

APPOINTMENTS - IN - CONFIDENCE
APPOINTMENT DETAILS

S34(1)(a)

APPOINTMENTS - IN - CONFIDENCE

11/791-04
11#6500doc

* Denote other EEO Categories, where known, for example as: Aboriginal (A) or Torres Strait Islander (TSI); Non-English speaking background - first or second generation (NESB 1/2); or a person with a disability (PWD)

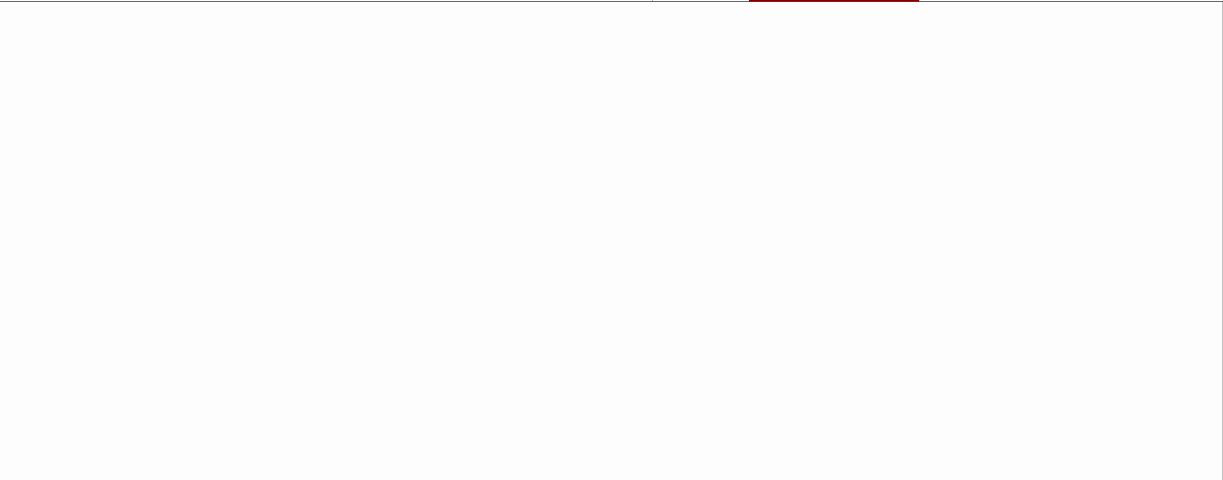
FOI-1

RELEASED UNDER THE FOI ACT 1982 BY THE ATTORNEY-GENERAL'S DEPARTMENT

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.

OUT OF SCOPE



DRAFT MEDIA RELEASE TEMPLATE FOR THE ATTORNEY GENERAL

This template should be used for preparing draft media releases.

The Department's Media Management Guidelines provide advice on preparing media releases.
<http://agnet.ag.gov.au/mediaguidelines>

Please email drafts to mediaAGD@ag.gov.au

Program contact:
Cleared in Public Affairs by:

**APPOINTMENTS TO THE
FEDERAL COURT OF AUSTRALIA**

Attorney-General, Robert McClelland, today announced two appointments to the Federal Court of Australia.

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

The response to the public notice inviting expressions of interest and nominations, 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.

"I congratulate the two appointees and look forward to the contribution each will make to the law in their new capacity", Mr McClelland said, "I would like to thank the members of the advisory panel for their continued contribution to the judicial appointment process".

Short professional biographies for the appointees are attached.

Media Contact: Ryan Liddell

11/791-03

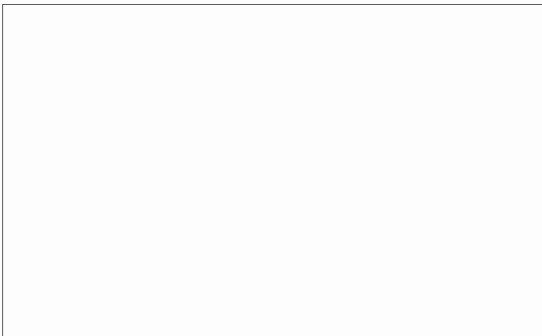
11 # 239008 doc

Ms Kelly informed the Panel that you requested that we limit our recommendations to candidates whom we regarded as "highly suitable" for appointment. We have listed all candidates whom we would place in that category and comment that other candidates fall short of possessing the qualifications needed for appointment to the Federal Court. We made enquiries of some persons whom we regarded as highly suitable for appointment but who were not willing to accept nomination at this time.

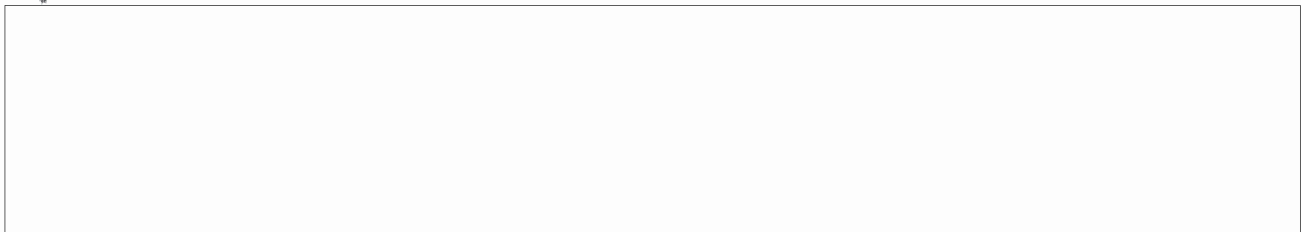
The Court's need is chiefly for judges of outstanding expertise in commercial matters or at least possessing the intellectual and other qualifications that give assurance of their ability to demonstrate a high degree of competence in commercial matters. Recent retirements from the Court have significantly diminished the Court's strength in the commercial fields of litigation.

The persons whom we recommend for appointment for the Sydney Registry are –

Mr Alan Robertson SC



The persons whom we recommend for appointment for the Melbourne Registry are –



Mr Bernard Murphy (Chairman, Maurice Blackburn).

Yours sincerely,

Gerald Brennan

The Panel was informed that, on 1 October 2010, you wrote to the following organisations and individuals seeking nominations for the Sydney and Melbourne appointments: Law Council of Australia; Australian Bar Association; Law Societies and Bar Associations of each State and Territory; deans of law schools; Australian Women Lawyers; the National Association of Community Legal Centres; National Legal Aid, Chief Justices of the Federal and Family Courts and the Chief Federal Magistrate; President of the Administrative Appeals Tribunal; and the Executive Officer of the Council of Australasian Tribunals (inviting him to make your request available to the Council and the heads of its membership organisations).

Panel members were provided with particulars of all expressions of interest and nominations.

To be eligible for appointment as a judge of the Federal Court, a person must have been enrolled as a legal practitioner of the High Court or a Supreme Court of a State or Territory for at least five years. Appointees to the Federal Court are expected to possess the following personal and professional qualities to the highest degree:

- legal expertise
- conceptual, analytical and organisational skills
- decision-making skills
- the ability (or the capacity quickly to develop the ability) to deliver clear and concise judgments
- the capacity to work effectively under pressure
- a commitment to professional development
- interpersonal and communication skills
- integrity, impartiality, tact and courtesy, and
- the capacity to inspire respect and confidence.

