amcor Ltd (No 4) [2021] VSC 6
- Wong v Kasman [2020] VSC 869
- Finetea Pty Ltd v Block Arcade Melbourne Pty Ltd (Building and Property) [2019] VCAT 1529
- In Re F Vitale and Sons Pty Ltd & Ors [2018] VSC 111
- De Simone v Legal Services Board [2017] VSC 471
- Indian Farmers Fertiliser Cooperative Ltd v Gutnick (No 2) [2015] VSC 770
- Re: Hall Contracting Pty Ltd v Macmahon Contractors Pty Ltd & Anor [2014] NTSC 20
- Wheelahan v City of Casey [2013] VSC 316
- Links Golf Tasmania Pty Ltd v Sattler (No 2) [2012] FCA 1271
- PGA Group Pty Ltd v Idameneo (No 789) Limited (formerly Symbion Health Limited); Gunn v Idameneo (No 789) Limited (formerly Symbion Health Limited) [2011] VSC 382
- AvSuper Pty Ltd v Commonwealth Managed Investments Limited [2010] NSWSC 1499
- Vigliaroni & Ors v CPS Investment Holdings Pty Ltd & Ors [2009] VSC 428
- Vigliaroni v Concrete Precast Systems Pty Ltd & Anor [2009] VSC 253; also [2009] VSC 254
- Atkins v Interprac Financial Planning Pty Ltd [2007] VSC 445
- PAN Orient Shipping Services Pty Ltd v Basell Australia Pty Ltd [2007] VSC 215
- Yarra Capital Group Pty Ltd v Goldberg [2006] VSCA 109
- Capital Investments Corporation v Classic Trading Pty Ltd [2001] FCA 1385
- FEO v Pioneer Concrete (Vic) Pty Ltd [1999] VSCA 180

Selected Arbitration Experience

- Acting as counsel in a domestic arbitration seated in Melbourne, governed by Victorian law, according to ACICA Rules, in respect of a dispute under a distribution agreement between an Australian subsidiary of a Chinese manufacturer/supplier and an Australian distributor (AUD 1.5 million): 2020 - 2021
- 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 for a claimant in an ICSID arbitration in a dispute, resolved by expert determination, with its litigation funder who sought to terminate the funding agreement on the grounds of non-disclosure or material adverse change in circumstances.
- 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 (USD 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 (USD 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 (USD 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 (USD 3 million): 2015
- Acting for Arthur Andersen in the Metropolitan Ambulance Royal Commission Acting for a company and its directors in defamation proceedings – FEO v Pioneer Concrete (Vic) Pty Ltd [1999] VSCA 180

Academic/Publications

Albert has lectured and/or tutored in the CIArb Diploma Course in International Commercial Arbitration since its inception in 2006. He was the Co-Course Director of the 2015 and 2016 Diploma Courses, held in Sydney and Singapore respectively.

He has published and presented widely in the areas of commercial law, arbitration and ADR, including:

- “International Arbitration in Australia: 2020/2021 in Review and Reflections on a Decade since Reform” (2023) 32 ADJR 1 (co-authored with Alex Fawke)
- “Staying court proceedings in the face of ADR clauses” (2022) 52 Australian Bar Review 94 (co-authored with Gianluca Rossi)
- “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
- “Privilege Disputes in International Arbitration” (January/February 2022) Australian Construction Law Newsletter 202
- “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
- “Court Review of An Arbitrator’s Preliminary Jurisdictional Ruling and Arbitrability of Domestic Building Disputes” (2018) Australia Construction Law Newsletter 180
- “Termination for Convenience: Good faith and other possible restrictions” (April 2016) 31 Building and Construction Law Journal (BCL) 68
- “The future of International Arbitration in Australia” (2015) 5(1) *Victoria University Law and Justice Journal* 1
- “Plummeting market prices: Frustration, force majeure, or hardship? (2015) AMPLA Yearbook
- “Costs in statutory derivative actions: the lingering ghost of Wallersteiner” (January 2015) *Companies and Securities Law Journal*
- “Adjudicators: beware of natural justice”, (September 2014) *Australian Construction Law Bulletin*
- “Recent developments in expert evidence in Victoria”, (March 2014) *Journal of Civil Litigation and Practice*
- “Enforcement of Foreign Arbitral Awards, Issue Estoppel and Comity: Developments in Australia”, (January 2014) *Asian Dispute Review* (co-authored with Alex Fawke)
- “International Arbitration in Australia: The need to centralise judicial power” (2012) 86 *Australian Law Journal* 118
- “Stop clock hearing procedures in arbitration”, Asian Dispute Review (July 2009), pp 76 - 81