



Quiz

Responsive Legality

1. Which of the following is NOT an element of responsive legality?
 - a. The application of tacit knowledge, intuition and empathy in decision making
 - b. An emphasis by the decision maker on the Rule of Law
 - c. A conjoint emphasis by the decision maker on procedural fairness and substantive justice
 - d. A movement towards greater emphasis on substantive justice over procedural fairness

2. What does Justice Kirby believe influenced Justices Brennan, Dean and Gaudron in their decision *Mabo v Queensland (No 2)* (1992) HCA 23?
 - a. Their Catholic upbringing
 - b. Their close relationship with aboriginal minorities in society
 - c. The idea that courts are increasingly the place to make changes in the law for minorities, not Parliament
 - d. All of the above

3. Which Australian State recently passed legislation to allow transgender people to self-identify their gender and to prevent some of the discriminatory barriers?
 - a. New South Wales
 - b. Tasmania

- c. Queensland
- d. Western Australia

4. Which of the following does Justice Kirby note has been a significant criticism of English Law?

- a. Its focus on procedural fairness over substantive justice
- b. Its focus on substantive justice over procedural fairness
- c. Its focus on the sovereignty of courts to make laws
- d. Both A and C

5. Why did Justice Brennan reach to universal human rights principles in human rights law to in reaching his decision in *Mabo v Queensland (No 2)* (1992) HCA 23?

- a. Australia does not have a principle of human rights provided by way of a Bill of Rights;
- b. Australia does not have a principle of human rights codified in statute or in its Constitution;
- c. Human rights is a matter for Parliament, not courts in Australia
- d. Both A and B

Answers:

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