The Panel considered the expressions of interest and nominations against the published requisite qualities for appointment. There were a total of 214 candidates identified through the combined 2010 nominations and expressions of interest and the candidates listed from earlier appointments.

21 December 2010

The Hon Robert McClelland, MP
Attorney-General
Parliament House
CANBERRA ACT 2600

Dear Mr Attorney,

I write on behalf of the Panel whom you appointed to make recommendations for the appointment of Federal Court Judges to be attached respectively to the Sydney and Melbourne Registries of the Court. The members of the Panel are the Hon Patrick Keane, Chief Justice of the Federal Court, the Hon Acting Justice Jane Mathews, A.O., Ms Elizabeth Kelly of your Department and myself.

The Panel was advised that expressions of interest and nominations were sought by public notices in the *Weekend Australian*, *Sydney Morning Herald* and *Melbourne Age* on 25 September 2010 and *The Australian Financial Review* on 1 October 2010. The notices called for expressions of interest and nominations to be submitted by 22 October 2010. The notices did not state that previous candidates for the Federal Court vacancies would be considered, but your Department circulated letters to those candidates enquiring whether they wished to reapply. The Panel took the particulars of those candidates and any responses made into account in assessing candidates for the present round of appointments. Further information about the position, including criteria for assessing those expressing interest or nominated (see below), was provided on the Attorney-General's Department's website.

11/791-04

12# 633746doc

EXPRESSION OF INTEREST

Federal judicial appointments – Federal Court of Australia

Expression of interest for appointment (Sydney and Melbourne).

Thank you for your interest in appointment to the Federal Court of Australia.

Initially, an appointment to the Sydney registry will be made. Further appointments may also be made to the Melbourne and Sydney registries in the next 12 months from the expressions of interest and nominations received in this round. Please indicate location preference on your expression of interest or nomination form by entering '1' for your first preference and '2' for your second preference.

Sydney

1 Melbourne

In order to lodge an expression of interest, please complete the following documentation and submit, with any supporting material, to appointments@fedcourt.gov.au

Private Interests Declaration: A Private Interests Declaration form is at the last two pages of this documentation. To enable your expression of interest to be processed, please answer the questions in the declaration.

Judicial appointments contact officer: The contact officer for judicial appointments is Warwick Soden, Registrar, Federal Court of Australia, 02 9230 8357.

Deborah Craig

From: Bernard Murphy [BMurphy@mauriceblackburn.com.au]
Sent: Wednesday, 20 October 2010 12:23 PM
To: Appointments
Subject: Expression of interest for appointment
Attachments: Expression of Interest-final.PDF; Curriculum Vitae 2010- final.PDF

Attention Mr W. Soden
Registrar,
Federal Court of Australia.

Dear Mr Soden,

I attach the following;

1. Expression of interest for appointment;
2. Curriculum Vitae (including attachment of articles and papers)

Yours Faithfully

Bernard Murphy

Bernard Murphy | Chair

Maurice Blackburn Pty Limited
Level 10, 456 Lonsdale Street, Melbourne VIC 3000
T (03) 9605 2735 F (03) 9258 9610
BMurphy@mauriceblackburn.com.au | <http://www.mauriceblackburn.com.au>

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Professional qualifications

Current position:

Chairman
Maurice Blackburn
Lawyers
456 Lonsdale Street
Melbourne

Year commenced current position:

2005

Areas of specialisation:

Please see my attached CV for greater detail.

Since 1998 I have practiced as a commercial litigator, specialising in the area of representative proceedings or "class actions". I have conducted, supervised or advised on the conduct of thirty successful class actions which has involved me in the following areas of specialisation;

- (a) The class action procedure in Part IVA of the *Federal Court of Australia Act 1976* and the body of authorities around it and the equivalent procedure in the *Supreme Court Act 1986* (Vic);
- (b) The substantive commercial, corporations, trade practices and consumer protection laws underpinning most of the thirty class actions that I have conducted, supervised or advised on, which includes;
 - (i) the shareholder and investor protection provisions of the *Corporations Act 2001*, the *Australian Securities and Investment Commission Act 2001* ("ASIC Act"), and the *Trade Practices Act 1974* ("TPA");
 - (ii) the prohibitions on cartel conduct in the TPA;
 - (iii) Actions by consumers against banks and financial institutions for misleading loan documentation, for breach of contract, for breach of the doctrine of penalties, for unconscionable conduct in breach of the ASIC Act and the TPA, and for breach of the National and the Consumer Credit Codes, in loans or in the charges and fees imposed;
 - (iv) product liability under the TPA;
 - (v) Actions by consumers for breaches of the TPA relating to defective goods and goods not of merchantable quality.

Personal particulars

Name:

Mr Bernard Murphy

Date of birth:

Preferred mailing address:

As above

Home address:

As above:

Preferred telephone contact:

Preferred email address:

Educational qualifications:

Bachelor of Jurisprudence, Monash University, 1978

Bachelor of Laws, Monash University, 1978

First enrolment as a legal practitioner:

1980, Supreme Court of Victoria, High Court of Australia, Solicitor

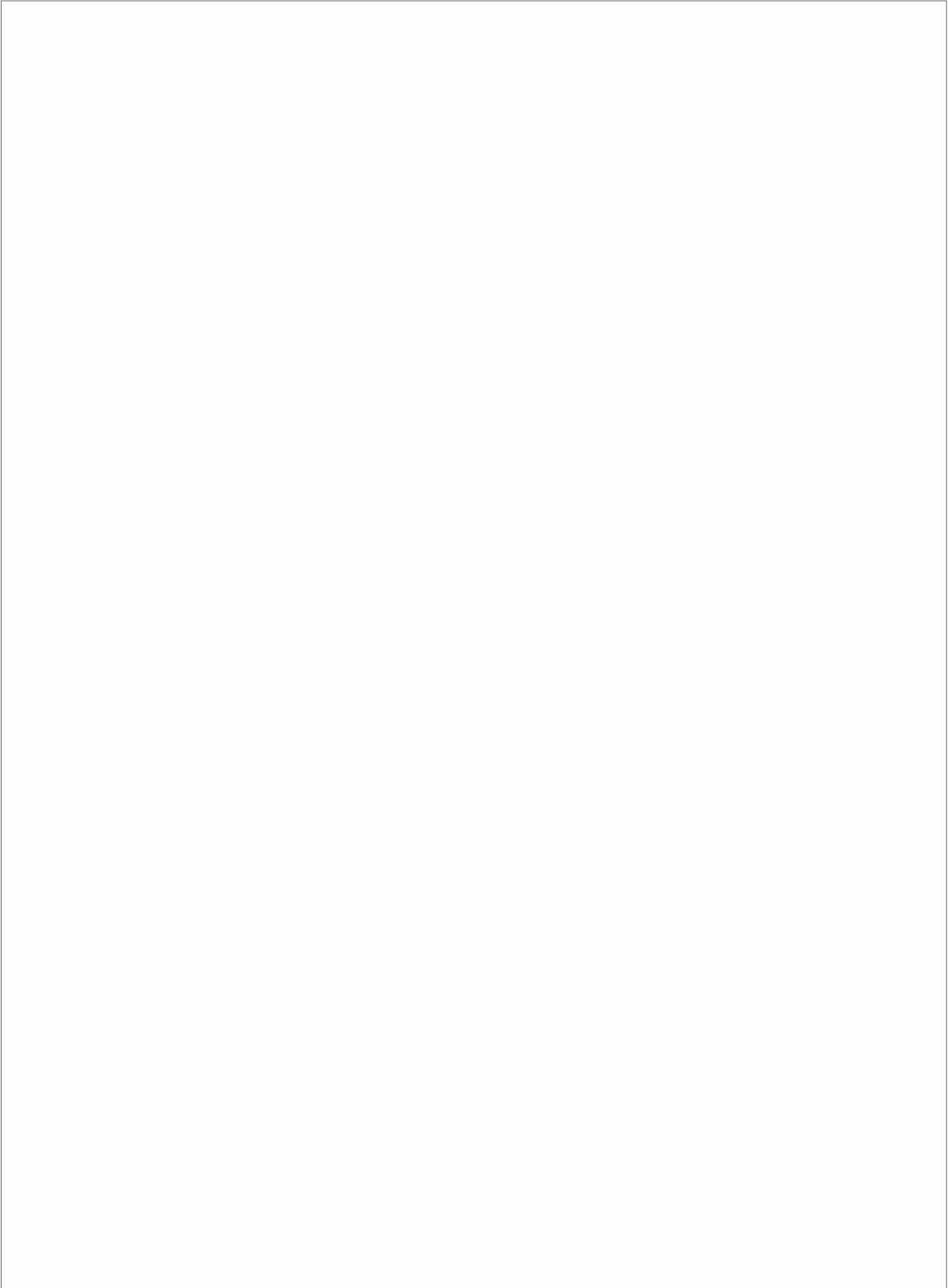
If applicable, other enrolments as a legal practitioner:

