



Secretary

Department of Health and Human Services



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Avril Diamante  
Coroner's Registrar  
Coroners Court of Victoria  
65 Kavanagh Street  
SOUTHBANK VIC 3006

Dear Ms Diamante

**Court references:** COR 2018 001315 Jae W Manning  
COR 2017 002906 [REDACTED]

Thank you for your letters of 27 and 28 June 2019 regarding Coroner Rosemary Carlin's recommendation and findings on the deaths of [REDACTED] and Mr Jae W Manning.

The Department of Health and Human Services' response to the recommendation in both Coroners reports is as follows:

**Recommendation:**

1. *That the Department of Health and Human Services explore whether the deleterious substances provisions of the Drugs, Poisons and Controlled Substances Act 1981 (Vic) might be amended to include major gases used in inert gas inhalation suicide in Victoria; and whether such an amendment would have any practical impact on Victorian's ability to access gases for purposes of suicide.*

**The department's response:**

Helium, argon and other inert gases have a wide range of legitimate uses mainly in the industrial, scientific, medical and hospitality sectors. The department acknowledges that inert gases have known potential for misuse through intentional and conscious use by people. It is noted that risks from inert gases such as helium do not exist unless deliberately inhaled.

The intent of Part IV of the *Drugs, Poisons and Controls Substances Act 1981* (the Act) is to deter supply of substances, such as aerosols, petrol, thinners, nitrous oxide or methylate spirits, which have a harmful effect following recurrent use. The legislation provides for the scenario whereby a person who attempts to purchase a substance may provide the retailer with reasonable cause to refuse sale if they believe the substance will be misused by introducing it into their or another person's body.

While it is possible to amend the Act, to include helium and other inert gases to enable a retailer to refuse sale, it would be very difficult to establish the substance intended use was for the purposes of suicide. For the other listed substances, the main indication for inappropriate use is repeated purchases which would not occur for inert gases and it is likely that many retailers would not have the skills to detect the intended use was for suicide.

The department does not capture data on instances where a person has sold or supplied inert gases in Victoria which they knew, or reasonably ought to have known, the end user intended to it for the purposes of suicide. Without such evidence, it is hard to conclude that change to Part IV of the Act would result in a reduction in deaths by suicide.

For these reasons the department believes it is unlikely that amending the Act would have a practical impact on reducing instances where a single premediated purchase of an inert gas is made for the purposes of suicide.

Other mechanisms to control supply should continue to be pursued and Victoria is supportive of the Australian Competition and Consumer Commission continuing work with the industry manufacturing and distributing inert gases to reduce risks, such as initiatives to modify valves or nozzles for cylinders that increase the difficulty of completing suicide.

Victorian Suicide Prevention Framework 2016-25 outlines a whole-of-government commitment and a coordinated strategy to halve the suicide rate by 2025. This strategy is supported by two flagship initiatives: the place-based suicide prevention trials delivered in partnership with and co-investment from Primary Health Networks in 12 Victorian locations, and the Hospital Outreach Post-suicidal Engagement (HOPE) aftercare service. An Interdepartmental Committee on Suicide Prevention meets quarterly to review emerging evidence and issues, informed by data from the Victorian Suicide Register, to identify key priorities for future action.

The department will continue to work collaboratively with the Coroners Prevention Unit to analyse suicide data from the Victorian Suicide Register to inform prevention efforts, including possible means of restriction of inert gases.

Should you wish to discuss this matter further, please contact Anna Peatt, Chief Officer, Drugs and Poisons Regulation at the Department of Health and Human Services on 9096 0422 or email: [Anna.Peatt@dhhs.vic.gov.au](mailto:Anna.Peatt@dhhs.vic.gov.au).

Yours sincerely



**Kym Peake**  
Secretary

20/9 / 2019