



## Quiz

### Challenges to International Arbitral Awards

1. What circumstances led to the appointment of Mr Bonnell as an arbitrator?
  - a. Sino Dragon appointed Mr Bonnell as their arbitrator of choice
  - b. Noble Resources appointed Mr Bonnell as their arbitrator of choice
  - c. Sino Dragon failed to nominate its own arbitrator within the appropriate time and therefore an independent nominating authority appointed Mr Bonnell
  - d. Mr Bonnell was specified as an arbitrator in the original contract of sale
  
2. What is the test for determining the impartiality of an arbitrator in international commercial arbitration?
  - a. Whether there is a real danger of bias on the part of the arbitrator
  - b. Whether a reasonable, fair-minded observer would consider the arbitrator to be biased
  - c. Whether the arbitrator has a pecuniary interest in the outcome of the arbitration
  - d. Whether any party related to the arbitrator has a financial or moral interest in the outcome of the arbitration

3. Which of the following are grounds for challenging an arbitral award under the *International Arbitration Act*?
  - a. A factual review of the merits
  - b. An error of law can be shown
  - c. New evidence that was not available at the time of the arbitration can establish that the wrong decision was made by the arbitrators
  - d. Arbitrators determined issues beyond the scope of referral to arbitration
4. What is the test under the *International Arbitration Act* for determining whether a party has been denied procedural fairness at arbitration?
  - a. The party was not given a reasonable opportunity to present its case
  - b. The party's evidence was not properly considered by the arbitrators
  - c. The hearing process was flawed due to circumstances in the control of the other party, leading to a substantial injustice
  - d. None of the above
5. What is the English and Hong Kong position on costs in appeals from arbitral awards?
  - a. Presumption in favour of party-party costs. Indemnity costs will be awarded if it can be shown that the appeal was doomed to failure
  - b. Presumption in favour of indemnity costs unless exceptional circumstances exist
  - c. The same position as under Australian common law
  - d. No presumption as to costs; it is a matter entirely for the discretion of the judge

Answers:

1. c 2. a 3. d 4. a 5. b