1987, Supreme Court of Western Australia, Solicitor

1989, Supreme Court of New South Wales, Solicitor

If applicable, appointment as Senior Counsel or Queen's Counsel:

Not applicable



Former positions of note:

Senior partner, Slater and Gordon, Lawyers, 1990 -1995

Additional comments:

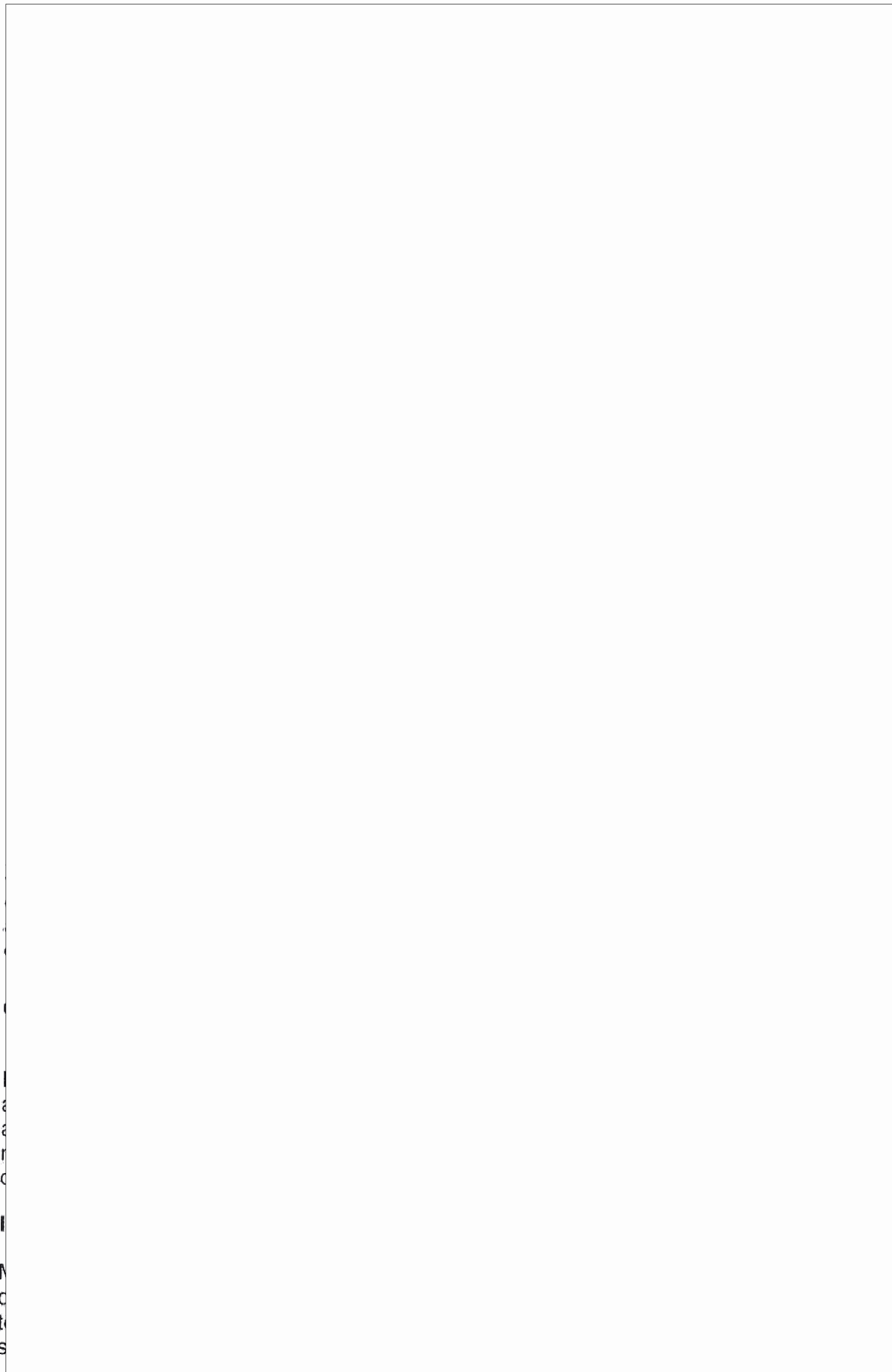
1. Senior Fellow of University of Melbourne Law School, Lecturer of *Class Action Law* course as part of Master of Laws program;
2. Member of Australian Law Reform Commission Advisory Committee on *Discovery in Federal Court Litigation*;
3. Member of Department of Treasury Roundtable on *Regulation of Litigation Funding of Class Actions* (March 2010).

Details of Publications:

A full list of the publications, papers and lectures that I have been invited to present, together with the expert panels and roundtables I have been invited to attend, is attached to my CV

Responses to criteria





Declaration

By submitting this documentation electronically, I declare that the information I have provided is true and correct to the best of my knowledge.

I understand that in order for my expression of interest to be considered, I am required to complete the attached Private Interests Declaration form. I understand that I may be required to provide a signed declaration at a later date.

A handwritten signature in black ink, appearing to read 'Bernard Murphy', with a long vertical line extending downwards from the end of the signature.

Name: Bernard Murphy

Date: 20 October 2010

Additional Comments:

Class actions have become an important part of the legal landscape, and are actions that can be issued in either state or federal courts. They are often cases about important issues which attract much public attention and pose difficult case management dilemmas. An important and growing body of law has built around the area. As the most experienced class action practitioner in Australia I believe that I can assist the Court in most effectively and efficiently managing such cases.

