

Inquest into the deaths arising from the Lindt Café siege

Order made by the State Coroner on 21 April 2017

1. The definition of ‘Relevant Person’ in Order 2 of the Confidentiality/Non-publication orders made on 17 November 2015 (and varied on 26 November 2015 and 23 February 2016) (**ASIO orders**) be amended to read:

‘ **“Relevant Person”** means:

- (a) The State Coroner of New South Wales, Magistrate Michael Barnes;
- (b) Mr Jeremy Gormly SC;
- (c) Ms Sophie Callan;
- (d) Ms Melissa Heris;
- (e) Detective Chief Inspector Angelo Memmolo;
- (f) Detective Sergeant Ricky Hennessy;
- (g) Detective Senior Constable Lucy Ede;
- (h) Detective Senior Constable Josephine (‘Rosie’) Allen;
- (i) any officer or lawyer from, or who represents, ASIO (an ASIO representative);
- (j) Ms Anna Harmer, First Assistant Secretary, Intelligence and Identity Security Division, Commonwealth Attorney-General’s Department); and
- (k) any court official or transcription official who is required to attend the ASIO hearings.’

2. Order 38 of the ASIO orders be amended to read:

‘Nothing in these Orders shall prevent the Coroner from providing, securely, a confidential annexure to his judgment, orders, findings or recommendations which records or reveals any part of the content of a Security Classified Document or the evidence given during the ASIO hearings (**“Classified Findings”**) to:

- (a) the Director-General of ASIO;
- (b) the Inspector-General of Intelligence and Security;
- (c) the Commonwealth Attorney-General;
- (d) the Commonwealth Minister for Justice;

- (e) Mr Chris Moraitis (Secretary of the Commonwealth Attorney-General's Department);
- (f) Ms Katherine Jones (Deputy Secretary of the Commonwealth Attorney-General's Department);
- (g) Ms Sarah Chidgey (First Assistant Secretary, Cyber and Infrastructure Security Division, Commonwealth Attorney-General's Department);
- (h) Ms Anna Harmer (First Assistant Secretary, Intelligence and Identity Security Division, Commonwealth Attorney-General's Department);
- (i) Mr Pablo Carpay (First Assistant Secretary, Countering Violent Extremism Centre, Commonwealth Attorney-General's Department);
- (j) Mr Anthony Coles (Assistant Secretary, Counter Terrorist Unit, Commonwealth Attorney-General's Department), and
- (k) Ms Tara Inverarity (Director, Intelligence and Identity Security Division, Commonwealth Attorney-General's Department).'

3. Order 39 of the ASIO orders be amended to read:

‘For the purposes of Order 38, any such Classified Finding can be provided securely to any of the persons referred to in (a)–(k) of Order 38 by any of the following means:

- (a) transportation by a Relevant Person in accordance with Order 12 above;
- (b) with the prior written approval of ASIO, transportation by a courier authorised to transport Security Classified Documents; or
- (c) providing it to an ASIO representative who has undertaken to deliver the Classified Finding to the person.’

4. Order 41 and Order 42 be inserted into the ASIO orders as follows:

‘Access to written submissions by other persons

41. Notwithstanding Order 19.1, nothing shall prevent the following persons from receiving securely a copy of the submissions of Counsel Assisting and the submissions of ASIO regarding the ASIO hearings and the evidence given in the ASIO hearings (**‘Classified Submissions’**):

- (a) the Commonwealth Attorney-General;

- (b) the Minister for Justice;
- (c) Chris Moraitis (Secretary of the Attorney-General's Department);
- (d) Katherine Jones (Deputy Secretary of the Attorney-General's Department);
- (e) Sarah Chidgey (First Assistant Secretary, Cyber and Infrastructure Security Division, Attorney-General's Department);
- (f) Anna Harmer (First Assistant Secretary, Intelligence and Identity Security Division, Attorney-General's Department);
- (g) Pablo Carpay (First Assistant Secretary, Countering Violent Extremism Centre, Attorney-General's Department);
- (h) Anthony Coles (Assistant Secretary, Counter Terrorist Unit, Attorney-General's Department), and
- (i) Tara Inverarity (Director, Intelligence and Identity Security Division, Attorney-General's Department).

42. For the purposes of Order 41, Classified Submissions can be provided securely to any of the persons referred to in (a)–(i) of Order 41 by any of the following means:

- (a) transportation by a Relevant Person in accordance with Order 12 above;
- (b) with the prior written approval of ASIO, transportation by a courier authorised to transport Security Classified Documents; or
- (c) providing them to an ASIO representative who has undertaken to deliver the Classified Submissions to the person.'



Michael Barnes
State Coroner