

The Hon Justice Robert McClelland

On 16 June 2015 the Hon Robert McClelland was sworn-in as a judge of the Family Court of Australia. In so doing, his Honour joined a distinguished cohort of former Commonwealth attorneys-general to be appointed to the bench: Isaac Isaacs, Henry Higgins, John Latham, Garfield Barwick, Bob Ellicott, Kep Enderby and Lionel Murphy.

His Honour graduated from the University of New South Wales with a Bachelor of Arts and a Bachelor of Laws in 1982. He was admitted as a solicitor of the Supreme Court of New South Wales in July of that same year. For the next 14 years he worked at Turner Freeman, eventually becoming a partner at the firm. At the bar, his Honour is still respected for being an excellent lawyer. One senior counsel recalled him as being a 'true student of industrial law', but one who also contributed articles in many and varied areas of law.

Justice McClelland was elected to the House of Representatives as the member for Barton in March 1996. His Honour's grandfather, Alfred, was a member of the NSW Legislative Assembly from 1920–1932 and his father, the Hon Doug McClelland AC, was elected to the Senate in 1961 and rose to become a minister in the Whitlam government and ultimately president of the Senate from 1983–1987. The federal seat of Barton was especially significant for his Honour. It was held by Labor leader Dr Herbert Vere Evatt from 1940–1958. In 1980, as a young law student, his Honour served as associate to Dr Evatt's nephew, the Hon Justice Phillip Evatt of the Federal Court.

Upon the election of the Rudd government in 2007, his Honour was appointed as the 33rd Commonwealth attorney-general, a post that he held with distinction until December 2011. During that time his Honour introduced into parliament legislation and numerous reforms affecting nearly every facet of federal criminal and civil law.

In December 2008, his Honour launched the National Human Rights Consultation resulting in the Human Rights Framework. This established a Parliamentary Joint Committee on Human Rights and required bills and legislative instruments introduced into parliament to be accompanied by 'statement of compatibility' with fundamental human rights resulting in added protections for ordinary citizens.

His Honour began the process of consultation to address gaps in the way Australia's criminal justice system complied with the Slavery Convention and other international protocols on people trafficking, sexual servitude and forced marriage. This, together with the ground breaking work of the National Roundtable on Human Trafficking and Slavery led eventually

to the passage of the *Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Act 2013* which revised Divisions 270 and 271 of the Criminal Code.

His Honour introduced changes to more than 80 pieces of legislation to remove discrimination and protect the rights of same-sex couples paving the way for the current debate in the context of marriage. Shared parenting was reformed and the federal family law courts gained jurisdiction over certain financial affairs of de-facto couples.

Following his term as attorney-general, his Honour remained as the member for Barton, until the 43rd parliament had run its course. He obtained a barrister's practising certificate from the New South Wales Bar Association in May 2012 and took a room at State Chambers.

Speaking on behalf of the Australian Bar Association, Fiona McLeod SC said:

Your Honour has been my client. And if I may say so, you were the very model of a model litigant. The tragic circumstances of the Victorian Bushfires and Queensland floods and the royal commissions that followed were of great interest to your Honour, in terms of the devastating impact upon our communities and effective response of the whole of government.

Your Honour oversaw the Australian Government's implementation of recommendations of the Victorian Bushfires Royal Commission and must be very pleased that every state and territory in Australia now has an emergency mobile phone messaging service capable of sending alerts to mobile phones based on their location.

Your Honour was responsible for legislating many of the changes to Australian law, including the family law, which were designed to remove various forms of discrimination and to protect society's more excluded and vulnerable people.

...

Indeed, safeguarding the interests of the vulnerable and promoting access to justice have been hallmarks of your Honour's long career in service to the people of Australia.

Justice McClelland, you have distinguished yourself as a respected lawyer in private practice and as a decent, reforming Commonwealth attorney-general capable of crossing the political divide to build consensus.