

# Your Practising Certificate 2021/22

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**From:** Peter Docherty <pdocherty@liv.asn.au>

**Received** Thursday 23 September, 2021 12:33 pm

**To:** Peter Mericka <peter@lawyerslegal.com.au>

**Subject:** Your Practising Certificate 2021/22

**Attachments:**

**Associations:** LAW INSTITUTE OF VICTORIA [1793]

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Dear Mr Mericka,

I refer to your email dated 20 September 2021. I confirm that the Council decided that it would find that you were not a fit and proper person to hold a practising certificate unless the allegations of corruption against the VLSB and Commissioner were removed from your website. The LIV Council has given you an opportunity to remove those materials and, at your request, given specific indication of the pages to be removed.

You have stated that you will not be making any further changes to your website including removing the specified pages unless this is required by a condition imposed on the renewal of your practising certificate. As stated in correspondence dated 30 August 2021 and 3 September 2021 and 14 September 2021 this will likely result in the Council finding that you are not a fit and proper person and refusing to renew your practising certificate.

The Council's preliminary finding communicated to you by correspondence dated 4 August 2021 suggested that your practising certificate be renewed subject to the condition that "**you remove allegations of corruption against the Victorian Legal Services Commissioner and VLSB from your personal and business website**". The Council did not accept the recommendation of Judge Gray that a further condition be imposed requiring you to report the allegations to an external body such as IBAC. You responded on 9 August 2021 clearly indicating that you would not agree to such a condition.

**Without responding to each of the matters raised by you, I repeat that neither the LIV Council, nor Judge Gray or any other person in the period of this delegation has evaluated the truth or otherwise of the allegations made by you. The LIV Council's position should not be taken as an acceptance of or support of those allegations.**

**You have now indicated that you will agree to the imposition of a condition on your practising certificate, though in terms different to that proposed by the Council. Please note that the Council has the ultimate responsibility under the delegation of authority to determine whether your practising certificate be renewed and the terms of any conditions which may be imposed on that certificate.**

**In order that I can communicate your response to the Council, can you confirm whether you would agree to the imposition of a condition in the terms contained in the Council's preliminary decision – ie that you remove allegations of corruption against the Victorian Legal Services Commissioner and VLSB (being the pages previously identified by Council at your request) from your personal and business website.**

**For the avoidance of doubt, the Council may no longer be prepared to renew your practising certificate subject to this condition, particularly given your refusal to remove those materials when given opportunity to do so. Your response will be communicated to Council and it will make such decision as it sees fit.**

**We repeat that the Council wishes to resolve this matter without further delay and is unlikely to allow further opportunities to address outstanding matters. We again recommend that if you wish to have your practising certificate renewed, that you take the opportunity provided by the Council to remove the specified material without further delay.**

Regards

LIV Review

**Peter Docherty | Head of Professional Standards and Quality Assurance**

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NOMINATIONS CLOSE  
WEDNESDAY 6 OCTOBER, 5PM

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The banner features the text '2021 LIV Council Elections' at the top left. Below it is a red banner with the text 'NOMINATIONS ARE OPEN' in white. Underneath that, it says 'NOMINATIONS CLOSE WEDNESDAY 6 OCTOBER, 5PM'. On the right side, there is the 'LAW INSTITUTE VICTORIA' logo, which includes a crest. At the bottom of the banner, there is an illustration of several hands raised, symbolizing participation or voting.

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