I consider that the appointment of an experienced and respected senior solicitor with significant management experience as well as extensive litigation experience will bring a range of different skills to enhance the Court.

S34(3)

S34(3)



BERNARD MURPHY – CURRICULUM VITAE

A. FORMAL PARTICULARS

Name and address:

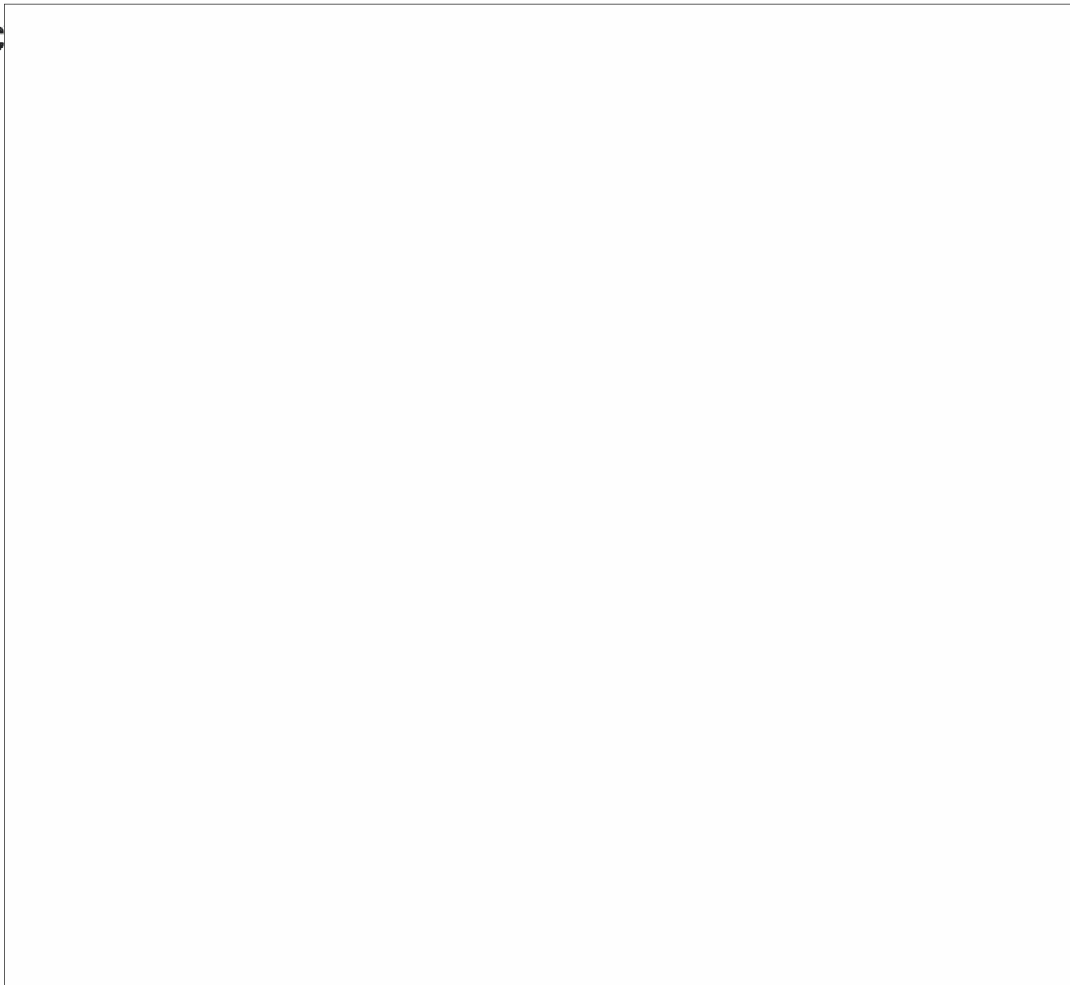
Bernard Michael Murphy, 48 Carlsberg Road, Eaglemont, Victoria, 3084

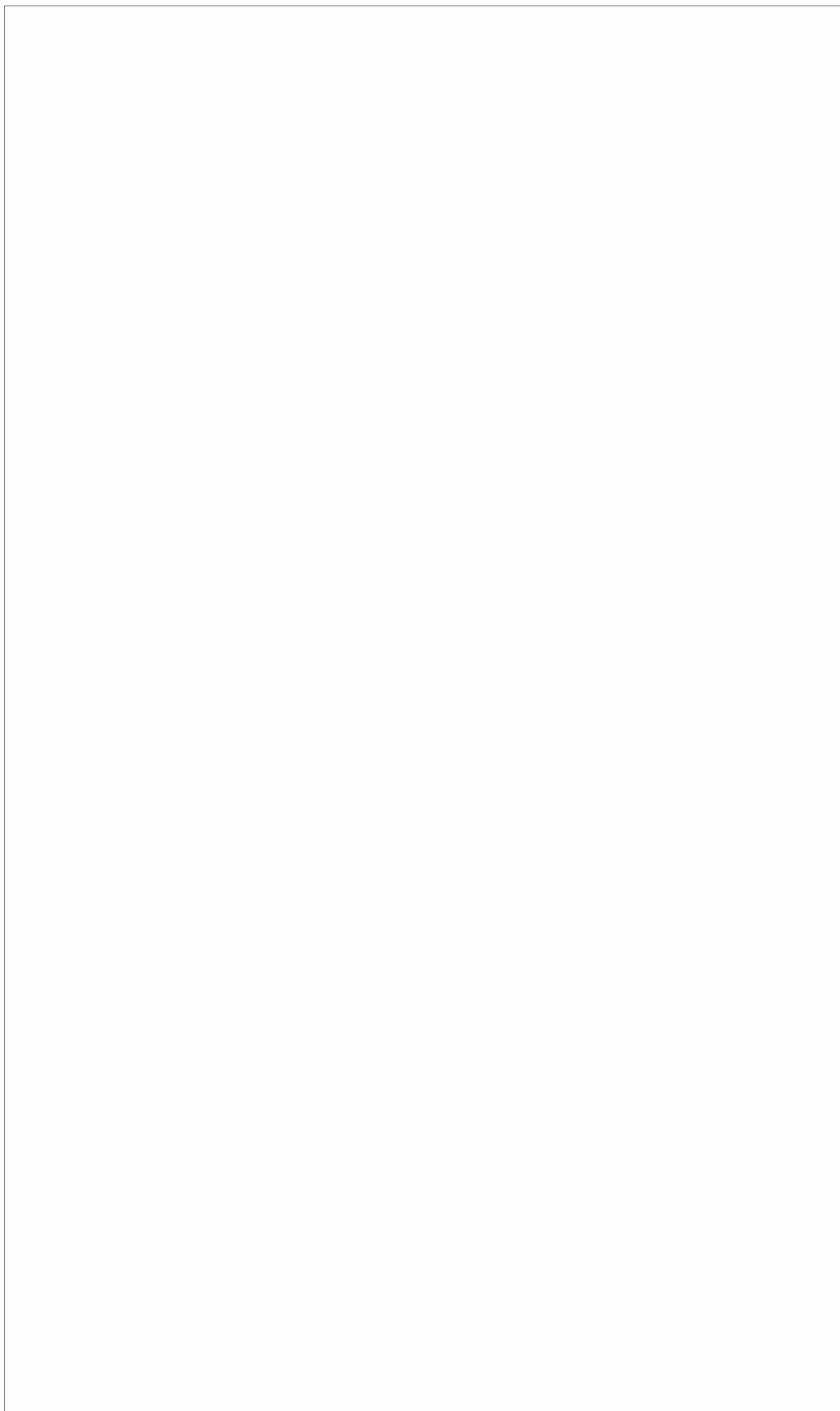
Date of Birth:

