



Judicial Conference of Australia

**Media release by the President
of the Judicial Conference of Australia
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JCA CONDEMNS ATTACK ON JUSTICE KERR

The President of the Judicial Conference of Australia, Justice Robert Beech-Jones, has condemned the attack on the performance of Justice Kerr of the Federal Court as President of the Administrative Appeals Tribunal by the Minister for Immigration. “The Minister’s comments were unfair and unwarranted” Justice Beech-Jones stated.

An article in the Herald Sun dated 17 May 2017 reported the Minister for Immigration as having criticised various decisions of the AAT in relation to deportation decisions and as having taken “particular aim” at Justice Kerr. The Minister was quoted as stating “When you look at some of the judgments that are made, the sentences that are handed down..[its] always interesting to go back and look at the appointment of the particular Labor government of the day” and that was a “frustration”. The clear insinuation of the Minister’s comments was that certain decisions of Justice Kerr were influenced or affected by some association or affiliation he had with the party in government which appointed him.

“The suggestion that Justice Kerr’s performance as President of the AAT was affected or influenced by some association with the Labor party or the former Labor government has no foundation” Justice Beech-Jones stated. Justice Beech-Jones noted that there was nothing pointed to by the Minister including any decision of Justice Kerr that would support that assertion.

Justice Beech-Jones also noted that the AAT was constituted by judges from the Federal Court and the Family Court as well as independent statutory office holders each of whom has independence in the making of their decisions but must do so according to law.” As President of the AAT Justice Kerr had no authority to direct others about what decisions they could make” Justice Beech-Jones stated. Otherwise Justice Beech-Jones noted neither the President nor any other member of the AAT hands down “sentences”.

Justice Beech-Jones stated that “the Minister’s comments were unfair because as the outgoing President is a serving judicial officer, there are significant constraints on Justice Kerr’s ability to respond to criticisms that are made of him”.

The JCA notes that on the 15th of May 2017 the Attorney General issued a statement noting that Justice Kerr’s term as President of the AAT had expired, thanking him for his service and stating that he had “provided strong leadership to the AAT, and will be remembered as a very successful President”.

The Judicial Conference of Australia is the professional association of judges and magistrates in Australia.

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