



IN THE CORONERS COURT  
OF VICTORIA  
AT MELBOURNE

Court Reference: COR 2022 0532

**FINDING INTO DEATH WITH INQUEST**

*Form 37 Rule 63(1)*

*Section 67 of the Coroners Act 2008*

Deceased:	Martin William SHEAHAN
Delivered on:	13 April 2023
Delivered at:	Coroners Court of Victoria, 65 Kavanagh Street, Southbank
Hearing dates:	24 March 2023 (inquest)
Findings of:	Coroner Sarah Gebert
Counsel assisting the Coroner:	Leading Senior Constable Dragos Panoschi Police Coronial Support Unit
<i>Keywords</i>	<i>Homicide, interstate recognition of firearm licence</i>

## INTRODUCTION

1. Martin William Sheahan<sup>1</sup> was born on 31 August 1964 and was 57 years old at the time of his passing. He resided in Warburton with his partner of over 30 years, Mandy Brown. They had two children, Heath and Ben. Mandy also had three children Emma, Monique and Alexander who Martin raised as his own.
2. Martin is also survived by two older brothers, Stephen and Laurence ('Larry').
3. Martin was described as a wonderful and loving partner to Mandy; as a man who loved his family; and a larger than life character who was warm and funny. He was well known in the community and highly respected. One friend said, *Marty was the funniest bloke you ever met. He was a caring individual who would never harm a fly. He was a loving caring father who was hands on. He was a hardworking guy.*
4. Martin commenced work with the Yarra Ranges Council in 2015 and at the time of his passing held a full time supervisor role. He was a popular employee who was highly skilled and could get on with anyone.
5. Tragically, Martin died at his home address on 26 January 2022 as a result of gunshot wounds inflicted by Glenn Usher-Clarke. Mandy was present at the time of the shooting. Mr Usher-Clarke apparently took his own life shortly after. Martin and Mr Usher-Clarke were known to each other.

## THE CORONIAL INVESTIGATION

6. Martin's death was reported to the Coroners Court as it fell within the definition of a reportable death in the *Coroners Act 2008* (Vic) (**the Act**) because his death appeared to have been unexpected, unnatural or violent or to have resulted from accident or injury.
7. Coroners independently investigate reportable deaths to find, if possible, identity, cause of death and the surrounding circumstances of the death. Cause of death in this context is accepted to mean the medical cause or mechanism of death. Surrounding circumstances are limited to events which are sufficiently proximate and causally related to the death.
8. Under the Act, coroners have an additional role to reduce the number of preventable deaths and promote public health and safety by their findings and by making comments and or recommendations about any matter connected to the death they are investigating.

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<sup>1</sup> Referred to in my finding as 'Martin' unless more formality is required.

9. When a coroner examines the circumstances in which a person died, it is to determine causal factors and identify any systemic failures with a view to preventing, if possible, deaths from occurring in similar circumstances in the future.
10. In the coronial jurisdiction, the standard of proof applicable to findings is the balance of probabilities.<sup>2</sup>

### **Mandatory inquest**

11. Martin died as a result of a homicide, in circumstances where no person was available to be charged in relation to the death. In these circumstances, an inquest was mandatory under s52(2)(b) of the Act.

### **Sources of evidence**

12. As part of the coronial investigation, Detective Leading Senior Constable Alicia Thorp (**DLSC Thorp**) as the Coroner's Investigator prepared a comprehensive coronial brief. The brief comprises statements from witnesses including Martin's family and friends, Mr Usher-Clarke's family and friends, the forensic pathologist who examined Martin, ambulance paramedics, investigating officers as well as other investigative material such as photographs and ESTA audio recordings.
13. Following receipt of the coronial brief, the Court also obtained Mr Usher-Clarke's medical records from St Vincent's Hospital, Main Street Medical, Yarra Junction Medical and Multi City Medical Centre. A statement was also obtained from Dr Brahmanandan Malapurathattil who was a general practitioner Mr Usher-Clarke had consulted.
14. The inquest heard evidence from DLSC Thorp. Present during the inquest was Martin's family members including Mandy.
15. This finding is based on the entirety of the investigation material comprising of the coronial brief of evidence including material obtained after the provision of the brief, the evidence at the inquest and any documents tendered at the inquest. All this material, together with the inquest transcript, will remain on the coronial file and comprises my investigation into

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<sup>2</sup> Subject to the principles enunciated in *Briginshaw v Briginshaw* (1938) 60 CLR 336. The effect of this and similar authorities is that coroners should not make adverse findings against, or comments about, individuals unless the evidence provides a comfortable level of satisfaction as to those matters taking into account the consequences of such findings or comments.

