

# Firearms notifications by health practitioners

A guide to disclosing health information  
to the Queensland Police Service

# Immediate safety concerns

## **Call Triple Zero (000)**

If a health practitioner has immediate safety concerns about someone's behaviour or their access to a firearm, you should immediately contact police using the emergency number, Triple Zero (000).

# Firearm licensing in Queensland

Possession and use of firearms in Queensland is regulated by the *Weapons Act 1990* and administered by the Weapons Licensing Group, Queensland Police Service (QPS)<sup>1</sup>.

To obtain a firearms licence, a person must demonstrate a genuine reason to possess and use firearms, which can include:

- occupational purposes – working in primary production, veterinary surgery or security
- sports or target shooting – shooting club activities at an approved shooting range
- recreational shooting – shooting on rural land with permission from the owner or occupier.

Applicants seeking a firearms licence must disclose any physical or mental health condition to inform QPS consideration of whether they are a fit and proper person to hold a firearms licence. Firearms licence holders are obliged to advise QPS of any change to their mental or physical health to allow for consideration of their ongoing fitness and suitability to hold a licence.

<sup>1</sup>*Firearm* is defined in the *Weapons Act*, in line with its ordinary meaning, as a gun or similar weapon capable of causing death or injury by discharging a projectile or a noxious liquid, powder, gas, chemical or other substance. *Possession* of a firearm is defined in broad terms to include having custody or control of a firearm, and can include having access to firearms.

# Notifications by health practitioners

Health practitioners classified as **professional carers** under the *Weapons Act 1990* can disclose relevant health information if they are of the opinion that a person is unsuitable to possess a firearm due to:

- a mental or physical condition or
- the risk of being a danger to themselves or others.

**Professional carers** are defined as:

- doctors
- psychologists registered under the Health Practitioner Regulation National Law, other than students
- nurses registered under the Health Practitioner Regulation National Law, other than students
- social workers in specified settings
- professional counsellors in specified settings<sup>2</sup>.

**Specified settings** are:

- hospitals or nursing homes
- medical, pharmaceutical, paramedical or mental health services
- ambulance services
- community welfare services that are government funded.

If a health practitioner is not a **professional carer** and is of the opinion that a disclosure about a person's suitability to possess a firearm should be made, they should escalate these concerns to a clinician who is a professional carer or the person's broader multidisciplinary care team. Alternatively, if this is not possible, contact [Queensland Police Service Weapons Licensing](#) for further advice.

Making a notification involves complex and nuanced clinical decisions which have safety implications for a patient, their family and the community. This document is intended as a general guide for professional carers

working across all public and private health settings. In making a decision, a professional carer may wish to consult with experienced colleagues or specialised services, such as domestic and family violence services or mental health services.

## Protections for professional carers disclosing information to Queensland Police Service

Professional carers who disclose information under the *Weapons Act 1990* are protected from criminal and civil proceedings and are not in breach of any duty of confidentiality they owe to a person.

A professional carer's name and contact details are not disclosed by QPS to the person who is the subject of the notification. If a person seeks a review of a weapons licensing decision in the Queensland Civil and Administrative Tribunal (QCAT), appeals a decision to a court or makes an application under the *Right to Information Act 2009* (Qld), it is the practice of QPS to redact the professional carer's name, signature and contact details.

