

# Health and Weapons

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



**Queensland  
Government**  
Queensland Health

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## Important contacts

### Queensland Police Service

Emergency police contact: **000**

Your local Police Station telephone:

*(Local Police station contact numbers listed in the White Pages under "Police" or available by searching [www.services.qld.gov.au](http://www.services.qld.gov.au))*

### Weapons Licensing

Telephone: (07) 3015 7777

Facsimile: (07) 3015 7788

Email: [Inquiry@police.qld.gov.au](mailto:Inquiry@police.qld.gov.au)

Mailing: GPO Box 892, Brisbane QLD 4001

Website: [www.police.qld.gov.au/programs/wlb/index.html](http://www.police.qld.gov.au/programs/wlb/index.html)

### 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](http://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](mailto:mha2000@health.qld.gov.au)

Website: [www.health.qld.gov.au/mentalhealth](http://www.health.qld.gov.au/mentalhealth)

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## Key points for professional carers

### 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](http://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](http://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.

## What are your options after you do an assessment?

### 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.

### 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.

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.

## The Weapons Act 1990

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.

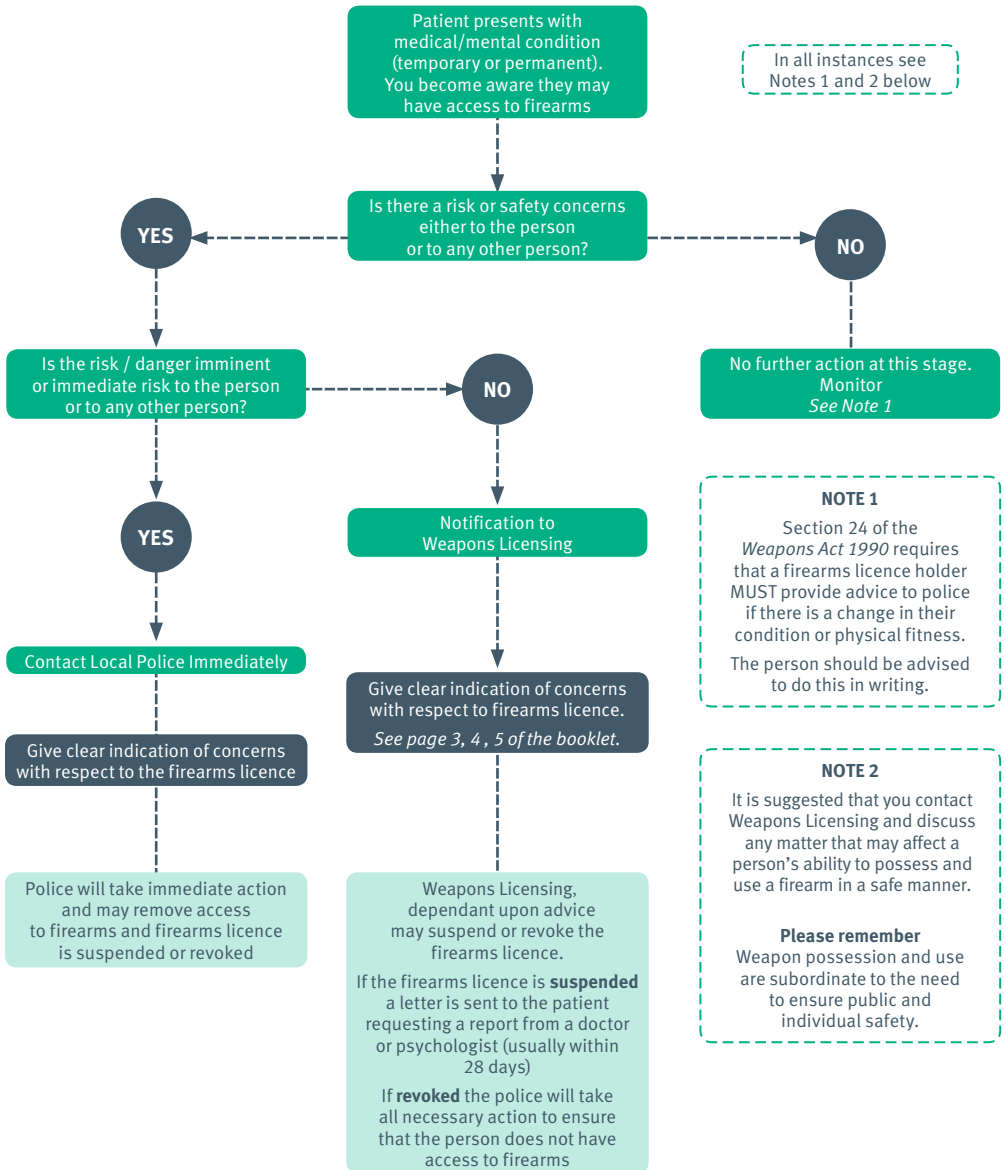
### If a health practitioner has concerns that a patient/client they are seeing either:

- (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.

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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 licence.

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







THE ROYAL  
AUSTRALIAN AND NEW ZEALAND  
COLLEGE OF PSYCHIATRISTS



THE ROYAL AUSTRALIAN  
COLLEGE OF  
GENERAL PRACTITIONERS

