

Phoebe Handsjuk
Case number 4605 of 2010.

In the matter of an application for an amendment to orders made on March 6th under sect 73(2) the Coroners Act 2008, which orders prohibited the publication of materials relevant to my investigation into the death of Ms Phoebe Handsjuk. The orders then made were as follows:

Previous Order

1) Pursuant to Section 73(2) of the Coroners Act 2008, that there be no reports published about any material or evidence relating to the contents or extracts of the contents of any CCTV footage, video footage, or photographic stills from CCTV footage or any other footage or image provided to the coroner as part of his investigation into the death of Phoebe Handsjuk in Case Number COR 2010 004605 as I believe publication of the material would be contrary to the public interest.

2) That there be no reproduction, copying or broadcasting of any of the contexts or extracts of any contents of any CCTV footage, video footage, or photographic stills from CCTV footage or any other footage or image provided to the coroner as part of his investigation into the death of Phoebe Handsjuk in Case Number COR 2010 004605 as I believe publication of the material would be contrary to the public interest.

Application

Having regard to the submission by The Seven Network, which has been presented this afternoon I now agree to the publication of materials showing Phoebe Handsjucks departure from the building, as recorded by the 'Camera 12 grand lobby' CCTV at approximately 11.43.40am on the 2nd of December 2010.

This order now allows for the publication of footage of her leaving the apartment together with a single still photograph of her before she re-entered the building, (in the company of her pet dog), some seven minutes later.¹

Matter in Issue

It is relevant to note here that the issue of whether an inquest will be held, remains to be determined with the Court awaiting further submissions in reply, before resolving that matter. I expect to be in a position to give a ruling shortly after the dead line for the receipt of those submissions.

Further application has been made by the Seven Network to allow for the publication of certain remaining closed circuit footage of approximately 90 seconds duration, which depicts Phoebe Handsjuk gaining re-entry at the main entrance between 11.50.10 am and 11.51.40am on the 2nd of December 2010.

¹ Following a later application by Counsel for the 7 network, I further agreed to the publication of one still photograph depicting Phoebe with her dog before she re-entered the building, some seven minutes after her departure.

Ruling

The Court understands that a primary issue for consideration in any further investigation of this matter either in inquest or in other, concerns Phoebe Hansjuk's state of well being on the day of her death.

The Court further considers that the footage in question may constitute evidence which is highly probative of that issue and that this particular material should not be released for publication at this time.

The Court also considers that the release of such material in the absence of accompanying evidence may give a false picture of Phoebe Handsjuk and her circumstances.


In addition, the Court considers that on one view the material shows her in an unfit state, and that such presentation is inappropriate at this time.

In so ruling, I find that the public interest would not be served by such publication and that the material now available is sufficient to provide the applicant with information, which may reasonably assist with its endeavours to properly inform the public about my on going investigation.

Order

Accordingly, I amend the orders made on Wednesday and now order,

The publication of the CCTV footage (including reproductions and/or photographic stills of the CCTV footage aside from the photographic still attached hereto) obtained from the Ballencia Apartments and described as 'Camera 1, Main Entry', which shows the deceased entering the Ballencia Apartments from 11:50:10am to 11.51.40 am on 2 December 2010 not be published pursuant to Section 73(2) of the Coroners Act 2008, as I reasonably believe that publication would be contrary to the public interest.



Peter White

Coroner

Dated this 8th day of March 2013

(signed 13/3/13)