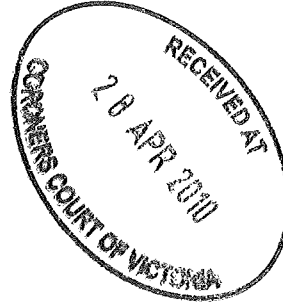




VICTORIA POLICE

Chief Commissioner's Office

Victoria Police Centre
637 Flinders Street
Melbourne 3005
Victoria Australia
Telephone (61 3) 9247 6890
Facsimile (61 3) 9247 6869
PO Box 415
Melbourne 3005
Victoria Australia



Our Ref: 10/002145

Ms Leah Leighton
Coroner's Registrar
Coroners Court of Victoria
Level 1, 436 Lonsdale St
Melbourne Vic 3000

5/7/08

Dear Ms Leighton,

I write on behalf of the Chief Commissioner to acknowledge receipt of the Coroner's Report arising from her investigation into the death of Trevor Frawley on 6 December 2008.

I note that the Coroner has made recommendations in respect to firearms licensing provisions within the *Firearms Act 1999*. These recommendations will be given appropriate consideration by the Licensing Services Division.

Yours sincerely,

Becc Hodges
Manager
Executive & Advisory Services
Office of the Chief Commissioner

23 104 1 2010



Minister for Police & Emergency Services

09 AUG 2010



121 Exhibition Street
Melbourne Victoria 3000
GPO Box 4356
Melbourne Victoria 3001
Telephone: (03) 8684 0900
Facsimile: (03) 8684 0910
DX 210077

Ms Kim M. W. Parkinson
Coroner
Coroner's Court of Victoria
Level 1, 436 Lonsdale Street
MELBOURNE VIC 3000

Our ref: CD/10/304730
Your ref: 5471/08

Dear Ms Parkinson

INVESTIGATION INTO THE DEATH OF MR TREVOR FRAWLEY

I write to thank you and the Registry of the Coroners Court of Victoria for making your findings into the death of Mr Trevor Frawley available to me. I received your findings under cover of a letter from Registrar Leah Leighton dated 30 March 2010.

I wish to advise that, as a number of your recommendations have legislative implications, those recommendations are under consideration by the Department of Justice in conjunction with Victoria Police and the Victorian Firearms Consultative Committee. Once I receive the department's advice following its consultation on the matters you have raised I will be in a position to determine the steps that need to be taken in relation to the provision of instruction in the use of firearms.

Thank you again for providing me with your findings.

Yours sincerely

Bob Cameron MP
Minister for Police & Emergency Services



VICTORIA POLICE

Our reference: 062352/10
Your reference: 5471/08

21 September 2010

The Registrar
Coroners Court of Victoria
Level 1
436 Lonsdale St
Melbourne Victoria 3000

Dear Ms Leighton,

RE: Investigation into the death of Trevor Frawley

Thank you for providing a copy of the Coroner's report into the suicide of Mr. Trevor Frawley at a handgun shooting range while under instruction. Victoria Police's Licensing Services Division (LSD), Civil Litigation Unit and the Operational Safety Training and Tactics Unit of Victoria Police have carefully considered the report and the circumstances which led to Mr Frawley's access to a firearm under these circumstances.

LSD is in the process of taking action to reduce the risk of this type of event taking place in the future, as highlighted in the attached Action Plan.

Yours sincerely,

Wayne Ashley
Superintendent
Manager
Licensing Services Division

Licensing Services Division

Yarra Tower, Level 4
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VICTORIA POLICE

Licensing Services Division

Notice of Receiving Instruction at a Firearms Range Action Plan in response to Coroner's Report

On 6 December 2008 Trevor James Frawley committed suicide using a firearm accessed on a handgun shooting range while receiving instruction.

The Coroner conducted an investigation into Mr. Frawley's death and on 30 March 2010 provided a report on her findings. In the report the Coroner makes six recommendations which are responded to in this document

In response to the Coroner's six recommendations, please note the following actions to be undertaken:

Recommendation 1. The expression 'immediate supervision' in Schedule 3 Item 4 of the Firearms Act 1996, should be defined as requiring:

- ***One on one training, and***
- ***That the instructor is in such close proximity to the student that the instructor is able to instantly and where necessary physically intervene should the person under instruction act in a manner that poses a threat to either themselves or any other person on the shooting range.***

Victoria Police supports the general tenor of Recommendation 1 and is of the view that the term 'immediate supervision' should be expressly defined in Schedule 3 of the *Firearms Act 1996* (the Act) . The details of the definition will be subject to further discussions between the Department of Justice and the Licensing Services Division as the responsible entity within Victoria Police for regulation of the firearm industry.

With regards to the 'close proximity' requirements this component has also been supported by the Operational Safety Tactics Training Unit within Victoria Police. However, discussions with the Department of Justice will need to consider matters of practicality to achieve compliance with this requirement, the risk to the instructor and others present, and whether supervision of this nature would, in any case, prevent or mitigate the potential for similar incidents.

