



Jaclyn Symes MP

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His Honour Judge Cain
State Coroner, Coroners Court of Victoria
65 Kavanagh Street
SOUTHBANK VIC 3006

By email: cpuresponses@coronerscourt.vic.gov.au

Dear Judge Cain

Court Reference: COR 2017 4175

I refer to your findings and recommendations made on 21 September 2021 regarding the death of Ms Marilyn Burdon, who tragically died on 21 August 2017 as a result of gunshot wounds inflicted by her partner, Mr Charles Bisucci.

I note that recommendation 7 of your findings is directed to me. That recommendation states:

That the Victorian Attorney-General consider requesting a review of the sentencing outcomes and practices under the Firearms Act 1996 by the Sentencing Advisory Council to provide feedback on the effectiveness of sanctions imposed on offenders found guilty of offences under this Act.

I wish to advise that this recommendation is under ongoing consideration. My reasons for reaching this conclusion are set out below.

On 15 May 2019, the Sentencing Advisory Council (Council) published its report *Firearms Offences: Current Sentencing Practices* (Report). The Report examined trends in the prevalence and sentencing of 132 firearms offence provisions (particularly in the *Firearms Act 1996* (Firearms Act), the *Control of Weapons Act 1990* and the *Crimes Act 1958*) in Victorian courts in the five years from 1 July 2012 to 30 June 2017.

The Report explored a range of issues, including:

- the characteristics (age and gender) of firearms offenders
- offences sentenced alongside firearms charges (co-sentenced offences) in each court
- sentencing outcomes at the charge level for the offence of a prohibited person possess, carry or use a firearm under section 5(1) of the Firearms Act
- sentencing factors present in cases sentenced in the higher courts during the reference period, and
- cumulation of sentences on firearms charges in the higher courts (County and Supreme).

The Report suggests that sentencing practices need to be examined in the broader context of the criminal justice response to firearms offending, including national and state regulation, policing and prosecution practices. It raised concerns about the link between firearms and drug use, family violence and the inherent risk to the community of the unlawful possession of firearms.

Given the subject matter considered by the Report and its currency, being published only recently in 2019, I consider that the Report implements the substance of your recommendation. However, I will continue to consider the Council's various priorities and the appropriateness of providing it with another reference on this matter.

The Victorian Government takes community safety seriously and is committed to ensuring people who commit crimes are held accountable for their actions and are sentenced appropriately. We have and will continue to use the Council's findings to inform the development of reforms, which ensure offenders found guilty of offences under the *Firearms Act* face appropriate sanctions.

If you require any further information, your office can contact David Atkinson, Executive Director, Justice Policy and Legislation, Department of Justice and Community Safety on 0417 125 630 or David.Atkinson@justice.vic.gov.au.

Yours sincerely



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20/09/2021