

## ACICA Rules For Administered Arbitration

Until the promulgation of the new Rules, the Australian Centre For International Commercial Arbitration's ("ACICA") role predominantly was as an appointing and administering body for the UNCITRAL Arbitration Rules. ACICA's new Rules are the only institutional international arbitration rules in Australia. The rules take into account other rules such as those of UNCITRAL and the ICC but contain some unique features, in particular, the provision for mediation.

Mediation can be commenced at any time after the initiation of an arbitration upon receipt of a request from a party to the arbitration. The inclusion of the use of mediation is consistent with ACICA's commitment to facilitate the efficient, timely and cost-effective resolution of international commercial disputes.

Under ACICA's Rules, the arbitration and/or mediation are administered by a committee of three members of the Court of Arbitration established by ACICA. The Court comprises persons internationally recognised as eminent authorities on international commercial arbitration. The Court will assign a committee to each case which committee will be accessible for consultation with the arbitrators as provided for in these Rules. The Secretary-General of ACICA is also available to resolve administrative issues relating to the arbitration where the arbitration is held at ACICA's Centre in Melbourne, Australia.

The Court, upon request by a party, will remit an award back to the tribunal to correct any calculation, clerical or typographical errors. The Court is also empowered to request the Tribunal to make an additional award on claims presented during the proceedings but not dealt with in the award.

Confidence in the process of international commercial arbitration, to some extent, is reliant on the care taken by institutions to ensure that the arbitral tribunal meets the required standards of impartiality, integrity and competence. To this end, ACICA's Rules give the Secretary-General the power **not** to appoint a person as an arbitrator, even if nominated by a party, if the Secretary-General considers, after consultation with the Court, that there is a substantial objection to the person. Where the Secretary-General makes an appointment of a sole arbitrator or chairman, only a person of established international standing will be selected.

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