Recommendation 2. The condition referred to in recommendation 1, should be imposed by the Chief Commissioner of Police when approving private firearms shooting ranges pursuant to s179 of the Firearms Act 1996.

It is LSD's position that the definition of 'immediate supervision' as suggested by the Coroner is considered in discussion with the Department of Justice in having the definition be prescribed in law. Having the definition stipulated in legislation will provide unambiguous clarity to the term and the fact that 'immediate supervision' is not a negotiable condition that some ranges may seek to circumvent.

It should be noted however, current industry practice is that one supervisor might simultaneously direct up to six novices in the case of security personnel on a pistol range, and at clay target shooting ranges it is not uncommon for one instructor to supervise five novices. A change in the current practices will require some client expectation management in that a significant increase of manpower resources will occur. In recognition of this fact, prescription of the new definitions in law (rather than by condition imposed by the Chief Commissioner of Police) will reduce the level of criticism levelled at Victoria Police for the imposition of the extra manpower resourcing. This in turn will leave us in a stronger position to work collaboratively with ranges and ensure compliance.

Recommendation 3. The Notification of Receiving Instruction form, should require the provision of a certificate from a GP that there is no medical impediment, psychological or physical to the student receiving instruction and this should be provided in advance of receiving instruction.

This recommendation is not supported by Victoria Police. The purpose of the Notification of Receiving Instruction (NORI) process is designed to facilitate the process whereby an unlicensed person wishes to partake in shooting range activities under supervision in order to see if they wish to pursue the sport.

At present, the NORI form must be lodged with LSD by the shooting range instructor within seven days of the instruction taking place. In order to require medical clearance in advance, the applicant will need to seek medical approval days prior to taking part in the activity. The requirement to provide a medical clearance prior to partaking in the activity will be seen by the industry as an impediment and deterrent to take up the sport.

In addition it should be noted that if this were to be introduced, it would be a more onerous obligation than currently exists for application for an actual firearms licence. It is my view that the taking up of recommendations 4 and 6 below will suffice in this regard and will maintain consistency with licence application processes.

Recommendation 4. The expression 'medical conditions' in the Notification of Receiving Instruction form, should be defined expressly include any physical or psychiatric / psychological ailment.

Victoria Police supports the inclusion of the additional term “physical or psychiatric / psychological ailment” on the NORI form in respect to the declaration made by the person receiving instruction following the term ‘medical condition’.

As a result of this review, the NORI form will be amended with a number of refinements, this being one of them.

Recommendation 5. Upon receipt by police of a Notice of Receiving Instruction, a full Leap system check be made in relation to fitness to receive instruction in firearms.

The processing protocol currently stipulates that a full LEAP check be performed in respect to each applicant that a NORI is returned against. The fact that three previous NORIs were submitted in the case of Mr. Frawley, without the medical warning of ‘suicide risk’ being observed and acted upon, is currently the subject of a review by LSD management.

Procedures will be strengthened and an awareness session provided for relevant staff. The NORI form is also being amended with the addition of a section requiring the assessing officer to indicate that a LEAP check has been performed and no impediments to continuing receiving instruction have been identified.

Recommendation 6. Factors such as reported suicide risk should result in a person being ineligible to receive instruction until medical clearance has been obtained.

As part of the revised procedure mentioned at recommendation 5 above, the identification of any relevant medical history – which includes psychiatric evaluations referring to suicide risk – will result in the immediate refusal of future NORI activity, until clearance is provided by a treating medical practitioner. This will be consistent to the process already in place for a licence application. The proposed action will include:

- Notification of local police as to the attempt by a listed suicide risk to access firearms;
- Contact made to the instructing officer of the relevant range to advise LSD regards the applicant as unsuitable to receive instruction and that under no circumstances should access to the range be given to the applicant;
- File note placed against the applicant’s entity number on LARS¹ outlining the situation and requiring any further contact made by the applicant be referred immediately to an LSD Section Manager.

One final aspect of this incident should be considered. At the time of the event which gave rise to the Coroner’s report, Mr. Frawley was not licensed to use a firearm,

¹ ‘LARS’ is the Firearms Register referred to in the Firearms Act 1996

however he had been licensed some years prior. For reasons unknown he did not renew his licence four years ago and it consequently lapsed.

This indicates that Mr. Frawley was familiar with firearms, which may have given rise to his idea of using a firearm range in order to gain access to a pistol for the purpose of committing suicide. A person not already acquainted with guns may not have come to this conclusion.

Whilst Victoria Police acknowledges a review of the process for receiving instruction is warranted, and are fully committed to the changes we have outlined above, I feel that these initiatives, while not meeting all of the Coroner's recommendations, are appropriate to minimise the likelihood of a repeat occurrence, taking all circumstances into account.



Wayne Ashley
Superintendent
Manager
Licensing Services Division