



# Department of Justice and Community Safety

Secretary

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Coroner Paresa Antoniadis Spanos  
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By Email: [cpuresponses@coronerscourt.vic.gov.au](mailto:cpuresponses@coronerscourt.vic.gov.au)

Dear Coroner Spanos,

## **Finding into death without inquest of Mr HP (COR 2019-002655)**

I refer to your recommendation directed to me as the Secretary to the Department of Justice and Community Safety, arising from the investigation into the death of Mr HP (without inquest) delivered on 17 May 2022 (the Finding).

### **Recommendation**

Pursuant to section 72(2) of the Act, I make the following recommendations:

1. *I recommend that the Secretary, Department of Justice and Community Safety consider the issues raised in this finding, including amending the Firearms Act 1996 to require all firearm licence applicants to provide a medical report from a current treating medical practitioner setting out their medical history and factors relevant to their fitness/suitability to hold a firearms licence and possess firearms.*

### **Response**

Every death occasioned by suicide is a tragedy.

The Victorian Government is committed to improving outcomes for those experiencing mental illness and psychological distress, and this is demonstrated by a range of measures, including reforms recently introduced to Parliament relating to the mental health and wellbeing of Victorians.

I have considered the issues raised in the Finding and briefed the Minister for Police, who is responsible for the administration of the *Firearms Act 1996*.

Any proposal to amend the *Firearms Act 1996* or subordinate instruments under that Act must be considered by the government of the day in the context of the National Firearms Agreement with regard to the efficacy of the proposed intervention, the operational impact of the proposed intervention, and the associated costs and benefits of the proposal.

At the department's request, Victoria Police has engaged with the Firearms and Weapons Policy Working Group (FWPWG) to explore the approach taken in other Australian jurisdictions when conducting medical assessments, whether there have been similar recommendations arising from other coronial investigations or other regulatory practice reviews, and any relevant outcomes.

The FWPWG brings together firearm registry managers and policy representatives from all Australian jurisdictions (including a number of Commonwealth agencies) to facilitate improved national consistency in response to firearms and weapons issues.

In all Australian jurisdictions an applicant for a firearms licence must disclose a medical condition relevant to that application and may then be required to provide a medical report in support of the application. Victoria follows this nationally consistent approach. A medical report is not required for all applications, and such a requirement would not address the elevated risk of self-harm which may arise in the period following a significant adverse life event, noting that firearms licences are valid for up to three or five years depending upon the licence category.

The refreshed 2017 National Firearms Agreement sets out grounds for licence refusal or cancellation and seizure of firearms, and this includes a commitment to consider reliable evidence of any mental or physical condition which would render an applicant for a firearms licence unsuitable to own, possess or use a firearm. The National Firearms Agreement requires a balance to be struck between the rights of the individual to privacy and fair treatment and the responsibility of authorities—on behalf of the community—to prevent danger to the individual and the wider community.

The National Firearms Agreement also includes a medical authorities reporting model. Consistent with the medical authorities reporting model, the *Firearms Act 1996* extends an immunity from liability to a health professional who advises the Chief Commissioner of Police in good faith that a person is not a fit and proper person to possess, carry or use a firearm. The health professional may provide this advice to the Chief Commissioner of Police at any time, despite the operation of section 141 of the *Health Services Act 1988*, section 346 of the *Mental Health Act 2014*, section 39 of the *Disability Act 2006* or any other similar enactment or provision. Victoria Police request that all notifications are made by calling 000.

The commitment to consider reliable evidence of a mental or physical condition which would render the applicant unsuitable for acquiring, possessing or using a firearm is implemented in Victoria through the *Firearms Act 1996* by prohibiting the Chief Commissioner of Police from issuing or renewing a licence unless satisfied that the applicant is a fit and proper person to hold a firearms licence. It is a matter for the Chief Commissioner of Police to establish efficient and effective protocols to form the required state of mind in accordance with the law.

I note that the Coroner's Court has made various findings arising from deaths by intentional self-inflicted firearm injury, and that Victoria Police works closely with government, medical practitioners and relevant stakeholders to continue to improve firearms safety and the efficient administration of the *Firearms Act 1996*.

Victoria Police has established a framework for determining whether a person with a history of or current mental illness or psychological distress is a fit and proper person to hold a firearms licence in December 2014. This framework is the "Quick Guide: The role of health professionals in the firearm licensing process" (Quick Guide). 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).

The Quick Guide is provided to medical practitioners to assist them to assess the suitability of an individual to hold a firearms licence. I am advised that Victoria Police has reviewed its administrative procedures, as well as preparing updates to the Quick Guide in consultation with the RANZCP and RACGP in response to subsequent recommendations made by the Coroner's Court.

The Finding observes that the current licensing regime does not require an applicant to 'prove' they are a fit and proper person to hold a licence. Consistent with the National Firearms Agreement and the approach taken in all other Australian jurisdictions, the Victorian firearms licence application process requires a medical report to be supplied if an applicant identifies that they have a medical or psychiatric condition or impairment that may directly impact their ability to hold a licence. The *Firearms Act 1996* creates multiple offences for making a false or misleading statement in an application under that Act, and these are accompanied by penalties of 240 penalty units (\$44,380 in 2022-23) or four years imprisonment. The Chief Commissioner of Police may also cancel a licence if satisfied that a person has knowingly supplied false or misleading information in a material particular in, or in connection with, an application for a licence or renewal of a licence.

Having regard to all of the above matters, the government does not, at this time, intend to amend the *Firearms Act 1996* to require a medical report to be provided with every application for a firearms licence in Victoria.

Thank you for directing this important recommendation to me for consideration.

Yours sincerely



**Rebecca Falkingham**  
Secretary