B. EDUCATION

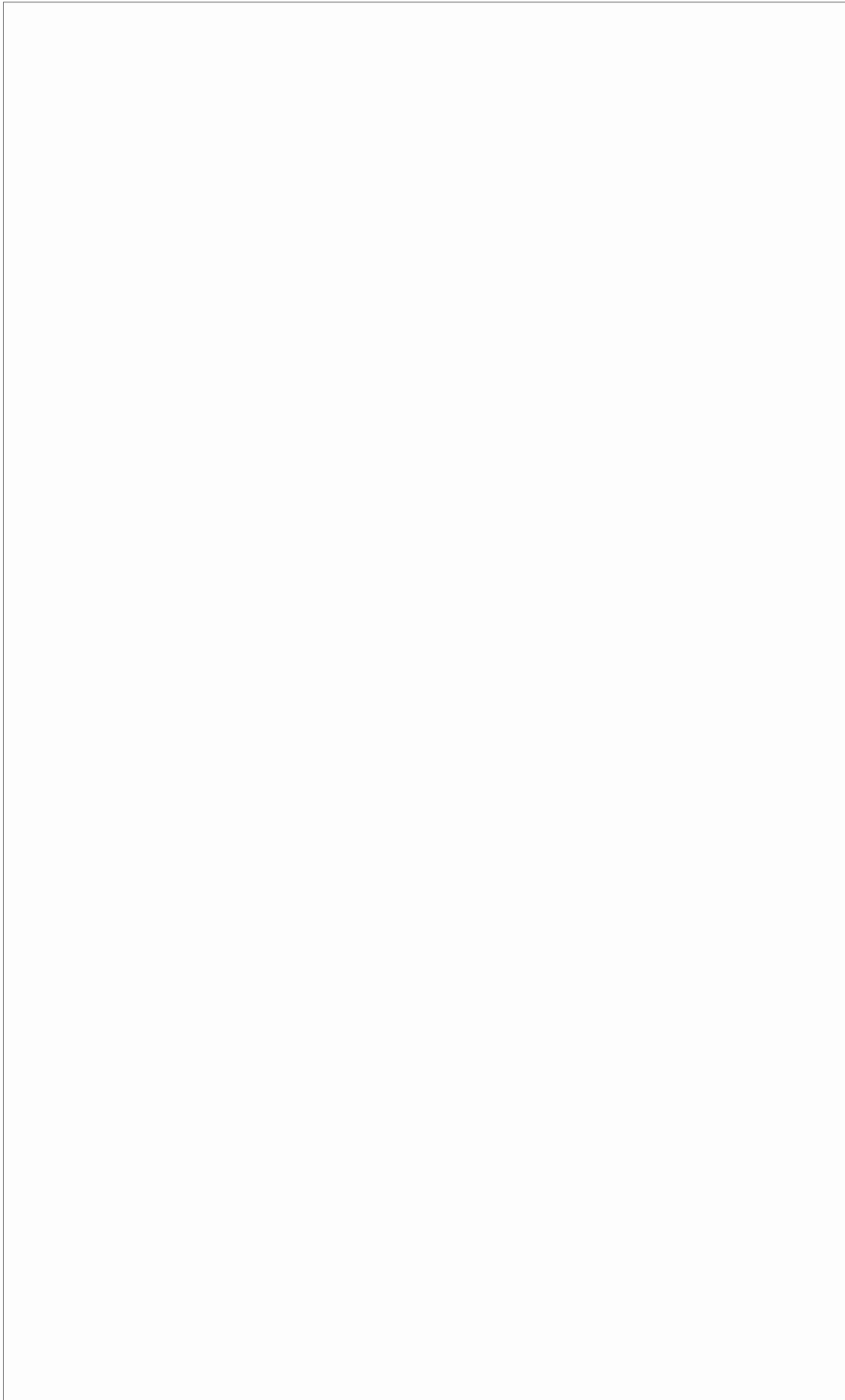
In 1973 I graduated from Healesville High School, a state secondary school in country Victoria. I was School Captain and Dux of the school. From 1974 to 1978 I attended Monash University, Melbourne and graduated with a Bachelor of Jurisprudence and a Bachelor of Laws.

