

IN THE CORONERS COURT
OF VICTORIA
AT MELBOURNE

Court Reference: COR 2009 003158

CONDITION UPON THE RELEASE OF DOCUMENTS

Section 115 (3) of the Coroners Act 2008

In the Coroners Court of Victoria at Melbourne
I, Judge Ian Gray, State Coroner
in respect of the investigation into the death of

Details of Deceased:

Surname:	BURTON
First name:	Margaret
Date of birth:	21 March 1969
Gender:	Female
Date of death:	26 June 2009
Place of death:	2 Sandleford Way, Hoppers Crossing

impose the following condition upon the release of a document:

Background

1. On Tuesday 13 August 2013 redacted versions of two documents titled:
 - Review of parolee re-offender by way of murder – by Professor James Ogloff;
and
 - Consolidated responses to reviews of offenders charged with murder – by
Corrections Victoria

were provided to the interested parties at the bar table as part of my Ruling on the Application to Vacate the Suppression Order of 6 March 2013.

2. During the course of that Ruling, Counsel Assisting me raised the issue that Justin Quill, of Kelly Hazel Quill Lawyers, representing the Herald & Weekly Times and the ABC, had been inadvertently provided with copies of the redacted documents.

3. However, upon notification from lawyer Liam Brown, representing the Department of Justice, that his client was seeking a stay of my Ruling for the purpose of considering whether the Department wished to seek a judicial review in the Supreme

Court, I thought it appropriate that Mr Quill retain copies of the documents for the purpose of seeking instructions from his clients and preparing for any subsequent appeal.

4. Whilst not specifically stated by me, it was clearly my intention, and I believe the understanding of the other parties present at the bar table, that these documents were provided to Mr Quill for that purpose and that purpose only.

5. It was not provided, and should not have been provided, to individual journalists from those organisations for any other purpose, and certainly not for the purpose of allowing those journalists to prepare their stories in advance, in the event the stay on the Application to Vacate the Suppression Order was resolved and the redacted documents made available for publication.

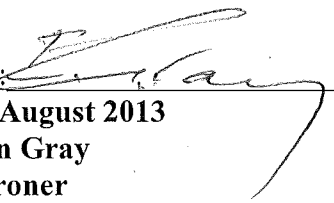
6. It is of concern to me that these documents may now be in wider circulation, which is clearly at odds with the purpose in which they were provided.

Condition

Therefore, pursuant to s 115 (3) of the *Coroners Act 2008*, I impose the following conditions upon the release of the redacted documents provided to Mr Quill in this court on Tuesday 13 August 2013, and which have been subsequently provided to persons from the Herald & Weekly Times, the ABC and/or any other party seeking representation by Justin Quill and/or Kelly Hazel Quill Lawyers for the purpose of the Application to Vacate the Suppression Order made by me on 6 March 2013:

- Subject to any claims of legal privilege – that in the event that there were any hardcopies of the documents created, including subsequent photocopies, or electronic copies of the documents created, including email attachments, other than for the purpose of obtaining legal instructions – That Mr Quill provide an affidavit to the court stating what he has done to ensure those copies of the documents that are in circulation and/or use for a purpose other than the purpose identified by me in paragraphs 3 and 4, have been returned to him and held in safe keeping or destroyed.

I further remind the parties that s 115 (4) of the Act requires that any person to whom a document has been released must comply with any condition placed on that release and under s 115 (5) that knowingly or recklessly failing to comply with such conditions incurs a penalty of 60 penalty units.

Signature: 
Date: 20 August 2013
Judge Ian Gray
State Coroner



Note: A breach of this condition may incur 60 penalty units
