



## Quiz

### United Firefighters' Union v VEOHRC [2018] VSCA 252

1. Which of the following is a statutory authority responsible for Victorian firefighting?
  - a. Country Fire Authority
  - b. Metropolitan Fire Authority
  - c. Country Fire Brigade
  - d. Both A and B
  
2. What was the Union's position in regard to the Human Right's Commission's review?
  - a. That it was not properly constituted under section 151 of *the Equal Opportunity Act 2010* (Vic)
  - b. That the Human Right's Commission lack of impartiality was proscribed conduct under section 157 of the *Equal Opportunity Act 2010* (Vic)
  - c. That publication of the Human Rights Commission's report of the review would be contrary to public policy
  - d. All of the above
  
3. What was the finding of the majority of the Court of Appeal?
  - a. That there was an alternate power under section 157 that gave sufficient power for the Commission to conduct the review and therefore the review was properly constituted

- b. That the review was not properly constituted
  - c. That the review was properly constituted under section 151
  - d. That the review was properly constituted, however publication of the report was not permitted
  
- 4. What did the majority of the Court of Appeal find in relation to the programs and practices of the firefighting authorities and the Executive Government?
  - a. The Executive Government created the two firefighting authorities in Victoria and therefore the practices and programs of the authorities are also those of the Executive Government
  - b. The review into the authority's personnel and recruitment processes were independent of the Executive Government and not subject to the direction of the Executive Government
  - c. The two firefighting authorities are subject to the direction of the Executive Government in all aspects of their practices and programs
  - d. Both A and C
  
- 5. What was the Court of Appeal's finding in relation to the Secretary's argument that there are other general powers given to the Commission under the Act to conduct such a review?
  - a. That there are no general powers bestowed upon the Commission under the Act to enable them to conduct such a review
  - b. That the Commission clearly purported to act under the specific power contained in section 157 of the Act and since it had not met the conditions under section 157, it could not rely upon other more general powers under the Act
  - c. That in accordance with the case of *Plaintiff M70/2011 v Minister for Immigration and Citizenship* [2011] HCA 32, the Commission could rely upon the general powers contained in the Act as there was no irreconcilability or repugnancy between the general powers and the specific powers bestowed on the commission under the Act

- d. That the Commission could rely upon the general powers of the Act if the conditions under section 157 had not been properly met

**Answers:**

**1. A 2. A 3. B 4. B 5. B**