*"The seriousness of an allegation made, the inherent unlikelihood of an occurrence of a given description, or the gravity of the consequences flowing from a particular finding, are considerations which must affect the answer to the question whether the issues had been proved to the reasonable satisfaction of the tribunal. In such matters "reasonable satisfaction" should not be produced by inexact proofs, indefinite testimony, or indirect inferences ..."* (pages 362-363)

Martin Sheahan's death. I do not purport to summarise all the material and evidence in this finding, but will refer to it only in such detail as is relevant to comply with my statutory obligations and necessary for narrative clarity.

## **RELEVANT BACKGROUND**

### **Association with Glenn Usher-Clarke**

16. In 1977 the Sheahan family moved to Ferntree Gully and Martin transferred to Knox Technical College. He joined the Fair Park Football Club where he met Mr Usher Clarke.
17. They would socialise on occasion with each other and their respective families at events such as barbeques, parties and camping trips and found themselves regularly crossing paths through mutual friendships, connection to Fair Park Football Club and community ties.
18. Mr Usher-Clarke (also known as *Gusher*) was born on 21 May 1964 and was regarded as an easy going person with a quick wit. He had two children, including Georgie who he nicknamed '*Smilie Bear*'. She described him as a very social person – Georgie said, *If we weren't doing something with him, we'd be at his friends' place socialising. We were always doing something.*
19. Mr Usher-Clarke's criminal history was limited to one charge involving the cultivation of cannabis for which he received a bond in 1996. There was no recorded incidences or anecdotal information to suggest that Mr Usher-Clarke had engaged in violent behaviour. His former wife blamed his alcohol consumption for the breakdown of their marriage. She also recalled him smoking large amounts of cannabis and cigarettes.
20. Mr Usher-Clarke suffered an injury to his back, following which his cannabis use was said to have increased. He underwent surgery in February 2009 at which time an aneurysm was repaired. On New Year's Day 2016 Mr Usher-Clarke quit drinking, cigarettes, and cannabis *cold turkey* having turned 50 the year before. In 2016, he suffered a frontal lobe infarction (*stroke*) secondary to the coiling of an intracerebral aneurysm from which he appeared to fully recover.
21. Following the stroke, Mr Usher-Clarke's friends and family noticed a significant change in his personality, such that he was described as quite childish and immature, and that he became sensitive and would take banter to heart and occasionally cry.

*Significant observations/events leading to the death*

22. In July 2015 Martin recommended Mr Usher-Clarke for a casual position at Yarra Ranges Council on his maintenance crew. Martin mentioned to his employer that Mr Usher-Clark *struggled to find work due to a few medical issues*. Mr Usher-Clarke's daughter said it was his *dream job*.
23. Mr Usher-Clarke commenced work on 4 August 2015 and in September 2015 he took a Stihl chainsaw from his workplace and left it at his friend Edward's home, saying that he didn't want his boss to know about it. When questioned by Edward, who observed that it was marked as being the property of Yarra Valley Council property, Mr Usher-Clarke assured him that it was purchased from Cash Converters. The chainsaw was removed the following day by Mr Usher-Clarke and Edward, who was a long standing friend of Martin, called Martin about what had occurred.
24. Martin subsequently contacted Mr Usher-Clarke and told him to return the chainsaw, otherwise he would need to report it, but Mr Usher-Clarke refused.
25. Mr Usher-Clarke contacted Edward's brother George, who was aware of the situation. George advised him to apologise and return the return the chainsaw, and was told by Mr Usher-Clarke that he no longer had the item. His daughter also encouraged him to return the chainsaw, but he told her no, saying it was an old one the council was getting rid of anyway. He later told her he would return it and his daughter said he was '*shitty*' with Martin.
26. After giving the situation considerable thought, Martin felt he had no choice but to advise his employer of the theft and was told that if Mr Usher-Clarke returned the chainsaw in a timely manner, then he'd be on notice, but he could retain his job.
27. On the 18 October 2015, Mr Usher-Clarke returned the chainsaw and his employment was terminated due to the theft. The Contract Supervisor said, *I told Gusher he had an opportunity to bring it back straight away and it took too long*. Mr Usher-Clarke did not outwardly express anger about the decision and never expressed regret for his behaviour. The theft was not reported to police. Martin's friend and colleague said,

