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Minister's comments attacking independence of tribunal were unfortunate, should not be repeated

Comments made by the Immigration Minister on radio attacking the independence of the Administrative Appeals Tribunal were unfortunate and should not be repeated, according to the President of the Law Council of Australia

Speaking on Sydney radio station 2GB, Immigration Minister Peter Dutton said: "When you look at some of the judgements that are made, the sentences that are handed down it's always interesting to go back to have a look at the appointment of the particular Labor Government of the day. Anyway, it's a frustration we live with."

Law Council of Australia President Fiona McLeod SC said the comment was unfortunate and had the potential to undermine the standing and independence of the tribunal.

"The independence of the judiciary, and respect for the role of Courts and tribunals, is a fundamental to the rule of law in Australia," Ms McLeod said.

"The Administrative Appeals Tribunal plays a critical role in overseeing and reviewing decisions made by Federal Government ministers, departments, and agencies every day. For members to face personal criticism for fulfilling their duties is inappropriate. They are reviewing decisions made by government in accordance with law, not personal preference or ideology.

"Justice Duncan Kerr is a highly respected Federal Court judge who has provided excellent service to the Commonwealth during his time as AAT President.

"Members of the government may disagree with decisions made by the AAT, but the Courts and tribunals provide an important check upon the unlawful exercise of power.

"Any suggestion by government that Australian jurists are not acting with independence is dangerous and erosive to our justice system and lies outside Australia's democratic tradition. It undermines the public perception of the legitimate role of the judiciary and weakens the rule of law."

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