



Solicitor-General of the Commonwealth of Australia

Senator the Hon George Brandis QC
Attorney-General of the Commonwealth
Parliament House
CANBERRA ACT 2600

Dear Attorney

I am writing to give to you and the Government notice of my intention to resign as the Solicitor-General of the Commonwealth. A signed notice of resignation will be given to the Governor-General under s 8 of the *Law Officers Act 1964 (Cth)* (**Law Officers Act**) 14 days from now, on 7 November 2016.

I have come to this conclusion with regret, but the best interests of the Commonwealth can be served only when its first and second Law Officers enjoy each other's complete trust and confidence within a mutually respectful relationship. When such a relationship is irretrievably broken, as is the case here, and each Law Officer holds a term of office established by the Constitution or statute which will not expire in the near future, there must be some resolution to the impasse.

Noting that you hold office through the will of the people and are responsible to Parliament, whereas my commission rests on a decision of the Governor-General on advice under a statute, I have determined that I will take the necessary steps to resolve the impasse. My resignation will enable the Prime Minister the opportunity, through the Federal Executive Council, to recommend to the Governor-General the appointment of the 11th Solicitor-General of the Commonwealth.

In taking this step, I make it perfectly plain that my motivation is solely to further the best interests of the Commonwealth by enabling the restoration of a functional working relationship between the first and second Law Officers. My decision does not amount to a withdrawal of any position I have taken in relation to matters of controversy between us, including before the Senate Legal and Constitutional Affairs References Committee. I trust that it will in fact better enable the Parliament to make an objective consideration of the issues I have raised undistracted by personalities. For the avoidance of any doubt, I also make perfectly plain that I reject absolutely each and every attack and insinuation that has

been made in recent times upon me personally, or upon my office, by Government members of Parliament, including you, in Senate Committee processes. Equally, my decision is unrelated to any finding the Senate Committee may make in favour of or adverse to any person.

Neither the Law Officers Act nor convention prescribe the period of notice that the Solicitor-General should give of his or her intention to resign. I consider that the period of notice should be the minimum necessary in the circumstances. Fourteen days will enable the Federal Executive Council sufficient time to recommend to the Governor-General the appointment of either an acting Solicitor-General during a vacancy in the office under s 11(1)(a) of the Law Officers Act or a successor Solicitor-General under s 6 of the Law Officers Act.

Such a period will also enable the orderly conclusion of, or transfer of responsibility for, existing work in my office. In this period, I intend to call upon Mr Thomas Howe QC, the most senior available person whom the Governor-General has commissioned under s 11(1)(b) of the Law Officers Act, to assist me in concluding opinions and High Court submissions.

I do not think the effective date of resignation should be delayed beyond 14 days. Whatever be the outcome of the Senate committee process and subsequent Parliamentary deliberation in the sitting week commencing 7 November 2016, there is an urgent need to negotiate an effective way forward between the Law Officers and your private office and your department. My successor should be in place as soon as possible, to take an active part in that negotiation.

I will provide a copy of this letter to the Official Secretary of the Governor-General, the Prime Minister and the Secretary of the Senate Committee.

It has been a privilege to serve for the last four years as the 10th Solicitor-General of the Commonwealth.

Yours faithfully



Justin Gleeson SC
Solicitor-General of the
Commonwealth of Australia

24 October 2016