*I think Marty felt a bit embarrassed about what Glenn did. He was just so disappointed he recommended Glenn and Glenn went on to steal the chainsaw.*

*I think the worst part of it is if Glenn was struggling and needed money or a hand those boys would have helped he didn't need to steal a chainsaw.*

28. Georgie said, *Dad was gutted, and we never really spoke about stealing the chainsaw again unless it was talk about Ted.*
29. Georgie said, *Regarding Marty ..., dad was pissed but didn't show the same distain he did towards Ted. He was dismissive of Marty's involvement and brushed it off when it was brought up. She said, I remember running into Marty and his wife Mandy on numerous occasions after the chainsaw incident. Marty would always ask how dad was doing and showed genuine care which I relayed back to dad. Dad dismissed this again..... I felt he knew it was his fault, but he was angry at them for being so disloyal.*
30. Mr Usher-Clarke's ex-wife described him as being *so cut up* and with reference to Martin he said, *He was meant to be a fucking mate.*
31. Following the incident, Mr Usher-Clarke began to feel *ostracised* from his friendship group.
32. In August 2018 Mr Usher-Clarke moved to Narooma, New South Wales (NSW) to care for his mother. He joined the South Coast Hunters Club. His membership was valid until 30 November 2021.
33. On 16 August 2020, Mr Usher-Clarke completed a firearms licence qualification course (from Firearm Safety and Training Council Limited), which satisfied the training component for the NSW Firearms Licence.
34. During the Easter of 2021 Georgie and her family visited her father in Narooma and he made a comment that he wouldn't *be here next year*, at which time she wondered if he had a terminal illness.
35. Also that year, Mr Usher-Clarke inquired about Martin's mobile number and advised his daughter when she asked if he was going to sort things out with him that, *No I just want to send him a message and call him a dickhead.*
36. The evidence suggests that Mr Usher-Clarke also wrote at various locations in Narooma, including toilet walls, *For a good time call Mandy*, with Martin's mobile number. When confronted by George about this, Mr Usher-Clarke was amused, was not remorseful and said of Martin, *I hate his fucking guts.*
37. Later in 2021, a family feud transpired around Mr Usher-Clarke continuing to reside in his mother's home and the exchanges amongst family members were said to have deeply affected him.

38. On 15 October 2021 a NSW firearms licence was issued to Mr Usher-Clarke which was valid until 2 December 2026.
39. In mid-December 2021, Mr Usher-Clarke decided to move home to East Warburton and was staying with his daughter at the time of Martin's death. He was observed by a good friend to be *a bit lost* about his future.
40. On the 17 December 2021 Mr Usher-Clarke attended licenced gun retailer Great Southern Outdoors in Boronia, Victoria where he purchased a box of shot gun rounds and an 'Adler A110 Shotgun, Serial Number 1602714'. The Adler A110 is a lever action, 12 gauge, five shell capacity shotgun. He told his daughter he wanted a gun to go rabbit shooting which was *an old hobby of his*.
41. To purchase the firearm Mr Usher-Clarke produced a 'Permit to Acquire 21979385' which was issued on 26 November 2021 in NSW. The permit allowed him to purchase a B5-Lever Action Shotgun capable of holding five rounds. He also produced his NSW Firearm Licence/Permit and NSW Driver Licence as proof of identity and eligibility.
42. The owner of Great Southern Outdoors and *Responsible Officer* checked the validity of his Permit to Acquire and confirmed it was legitimate. As the permit was already approved he was able to take possession of the firearm immediately and was not subject to a cooling off period.
43. Mr Usher-Clarke kept the firearm in a locked cabinet as required by legislation at his daughter's house and only her partner had access to the keys.
44. During his stay he indicated to his daughter that he would only to need to shoot a target from less than a metre and when asked what he meant said, *I can't tell you that* and laughed. At that time she became concerned about his earlier comments about not being around.
45. Mr Usher-Clarke attended with a GP at the Main Street Clinic on 4 and 6 January 2022 regarding skin concerns.
46. On 12 January 2022, Mr Usher-Clarke attended at Yarra Junction Medical Centre (he had consulted with that practice intermittently since 2004) asking to recommence his antidepressant.
47. Dr Malapurathattil said of that consultation,

