



MLAANZ ARBITRATION RULES

History, changes, and philosophy

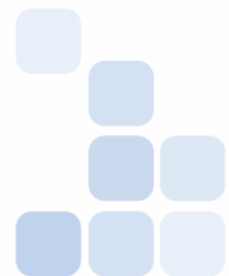
Ron Salter
28 September 2007





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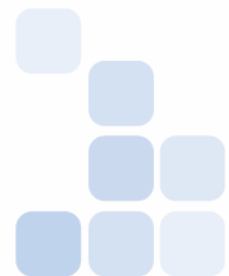
- Launched August 1997
- Adopted in some cases, but not widely known or recognised
- Promotion clearly required in order to encourage use
- Rules subject to review to stimulate interest in MLAANZ Arbitration





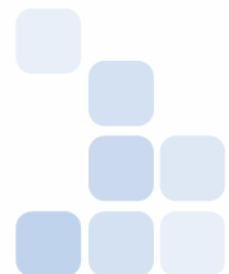
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- New rules in operation from 1 July 2007
- Rules available to the public on MLAANZ website
- Rules designed to be user friendly
- Rules less prescriptive than previous rules or the rules of various arbitral institutions



Reasoning for this approach

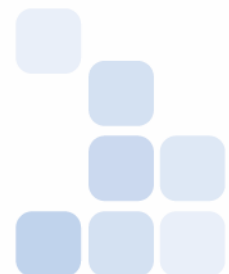
- Rights, obligations, and duties of parties and arbitrators are well established in relevant legislation
- Generic rules, providing fixed time limits for various procedural steps and for the like are more often honoured in the breach than in the observance
- Generic rules of that type provide a 'one size fits all' solution, which is rarely appropriate for the particular case at hand





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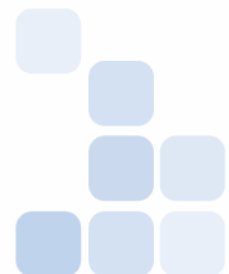
- The most expeditious, flexible, and cost effective arbitrations are invariably conducted by arbitrators who place a firm hand upon the proceedings, and while ensuring that natural justice is accorded to all parties, take positive steps to direct the arbitration along a straight and narrow course without too many, if any diversions





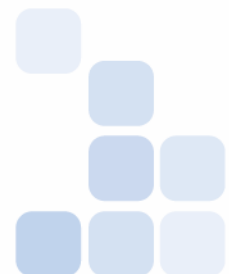
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- The maritime community has never been accepting of institutional arbitrations along the lines of ICC Rules or LCIA Rules, but has been much happier to accept the less formal and certainly less rigid processes of organisations such as LMAA or SMANY



Overview of Changes

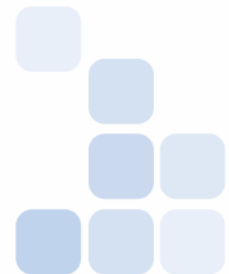
- Sections headed -
 - Arbitration on Documents
 - Arbitration on Oral Hearing
 - Interlocutory Applications
 - Adjournment
 - Availability of Arbitrators – removed altogether





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- Other provisions reduced in size
- One new provision allowing for electronic delivery of documents
- Lengthy schedules to previous rules removed as now superfluous





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