Health and Weapons

An information booklet: your rights and protections in relation to the Weapons Act 1990
Important contacts

Queensland Police Service

Emergency police contact: 000

Your local Police Station telephone:

(Local Police station contact numbers listed in the Whit Pages under “Police” or available by searching www.services.qld.gov.au)

Weapons Licensing

Telephone: (07) 3015 7777
Facsimile: (07) 3015 7788
Email: Inquiry@police.qld.gov.au
Mailing: GPO Box 892, Brisbane QLD 4001

Queensland Health

Your local Health Service District telephone:

(Health Service District profiles and contact numbers are available by searching www.health.qld.gov.au/hospitals/district_profiles/default.asp)

Mental Health Branch

Telephone: 1800 989 451
(07) 3234 0417
Email: mha2000@health.qld.gov.au
Website: www.health.qld.gov.au/mentalhealth

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Immediate Public Safety Concerns
If you have immediate concerns about a patient’s behaviour and his/her access to any kind of weapon, you should immediately contact police using the emergency number, 000 or your local police station. (See inside front cover for contact details).

Less urgent patient assessments under the Weapons Act 1990
The Weapons Act 1990 (‘the Act’) states that certain professional carers may provide information about a patient to police when the health professional believes the patient/client is unsuitable to hold a weapons licence.

In 2002, there was public debate on the need for health professionals to provide appropriate information to police regarding a patient’s access to firearms. A working party comprising the various health professional organisations (listed on the back cover) was formed. The group met and developed this educational material to assist health professionals in understanding the voluntary reporting process outlined in the legislation. The material has been updated to include legislative amendments to the Weapons Regulation 2016 (‘the Regulation’) which expand the categories of professionals in the definition of ‘professional carer’.

This booklet is part of a communication strategy and contains:
   a) Important contact information
   b) Some guiding factors to assist in risk screening and decision making in relation to the notification process. The questions offer a guide to help health professionals decide whether a patient is an unsuitable person to possess a weapon, because of a mental or physical condition or because they are a risk to themselves or another person/s

   c) A flowchart to guide decision-making
   d) The Notification to Weapons Licensing form, which is designed to simplify the task of providing relevant information to police. Keep this form as a master copy and photocopy when required. (See second foldout page at end of booklet).

Copies of this booklet and the notification form can be downloaded from either the Queensland Health web site: www.health.qld.gov.au/mentalhealth/publications.asp or the Queensland Police Service (QPS) website: www.police.qld.gov.au/pr/program/wlb/index.html

Disclosure
Professional health carers who disclose information under section 151 of the Act are protected from criminal and civil proceedings and are not in breach of appropriate clinician/patient confidentiality rules.

In the event of an appeal this information may be disclosed. Information supplied by a health carer can only be accessed by the weapon licence applicant / holder in limited circumstances. You should indicate if you want to be advised of an appeal of the decision of Weapons Licensing or notified of any Freedom of Information request, or if you wish that your name not be disclosed. You can indicate your preference by ticking the appropriate boxes on the form, Notification to Weapons Licensing. (Further information published on the reverse of the form).
Some guiding factors for risk screening

In determining whether a person is “unsuitable” to possess a firearm, professional carers should consider a range of issues including any history of attempted suicide, aggression and/or violence, and the person’s history of weapon ownership and reasons for obtaining a weapon.

The following topics to be considered are supplied as “prompts” to help you make a reasoned assessment. These questions should not be treated as a checklist to be completed and scored. They are designed to guide you through a range of factors that will help you in the decision making process. If at any point you feel you could benefit from assistance, contact your local mental health service to obtain advice or contact the closest forensic mental health service for specialist advice.

Do not send any answers to these questions to the Weapons Licensing. They will contact you if they require further information. It would be appropriate to note the outcome of your assessment in your records, whether you decide to notify police under section 151 or not.

Topics to consider when assessing risk

Risk of Suicide
When considering a person’s unfitness to have a firearm you may wish to consider whether the person:
- is expressing suicidal ideas
- has a plan/intent (note capacity and means to carry this out)
- has made previous attempt(s) on his/her own life (note seriousness of attempt or intent)
- is expressing high levels of distress, hopelessness and loss of control over life or an inability to cope (note significant life events e.g. relationship or job loss, major physical illness or disability)
- has a family history of suicide
- misuses drugs and/or alcohol
- has a major mental health diagnosis
- has a reduced ability to control behaviour

Also note the presence of protective factors and supports.
Identification of risk is an indication that further action may be required. Consider the following options if the person is identified as being a risk to self/others.

Always contact the emergency police number (000) if there is immediate risk.

Otherwise options would include:

- Increase your contact with the person and/or follow-up non-attendance or non-compliance with treatment. Assess supports available to the person and provide advice about additional services (e.g. after hours numbers)
- Consider if patient/client is willing to seek treatment related to risk (e.g. drug and alcohol, domestic violence). If so, refer to relevant service
- Consult with a colleague/senior clinician and consider ethical guidelines, confidentiality issues and reporting requirements
- Recommend a more comprehensive clinical assessment or referral for specialist assessment – psychiatrist, clinical/forensic psychologist
- If the patient/client appears to have a mental illness consider whether the person meets the “assessment criteria” for involuntary assessment under section 13 of the Mental Health Act 2000. Contact your local mental health service to obtain assistance with this process
- Advise Police: Weapons Licensing (if a firearm is involved or there is an intention to obtain a firearm). Weapons Licensing can also be contacted for additional information or if there are concerns regarding other weapons.