*Mr Usher-Clarke saw me for the first and only time on 12 January 2022. He appeared very depressed. He wanted his usual medications for sleep and depression. He told me that he had been diagnosed with depression by his GP interstate and that he was taking Mirtazapine for depression and Temazepam on and off for sleep. Mr Usher-Clarke told me that he had forgotten to bring his medications from interstate as he had to travel unexpectedly to Victoria.*

*Mr Usher-Clarke had last attended Yarra Junction Medical Centre on 16 May 2020. He told me that he lives interstate and his usual GP is there. He also told me that he comes to Victoria a few times a year.*

*I declined his request for Temazepam because of the risks of sedation and dependence. I checked Mr Usher-Clarke's "My Health Record" and I confirmed that he had been previously prescribed Mirtazapine. I issued a prescription for Mirtazapine 30 mg, 30 tablets with no repeats. I also prescribed Melatonin 2 mg for insomnia 30 tablets with no repeats.*

*Mr Usher-Clarke did not smoke, drink alcohol, or use illicit drugs. In Mr Usher-Clarke's medical history I noted that he had attended Yarra Junction Medical Centre from 2007 to 2014. He had had an aneurysm repair, pulmonary embolus, and consultations for musculoskeletal symptoms. On mental state examination, Mr Usher-Clarke was depressed. There were no features of psychosis. Although I have not documented a suicide risk assessment, I recall that Mr Usher-Clarke had not had suicidal ideation or suicidal intent.*

*On physical examination pulse and blood pressure was normal.*

*The formulation was a 57-year-old man with the features of moderately severe major depressive disorder and insomnia disorder.*

*In addition to prescribing Mirtazapine and Melatonin, I recommended referral to a psychologist. Mr Usher-Clarke refused this as he felt it would be useless.*

*I advised Mr Usher-Clarke to see his regular GP for follow-up and continuity of care within one month. I advised him to see another GP if his regular GP was not available.*

48. In the weeks before Martin's death, there was nothing unusual noted about Mr Usher-Clarke's behaviour. He spent time with his family including grandchildren and stayed with an old friend.
49. Sometime around mid-January, Mr Usher-Clarke asked his daughter where Mandy worked and whether she worked weekends.



50. At 7.53am on 25 January 2022, Mr Usher-Clarke sent a text message to phone contact referred to as “Meme”<sup>3</sup> which read, *Good morning honey bunny have a wonderful day. its my last day .love you xx.*

51. Mr Usher-Clarke was observed that night smoking a cigarette. Georgie said she felt something was dreadfully wrong and stated,

*It’s hard to put into words how unsettling seeing dad have a cigarette was. My entire mind frame switched from maybe dad is struggling to dad is going to do something.*

52. She and her partner decided to watch him closely given their concerns.

53. At 11.14pm Mr Usher-Clarke sent another text to “Meme” which read,

*Good night honey bunny sweet dreams my dear friend .my last sleep. stay safe babe and take care of yourself.*

## **CIRCUMSTANCES OF DEATH**

54. On Wednesday 26 January 2022, Martin and his partner spent the day together visiting their children and purchasing items in preparation for a puppy they planned to collect the coming Friday.

55. At 7.46am Mr Usher-Clarke sent a text message to “Meme” which read,

*Good morning .... PRINCESS Meme have a wonderful day my dear friend .its my last day here .ill always be thinking of you .....*

56. Georgie woke early finding her father already up. She asked what he planned for the day, and he replied, *None of your business* with a laugh. Georgie asked her partner to move the gun safe keys as she still held concerns about her father (*Something wasn’t sitting right in my gut*). During the day Mr Usher-Clarke played with his grandchildren for many hours and appeared to be having a *wonderful time*.