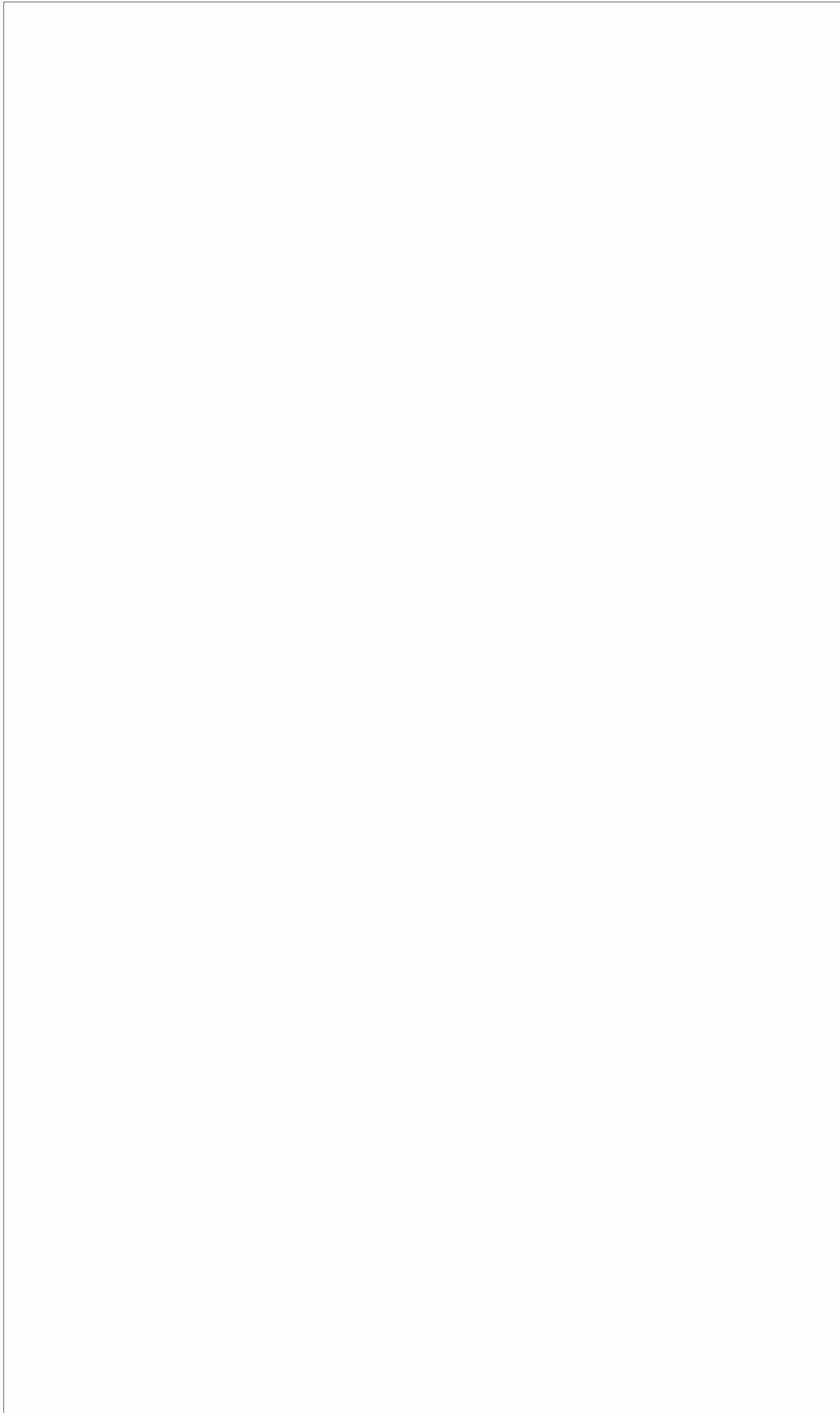
C















I have also made many submissions to inquiries and reviews which have examined representative procedures and related issues. I am presently a



member of the Australian Law Reform Commission Advisory Committee on Discovery, and I have been invited to participate in two Department of Treasury Roundtables on issues related to class actions. I have advised international law reform bodies, academics and others on proposals to introduce class action procedures in their countries. A list of these contributions is set out below.

- (a) *Representative proceedings in the Victorian Supreme Court*, submissions to Victorian Supreme Court, May 2006
- (b) *Victorian Law Reform Commission Civil Justice Enquiry*, submissions to VLRC, February 2007 and December 2009
- (c) *Advice re: proposals to introduce a class action regime in New Zealand*, advice to NZ Bar Association, August 2007 and November 2008
- (d) *Advice re: proposals to introduce a class action regime in Hong Kong*, advice to HK Law Reform Commission, September 2008
- (e) *Department of Justice Access to Justice Taskforce Report*, submissions to DOJ, November 2009
- (f) *Improving Protections for Corporate Whistleblowers*, Department of Treasury Roundtable member, submissions to Treasury, March 2010
- (g) *Regulation of Litigation Funding of Class Actions*, Department of Treasury Roundtable member, submissions to Treasury, Sydney, March 2010
- (h) *Advice re: introduction of a class action regime in Japan*, advice to Professor Yukiko Hasebe, May 2010
- (i) *Review of Discovery in Federal Court Litigation*, Australian Law Reform Commission Advisory Committee member, August 2010
- (j) *Private Enforcement of Competition Law*, University of Melbourne Law School Roundtable member, Melbourne, November 2010

H. OFFICES HELD

I was elected Chairman of Maurice Blackburn in 2005 and have continued in that role by re-election since that time. (I continue to work primarily as a litigation lawyer as the firm has a full time CEO, COO, and CFO as well as other executives who primarily manage the firm). I was also senior partner of Slater and Gordon from 1990 to 1995.

I am the Chair of the pro bono Social Justice Practice at Maurice Blackburn. In that role I have been able to increase the participation in that work by Maurice Blackburn lawyers, and helped to ensure that the firm takes on pro bono cases

Attachment "A"

ARTICLES AND PAPERS PRESENTED, AND EXPERT PANELS ATTENDED BY INVITATIONAcademic articles published

- 1 *Access to Justice and the Evolution of Class Actions in Australia* (2006)
30 MULR 399 (with C. Cameron)

Papers, Lectures and Seminars given and panels and roundtables attended

- 2 *Managing and Dealing with the Legal Consequences: Civil Claims and Class Actions*; Melbourne, October 2001;
- 3 *Class Actions Update*, State of the Law Seminar, Leo Cussen Institute, Melbourne, 2001;
- 4 *A New Threat in Shareholder Activism- Directors being on guard against potential class actions*, Directors' and Officers' Duties and Liabilities Conference, Melbourne, December 2001;
- 5 *Class Actions Update*, State of the Law Seminar, Leo Cussen Institute, Melbourne, 2002;
- 6 *The Operation of the Group Proceedings Legislation*, University of Melbourne Law School, Melbourne, March 2003;
- 7 *The GIO Class Action - Directors and Officers liability in communications to shareholders and the threat of class actions*, Insurance Briefing Seminar, Chartered Secretaries Australia, Sydney, November 2003;
- 8 *Practical Difficulties for Applicants in Class Actions*, Advanced Civil Litigation Seminar, Law Institute of Victoria, Melbourne, March 2004;
- 9 *Continuous Disclosure and the Implications of Breach*, Update 2004 Seminar, Chartered Secretaries Australia, Melbourne, May 2004;
- 10 *Difficulties for Applicants in Class Actions*, University of Melbourne Law School, Melbourne, March 2005;
- 11 *Witnesses and Confidential Information*, Australian Lawyers Alliance State Conference, May 2005;
- 12 *Class Actions in Australia: An Effective Means of Social Justice? Problems, Issues and Solutions*, Law Students for a Just Community Conference, August 2005;

- 13 *Class Actions as a Shareholders Remedy*, University of Melbourne Law School, Melbourne, August 2005;
- 14 *Witnesses and Confidential Information*, Law Institute of Victoria Seminar, October 2005;
- 15 *Current Trends & Issues in Australian Class Actions*, International Class Actions Conference, Melbourne, December 2005;
- 16 *Class Actions from a Trustee and Stakeholder Perspective*, Law Council of Australia Superannuation Conference, Melbourne, February 2006;
- 17 *Shareholder Class Actions: The Duties and Discretions of Superannuation Trustees*, Australian Council of Superannuation Investors Conference, Melbourne, June 2006;
- 18 *The Rise of Securities Actions - Are Directors & Officers more exposed?*, Directors and Officers Liability and Insurance Symposium, Melbourne, September 2006;
- 19 *Shareholder Class Actions and AWB Litigation*, Sustainable Responsible Investment International Conference, Sydney, September 2006;
- 20 *Corporate Governance and Vulnerability to Class Actions*, Chartered Secretaries Australia Annual Symposium, March 2007;
- 21 *Class Actions and their Impact on the Professional Indemnity Policy*, Professional Indemnity Symposium, Melbourne, March 2007;
- 22 *Class Action Law- Intensive*, lecturing full time in University of Melbourne Law School LLM program, Melbourne, 8-14 August 2007;
- 23 *Developments in Australian Shareholder Class Actions*, NERA Seminar, Sydney, November 2007;
- 24 *Negotiating Resolution of Class Actions*, Globalisation of Class Actions International Conference panel, Oxford University, UK, December 2007;
- 25 *International Collective and Class Actions: A Review of the Landscape*, Rights and Responsibilities of Institutional Investors Conference panel, Amsterdam, Netherlands, March 2008;
- 26 *A Comparative Review of Australian Class Action Law*, Stanford University Law School, San Francisco, USA, March 2008;
- 27 *The Changing Landscape in Shareholder Class Actions*, JP Morgan and ARIA Seminar, Sydney, April 2008;
- 28 *Lessons from the Aristocrat Class Action*, IMF Institutional Investor Conference, Melbourne, September 2008;
- 29 *Shareholders Seize the Day – An Update on Class Actions in Australia*, Directors and Officers Liability Symposium, Melbourne, October 2008;

