



VICTORIA POLICE

Shane Patton APM
Chief Commissioner of Police

Our ref: LEX 25214

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State Coroner Judge John Cain
Coroners Court of Victoria
65 Kavanagh Street
SOUTHBANK VIC 3006

P.O. Box 913
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Subject: Jason Leslie Smith - Finding into death without inquest
Court Reference: COR 2018 1026
Date of Recommendation: 13 April 2021

Dear Judge Cain,

Victoria Police response to recommendations arising from Finding without inquest into the death of Jason Leslie Smith

I refer to the letter sent to Victoria Police by the Coroners Court dated 13 April 2021, enclosing a copy of your Finding into the death of Jason Leslie Smith without inquest, dated 13 April 2021. The position of Victoria Police in response to Recommendations One and Two is set out below.

RECOMMENDATION ONE

That Victoria Police review their current policies and procedures regarding firearms licence applications and renewal applications. Specifically, that if an applicant declares that they are currently being treated for a medical issue (including mental health), the medical evidence provided to support such an application must be current and less than 3 months old. It must also be provided in the form of Appendix One to the Quick Guide: The Role of Health Professionals in the Firearms Licensing Process to ensure that health professionals understand why the medical report is being provided with respect to the suitability of an individual to hold a firearms licence.

Victoria Police supports this recommendation.

The *Quick Guide: The Role of Health Professionals in the Firearms Licensing Process (Quick Guide)* was developed in 2014 and provides a framework for determining whether a person with a previous history or current presentation of mental illness or suicidality is a fit and proper person to hold a firearm licence. The Quick Guide is provided to medical practitioners to assist in the assessment of the suitability of an individual to hold a firearm licence.

The Quick Guide was developed in consultation with the Royal Australian and New Zealand College of Psychiatrists (**RANZCP**) and the Royal Australian College of General Practitioners (**RACGP**). In response to the recommendations arising from the Finding without inquest into the death of Mr P, dated 25 February 2021,¹ Victoria Police committed to the following:

- that the Licensing and Regulation Division (**LRD**) would engage with the RANZCP and the RACGP to update and refine the current Quick Guide;

¹ COR 2017 3180.

- the Quick Guide would be amended to include a release of the medical information consent form from the licence holder, and instructions to the medical professional to send the report directly to the LRD and not return it to the patient; and
- that the LRD would continue to assess the response to mental health specifically (and what it means to be fit and proper person to hold a firearm licence generally) and review internal policies and procedures.

Further, as part of the review of the Quick Guide, the Quick Guide will be amended to stipulate that supporting medical reports must be recent and less than three months old.

In response to this recommendation, the internal policy, Assessing Mental Health and Firearms guidance document within the LRD will be updated to reflect that a supporting medical report for a mental health condition must be recent and no more than three months old.

RECOMMENDATION TWO

That if a firearms licence holder is being treated for a condition that is subject to change as indicated in a medical report supporting their continual access to firearms, Victoria Police should consider implementing a variable period of review for such firearms licence holders to ensure that they continue to provide regular medical advice as to the appropriateness of the individual being licensed to possess and use a firearm.

Victoria Police supports this recommendation.

At present, implementing a variable period of review for licence holders in the manner described in the recommendation is limited by the capability of the ageing Licensing and Registration System (LARS). The LARS database has been utilised by Victoria Police since 1997. Despite this, Victoria Police has examined implementing a system which would enable the monitoring of variable periods of review for licence holders to accommodate this recommendation. In June 2021, it was determined that LARS would be enhanced to accommodate this capability.

Yours sincerely


Shane Patton APM
Chief Commissioner

20/8/21