



Hon. Robert McClelland MP
Attorney-General

MEDIA RELEASE

Friday, 8th April 2011

APPOINTMENTS TO THE FEDERAL COURT AND FEDERAL MAGISTRATES COURT

Attorney-General Robert McClelland today announced two appointments to the Federal Court of Australia and an appointment to the Federal Magistrates Court.

“It is with great pleasure that I announce the appointment of Mr Bernard Murphy and Mr Alan Robertson SC as Judges of the Federal Court,” Mr McClelland said.

“I congratulate Mr Murphy and Mr Robertson and look forward to the contribution each will make to the law in their new capacity.”

“Mr Murphy will take up his appointment at the Melbourne registry in June and Mr Robertson will commence at the Sydney registry this month.”

Mr Murphy is Chairman of Maurice Blackburn Lawyers and has specialised in commercial class action litigation since 1998. Mr Robertson is a New South Wales barrister, who was appointed Senior Counsel in 1995 and specialises in constitutional and administrative law and appeals.

Mr McClelland today also announced the appointment of Mr Garry Foster as a Federal Magistrate.

Mr Foster will take up his appointment in the Newcastle registry of the Federal Magistrates Court later this month.

“Mr Foster has practised at the New South Wales Bar since 2001 and brings significant experience in family law to the Court,” Mr McClelland said.

“I congratulate Mr Foster on his appointment and wish him well as he takes on this new role.”

In 2008, the Attorney-General introduced new processes for appointing judges and magistrates to federal courts to ensure greater transparency and public confidence in the judicial appointments process.

These processes involve public notices, broad consultation, published appointment criteria and the use of advisory panels to assess candidates against the criteria and make recommendations of those that are highly suitable for appointment.

The response to the public notice inviting expressions of interest and nominations for the Federal Court, combined with candidates considered in a previous appointments round for Sydney and Melbourne, resulted in over 200 candidates being assessed by the advisory panel.

The advisory panel comprised Chief Justice Patrick Keane, Sir Gerard Brennan AC KBE, the Hon Acting Justice Jane Mathews AO and a senior official of the Attorney-General's Department.

24 candidates for the position of Federal Magistrate were assessed by an advisory panel comprising Chief Federal Magistrate John Pascoe AO CVO, the Hon Susan Morgan, a former Judge of the Family Court, and a senior official from the Attorney General's Department.

"I would like to thank the members of the advisory panel for their continued contribution to the judicial appointment process," Mr McClelland said.

Short professional biographies of the appointees are attached.

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Federal Court of Australia

Biography - Mr Bernard Murphy

Mr Murphy holds a Bachelor of Laws and a Bachelor of Jurisprudence from Monash University and was admitted as a solicitor to the Supreme Court of Victoria and the High Court of Australia in 1980. From 1980 until 1995, Mr Murphy worked as a solicitor at Slater and Gordon Lawyers and was appointed senior partner in 1990. In 1996, he began working as a solicitor at Maurice Blackburn Lawyers where he is now Chairman (appointed 2005) and Senior Principal of its Major Projects and Class Actions department. Since 1998, Mr Murphy has specialised in commercial class action litigation involving interlocutory, trial and appellate proceedings in the Supreme Courts of Victoria and NSW, the Federal Court of Australia and the High Court of Australia. Mr Murphy is a Senior Fellow and Lecturer at Melbourne University in Class Action Law and is vice president of the Childrens' Protection Society.

Biography - Mr Alan Robertson SC

Mr Robertson has a Bachelor of Arts (Hons) and a Bachelor of Laws (Hons) from the Australian National University and in 1980 was admitted as a legal practitioner of the Supreme Court of the Australian Capital Territory. From 1973 to 1983, Mr Robertson worked as a Commonwealth public servant, holding a variety of positions including assistant to the Commonwealth Solicitor-General, Sir Maurice Byers Kt CBE QC. In 1983, Mr Robertson was admitted as a Barrister of the Supreme Court of New South Wales and, in 1995, he was appointed Senior Counsel. In that capacity he has appeared frequently in both federal and state courts. His areas of specialisation are constitutional and administrative law, including revenue law, and appeals. Mr Robertson is also convenor of the Constitutional and Administrative law section of the New South Wales Bar Association.

Federal Magistrates Court of Australia

Biography - Mr Garry Foster

Mr Foster holds a Bachelor of Laws from the University of Sydney and was admitted as a solicitor to the Supreme Court of New South Wales in 1974. From 1974 to 1976, Mr Foster worked as a solicitor at the Sydney firm, T C Redmond & Co. The practice specialised in conveyancing, probate, criminal and traffic court work and matrimonial causes. In 1976, he acquired the practice as principal and worked as a sole practitioner. In 1985, Mr Foster commenced practising in partnership and by 2000 his practice had grown to three partners and ten staff members. In 2001 he was called to the New South Wales Bar. Since then, Mr Foster has appeared extensively in family law and de facto relationship matters, specialising in property and children related trial work including parenting, relocation, child abuse and child support.