- 30 *Litigation Funding Issues & Developments in Europe*, Globalization of
Class Actions International Conference, Oxford University UK,
December 2008;
- 31 *Issues in Class Actions*, University of Melbourne Law School,
Melbourne, May 2009
- 32 *Shareholder Litigation - Shareholder litigation strategy in the financial
crisis. Corporate governance procedures as part of a settlement?*
International Corporate Governance Network Annual Conference panel,
Melbourne, July 2009;
- 33 *Continuous Disclosure Requirements in a time of Market Instability*,
Hartnell Colloquium, Australian National University Law School,
Canberra, July 2009;
- 34 *Class Actions Update*, NSW State Legal Conference, Sydney, August
2009;
- 35 *Class Actions in Australia – Risks for Resource and Energy Companies
in Tough Financial Times*, Australian Law and Resources Association
Conference, Sydney, October 2009;
- 36 *Class Actions*, Australian Insurance Law Association Conference panel,
Sydney, October 2009;
- 37 *Current Issues in Class Actions and the Regulation of Litigation Funding*,
Collective Redress & Litigation Funding Conference, University of
Sydney Law School, Sydney, December 2009;
- 38 *Class Actions and Litigation Funding*, Corporate Law Teachers
Conference, University of South Australia, Adelaide, February 2010;
- 39 *Australian Securities and Investment Commission and Shareholder and
Investor Class Actions*, ASIC Summer School, Melbourne, March 2010;
- 40 *Legal Ethics*, Leo Cussen Institute Seminar, Melbourne, March 2010;
- 41 *Causation and Quantification Issues in Shareholder Class Actions*, IMF
Shareholder Class Action Conference, Sydney, May 2010;
- 42 *Class Action Law - Intensive*, lecturing full time in University of
Melbourne Law School LLM program, Melbourne, 22-28 September
2010;
- 43 *Negotiations and Settlement – 2010 Multiplex debrief*, Lexis Nexis
Shareholder Class Action Master-class, Sydney, October 2010 (with
Andrew Watson).

Margaret

Margaret Close
Departmental Liaison Officer
Office of the Hon Robert McClelland MP
Attorney-General

P | 02 6277 7300 F | 02 6273 4102

W | www.attorneygeneral.gov.au

McAlister, Claire

From: Prunster, Susan
Sent: Tuesday, 4 January 2011 10:53 am
To: McAlister, Claire
Subject: FW: Federal Court appointments [SEC=IN-CONFIDENCE]

Security Classification:
IN-CONFIDENCE

IN-CONFIDENCE

Sue Prunster
Acting Section Head | Judicial Resourcing Section |
Phone: (02) 6141 4081 | **Fax:** (02) 61415274
Email: susan.prunster@ag.gov.au

From: Smrdel, Albin
Sent: Friday, 24 December 2010 2:38 pm
To: Samios, Sara
Cc: Prunster, Susan
Subject: FW: Federal Court appointments [SEC=IN-CONFIDENCE]

IN-CONFIDENCE

From: Kelly, Elizabeth
Sent: Friday, 24 December 2010 2:33 pm
To: Smrdel, Albin; Prunster, Susan
Subject: Fw: Federal Court appointments [SEC=IN-CONFIDENCE:APPOINTMENTS] [SEC=IN-CONFIDENCE]

Classification: IN CONFIDENCE

From: Close, Margaret
To: Kelly, Elizabeth
Cc: Pike, Layton; Post, Katherine
Sent: Fri Dec 24 11:04:24 2010
Subject: Federal Court appointments [SEC=IN-CONFIDENCE:APPOINTMENTS]

APPOINTMENTS-IN-CONFIDENCE

Hi Elizabeth

The Attorney has indicated that he would like to appoint to following people to the court.

- Sydney – Mr John Griffiths SC
- Melbourne – Mr Bernard Murphy

Could you please start drawing up Cabinet papers.

Thanks

11/791-04
11# 6745 doc

McAlister, Claire

From: Prunster, Susan
Sent: Wednesday, 5 January 2011 11:18 am
To: McAlister, Claire; Ford, Jasmine
Subject: FW: Judicial Appointment List [SEC=UNCLASSIFIED]
Attachments: Judicial Recruitment Master List spreadsheet.xls; Griffiths J.doc; Murphy B EOI.pdf; Murphy B CV.pdf

Security Classification:
UNCLASSIFIED

UNCLASSIFIED

Claire and Jasmine,

Please find the documents from the Federal Court attached.

Sue Prunster
Acting Section Head | Judicial Resourcing Section |
Phone: (02) 6141 4081 | **Fax:** (02) 61415274
Email: susan.prunster@ag.gov.au

From: Deborah Craig [<mailto:deborah.craig@fedcourt.gov.au>]
Sent: Wednesday, 5 January 2011 11:05 am
To: Prunster, Susan
Subject: Judicial Appointment List [SEC=UNCLASSIFIED]

Hi Sue

Following on from your conversation with Charles White this morning, I have attached the following

1. The Judicial Appointment Spreadsheet
2. [REDACTED] Application **OUT OF SCOPE**
3. Mr Bernard Murphy's Application

As Charles indicated I will be on leave from 17 Jan to 28 Jan - however I will be contactable by phone and will have network access if you need anything urgently. My mobile number is [REDACTED] Please do not hesitate to call me.

S47F(1)

Deb Craig
Deborah Craig | HR Systems & Policy |
Federal Court of Australia | Level 3 Lionel Bowen , 97-99 Goulburn Street, NSW 2000
p. +612 9230 8279 | **f.** +612 9280 1381 | **e.** deborah.craig@fedcourt.gov.au | www.fedcourt.gov.au

11/791-04

11 # 9477 doc

McAlister, Claire

From: Bernard Murphy <bernleon@optusnet.com.au>
Sent: Wednesday, 12 January 2011 11:08 am
To: McAlister, Claire
Subject: Re: documents for comment [SEC=UNCLASSIFIED]
Attachments: Bio Info - Bernard Murphy - DRAFT.doc; CV - Bernard Murphy - DRAFT.doc

Dear Claire,

I have made some small changes to both documents.

I set up a new computer at home last week and it only has the basic Word version on it until I can take it into work to get the full version loaded. Accordingly I could not track the changes to your documents but they are small, and the documents are short.

If you need to change something, or discuss it, please ring me on .

Regards

Bernard

From: McAlister, Claire
Sent: Wednesday, January 12, 2011 10:16 AM
To: bernleon@optusnet.com.au
Subject: documents for comment [SEC=UNCLASSIFIED]

UNCLASSIFIED

Dear Mr Murphy

Thanks for your time this morning. As discussed I have attached a draft CV and short biography for your comment.

