



## Quiz

### The intersection between commercial arbitration and insurance contracts

1. Which section of the *Insurance Contracts Act* 1984 (Cth) provides that disputes in relation to an insurance contract cannot be determined by arbitration and that they must be determined by a court?
  - a. Section 42
  - b. Section 53
  - c. Section 96
  - d. Section 102(A)
  
2. What was the decision of Justice Martin in *Tensioned Concrete Pty Ltd v Munich Re and others* [2020] WASC 431?
  - a. That the dispute arose out of the insurance contract and therefore in accordance with the Insurance Contracts Act, it must be heard by the court;
  - b. That the dispute arose out of the insurance contract and therefore in accordance with the Insurance Contracts Act, it must be heard by the court;
  - c. That the matter can be heard in an arbitration proceeding and therefore a stay of proceedings was granted
  - d. The court proceedings and the arbitration proceedings were different in nature and would therefore run in parallel with each other

3. What happened after the decision by Justice Martin in the Western Australian Supreme Court?
  - a. Counsel for Tensioned Concrete filed an appeal
  - b. Counsel for Built filed an appeal
  - c. The parties reached an agreement outside of court
  - d. Both A and C
  
4. What was the decision of the Full Federal Court in *Epic Games, Inc v Apple Inc* [2021] FCAFC 122?
  - a. The Court would not order a stay of proceedings as it deemed the Australian Court the proper Court to hear the matter
  - b. The Court ordered a stay of proceedings pending the outcome of the Californian proceedings
  - c. The Court would not order a stay of proceedings and the matter was ran in both the Australian and the Californian courts
  - d. The Court deemed the agreement between the parties valid and deemed the proper jurisdiction to be California
  
5. Which case did counsel for Tensioned Concrete rely upon in its submissions to the Court?
  - a. *Rinehart v Hancock Prospecting Pty Ltd* [2019] HCA 13
  - b. *Akai Pty Ltd v People's Insurance Company Limited* [1996] HCA 39
  - c. *Epic Games, Inc v Apple Inc* [2021] FCAFC 122
  - d. All of the above

Answers:

1. A 2. C 3. D 4.A 5. B