



IN THE CORONERS COURT  
OF VICTORIA  
AT MELBOURNE

Court Reference: COR 2021 003810

**PROCEEDING SUPPRESSION ORDER**

*Form 42 Rule 66(1)*

*Section 18(2) of the Open Courts Act 2013*

*Section 55(2)(e) of the Coroners Act 2008*

I, Simon McGregor, Coroner, make the following **ORDER** in respect of the investigation into the passing of:

**Details of deceased:**

Surname: XY  
Given names: XY  
Date of Birth: 31 March 2004

**BACKGROUND**

1. An Inquest into the passing of XY is listed to commence on 23 October 2023.
2. Three Notices of Application for Suppression Order have been filed pursuant to section 10 of the *Open Courts Act 2013* (Vic), as follows:
  - a) Michael Oerlemans of Anglicare Victoria (“AV”) filed a Notice of Application for Suppression Order dated 17 January 2023. This is supported by the Affidavits of Michael Oerlemans affirmed 16 January 2023 and Marianne Watson affirmed 13 October 2023.
  - b) Dallas Widdicombe of Bendigo and District Aboriginal Cooperative (“BDAC”) filed a Notice of Application for Suppression Order dated 16 March 2023. This is supported by the Affidavit of Dallas Widdicombe affirmed 16 March 2023.
  - c) Nathan Chapman of Department of Families, Fairness & Housing (“DFFH”) filed a Notice of Application for Suppression Order dated 11 September 2023. Leave was granted to file an amended application dated 12 October 2023. This is supported by the Affidavit of Nathan Chapman affirmed 11 September 2023.

3. Oral submissions were made on behalf of each applicant at the Directions Hearing held on 16 October 2023.
4. Each application was opposed by XY mother and Senior Next of Kin, XY's Mother. I have regard to the Affidavit of XY's Mother sworn 20 September 2021, written submissions received 20 September 2021, written submissions received 1 August 2022 and written submissions dated 15 October 2023.
5. Sections 17 and 18(2) of the *Open Courts Act 2013* empower the making of a proceeding suppression order. The ground(s) relied on in making this order are that it is reasonably believed, based upon sufficient credible information, that these orders are necessary because disclosure by publication or otherwise would be contrary to the public interest.
6. This order does not affect the operation of section 534 of the *Children, Youth and Families Act 2005* (Vic) and section 166 of the *Family Violence Protection Act 2008* (Vic) as they apply to these proceedings.

## ORDER

1. Pursuant to section 55(2)(e) of the *Coroners Act 2008* and section 18(2)(b) of the *Open Courts Act 2013*, publication of the name, image and any information that would identify, or tend to identify:
  - a. Frontline staff of AV and BDAC who were involved in XY care and/or have given or will give evidence in this proceeding; and,
  - b. DFFH Child Protection practitioners who were involved in XY care and have made statements or had statements made on their behalf in this proceeding,is prohibited.
2. The prohibition on publication made under Order 1 applies throughout Australia.
3. A Schedule of Pseudonyms that can be used for publication is annexed to this Order. The pseudonyms are not required to be used in the coronial brief, materials tendered at Inquest, or in the court room.
4. For the purpose of this order, "publication" has the meaning attributed to it by section 3 of the *Open Courts Act 2013*, that is to say, it means the dissemination or provision of access to the public or a section of the public by any means, including by - (a) publication in a book, newspaper or other written publication; or (b) broadcast by radio or television; or (c) public exhibition; or (d) broadcast or electronic communication.

5. This order will expire on 18 October 2028.

Signature:



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**SIMON MCGREGOR**  
**CORONER**

Date: 19 October 2023

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NOTE: Under section 23 of the **Open Courts Act 2013**, a person must not engage in conduct that constitutes a contravention of a proceeding suppression order or an interim order that is in force if that person—

- (a) knows that the proceeding suppression order or interim order is in force; or
- (b) is reckless as to whether a proceeding suppression order or an interim order is in force.

Individual Penalty: maximum 5 years imprisonment or 600 penalty units or both. Body Corporate: 3000 penalty units.

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**SCHEDULE OF PSEUDONYMS**

<b>Name</b>	<b>Relationship</b>	<b>Pseudonym</b>
[REDACTED]	AV	AA
[REDACTED]	AV	AB
[REDACTED]	AV	AC
[REDACTED]	AV	AD
[REDACTED]	AV	AE
[REDACTED]	AV	AF
[REDACTED]	AV	AG
[REDACTED]	AV	AH
[REDACTED]	AV	AI
[REDACTED]	AV	AJ
[REDACTED]	AV	AK
[REDACTED]	BDAC	AL
[REDACTED]	BDAC	AM
[REDACTED]	DFFH	AN
[REDACTED]	DFFH	AO
[REDACTED]	DFFH	AP
[REDACTED]	DFFH	AQ
[REDACTED]	DFFH	AR
[REDACTED]	DFFH	AS
[REDACTED]	DFFH	AT
[REDACTED]	DFFH	AU
[REDACTED]	DFFH	AW
[REDACTED]	DFFH	AX
[REDACTED]	DFFH	AY
[REDACTED]	DFFH	AZ
[REDACTED]	DFFH	BA
[REDACTED]	DFFH	BB
[REDACTED]	DFFH	BC
[REDACTED]	DFFH	BD
[REDACTED]	DFFH	BE