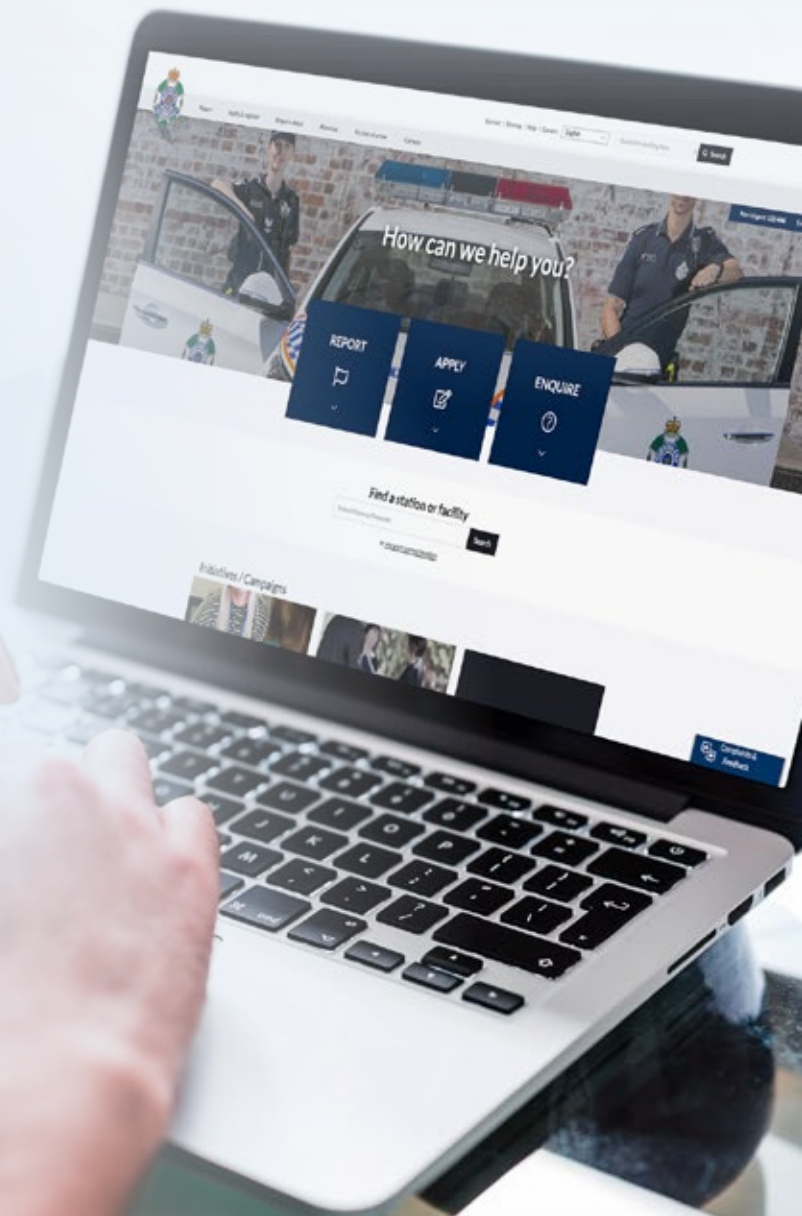
<sup>2</sup> See [section 151 of the Weapons Act 1990](#) and [section 160 of the Weapons Regulation 2016](#).

# Mandatory reporting by public sector health practitioners

Under the Ministerial Direction – [Mandatory reporting to the Queensland Police Service where a person is unsuitable to possess a firearm \(QH-MD-003\)](#), **professional carers** providing health services in the public sector for a Hospital and Health Service *must* notify QPS if they are of the opinion that a person is an unsuitable person to possess a firearm.

Mandatory notification is *not* required if a professional carer knows or reasonably believes that another professional carer has already provided a notification to QPS. For example, a notification should be documented in a person's clinical record and communicated within the care team.

Professional carers should check for local processes or reporting pathways established by their Hospital and Health Service to implement the Ministerial Direction. Public sector health practitioners should also consider and document human rights considerations under the *Human Rights Act 2019*.



# Assessing suitability to possess firearms

In the delivery of clinical care, professional carers may identify a person is at a higher risk of committing violence or self-harm with a firearm due to the person's physical or mental health, which would impact on the suitability of the person to possess a firearm.

## Indicators to consider firearms risks

Suitability to possess a firearm should be assessed through a risk assessment when it is known or suspected that a person:

- holds a current firearms licence or intends to apply for a licence
- has access to firearms, including at home or through their job, family or community groups
- has expressed a desire to acquire or use firearms.

## Relevant health conditions and treatments

General examples of health conditions or associated treatments that may impact on suitability include:

- serious eye or vision impairments
- brain injuries or neurological conditions, including dementia
- mental and behavioural disorders, including substance use disorders
- prescribed medications with significant side effects affecting cognition or mental state.

## Risk assessment

When assessing suitability to possess a firearm, professional carers should undertake a risk assessment to consider the risks to both the person and others. Risks may be dynamic and reflective of a current situation or may be chronic and permanent in nature. A person's history, current circumstances, and the presence of protective factors and supports should be considered.

## Consent

Information sharing with informed consent is always preferred. If appropriate, a professional carer may support a person with a weapons licence to notify the QPS of a change in their mental or physical health, as required by the *Weapons Act 1990*, to allow for consideration of their ongoing fitness and suitability to hold a licence. Support from family or friends may assist in obtaining consent to disclose.

