The Court, in dismissing the appeal, held that the applicant was not denied substantial justice by the Tribunal in the hearing of its application for review.

It held that except in cases which invoke the principle of manifest unreasonableness, the obligation to accord a hearing did not usually assume the additional obligation to direct attention to omissions in an applicant's case. In this matter, there was no indication to suggest that further material would have advanced the applicant's case. (Followed *Broussard v Minister for Immigration, Local Government and Ethnic Affairs* (1989) 98 ALR 180).

The Court further held that the Tribunal was not required to have a second hearing, and nor was there anything in the Act to preclude a second hearing. In some cases, such a hearing may provide substantial justice. Nevertheless, the absence of a second hearing in this case did not amount to a denial of substantial justice.

Further, the Tribunal could not absolve itself of its responsibility of ensuring substantial justice, because of a dereliction of duty by the applicant's representative. It was reasonable to consider the attitude of the representative when deciding if there was a denial of substantial justice. The proviso to such a principle is that if the course of action taken by the Tribunal was in fact unjust, it would not be an answer to say that the solicitor had failed to complain and merely acquiesced in that course of action.

Finally, Foster J held that considering the communications between the Tribunal and the applicant's representative, substantial justice was not denied to the applicant by the Tribunal's failure to indicate that it had formed an opposing view on the applicant's conversion to Christianity and its effects.

Wang v Minister for Immigration and Multicultural Affairs

(Federal Court of Australia—Merkel J, 21 November 1996, 13 February 1997)
Whether Federal Court has jurisdiction to review decision of Immigration Review Tribunal when application lodged outside 28 day limit)

The applicant was a Chinese student whose application for a visa was refused on the ground that he lodged it 16 days too late. He applied for a review of the decision by the Immigration Review Tribunal (IRT) which, on 20 December 1995, affirmed the decision to refuse the visa. The following day, in compliance with its statutory obligation to give the applicant a copy of the decision, the IRT sent a copy to the applicant by post. The letter enclosing the decision was incorrectly addressed and therefore was not received by the applicant.

The applicant attended the offices of the IRT in February 1996 where he was given a copy of the IRT's decision and informed that as it was now 28 days after the date of the letter of notification he could not longer appeal the decision. Ultimately, after a meeting in April 1996 with a deputy registrar of the IRT, the applicant lodged an application for review in the Federal Court. The respondent applied for dismissal of the application on the ground that it was lodged outside the time limit imposed by s 478 of the Migration Act 1958 of 28 days after the notification of the decision of the IRT.

The Federal Court held that it has no jurisdiction to review a reviewable decision unless the application for

review is lodged within 28 days of the applicant being "notified" of the decision. A person is notified of a decision of the IRT when the substance or outcome of the decision is actually communicated to the person adversely affected by it. A notification, for the purposes of s 478, must not be carried out in a manner which frustrates or negates the entitlement of the person notified to lodge an application for review of the decision within 28 days of the notification. In this instance the applicant was not notified of the decision until April 1996.

A notification of the decision by the IRT which includes or is accompanied by an incorrect or untrue statement that there is no right of review or that the time for review has expired, substantially frustrates or negates the primary statutory function of the notification. The doctrine of estoppel cannot be relied upon by a court so as to relieve against non-compliance with a requirement that the statute intends to be satisfied.

In the circumstances, time only commenced to run under s 478 when the applicant became aware that the advice, that he had no right of review or appeal, was or might not be correct. That occurred on 10 April 1996. Accordingly, the application was lodged within time and the court had jurisdiction to review the decision of the IRT.

Welcome to Chief Justice the Hon (Anthony) Murray Gleeson AC on the occasion of a special sitting of the High Court of Australia

The following is an extract from the welcome to Chief Justice the Hon Murray Gleeson AC on his appointment to the High Court of Australia by the Attorney-General the Hon Daryl Williams AM QC MP on 22 May 1998. Of particular interest to readers of *Admin Review* is that part of the speech concerned with joint judgments by the Justices of the High Court.

The Attorney-General congratulated the Chief Justice on his appointment to the highest judicial office in Australia. He went on to describe his early childhood, his education at St Joseph's College at Hunters Hill in Sydney and his attendance at the Law School at Sydney University.

Following graduation from Sydney University with the degree of Bachelor of Laws, with first class honours, his Honour was admitted to practise as a barrister of the New South Wales Supreme Court in 1963. At the Bar, he practised in most areas of the law, but displayed particular expertise in the equity and commercial jurisdictions. He was appointed at a relatively young age as Queen's Counsel in 1974. His reputation at the bar was as an advocate with formidable analytical and technical skills.

Beyond day to day life at the Bar, his Honour served as a member of the Council of the Bar Association of New South Wales between 1979 and 1986 and as President of that organisation from 1984 to 1986. He was created an Officer of the Order of Australia in the Queen's Birthday Honours in 1986.

In 1988, his Honour's considerable talents, personal qualities and standing in the legal profession brought him to appointment as Chief Justice of the Supreme Court of New South Wales. That appointment was the first in over 50 years to have been directly from the Bar.

The Attorney-General referred to the many challenges and changes facing the Supreme Court, and the justice system in general, during the period his Honour served as Chief Justice of the Supreme Court. These included the political debate and media scrutiny of sentencing decisions in the criminal jurisdiction and the delays in the criminal justice system and the effect of this on defendants held in custody.

His Honour initiated reforms to improve efficiency within the Court including the adoption of case management strategies, and the appointment of a public information officer to the Court.

The Attorney-General said:

> The members of this Court will be aware of the desire of some within the legal profession and elsewhere to see reform in relation to multiple judgments.
>
> In the High Court it has generally been the practice for justices to write separate judgments, sometimes even when legal principle is enunciated in very similar terms in some of those separate judgments. The reader has to examine similar judgments, searching for nuances in the different expositions, in order to identify the ratio of the case.
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> Of course, each judge, through the oath or affirmation of office, undertakes a