



Secretary

Department of Health and Human Services

50 Lonsdale Street
Melbourne Victoria 3000
Telephone: 1300 650 172
GPO Box 4057
Melbourne Victoria 3001
www.dhhs.vic.gov.au
DX 210081

BAC-CO-3182

Mikaela Meggetto
Coroner's Registrar
Coroners Court of Victoria
65 Kavanagh Street
SOUTHBANK VIC 3006
Via email: cpresponses@coronerscourt.vic.gov.au

Dear Ms Meggetto

Court reference: COR 2018 005646

Thank you for your letter of 23 June 2020 regarding Coroner Audrey Jamieson's recommendation and findings on the death of Gordon M Wallace.

The Department of Health and Human Services' (the department) response to the recommendation in the Coroner's report is as follows:

Recommendation:

*With the aim of promoting public health and safety and preventing like deaths, I recommend the Department of Health and Human Services consider amending the deleterious substances provisions of the *Drugs, Poisons and Controlled Substances Act 1981 (Vic)* to specifically include argon gas.*

The department's response:

Argon is an inert gas with legitimate uses, such as its role as a welding gas. Argon gas cylinders are available for hire or purchase at hardware stores and industrial gas retailers, including online sales. The department acknowledges there is a potential for misuse by people, however the risk of harm, including death from argon gas, is only present in the context of deliberate inhalation in a gas retaining environment.

The deleterious substances provisions in Part IV of the *Drugs, Poisons and Controlled Substances Act 1981* (the Act) are intended to discourage supply of substances which can cause harm with inappropriate use. Supply of a deleterious substance is prohibited under Section 58 of the Act if a person knows or reasonably ought to have known that the person intends to use the substance by drinking, inhaling or otherwise introducing it into their body.

For a retailer the main indicator of inappropriate use in relation to the substances which fall within the definition of deleterious substances in section 57 of the Act is the repeated purchase of these substances. The purchase of argon gas with the intent for use as a means

of suicide only requires a single transaction. The department believes that placing an expectation on retailers to have a role in assessing whether a single purchase is intended for legitimate use is not feasible in these circumstances. While the department acknowledges that evidence supports that restricting access to a means of suicide assists in suicide prevention, using the provisions of the Act to achieve this outcome in relation to argon gas would be difficult to enforce and hence ineffective.

Furthermore, an amendment to the Act would require consultation and supporting communications to relevant retailers around legal requirements of sale. This would raise public awareness of argon gas misuse and may have the unintended effect of increasing the attractiveness of inert gases as a means of suicide. As a result, there may be an increase in the use of inert gases for suicide rather than less.

While it would be possible to amend the Act, the department believes this is unlikely to result in the desired outcome of blocking supply to a single premeditated purchase of argon gas. In addition, the risks associated with increased public awareness outweigh any potential benefit.

Victoria's Suicide Prevention Framework 2016-25, released in July 2016, outlines the whole of government commitment and coordinated strategy to reduce the incidence and impact of suicide in the community. Through the Hospital Outreach Postvention Engagement (HOPE) program, place-based suicide prevention trials and other targeted investments, progress has been made towards meeting the objectives of the Framework. The government remains focussed on identifying evidence and best practice suicide prevention initiatives in key portfolio areas, targeting areas of high risk where immediate action can occur and advocating to the Royal Commission into Victoria's Mental Health System on suicide prevention priorities as it develops its final report.

The department will also continue working with the Coroner's Prevention Unit through our data-sharing Memorandum of Understanding to analyse suicide-related themes to drive government suicide prevention efforts.

Should you wish to discuss this matter further, please contact Matthew Hercus, Executive Director, Mental Health and Drugs Branch at the Department of Health and Human Services on (03) 9096 7570 or email matthew.hercus@dhhs.vic.gov.au.

Yours sincerely



Kym Peake
Secretary

01/09/2020