57. Mr Usher-Clarke went out around lunch time and returned with his son. He later said he intended to visit his friend Bamber Roberts to go rabbit hunting and asked for the keys to the gun safe. As he was acting normally he was able to retrieve the gun and said he would be home for dinner. At that stage his firearm was noted to have had its full barrel. His daughter checked his bag and found that nothing unusual had been concealed by him.

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<sup>3</sup> The Coroner’s Investigator advised that ‘Meme’ was a sex worker in Canberra.

58. Mr Usher-Clarke left at about 3.00pm and spent a number of hours reminiscing with his friend Bamber from mid-afternoon and they made plans to go fishing that weekend. They did not go hunting and Bamber did not see the firearm during the visit.
59. Sometime around 7.00pm, Mr Usher-Clarke arrived home and gave each of his grandchildren who were in their beds a feather and said goodnight. After he ate his dinner, Georgie saw him get two pieces of paper from the printer and thought he was going to write suicide notes. He said he was drawing a picture.
60. Georgie went outside and was joined soon after by her father who lit a cigarette. She asked him why he was smoking and he replied, *For the head rush*. She reported that he stood up and said, *I'll catch you later Smilie*. She asked him where he was going and he said *Down the street* but would say nothing more. Mr Usher-Clarke said to her partner, *I'll catch you later Jacko*. Georgie told her partner to search his room for suicide notes.
61. Georgie followed her father to his car and saw him remove the firearm from the boot. She yelled out that he had forgotten to put his gun in the gun safe which he ignored. As he pulled out of the driveway, Georgie said he was smiling but had tears in his eyes. She reportedly said to him, *You're really scaring me Dad* and he replied, *It's alright Smilie Bear* and then in response to, *What are you doing Dad?*, replied, *I'm up to no good. Love you*.
62. He drove away and Georgie ran to her neighbour's house where her mother was visiting. Her partner joined them soon after with two suicide notes Mr Usher-Clarke had addressed to his children, which included the words, *sorry I'm leaving you this way. I've just had enough of all the aches and pains*.
63. At 8.18pm Georgie asked her mother to call Triple Zero and tell the police what was occurring. A search was then undertaken in the local area for Mr Usher-Clarke by his family. Bamber also joined the search in the Warburton, Reefton area.
64. During the evening Mr Usher-Clarke sent a number of text messages saying goodbye and to take care. At 7.48pm, to Frankie he text, *See you mate take care of yourself my dear friend....* Frankie replied, *Where are you off to?* and Mr Usher-Clarke replied, *Hell*. At 7.52pm his text read, *Ive had enough*.
65. Martin and Mandy had arrived home at approximately 6.00pm. Martin had a 'Facetime' call with his brother, Larry and Mandy went for a lie down in the main bedroom to rest her legs.
66. At approximately 8.20pm, Mr Usher-Clarke arrived at Martin's address in Warburton following a ten minute drive from his daughter's home.

67. Mr Usher-Clarke parked his vehicle south of the address where he knocked loudly on the front security door. Mandy heard Martin walk down the hallway towards the door asking who was there, receiving no reply. It was apparent that Mr Usher-Clarke held open the unlocked security door and once Martin was close discharged his firearm twice, inflicting injury to Martin's left hip and then his head. Prior to the second shot Martin cried out to Mandy that he had been shot.
68. Mandy looked through a bedroom window and saw a man walking away from the home in a southerly direction with a distinctive red mullet haircut. She called Tripe Zero at 8.23pm reporting the shooting and her partner's death.
69. At 8.46pm police arrived at the scene followed shortly after by ambulance paramedics who confirmed that Martin was unable to be assisted and was sadly deceased.
70. Mr Usher-Clarke drove to Wesburn Park, Wesburn where he apparently took his own life with the firearm in the female public toilets, shortly before 8.52pm.
71. Prior to doing so he made several calls where he said, *I've just killed Marty I'm ringing to say goodbye*. He said during one conversation with reference to the killing, *That's what I came back for*. He also made a call to Triple Zero at 8.47pm prior to his death saying to the operator that there was a dead person in the public toilets (*he's been shot in the head*) and, *It's me, so goodbye*.
72. Police later located Mr Usher-Clarke deceased with a shotgun nearby which was identified to be a 12 Gauge Adler model A-110 lever action shotgun with a serial number of 1602714.
73. On 9 February 2022 police examined the firearm and noted that the barrel had been sawn off. The barrel was later found in the boot of Mr Usher-Clarke's car rolled in a picnic blanket. Comparison tests were conducted on the fired cartridge cases found at both scenes which revealed that the same firearm had been used to inflict Martin's fatal injuries and, in Mr Usher-Clarke's apparent suicide.
74. An examination of Mr Usher-Clarke's phone did not reveal any content to suggest that he held a grudge against Martin or planned to take Martin's life.
75. Inquiries with Mr Usher-Clarke's associates and friends also revealed no clue of his intentions. Nor did anybody describe Mr Usher-Clarke as a violent person.
76. His daughter said,

