



VICTORIA POLICE

Shane Patton APM
Chief Commissioner of Police

Victoria Police Centre
311 Spencer Street
Docklands Victoria
3008 Australia

Telephone +61 3 8335 6400

P.O. Box 913
Melbourne Victoria 3001 Australia

Our ref: LEX 12364

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

Subject: Marilyn June Burdon - Finding into death with inquest
Court Reference: COR 2017 4175
Date of Recommendation: 21 September 2021

Dear Judge Cain,

Victoria Police response to recommendations arising from Finding into the death of Marilyn June Burdon

This document provides the response to your recommendations to Victoria Police arising from the Finding into the death of Marilyn June Burdon, delivered on 21 September 2021.

Victoria Police's response to Recommendations One to Six is set out below.

RECOMMENDATION ONE

That Victoria Police make changes to their information technology system so that when a member is searching the serial number of a firearm to obtain information about previously registered owners that the search results provide information about all previous registered owners of that firearm. Where it is not possible to change any relevant system, Victoria Police should mandate that police members must contact the Licensing and Regulation Division (LRD) to obtain this information when they are conducting any such search.

This recommendation has been considered by Victoria Police but cannot be implemented at this time. Appropriate funding will be required prior to any changes being made to the current information technology systems.

Until funding becomes available to upgrade LRD's information technology systems, LRD is presently developing training to increase its knowledge and awareness of registered firearm movements, including the support that is available to track registered firearm movements.

Where required for investigative purposes, police members should contact their local Divisional Firearms Officer (DFO) or the LRD to obtain information relating to a registered or unregistered firearm.

Contact details for the LRD and DFO are readily available, and LRD will update the Victoria Police Manual to reflect this.

RECOMMENDATION TWO

That Victoria Police (LRD) when assessing for approval an Application for Permit to Acquire Firearms be required to establish whether:

- a. the person witnessing the Application was ever previously the registered owner of the firearm and if so, enquiries must then be made about their interest in the firearm.*
- b. the person witnessing the Application is a prohibited person and if so, enquiries must then be made about their interest in the firearm.*
- c. the person providing a reference for or evidence of a matter relevant to the Application (for example, the property owner where the firearm is to be used) is a prohibited person and if so, enquiries must then be made of their interest in the firearm.*
- d. the proposed storage address listed is common to a prohibited person or person whose firearms licence has been cancelled and if so, the Permit should not be granted, and an investigation commenced.*

This recommendation has been considered by Victoria Police but cannot be implemented at this time, for the reasons discussed below.

In respect of (a) and (b) above, we note that there is currently no requirement for an application for a permit to acquire firearms (**PTA applications**) to be witnessed as a licence holder must now purchase a firearm through a Licensed Firearm Dealer (**LFD**), who ensures the identity of the licence holder during acquisition, and it is the LRD who subsequently acts as a witness.

In respect of (c) and (d), we note there is no legislative requirement under the *Firearms Act 1996* (**Firearms Act**) for persons at a property where a firearm will be used (such as the property owner) to be a non-prohibited person or to not be a person whose firearms licence has been cancelled. Similarly, there is no legislative requirement for the occupant of a residence where firearms are stored to be a non-prohibited person or to not be a person whose firearms licence has been cancelled.

LRD receives more than 65,000 PTA applications per year. The recommendation to conduct probity checks of storage addresses attached to a PTA application would not be achievable without significant additional resources. Each address would likely have multiple occupants, which would result in each requiring an individual probity check. This would substantially increase the processing times of PTA applications. It may be possible to make technological changes to interface systems so that it is flagged where a person at an address is a prohibited person, however, this would require dedicated funding in addition to the costs of an upgrade to LRD's information technology systems.

RECOMMENDATION THREE

That Victoria Police update their policies and procedures so that upon notification of a change of postal, residential or storage address by a licence holder, LRD must establish whether the proposed address listed is common to a prohibited person or person whose firearms licence has been cancelled and if so an investigation should be commenced.

This recommendation has been considered by Victoria Police but cannot be implemented at this time.

The LRD receives approximately 23,000 standalone change of address applications each year, in addition to change of details provided as part of the firearms licence renewal process and particulars provided with new applications.

The recommendation to conduct probity checks on each occupant of the nominated residential address would add significant administrative strain and require additional resources. It is likely that each address would have multiple occupants, each requiring individual probity checks, and resulting in a change of address process taking a significant amount of time.

Although it may be possible for interface systems to be modified to allow for an alert if a person at an address is prohibited, this would require dedicated funding in addition to the costs of an upgrade to LRD's information technology systems to accomplish. Further, it is not an offence under the Firearms Act for an occupant of a residence where firearms are stored to be a non-prohibited person or a person whose firearms licence has been cancelled.

Whilst at this time recommendations one, two and three cannot be implemented, Victoria Police will explore funding options in relation to the required resources to implement these recommendations.

RECOMMENDATION FOUR

That Victoria Police update their policies and procedures to confirm that upon identification of missing or unregistered firearms or the commencement of an investigation involving the same, police members are required to notify LRD (unless circumstances prohibit such notification) immediately. LRD must then provide the investigating member any and all relevant intelligence contained in the LARS records and any other assistance and information available in the investigation (unless circumstances prohibit the provision of such information). These updates should be promulgated to police members via the necessary information sharing, policy documents and training to ensure compliance.

Victoria Police supports this recommendation and it will be implemented.

LRD is currently reviewing the relevant processes regarding how missing registered firearm/s are investigated and will incorporate this recommendation as part of that review.

RECOMMENDATION FIVE

That Victoria Police consider an update to the firearms safety courses for new firearms licence holders to include education about firearm licence holders' responsibilities and offences under the Firearms Act 1996. New licence holders must be able to demonstrate an understanding of those responsibilities and offences in order to complete the firearms safety course.

Victoria Police supports this recommendation and it will be implemented.

The firearms safety course is currently being reviewed and LRD will incorporate this recommendation as part of that review.

RECOMMENDATION SIX

That Victoria Police consider providing an information brochure about licence holder's responsibilities and highlighting common offences under the Firearms Act 1996 with every licence renewal and upon issuing a new permit to acquire a firearm.

Victoria Police supports this recommendation and it will be implemented.

LRD will prepare a brochure in accordance with the recommendation, which will be provided with every licence renewal or any applications for permits to acquire firearms. The brochure will also be available for download on the Victoria Police website.

Yours sincerely



Shane Patton APM
Chief Commissioner

20/12/21