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**Risk of Aggression/Violence**

When considering a person’s unfitness to have a firearm you may wish to consider whether the person:

- has a history of previous incidents of violence
- is expressing intent to harm others (note capacity and means to carry this out)
- has a history of previous misuse of weapons (e.g. to harm others)
- is expressing anger, frustration or preoccupation with violent thoughts (including command hallucinations or paranoid ideation)
- misuses drugs and/or alcohol
- has a reduced ability to control behaviour
- has previous police contact or legal trouble
- belongs to the high risk age group (e.g. male under 29).

Also note the presence of protective factors and supports.

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**Risks associated with Firearms**

- Has the person ever used a firearm? If so, for what purpose?
- Does the person still have a firearm? (Note number and type)
- What is the person’s main reason for having/wanting a firearm? Any other reasons?
- Has the person ever wished he/she had a firearm when angry or upset?
- Has the person moved the weapon closer recently? (For example, taken it from the garage to the home)
- Does the person have the firearm loaded? (Clarify where ammunition/gun are stored).

Also note the presence of protective factors and supports.
Health professionals should be aware that section 151 of the Act empowers professional carers to disclose to police certain relevant information about patients/clients. Section 151 provides that the release of such information cannot give rise to any criminal or civil action or other remedy against the professional carer. Section 116 of the Regulation defines professional categories who are considered professional carers in section 151(4) of the Act.

Section 151 Weapons Act 1990

Disclosure by professional carer of certain information

(1) If a professional carer is of the opinion that a person is an unsuitable person to possess a firearm for either of the following reasons, the professional carer may inform the commissioner of the opinion and give the commissioner any relevant information about the person including the person’s identity —
   (a) because of the person’s mental or physical condition; or
   (b) because the person may be a danger to himself, herself or someone else.

(2) The giving of an opinion or information by a professional carer under subsection (1) does not give rise to any criminal or civil action or remedy against the professional carer.

(3) This section applies despite any duty of confidentiality owed by the professional carer to the patient.

(4) In this section ‘health services’ means services prescribed under a regulation for maintaining, improving and restoring people’s health and wellbeing.

A ‘professional carer’ refers to:

(a) a doctor; or
(b) a registrant as defined under the Psychologists Registration Act 2001; or
(c) a nurse as defined under the Nursing Act 1992; or
(d) a person prescribed under a regulation who is engaged in providing health services.
Section 116  Weapons Regulation 2016

Professional carers—Act, s151(4)

(1) For section 151(4) of the Act, the following persons are professional carers—

(a) a social worker who is engaged in providing health services prescribed in subsection (2);
(b) a professional counsellor who is engaged in providing health services prescribed in subsection (2).

(2) For section 151(4) of the Act, the following services are health services—

(a) hospital or nursing home services;
(b) medical, pharmaceutical, paramedical or mental health services;
(c) ambulance services;
(d) community welfare services that are government funded.

(3) In this section—

government funded means funded or partly funded by a State or the Commonwealth.

professional counsellor means a person who is employed, either under a contract or service or a contract for services, as a counsellor.

social worker means a person who is employed, either under a contract of service or a contract for services, as a social worker.

If a health practitioner has concerns that a patient/client they are seeing either:

(a) has a firearm licence, or
(b) is intending to obtain a firearm licence
(c) may have access to firearms

and in their opinion should not possess a firearm, the standard procedure is to contact Weapons Licensing. Your concerns must be in writing and should state:

1. the patient’s name and contact details;
2. that the person is unsuitable to possess a firearm because of the person’s mental or physical condition or because the person may be a danger to himself, herself or someone else.

A notification form is provided but is not required to assist you in notifying police.

Contact the local police if there is an urgent need for action
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Patient presents with medical/mental condition (temporary or permanent). You become aware they may have access to firearms

Is there a risk or safety concerns either to the person or to any other person?

No further action at this stage. Monitor
See Note 1

No

NOTE 1
Section 24 of the Weapons Act 1990 requires that a firearms licence holder MUST provide advice to police if there is a change in their condition or physical fitness. The person should be advised to do this in writing.

NOTE 2
It is suggested that you contact Weapons Licensing and discuss any matter that may affect a person’s ability to possess and use a firearm in a safe manner.

Please remember
Weapon possession and use are subordinate to the need to ensure public and individual safety.

This flowchart explains the process for a professional carer when they become concerned about a patient’s capacity to have a weapons licence. This is a different process from a request from a patient or police for a report regarding a person’s fitness to have a weapons license.

Contact Weapons Licensing for more information phone (07) 3015 7777 fax (07) 3015 7788

In all instances see Notes 1 and 2 below

Is the risk / danger imminent or immediate risk to the person or to any other person?

YES

Contact Local Police Immediately

Give clear indication of concerns with respect to the firearms licence

NO

Give clear indication of concerns with respect to firearms licence. See page 3, 4, 5 of the booklet.

Police will take immediate action and may remove access to firearms and firearms licence is suspended or revoked

Weapons Licensing, dependant upon advice may suspend or revoke the firearms licence.
If the firearms licence is suspended a letter is sent to the patient requesting a report from a doctor or psychologist (usually within 28 days)
If revoked the police will take all necessary action to ensure that the person does not have access to firearms

No further action at this stage. Monitor
See Note 1