If a person does not consent, cannot consent (due to lack of capacity) or it is not practicable to obtain consent, the *Weapons Act 1990* allows notification to QPS without consent. This decision should be made on a case-by-case basis based on the clinician's professional judgement. If a professional carer working in a public sector health service has reached the opinion that a person is not suitable to possess a firearm, they must make a notification, even if the person does not consent.

A professional carer should also consider whether notification may have potential implications for the safety of the person's family or the general public and notify police if this is the case.

## Factors to consider for notifications to Queensland Police Service

The following factors are relevant when conducting a risk assessment to form an opinion on suitability to possess a firearm.

### Physical health

Physical health conditions, including the impact of prescribed medication, can impact on a person's ability to safely operate a firearm. Conditions that may affect visual acuity, motor functioning or cognition, including dementia and conditions that may result in altered levels of consciousness, should be considered.

### Mental and behavioural disorders, including substance use disorders

If an individual has a mental and behavioural disorder, consideration should be given to whether and how their disorder may impact their risk. The presence of mental and behavioural disorders, including substance use disorders, is not a sufficient reason for a person to be considered unsuitable to possess a firearm. An individual's symptoms and behaviours and their relevance to risk should be considered. Protective factors that may reduce risk should also be considered. These may include insight to the effects of the disorder, including symptoms and management of relapse and engagement in treatment. The support of a social network and its understanding and support for the person in managing these risks may also be relevant.

### Suicide risk

A person's history of suicide attempts or self-harm, current or recent suicidal ideation or intent, life stressors, high levels of distress and/or hopelessness and the presence of symptoms of a mental illness should be considered. Protective factors that may reduce risk should also be considered. These may include good support, effective coping strategies, clear plans to limit access to lethal means, willingness to engage with services, ongoing engagement with services and good awareness of early warning signs.

### Risk of violence or aggression

A person's history of violent and aggressive behaviour, including previous weapons and/or firearms use and history of domestic and family violence, current or recent violent ideation including specific threats and heightened levels of anger or irritability should be considered. This should also include consideration of a person's ability to control their behaviour, such as use of alcohol and/or other drugs, acute stressors, difficulties regulating emotions and impulsivity.

If there are concerns about risk of domestic and family violence, additional factors such as pregnancy or recent birth, recent separation, child custody issues, non-lethal strangulation, stalking behaviours, sexual violence, or the presence of coercive and controlling behaviours such as attempts to restrict or monitor a partner's movement or socially isolate a person should be considered as part of the assessment. Under the *Weapons Act 1990*, a professional carer may make a firearms notification about any person, including a spouse, partner or family member of a patient. If domestic and family violence is occurring, consider whether a referral should also be made to a specialist domestic and family violence service.

### Risks associated with firearms

Consideration should be given to a person's history of firearm use, including any history of carrying firearms on their person and reasons for requesting a firearm licence or pursuing possession of a firearm. If the person discloses having a firearm, consider the type of firearm, current storage arrangements and any access to ammunition.

### Documenting disclosures to Queensland Police Service and clinical considerations

Disclosure of relevant health information can be made via [Notification to QPS Weapons Licensing](#). A copy of this notification should be retained by the professional carer and recorded as part of the person's clinical record.

The person's clinical file should also be updated to document matters leading to a notification, including clinical assessment, risk assessment, discussions about firearms notification, including consent processes and human rights considerations.

If QPS is contacted verbally or another way to report an immediate risk, this should be documented in the person's clinical file to provide a record that a notification was made.

## Important contacts

### Queensland Police Service

In an emergency, contact Triple Zero (000)

For other matters, contact your local police station or **Policelink (131 444)**.

### Weapons Licensing Group

**Telephone:** (07) 3015 7777

**Email:** [Weapons.Compliance@police.qld.gov.au](mailto:Weapons.Compliance@police.qld.gov.au)

**Mail:** GPO Box 892, Brisbane QLD 4001

**Website:** [www.police.qld.gov.au/units/weapons-licensing](http://www.police.qld.gov.au/units/weapons-licensing)

## More information

[www.police.qld.gov.au/weapon-licensing/mental-and-physical-health](http://www.police.qld.gov.au/weapon-licensing/mental-and-physical-health)