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19 February 2013

Office of the Premier  
 1 Treasury Place  
 Melbourne, Victoria 3002



**COPY**

Dear Mr. Baillieu,

**Re: Corruption Complaint Regarding the Chief Justice of Victoria**

**Introduction**

I write to advise you that I have lodged a formal written complaint with the Legal Services Commissioner of Victoria regarding corruption and a possible perverting of the course of justice, perpetrated by The Hon. Marilyn Warren, Chief Justice of the Supreme Court of Victoria, and to have you ensure that the matter properly investigated.

My complaint to the Legal Services Commissioner is framed as follows:

***“Please regard this email as a formal written complaint to the Legal Services Commissioner of corrupt conduct perpetrated by the Honourable Chief Justice Marilyn Warren. The basis of my complaint is that the Chief Justice received a written report/complaint of corruption having been laundered through the Supreme Court of Victoria, but failed to acknowledge the complaint, failed to investigate the complaint, summarily dismissed the complaint and then sought to have the complainant discredited by causing an investigation to be initiated by the Legal Services Commissioner the purpose of which was to find a basis on which her dismissal of the complaint could be retrospectively justified. It is submitted that the conduct of the Chief Justice amounted to a corrupt “cover-up” and constitutes conduct unbecoming a member of the legal profession and an officer of the Supreme Court of Victoria.”***

**Nature of the Complaint**

The basic facts of the matter are:

- On 29 May, 2012 I wrote to the Chief Justice to lodge a complaint regarding the conduct of Justice Michael Sifris, and to seek his disqualification from hearing a false charge of Contempt of Court being initiated by Dr. Claire Noone, Director of Consumer Affairs Victoria.

- The Chief Justice acknowledged receipt of my letter, but failed to seek further details regarding the complaint, failed to investigate the complaint, and failed to respond to the complaint.
- Without having made any attempt to investigate the matters complained of, the Chief Justice advised, some two and half months later (and only when prompted by me for a response), that she ***“does not propose that any further action be taken with respect to the matters you raise concerning the Hon. Justice Sifris”***, offering no reasons and no explanation.
- I wrote to the Chief Justice a second time, stating as follows:

***“I note that the substance of my complaint is not denied, nor is there any explanation for the conduct of the Hon. Justice Sifris in allowing corrupt conduct to be laundered through his court. As you are now aware, the matter dealt with by the Hon. Justice Sifris was brought in reprisal for my having made a formal complaint to the Minister for Consumer Affairs regarding corrupt conduct...In such circumstances I believe that I am entitled to know the reason for your not taking any further action in respect of the matters raised in the correspondence presented to you.”***

The Chief Justice replied with a short denial (offering no basis for the denial), and a refusal to communicate further: ***“Kindly note that no further correspondence will be entered into with respect to this matter.”***

- Despite having informed me that she ***“does not propose that any further action be taken with respect to the matters you raise concerning the Hon. Justice Sifris”***, the Chief Justice had simultaneously, and surreptitiously, written to the Legal Services Commissioner, Mr. Michael McGarvie (former CEO of the Supreme Court, and a colleague of the Chief Justice) on 30 May, 2012, urging him to take an interest on the matter, but only insofar as my letter ***“raises concerns in that a member of the legal profession has made remarks of that nature against a judge of the Court.”*** In response to the Chief Justice’s letter, the Legal Services Commissioner has now commenced an investigation, the purpose of which, in my view, is to discredit me as a complainant, to provide the Chief Justice with the information she should have gathered and considered before making her final decision, and to discourage me from pursuing my complaint any further.

The investigation undertaken by the Legal Services Commissioner does not extend to an investigation into any the matters supporting my request for Justice Sifris to be disqualified or the Chief Justice’s mishandling of my complaint. Nor has the Legal Services Commissioner acknowledged the fact that the Chief Justice has pre-judged the matter that she has urged the Legal Services Commissioner to investigate. (It is implicit in her writing to the Legal Services Commissioner that the Chief Justice has decided that my complaint is without merit, and that the very making of my complaint should be the subject of disciplinary proceedings. This is despite her remaining willfully blind to the facts and circumstances upon which my complaint was based.)

- The charge of Contempt of Court, described by the Director of Consumer Affairs as ***“a serious contempt”*** and for which ***“there can be no excuse for a member of the legal profession to have behaved in this manner”***, and for which the Director confirmed that ***“proceedings will certainly be initiated”***, has now been abandoned.

It is my belief that the Chief Justice has personally intervened to ensure that the charge would not proceed, so as to prevent Justice Sifris’ being challenged, and to avoid embarrassment for Justice Sifris, Dr. Claire Noone, Mr. Blair Ussher and the Chief Justice.

I believe that the intervention by the Chief Justice is the direct result of my having written to her seeking to have Justice Sifris disqualified from hearing the Contempt of Court charge.

### Ultimate Betrayal of Trust

I regard the conduct of the Chief Justice, in failing to investigate my complaint, intervening to prevent my being charged with Contempt of Court, offhandedly dismissing my complaint and then seeking to have the Legal Services Commissioner discredit me, as the ultimate betrayal of the trust I placed in the legal system of Victoria, the Supreme Court of Victoria and the concept of "whistleblower protection" as described in Section 1 of the *Whistleblowers Protection Act 2001*.

I advise that the Legal Services Commissioner is in a position of conflicting interests insofar as he is implicated in the corrupt conduct referred to in my complaint to the Chief Justice, he has initiated an "investigation" without considering the circumstances under which he was urged to do so, and he has refused to recuse himself and his office despite having been requested to do so.

### Request for Full and Impartial Investigation

I have advised the Legal Services Commissioner as follows:

***"I submit that my complaint, and the investigations into the allegations I have made, should be dealt with by an investigator who is completely independent of the Department of Justice and the Minister for Consumer Affairs. The investigator should be someone who is not in awe of senior public servants or politicians, and who has experience in investigations of a serious and complex nature. The investigator should be assisted by a member of the Victoria Police Force who has qualified at the Victoria Police Force Detective Training School."***

It has been my experience in recent years that departments within the Department of Justice, Victoria have not complied with regulations and guidelines established to prevent misconduct and injustice (see Consumer Affairs Victoria – Prosecution & Enforcement Policy and Model Litigant Guidelines), and that senior public servants are able to rely on each other for protection when complaints of misconduct and misfeasance in public office are made.

I therefore request the above submission be accepted, and a truly independent investigator be appointed to deal with this complaint and the issues related to it.

Yours faithfully,

Peter Mericka

Cc:

The Hon. Robert Clark, MP  
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Melbourne 3000



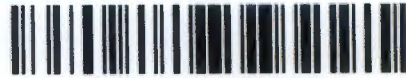
The Hon. Daniel Andrews, MP  
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Noble Park 3174



The Hon. Martin Pakula, MLC  
231 Hyde Street  
Yarraville 3013



The Legal Services Commissioner  
DX 185 Melbourne



**DXAA509745**

