

## Citation for Honorary Doctor of Laws (honoris causa)

### THE HONOURABLE MICHAEL BLACK AC

Born in 1940, the Hon Michael Black attended schools in Australia, Egypt and England before receiving his further education at Wesley College and the University of Melbourne. On 10 April 1963 he was conferred the degree of Bachelor of Laws by the University of Melbourne and he began practice at The Victorian Bar the following year. As a junior barrister his practice included civil jury actions as well as commercial and public law cases. He was appointed Queen's Counsel for Victoria in 1980 and for Tasmania in 1984. As Queen's Counsel he specialised in appellate work before the High Court of Australia and other appellate courts, and in the fields of constitutional, commercial and industrial law.

Michael Black was appointed Chief Justice of the Federal Court of Australia on 1 January 1991; on his retirement in 2010, he will have held the position for almost 20 years. He is only the second Chief Justice of the Federal Court, which was first established in 1976. During his time as Chief Justice, the Court consolidated its position as the national intermediate appellate court, below the level of the High Court, which is in effect the final court of appeal in many matters. The Federal Court is a truly national court, which draws on the sometimes disparate legal cultures of all Australian jurisdictions. It has a reputation for cohesion; streamlined and efficient procedures; the quality of its adjudication; and its capacity to move quickly to resolve cases of an urgent and sensitive kind, of which the decision in the *Tampa* litigation is an example. Importantly, it is also known for its responsiveness to litigants, including Indigenous Australians, in the course of the exercise of the Court's significant native title jurisdiction.

The achievements of the Court during this period are in large part due to the leadership of Michael Black. In a sense, he exemplifies the best characteristics of an Australian Chief Justice. He is a distinguished lawyer in his own right; he accepts the Australian ethos of a Chief Justice as merely 'primus inter pares'; but he has the vision and the commitment to provide vigorous and farsighted direction for the Court, to assume the considerable management burden, and to defend its independence, fiercely if necessary, to ensure that the Court can fulfill its constitutional role.

Not least amongst his achievements as Chief Justice is his contribution to the architecture of Australian Federal Court buildings, beginning with the design philosophy of the Commonwealth courts in Melbourne, in which he takes personal pride. Anyone who has toured the building at the corner of William and Latrobe Streets cannot but be struck by the vision that lies behind it. When first built, it was described as 'the most technologically advanced courthouse in the country'. More important still is the philosophy that both the Melbourne building and its successor in Adelaide represent. The buildings are deliberately accessible and filled with light, in a distinctive break from the design of court buildings at an earlier period. In the words of the Chief Justice himself, it is 'heresy that you need dominating, imperial, neoclassical architecture to provide the dignity that has to go with the conduct of serious business.' The buildings are designed to suggest that, to quote the Chief Justice again, 'justice.. is open to the world and is transparent' using 'light is an illumination of truth'. Sections of the Constitution, etched into the windows of the building, remind the Court of the sovereignty of the people, from whom the authority of the Court is derived.

Michael Black himself is the quintessential common lawyer for the 21<sup>st</sup> century. He believes in and uses to great effect the high technique of the common law, adapted to an age of statute. In a sense, this makes a virtue of necessity, given the purely statutory jurisdiction of the Federal Court. But at a time when the reality is that the law is dominated by statute, the Chief Justice's capacity to marry the two has been a seminal contribution. His insights into the technique of the common law in application to statute are a resource on which Melbourne Law School has drawn repeatedly, to introduce its own students to the intellectual excitement of law and its capacity to contribute to a better world and to challenge them to achieve the highest standards.

Michael Black is a remarkable example of an Australian who thinks globally and acts locally. His interest in developments in legal thought and practice outside as well as within Australia can be demonstrated in a myriad of ways, and not least by his position as President of the International Association of Supreme Administrative Jurisdictions, founded in 1983 "to promote exchanges of ideas and experiences between jurisdictions empowered to adjudicate, in last instance, disputes arising from the action of public administrations." At the same time, throughout his legal career he has worked for the enhancement, development and improvement of the legal profession and of legal education in Australia. He was Foundation Chairman of the Readers' Course, the Victorian Bar's course of instruction for new barristers, acknowledged as a leader of its kind in Australia. He has been a member of the Victorian Bar Council and a member of the Council of the Leo Cussen Institute for Continuing Legal Education. He has been generous in his interest in and support for Law Schools throughout Australia. Importantly from the standpoint of Melbourne Law School, he has from the outset embraced the move to graduate legal education. He served as Chair of the Juris Doctor Advisory Board, shortly after the inception of the degree in 2000 and his wise counsel was critical in crafting the degree and ensuring its acceptance around Australia.

On Australia Day 1998, Michael Black was made a Companion in the Order of Australia for service to the law, to the legal profession and to the judiciary.