



## Secretary

Department of Health

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BAC-BR-31472

Sheean Werkmeister  
Coroner's Registrar  
Coroners Court of Victoria  
**Via e-mail:** [team1@courts.vic.gov.au](mailto:team1@courts.vic.gov.au)

Dear Mr Werkmeister

Thank you for providing the findings of Coroner Paul Lawrie dated 14 April 2025 into the death of Joshua Gonzalez, who died on 5 September 2020. I offer my condolences to Mr Gonzalez's family and loved ones.

Coroner Lawrie directed four recommendations to the Department of Health (the department), and the department's responses to each are set out below.

### **Recommendation 1**

*That the Victorian Department of Health (through its Mental Health and Wellbeing Branch, or other appropriate branch) and Victoria Police work in conjunction to develop a universal structured approach for the transmission of essential information upon handover from police of a person in their care and control pursuant to section 232 of the Mental Health and Wellbeing Act 2022.*

The department accepts this recommendation, and work is underway to address this issue through the development of updated shared protocols with Victoria Police for response to people with mental illness or experiencing mental health crises.

The department has commenced drafting two new protocols: the *Ambulance Victoria protocol for mental health crisis responses and transport for people with mental illness* and the *Department of Health – Victoria Police protocol for mental health crisis responses* (the protocols). The protocols are being developed in collaboration with Victoria Police and Ambulance Victoria, following the commencement of the *Mental Health and Wellbeing Act 2022* (the MHW Act). These newly drafted protocols will replace protocols under the *Mental Health Act 2014*, being the *Department of Health and Human Services – Victoria Police protocol for mental health* and Ambulance Victoria's *Protocol for the transport of people with mental illness 2014*.

These protocols will provide guidance on the information required to be communicated when a person under the care and control of police is handed over at a designated mental health service, other hospital or other mental health and wellbeing services if prescribed.

To support the handover process, Victoria Police uses the L42 Form by Victoria Police, which provides a standardised approach for officers handing over persons in police care and control. When a Victoria Police officer takes someone into their care under section 232 of the MHW Act, they are required to provide a copy of this form to the receiving healthcare

provider upon handover. Through this form, police provide information including incident details, safety and risks (such as threats, family violence, firearms), known drug and alcohol history, intervention orders, family court proceedings and family circumstances.

## **Recommendation 2**

*That the Victorian Department of Health (through its Mental Health and Wellbeing Branch, or other appropriate branch) and Victoria Police work in conjunction to develop the necessary training and tools for police and medical staff to implement the practice of a structured approach for handover from police of a person in their care and control pursuant to section 232 of the Mental Health and Wellbeing Act 2022 in all cases.*

The department supports reviewing the existing tools available to facilitate safe and efficient handovers, including updating the relevant aspects of the applicable protocol.

As above, the current standardised approach for handing over persons in police care is implemented via the L42 Form, which is owned by Victoria Police. While training of police members is a matter for Victoria Police, the department will continue to work collaboratively with Victoria Police to support the finalisation of the protocols, and any future reforms in response to recommendations 8, 9 and 10 of the Royal Commission into Victoria's Mental Health System.

## **Recommendation 3**

*That Western Health and the Victorian Department of Health (through its Mental Health and Wellbeing Branch, or other appropriate branch) jointly review the practice of allowing only mental health clinicians access to the Mental Health Database with the aim of also permitting access by Emergency Department medical staff where necessary.*

Recommendation 3 cannot be implemented in its current form, as the department does not engage in operational reviews with individual health services in isolation. System-wide operational matters – such as access to operational databases regulated by law are reviewed in consultation with all relevant stakeholders. Engaging an individual health provider, such as Western Health, on a public health matter of statewide significance, would lead to inconsistent policy implementation between health providers. As set out below in response to recommendation 4, the department supports the review of access to mental health information, and to this end, will undertake consultation and discussion with public health services broadly as part of implementing Recommendations 61 and 62 from the Royal Commission into Victoria's Mental Health System (RCVMHS).

## **Recommendation 4**

*That the Victorian Department of Health (through its Mental Health and Wellbeing Branch, or other appropriate branch) review the practice of allowing only mental health clinicians access to the Mental Health Database, as it may apply for other Victorian health services, with the aim of also permitting access by Emergency Department medical staff where necessary.*

### **Department's Response to Recommendation 3 & 4**

The department will conduct the review of current practices regarding access to mental health information in emergency departments as part of planning for future reforms as recommended by the RCVMHS in recommendations 61 and 62; this includes the setting of new policies, standards and protocols to enable the effective, safe and efficient collection and sharing of mental health and wellbeing information, and to develop modern information

infrastructure including a new electronic mental health and wellbeing record to replace the current CMI/ODS.

While there remain technical difficulties in expanding access to the CMI/ODS database, the department has commenced development of a new Client Management System (CMS) to replace the CMI/ODS, which will serve as an information exchange, data repository, and a consumer portal. The development of a contemporary information architecture to replace the legacy CMI/ODS system will enable the secure sharing of information in ways not currently possible. Implementation of the new CMS is planned to be finalised by June 2028.

As part of the implementation of this new system, the department will necessarily revisit the information collected, the purposes for which it is used, and correspondingly, who has access to that information, whilst ensuring that access is granted in accordance with the Act and in a way that protects the privacy and dignity of Victorians living with mental illness, including their family, carers or supporters.

I trust this response is of assistance to the Court.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jenny Atta', written over a light blue grid background.

**Jenny Atta PSM**

Secretary

13/07/2025