*It was not the behaviour of the man I knew as my dad.*

*I thought dad was going to suicide. I had no idea he was going to target anyone, especially Marty. If anyone dad was the angriest at his brother Peter, if it was anyone, I would think it was Peter.*

*I can't comprehend what dad has done. If it was just his own suicide I would understand because he was so unwell and had had such a bad trot in life. But to murder someone is completely incomprehensible. I cannot understand it.*

## **IDENTITY OF THE DECEASED**

77. On 8 February 2022, Martin William Sheahan born on 31 August 1964 was identified by DNA analysis.
78. Identity is not in issue and required no further investigation.

## **CAUSE OF DEATH**

79. On 31 January 2022, Dr Joanne Ho, specialist forensic pathologist at the Victorian Institute of Forensic Medicine (**VIFM**), conducted an autopsy examination and prepared a written report dated 19 May 2022.
80. Dr Ho formulated the cause of death as "*I(a) Gunshot Wounds to the Head and Abdomen*".
81. I accept Dr Ho's opinion.

## **OTHER INVESTIGATIONS**

### Medical issues

82. As Mr Usher-Clarke was said to have undergone a distinct personality change after a stroke he suffered in 2016, I asked the Health and Medical Investigation Team of the Coroners Prevention Unit (**CPU**)<sup>4</sup> whether this could be relevant to Martin's death.
83. The CPU provided advice that frontal lobe damage can result in permanent personality changes of varying degrees and types that may involve issues of emotional control or empathy or cognition or motivation or planning. However, the CPU noted that there was no

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<sup>4</sup> The CPU was established in 2008 to strengthen the coroner's prevention role and to assist in formulating recommendations following a death. The CPU is comprised of health professionals with training in a range of areas including medicine, nursing, public health and mental health. The CPU may also review the medical care and treatment in cases referred by the coroner as well as assist with research into public health and safety.

known history of violence since the stroke, so Mr Usher-Clarke's later behaviour appeared out of character to his post stroke personality and so it could not be said that the ensuing events could be predicted or prevented.

84. Dr Sharma, who was Mr Usher-Clarke's GP for three years in Narooma, documented that he was suffering from Berry aneurysm, coronary artery disease and chronic back pain with depression. In March 2020 he experienced one episode of suicidal ideation due to severe back pain (*suicide ideation in the context of long term Chronic Pain*) for which he was seen by psychologist, Laura England and pain specialists following which his symptoms improved. During his session with Ms England he was said to be engaged and did not report any suicidal or homicidal thoughts. He reported low mood and no previous attempts of suicide. In May 2020 Mr Usher-Clarke decided to discontinue treatment, as he felt happier given his new employment and being engaged with a pain specialist.
85. Dr Sharma provided the following description of Mr Usher-Clarke, *He was a friendly and cheerful man. He was expressive of his ongoing health issues and never missed any appointment and was compliant and cooperative.*
86. As already noted, Mr Usher-Clarke attended with Dr Malapurathattil at Yarra Junction Medical asking to recommence his antidepressant medication on 12 January 2022. The CPU noted with respect to that consultation that Mr Usher-Clarke did not exhibit suicidal or homicidal ideation and that 30% of the adult population are on these medications. Therefore, asking to be on these medications is and of itself cannot be viewed as a missed red flag.

