



Quiz

Brandy v Human Rights and Equal Opportunity Commission (HREOC) (1995) 183 CLR 245: More than 20 Years Later

1. What was the order the subject of the HREOC's determination of the hearing of Mr Bell's complaint?
 - a. That Mr Brandy pay a sum of \$2,500 to Mr Bell
 - b. That ATSIC pay a sum of \$10,000 to Mr Bell
 - c. That Mr Brandy apologise to Mr Bell
 - d. All of the above
2. What was the issue facing the High Court in *Brandy v Human Rights and Equal Opportunity Commission (HREOC)* (1995) 183 CLR 245 ("*Brandy v HREOC*")?
 - a. Whether the HREOC had made a jurisdictional error in ordering that Mr Brandy apologise to Mr Bell
 - b. Whether there had been an improper vesting of judicial power in the HREOC as a result of amendments to the *Racial Discrimination Act 1975* (Cth) effectively giving the HREOC judicial power by allowing it to order compensation, or to order parties in disputes to do certain things
 - c. Whether the HREOC's determination was registrable with, and ultimately enforceable by, the Federal Court
 - d. Whether the HREOC's determination could be the subject of judicial review

3. The decision in *Brandy v HREOC* has led to:
 - a. The creation of the Federal Circuit Court of Australia as a new subordinate Federal Court
 - b. A limitation on the creation of other tribunals and on the corralling of disputes into tribunals
 - c. A watering down of the principle of the separation of powers
 - d. Both A and B

4. Which of the following was *not* a feature of the Administrative Appeals Tribunal (AAT) when it was established?
 - a. The AAT was not bound by the rules of evidence
 - b. The AAT was supposed to act in an informal manner
 - c. The AAT was bound by the rules of evidence
 - d. The AAT could inform itself in various ways

5. What is the role of the successor of the HREOC, the Human Rights Commission (HRC), as a consequence of the decision in *Brandy v HREOC*?
 - a. The HRC is still able to exercise judicial power, but in a more limited sense than the HREOC
 - b. The HRC has a significant policy and research function
 - c. The HRC receives and mediates disputes
 - d. Both B and C

Answers:

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