

Received 18/11/13



# Office of the Attorney-General

121 Exhibition Street  
Melbourne Victoria 3000  
GPO Box 123  
Melbourne Victoria 3001  
Telephone: (03) 8684 1111  
Facsimile: (03) 8684 1100  
DX 210220

Mr Peter Mericka  
Lawyers Real Estate  
Suite 6, 3-5 Hewish Road  
CROYDON VIC 3136

Our ref: CD/13/435952

Dear Mr Mericka

Thank you for your letter of 15 October 2013 to the Attorney-General, the Hon Robert Clark MP, regarding a complaint about the Chief Justice of the Supreme Court. The Attorney-General has asked me to respond on his behalf.

You have requested that the Attorney-General appoint an investigating committee to report on whether facts exist that could amount to proved misbehaviour by the Chief Justice or incapacity of the Chief Justice such as to warrant the removal of the Chief Justice. As you have identified in your letter, such a mechanism is provided in section 87AAD of the *Constitution Act 1975* and is a prerequisite for the removal of a judicial officer.

The principles of judicial independence require the safeguarding of judicial officers against undue interference from executive government. It is for this reason that the Attorney-General would only initiate the parliamentary removal process where a reasonable basis for commencing an investigation has been established.

Having considered the nature of the concerns that were raised in your letter and the material that you provided, there are insufficient grounds for appointing an investigating committee to investigate the actions of the Chief Justice.

I understand that the matters to which your complaints relate have arisen from litigation in the Supreme Court, and I note that you may wish to seek legal advice as to the possibility of an appeal.

I trust the above information clarifies the situation.

Yours sincerely

**PAUL DENHAM**  
Chief of Staff