#### Access to Firearms in Victoria

87. On 15 October 2021 a NSW firearms licence was issued to Mr Usher-Clarke following an application signed on 26 November 2020 with the *Genuine Reason* being nominated as *Recreational Hunting/Vermin Control*. The licence was valid until 2 December 2026. To satisfy the licence requirements, Mr Usher Clarke:
  - a. obtained membership of the South Coast Hunters Club which was valid until 30 November 2021; and
  - b. completed a firearms licence qualification course (from Firearm Safety and Training Council Limited) on 16 August 2020.
88. On 26 November 2021 a 'Permit to Acquire 21979385' was issued to Mr Usher-Clarke in NSW (with an expiry date of 24 February 2022). To be eligible for a Permit to Acquire in

NSW, a person must hold a current NSW firearms licence or permit, and may only apply for the type of firearm that their category of licence authorises them to possess.

89. On 17 December 2021 the Adler model A-110 was purchased by Mr Usher-Clarke from Great Southern Outdoors in Victoria. As he had an approved permit to acquire he was able to take possession of the firearm immediately and was not subject to a cooling off period.
90. Mr Usher-Clarke was able to legally purchase the firearm in Victoria as relevant provisions of the *Firearms Act 1996* (Vic) permit a person in the following circumstances to do so [section 102(5)]:
- (a) who is the holder of an inter-State permit to acquire a category A or B longarm which has been issued not more than 28 days before the acquisition of the longarm; and*
- (b) who is acquiring a category A or B longarm in accordance with the permit; and*
- (c) who, in order to acquire the longarm, personally attends at the premises where the dealer—*
- (i) from whom the longarm is being acquired;*
- or (ii) who is acting as agent in the transaction— (as the case requires) carries on business.*
91. In addition I note that temporary visitors to Victoria<sup>5</sup> (such as Mr Usher-Clarke may have been regarded), who are interstate licence holders, are deemed to be the holders of corresponding licences in Victoria [including for the possession, carriage or use of category A or B, longarm for the purposes of hunting (section 185(2)].
92. It is also apparent that Victorian legislation, at least on a temporary basis<sup>6</sup>, deems the holder of an interstate firearm licence who intends to permanently reside in Victoria to be the holder of a corresponding licence and, be permitted to possess, carry and use a firearm in Victoria lawfully obtained in another state [section 187(1) with reference to category A or B longarm].
93. An examination of the requirements to obtain firearm licences in NSW and Victoria, reveal that a more rigorous regime exists in Victoria.

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<sup>5</sup> Ordinarily resides in the other State or Territory.

<sup>6</sup> Having notified the Chief Commissioner of Police and for a period of 3 month from that notification.

94. For example, as highlighted during the Inquest, the medical/health type questions on the NSW application asks the applicant to nominate 'yes' or 'no' to the following question - to which Mr Usher-Clarke marked 'no':

*Have you, in NSW or elsewhere: Ever attempted suicide or self harm, or in the past 12 months been referred or treated for alcoholism, drug dependence, or a mental or nervous disorder or illness?*

*If you answered yes to any of the above questions, please provide details as an attachment.*

95. Comparatively, the Victorian application requires the following in relation to similar queries under Part 4 – Medical History,

*Have you in the past 5 years been treated for:*

*Mental health concerns including depression, stress or emotional problems?*

*Alcohol or drug related problems?*

*Neurological conditions including stroke and brain injury?*

*A physical disability, or any other medical condition which could impact on a person's ability to safely possess and carry firearms?*

*If you answer "yes" to any of the above, you must obtain a medical report from a doctor who treated you, or is familiar with your condition, outlining your suitability to hold a firearm licence and possess firearms.*

And further instructions on the application include,

*If you answer "yes" to any question, you must supply a medical report regarding your suitability to hold a firearms licence, stating that you are a fit and proper person to be in possession of firearms and/or a firearms licence and that you pose no threat to yourself or the community.*

96. It is apparent from the available evidence, that had Mr Usher-Clarke applied for a Victorian firearms licence and answered the above questions truthfully, he would have been required to provide a medical report stating that he was a fit and proper person to be in possession of firearms and/or a firearms licence and that he did not pose a threat to himself or the community.