Kind regards

Claire McAlister

Judicial Appointments Administrator
Federal Courts Branch
Access to Justice Division
Attorney-General's Department
Robert Garran Offices | National Circuit | Barton ACT 2600
Ph: 6141 3094 | claire.mcalister@ag.gov.au

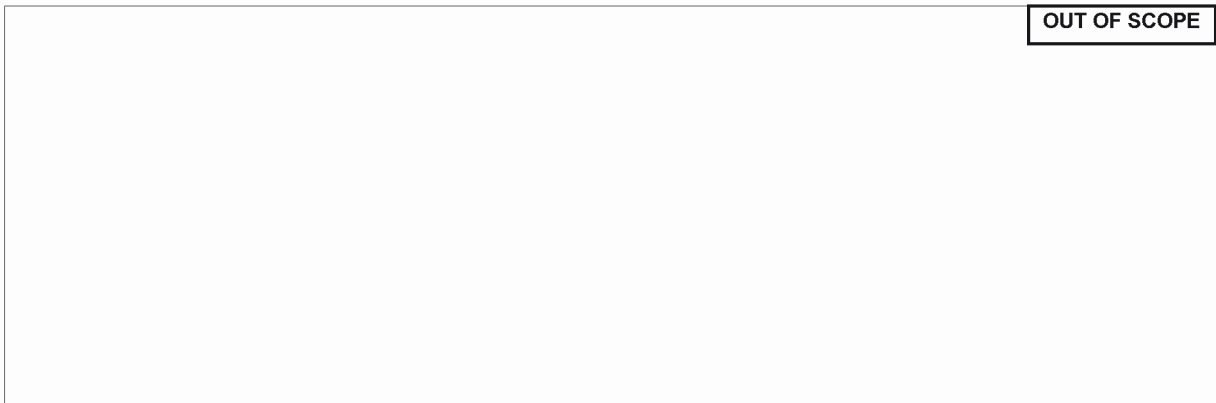
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11/791-04

11 # 66426 doc



OUT OF SCOPE



**Disclosures in Private Interests Declarations provided by Mr Murphy and
Mr Robertson**



11/791-04

Mr Bernard Murphy is [redacted] and is qualified for appointment. He 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. In 1987 he was admitted as a solicitor to the Supreme Court of Western Australia followed by the Supreme Court of New South Wales in 1989.

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. He was also appointed chair of the pro bono Social Justice Practice at Maurice Blackburn Lawyers.

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. He is also a member of the Discovery Advisory Committee of the Australian Law Reform Commission and a Department of Treasury Roundtable.

11/791-04

11 # 21213 doc

FOI-38

McAlister, Claire

From: McAlister, Claire
Sent: Friday, 25 February 2011 4:25 pm
To: 'Burdorf, Bill'
Subject: Appointment documents [SEC=IN-CONFIDENCE:APPOINTMENTS]
Attachments: FCB - Federal Court appointment - Sydney and Melbourne - Cabinet documents - Membership List.DOC; FCB - Federal Court appointment - Sydney and Melbourne - Cabinet documents - Cabinet Proforma - Alan Robertson.DOC; FCB - Federal Court appointment - Sydney and Melbourne - Cabinet documents - Cabinet Proforma - Bernard Murphy.DOC

Security Classification: APPOINTMENTS-IN-CONFIDENCE

APPOINTMENTS-IN-CONFIDENCE

Hi Bill

As discussed, here are the two proformas and the membership list. Signed PID from Robertson still to come!

Kind regards

Claire

Claire McAlister

Judicial Appointments Administrator
Federal Courts Branch
Access to Justice Division
Attorney-General's Department
Robert Garran Offices | National Circuit | Barton ACT 2600
Ph: 6141 3094 | claire.mcalister@ag.gov.au

11/791-04

11# 191088 doc

**APPOINTMENTS - IN - CONFIDENCE
APPOINTMENT DETAILS**

S34(1)(a)

FOI-40

CABINET-IN-CONFIDENCE

S34(3)

CABINET-IN-CONFIDENCE

**IN-CONFIDENCE
CABINET BRIEF**

S34(3)

CABINET-IN-CONFIDENCE

Cabinet briefing – proposed appointment of two Federal Court Judges

CABINET-IN-CONFIDENCE

S34(3)

CABINET-IN-CONFIDENCE

RELEASED UNDER THE FOI ACT 1982 BY THE ATTORNEY-GENERAL'S DEPARTMENT

FOI-43

CABINET-IN-CONFIDENCE

S34(3)

CABINET-IN-CONFIDENCE

RELEASED UNDER THE FOI ACT 1982 BY THE ATTORNEY-GENERAL'S DEPARTMENT

FOI-44

CURRICULUM VITAE

Name: Mr Bernard Michael MURPHY

Address:



Date of birth:

Present position: Chair, Maurice Blackburn, Lawyers (since 2005)

Educational and professional qualifications:

Bachelor of Laws, Monash University, 1978

Bachelor of Jurisprudence, Monash University, 1978

Admitted, Solicitor, Supreme Court of Victoria and High Court of Australia, 1980

Admitted, Solicitor, Supreme Court of Western Australia, 1987

Admitted, Solicitor, Supreme Court of New South Wales, 1989

Relevant experience:

2009 to date	Chair, pro bono Social Justice Practice, Maurice Blackburn, Lawyers
2007 to date	Senior Fellow and Lecturer, University of Melbourne Law School
2005 to date:	Chair, Maurice Blackburn, Lawyers
1996 to date:	Lawyer, Maurice Blackburn, Lawyers
1990 – 1995:	Senior Partner, Slater and Gordon, Lawyers
1980 – 1990:	Lawyer, Slater and Gordon, Lawyers

Current Board Memberships:

2011:	Member, University of Melbourne Law School, Competition Law Roundtable
2010 to date:	Member, Discovery Advisory Committee, Australian Law Reform Commission
2010:	Member, Department of Treasury Roundtable
2006 to date:	Board member and then Vice President, Childrens' Protection Society

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CABINET-IN-CONFIDENCE

Cabinet briefing – proposed appointment of two Federal Court judges

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CABINET-IN-CONFIDENCE

Cabinet briefing – proposed appointment of two Federal Court judges

FOI-47

McAlister, Claire

From: Smrdel, Albin
Sent: Friday, 18 March 2011 6:37 pm
To: Post, Katherine
Cc: Prunster, Susan; Smith, Paul Ross (AJD)
Subject: Federal Court appointments - Sydney and Melbourne - Cabinet Speaking Points [SEC=IN-CONFIDENCE:APPOINTMENTS]
Attachments: FCB - Federal Court appointment - Sydney and Melbourne - Cabinet documents - Cabinet Speaking Points - amended 1 March 2011.doc

APPOINTMENTS-IN-CONFIDENCE

Hi Kat

In an earlier discussion, you asked for some more defensive points the AG could use if he met with any concerns in relation to the Federal Court proposed appointments.

We have provided a bit more detail in the Cabinet talking points. At the end of the day, it comes down to a judgment call. In both cases, the passage of many years together with excellent reputations developed in the intervening years make them suitable for consideration for appointment.

Albin

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