



Law Council
OF AUSTRALIA

Speech to ceremonial sitting of the Federal Court of Australia to welcome the Honourable Justice Emilios Kyrou AO

**Speech delivered by Mr Luke Murphy, Law Council of Australia
President.**

Date: 28 June 2023

May it please the Court

I acknowledge the traditional owners of the land and waterways on which we gather this morning, the Peoples of the Kulin Nation and pay my respect to their elders past and present and extend that respect to all First Nation elders who are with us this morning.

The Honourable Mark Dreyfus KC MP, Attorney General for the Cwth;
The Honourable Chief Justice; the Honourable Justice Kyrou AO;
distinguished members of the judiciary and legal profession; family and friends of your Honour.

It is a great privilege for me to have this opportunity to welcome & congratulate your Honour as a Judge of the Federal Court and to congratulate you on your appointment as President of the Administrative Appeals Tribunal (or **AAT**).

The President of the Law Institute of Victoria, Tania Wolff, has asked me to extend her warmest congratulations to your Honour on your appointment, and her apologies that she was unable to be here today.

The Law Institute of Victoria particularly wishes to acknowledge your Honour's long involvement with and support of the Victorian profession. Your Honour worked at the Law Institute at the beginning of your career as a research assistant, and later as a significant contributor to its policy work. Your Honour's co-authorship of *Handy Hints for Legal Practitioners*, remains a 'must-read' guide for practitioners. The Law Institute of Victoria was proud to recognise your Honour's contribution to developments in the profession, by awarding you the Law Institutes Rogers Legal Writing Award and the Paul Baker Award for outstanding contribution to administrative law.

Your Honour was one of a few solicitors to be appointed to the Supreme Court of Victoria and the only Greek-born judge to have been appointed to a superior court in Australia. Your Honour is therefore an example of diversity and the Law Council strongly supports the importance of a judiciary which reflects the diversity of the community itself. This is key to promoting public trust in the administration of justice.

Trust in the administration of justice in Australia's system of merits review has never been more important.

An effective and efficient merits review system is a cornerstone of Australia's administrative law. It promotes the observance of the rule of law.

The current restructure of our Nation's administrative law framework is an undertaking with critical and serious consequences for the securing of administrative justice for those affected by the exercise of power.

And your Honour's appointment as President of the AAT coming at such a critical juncture will provide the solid reliable leadership needed to restore public confidence in the system of review.

Decisions of the federal government play a significant role in the regulation of public life, and the administrative law system provides the critical ability to test the correctness and appropriateness of administrative decisions. Merits review also has a broader, longer-term objective of improving the quality and consistency of the decisions of primary decision makers and ensures that the openness and accountability of decisions made by government are enhanced.

Following the creation of the AAT in 1976 under the leadership of The Honourable Sir Gerard Brennan AC KBE, the Australian system of review was described as the most comprehensive in the world which involved a national independent tribunal, which in most cases could substitute its opinion of the “correct” or “preferable” decision for that of the primary official, even if that be an elected Minister. It represented a remarkable innovation.

This new institution notwithstanding its innovation jurisdiction earned the community’s respect. It did so in no small part due to its inspired, balanced and considered leadership.

On the occasion of the 30th Anniversary of the AAT at a dinner held in Old Parliament House in Canberra, Sir Gerrard Brennan said this of the tribunal:

- *I am pleased to see that under the AAT Act, as it now stands, the President of the AAT must be a Judge of the Federal Court.*
- *An essential characteristic of the AAT is that it is independent of the Executive branch of government. It must be independent in its thinking, independent in its*

procedure, independent in its interpretation of the law. Not only does independence give authority to the AAT and its decisions; independence is essential to the AAT's very survival. If it were not, and were not seen to be independent of sponsoring departments, its existence would be a costly charade".

Your Honour, I am very confident that I speak on behalf of the entire Australian legal profession in saying that we have the upmost confidence that under your leadership the new framework, whatever that may be, will steadfastly maintain the essential independence described by Sir Gerrard and as a result will earn the same respect that the AAT had enjoyed.

The Law Council welcomes your Honour's appointment. Your standing, authority and leadership will be vital for the success of the new tribunal. Your Honour's steady hand of experience at the helm provides reassurance to us all.

If I may paraphrase Plato' I think, the following embodies your Honour's commitment and dedication to the rule of law:

- ***Of all the things of a person's soul which they have within them, justice is the greatest good.***

On behalf of the Australian legal profession, and in particular the Law Institute of Victoria, I congratulate your Honour on your appointment to the Federal Court and as President of the Administrative Appeals Tribunal and express the profession's gratitude for your continued service to our community.

May it please the court.

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