

## TRANSCRIPT OF PROCEEDINGS

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COUNTY COURT

CRIMINAL JURISDICTION

MELBOURNE

THURSDAY 8 FEBRUARY 2007

BEFORE HIS HONOUR JUDGE [REDACTED]

THE QUEEN v. <sup>Mr Cooper</sup> [REDACTED]

CHARGE: <sup>Mr Cooper</sup> Accused :  
Trafficking in a drug of Dependence - large  
commercial quantity (2 counts);  
Trafficking in a drug of Dependence not less than a  
large commercial quantity;  
Trafficking in a drug of Dependence not less than a  
commercial quantity;  
Possession of unregistered general category handgun.

THE ACCUSED pleaded guilty and admitted prior convictions.

MR G. HORGAN S.C. appeared on behalf of the Crown.

MR D. ALLEN S.C. appeared on behalf of the Prisoner, <sup>Mr Cooper</sup>  
DR G. LYONS S.C. appeared on behalf of the Prisoners, [REDACTED]  
[REDACTED]

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3 any means (electronic, mechanical, microcopying, photocopying,  
4 recording or otherwise) be reproduced, stored in a retrieval  
5 system or transmitted without prior written permission of the  
6 Authorised Officer.

7 MR HORGAN: If Your Honour please, I appear to prosecute these  
8 matters.

9 HIS HONOUR: Yes, Mr Horgan.

10 MR ALLEN: If Your Honour pleases, I appear for <sup>Mr Cooper</sup>  
11 <sub>Mr Cooper</sub>

12 HIS HONOUR: Thank you, Mr Allen.

13 DR LYONS: If Your Honour pleases, I appear for [REDACTED]  
14 and in relation to applications under the Confiscation  
15 Act, I appear for [REDACTED].

16 HIS HONOUR: Yes.

17 MR HORGAN: Your Honour, before we start, I make an application  
18 under s.80 of the County Court Act sub-s.1 that what  
19 happens hereafter be heard in closed court.

20 DR LYONS: I support that application.

21 MR ALLEN: We support that too, Your Honour.

22 HIS HONOUR: On what basis, Mr Horgan?

23 MR HORGAN: Your Honour, I can't speak to it until the court is  
24 closed.

25 HIS HONOUR: Yes. I understand from a telephone communication  
26 that I've had that there is an interest in the matter as  
27 far as the press is concerned and there may be persons  
28 from the press here, I don't know.

29 MR QUILL: Your Honour, could I announce my appearance and seek  
30 leave to appear. My name is Quill, Your Honour and I  
31 seek leave to appear on behalf of the Herald and Weekly  
32 Times Pty Ltd.

33 HIS HONOUR: Excuse me for asking, Mr Quill, are you a  
34 barrister, solicitor?

1 MR QUILL: I'm a solicitor, a member of Corrs Chambers  
2 Westgarth, Your Honour. Your Honour, I have just heard  
3 the application my friend has made and in particular the  
4 submission that he can't speak to the reasons for the  
5 application until the court's closed. I'd seek to be, if  
6 Your Honour was minded to do that, to allow Mr Horgan to  
7 make those submissions, I'd make an application now to be  
8 permitted to remain in the court with my instructor to  
9 hear those submissions from Mr Horgan so we can make  
10 submissions in response.

11 HIS HONOUR: Just remind me again of your full name, Mr Quill,  
12 if you would?

13 MR QUILL: Justin Quill, Q-u-i-l-l.

14 HIS HONOUR: The name of your instructor?

15 MR QUILL: Too, Your Honour, a solicitor, Melanie Rice, R-i-c-e  
16 and the other is not a solicitor, a journalist in the  
17 employ of the Herald and Weekly Times Pty Ltd and her  
18 name is Shelley Hodgson, H-o-d-g-s-o-n.

19 HIS HONOUR: Take a seat if you can find a seat. What do you  
20 say about that, Mr Horgan?

21 MR HORGAN: What I say, Your Honour is I'd like to address you  
22 in closed court so that I can outline the basis of the  
23 application. I mean in closed court without my learned  
24 friend Mr Quill being present. If Your Honour then  
25 invites him back in when Your Honour is appraised of the  
26 basis of the application, Mr Quill can be informed of so  
27 much of it as he needs to know with relation to Your  
28 Honour's preliminary thoughts about the application.

29 HIS HONOUR: Why shouldn't Mr Quill and his instructor be  
30 present to hear the application?

1 MR HORGAN: Your Honour, I don't really want to answer that  
2 question without the court being closed.

3 HIS HONOUR: Mr Quill, I think I need to take it in stages.

4 MR QUILL: Indeed, Your Honour, I will try not to be offended  
5 by Mr Horgan's submission there.

6 HIS HONOUR: You can't be offended because he hasn't said  
7 anything.

8 MR QUILL: Your Honour, perhaps I should in all seriousness  
9 make this submission in response that I am of course an  
10 officer of the court. I entirely understand my  
11 obligations and duties to the court. It may be that Your  
12 Honour takes a different view and Mr Horgan might take a  
13 different view in relation to my client instructor, Your  
14 Honour, and I can understand why there might be a  
15 different view taken there but I should say and perhaps  
16 partly for the record but also as forming the basis of a  
17 submission, that I do understand my obligations and I  
18 don't imagine that Mr Horgan saying I don't, I therefore  
19 don't - - -

20 HIS HONOUR: It was neither expressed nor implied.

21 MR QUILL: I won't take it any further, Your Honour.

22 MR HORGAN: I know Mr Quill from the past and I accept  
23 absolutely what he said about his position.

24 HIS HONOUR: I can't consider it until I know something. I  
25 can't consider his application until I know something so  
26 we just have to take it in stages, I think. As far as  
27 this application is concerned and I am confining it to  
28 this application, I order that the proceeding, that is  
29 the application, be heard in closed court. I suppose I  
30 should be clear about that, by the application I mean  
31 initially the application that Mr Quill and his

1 instructor not be present. I will deal with that first  
2 and then I will open the court again and then let Mr  
3 Quill know what the position is.

4 MR HORGAN: Thank you, Your Honour?

5 MR QUILL: Might I be excused, Your Honour?

6 HIS HONOUR: Yes.

7 (IN CAMERA HEARING FOLLOWS)

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