



## Hon Anthony Carbines MP

Minister for Police  
Minister for Community Safety  
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State Coroner Judge John Cain  
Coroners Court of Victoria  
65 Kavanagh Street  
SOUTHBANK VIC 3006

Via email: [cpuresponses@coronerscourt.vic.gov.au](mailto:cpuresponses@coronerscourt.vic.gov.au)

Dear Coroner Judge Cain

### **CORONIAL INVESTIGATION INTO THE DEATH OF DUSTIN BUCKLEY**

Thank you for your correspondence to the Attorney-General, the Hon Sonya Kilkeny MP, regarding the coronial investigation into the death of Dustin Buckley (Court reference: **COR 2017 004281**).

Your correspondence was referred to me as the Minister with portfolio responsibilities for the administration of the *Firearms Act 1996* and the *Firearms Regulations 2018*.

I was deeply saddened to learn of Dustin Buckley's tragic death and would like to convey my sincere condolences to his family.

I write in response to the following recommendations:

- i) That the Attorney-General consider amendments to Crimes Act 1958 (Vic), Firearms Act 1996 (Vic) and/or the Firearms Regulations 2018 (Vic) to address the following issues:*
  - a) Creation of an offence prohibiting the pointing of a firearm at another person's face/head.*
  - b) Changes to the supervision of junior firearms licence holders so that an adult licence holder can only supervise one junior licence holder at one time.*
  - c) Requirement for a person involved in a fatal or serious firearms incident to undergo mandatory drug and alcohol testing.*

**Recommendation A: Consider amendments to the Crimes Act, Firearms Act and/or the Firearms Regulations to address the creation of an offence prohibiting the pointing of a firearm at another person's face/head**

I have given consideration to this issue as recommended. I am satisfied that at the present time a specific offence prohibiting the pointing of a firearm at another person's face or head is not required. In reaching this conclusion I have had regard to advice from Victoria Police, which has extensive experience in prosecuting the relevant criminal offences and is additionally the regulator of firearms in Victoria, and the Department of Justice and Community Safety which has expertise in the Acts you mention.

**Recommendation B: Consider changes to the supervision of junior firearms licence holders so that an adult licence holder can only supervise one junior licence holder at one time**

Currently, section 4 of the *Firearms Act 1996* provides that junior licence holders must only use a firearm under the immediate supervision of a person who holds a full licence for that type of firearm. 'Immediate supervision' is not defined in the *Firearms Act*. However, the Victoria Police website recommends that adult licence holders supervising juniors remain within one metre of the junior and pay close attention to them in all instances where they are in possession of and/or using a firearm: [www.police.vic.gov.au/junior-firearm-licences](http://www.police.vic.gov.au/junior-firearm-licences).

Introducing a specific provision so that an adult licence holder can only supervise one junior licence holder at a time may be challenging. For instance, recreational firearms clubs providing lessons or overseeing clay target shooting competitions involving juniors may find it difficult to provide one-on-one supervision.

I do, however, consider there is merit in exploring amendments to strengthen the supervision requirements of junior firearms holders in other ways, including by looking at the practices adopted by other jurisdictions.

For instance, in New South Wales, section 32 of the *Firearms Act 1996* (NSW) requires a minor holding a firearms permit to be supervised, with the concept of supervision outlined in regulation 156 of the *Firearms Regulation 2017* (NSW). This includes being in the direct line of sight of the supervisor and with the supervisor at all times ready and able to give directions and render immediate assistance to the minor. The Regulation also includes relevant factors to be considered in deciding what is an adequate level of supervision, for instance, the number of persons being supervised and the number actively engaged in shooting.

I also note that when contemplating reforms to strengthen supervision requirements, consideration could be given to whether these should only apply to junior licence holders (i.e., those aged 12 to 17) or also to new adult firearms licence holders (i.e., those who have only recently obtained their firearms licence).

Further, there may also be an opportunity to include responsibilities for supervisors in content delivered at firearms safety courses or to publish more comprehensive guidance on the Victoria Police website.

Given the complexity of the above matters, this recommendation will be subject to further consideration.

**Recommendation C: Consider the introduction of mandatory drug and alcohol testing for a person involved in a fatal or serious firearms incident**

Currently, section 132 of the Firearms Act provides that a person must not carry or use a firearm if that person is under the influence of intoxicating liquor or a drug. However, the Firearms Act is silent on how section 132 can be enlivened.

I am advised that Victoria Police supports in principle the introduction of a requirement for a person involved in a fatal or serious firearms incident to undergo mandatory drug and alcohol testing. In cases involving junior firearms licence holders, there could also be a provision for the supervisor to be tested.

The legislation permitting the testing of drivers for alcohol and drugs after serious traffic incidents, such as section 55BA of the *Road Safety Act 1986*, may be a useful model. However, consideration should be given to how this would be adapted to firearms scenarios, including costs involved, how the testing would be conducted, and how to define a serious firearms incident.

As this recommendation involves a number of complexities and requires stakeholder consultation, it will be subject to further consideration by my department.

Should you require any further information, your office can contact Vivienne Clare, Executive Director, Police and Community Safety, Police, Racing, Victims and Coordination, Department of Justice and Community Safety [REDACTED]  
[REDACTED]

Thank you for directing these important recommendations to the Victorian Government for consideration.

Yours sincerely



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01 / 06 / 2025