97. I note that similar to NSW, *Genuine Reasons* in Victoria include *Hunting* which relevantly requires,
- Victorian Membership of a shooting club or organisation that is approved for the activity of hunting is sufficient evidence for the reason of hunting. Membership must be current at the time of application and you must maintain your club membership for the duration of your firearm licence.*
98. It was clear however that Mr Usher-Clarke's membership of the South Coast Hunters Club was not current at the time he purchased the firearm in Victoria, as his membership expired on 30 November 2021.
99. I further note that the questions regarding an applicant's prior criminal history are also more rigorous in Victoria and, that the Victorian firearms application requires that an applicant provide an Identification Reference (from a specified list of referees) who has known the applicant for at least 12 months.

## COMMENTS

Pursuant to section 67(3) of the Act, I make the following comments connected with the death.

100. The evidence suggests that Mr Usher-Clarke planned to shoot Martin, at least several months before the event, and told a friend that he returned to Victoria for that purpose. His behaviour proximate to the shooting suggested that he was carefully concealing his intentions from those closest to him but also that he was intent to use a legally obtained firearm to carry out the shooting.
101. The evidence also suggests that he moved from NSW quickly but had made inquiries about purchasing a weapon in that state late in 2021 and likely had insufficient time to do so.
102. The Victorian legislation appears to permit recognition of interstate licences and use of interstate firearms under certain conditions, in circumstances where a less rigorous licensing regime may be in place, such as in NSW.
103. There is necessarily a desire on behalf of law makers and the community to consider where firearms laws can be improved given the associated inherent risks and dangers. In this context, I note a recent announcement regarding significant reforms in Western Australia which are set to take place in relation to its (50 year old) firearms legislation, where it was reported that any person buying a firearm in Western Australia will have to undergo mandatory and ongoing mental health checks. I further note following the tragic events in



Queensland in December 2022, that at a national level work is being done towards the establishment of a National Firearms Register, with the possibility of real time information being made available to law enforcement agencies.

104. In this case it cannot be said that Martin's death would have been prevented, had the Victorian (or NSW) legislation been different and recognition not permitted, but in my view the case highlights the desirability for consistently rigorous firearm licensing regimes to be in place across all Australian jurisdictions.

## **RECOMMENDATION**

105. Accordingly, pursuant to section 72(2) of the Act, I make the following recommendation:

*That consideration be given by the Minister for Police to the appropriateness of the continued recognition of New South Wales firearm licences and New South Wales acquired firearms in Victoria until such time as the firearms licence application process in that state is of at least an equivalent high standard to that of Victoria.*

## **FINDINGS AND CONCLUSION**

106. Pursuant to section 67(1) of the Act I find as follows:

- (a) the identity of the deceased was Martin William Sheahan born on 31 August 1964;
- (b) Martin William Sheahan died on 26 January 2022 at [REDACTED], Warburton, Victoria, from *I(a) Gunshot Wounds to the Head and Abdomen*; and
- (c) the death occurred in the circumstances described above.

107. Having considered all of the circumstances, I am satisfied that Glenn Usher-Clarke caused the death of Martin Sheahan by means of gunshots fired to his head and abdomen. While I cannot determine the specific reason or reasons for his actions, the likely motivation appears related to resentment Mr Usher-Clarke held over a chainsaw he stole in 2015 from his workplace, which he was asked to return.

108. I convey my sincere condolences to Martin's family for their loss and acknowledge the heartbreaking circumstances in which his death occurred.

109. Pursuant to section 73(1B) of the Act, I order that this finding (in redacted form) be published on the Coroners Court of Victoria website in accordance with the rules.

110. I further direct that a copy of this finding be provided to the following:

Mandy Brown, Senior Next of Kin

Minister for Police

Detective Leading Senior Constable Alicia Thorp, Coroner's Investigator, Victoria Police

Signature:





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**SARAH GEBERT**

Date: 26 April 2023

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NOTE: Under section 83 of the *Coroners Act 2008* ('the Act'), a person with sufficient interest in an investigation may appeal to the Trial Division of the Supreme Court against the findings of a coroner in respect of a death after an investigation. An appeal must be made within 6 months after the day on which the determination is made, unless the Supreme Court grants leave to appeal out of time under section 86 of the Act.

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