



VICTORIA POLICE

## Quick Guide (Firearms): Information for role of the Health Professionals

### This information sheet provides information about:

- Who should report?
- What should be reported?
- How to make a report?
- The benefits of reporting.

**If you believe that there is an imminent risk of harm, contact police immediately on 131 444 (or 000 for an emergency).**

### What is meant by a Health Professional and who should report?

This guide outlines the role of the health professional in the firearm licencing process where medical information may be obtained and used, and the protections afforded to health professionals by the *Firearms Act 1996* for providing medical information in good faith.

- A registered medical practitioner
- A registered psychologist
- A nurse or midwife
- A prescribed class of social worker
- A prescribed class of professional counsellor.

(See section 183(4) of the *Firearms Act 1996*)

### How to report to Victoria Police?

The responsible unit within Victoria Police that regulates the firearm industry is the Licensing &

Regulation Division (LRD). Please send your submission by post or email to:

#### Licensing & Regulation Division

GPO Box 2807  
Melbourne 3001  
Victoria Australia

Phone: 1300 651 645

Email: [lrld@police.vic.gov.au](mailto:lrld@police.vic.gov.au)

**To write a medical report, read this Quick Guide then go to: [Health Professional Reporting Notice](#) [here](#).**

If you require clarification regarding any information contained within this guide or have additional questions, please contact the Licensing & Regulation Division (LRD).

It is not necessary for you to provide a copy of this report to the patient/client at appointment time.

Permission to release medical information is part of the process and time should be taken to consider the response, then to be sent directly to LRD.

### What protection does legislation provide for reporting practitioners?

Immunity from liability is given to health professionals when providing information to the Chief Commissioner. You will not be subject to any civil or criminal liability for providing information in good faith. Refer to section 183 of the *Firearms Act 1996*.

## When possession or use of a firearm would be unsafe?

If you reasonably believe that a patient/client is unsafe because in the last 5 years has suffered from:

- Mental health concerns including but not limited to 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.
- Is likely to possess or use a firearm (whether they hold a firearms licence or not, and such possession would be unsafe for any person (including the patient/client) because of ongoing health concerns.
- Any condition that resulted in a cognitive impairment, whether temporary or ongoing e.g. inability to concentrate, memory loss, inability to carry out daily tasks, impaired judgement.
- Any condition that may impact impulse control where there may be a risk of self-harm or harm to others.
- Any medication which might impact upon them safely handling firearms.

## When will Victoria Police request a medical report from a Health Professional?

If an applicant is applying for a new or renewing a Victorian firearm licence, applicants are required to declare whether they have been treated for certain medical issues (mentioned previously) in the past 5 years.

If an applicant indicates 'yes' related to any of the medical issues mentioned previously, Victoria Police retains its discretion and assistance in requiring a written medical report

from the treating Health Professional (at the applicant's cost); or

Victoria Police may receive advice from a variety of sources expressing concern of the suitability of an existing licence holder. A review must take place if this occurs, for the suitability to hold a firearm licence. If the concerns are medically based, a medical report from the treating health professional will be requested from Victoria Police.

## What information is Victoria Police seeking and should be reported?

- When was the last time you treated this patient/client?
- The patient/client past and present behaviour.
- The nature of the condition, and its treatment including medications and likely impacts.
- A clear statement in your opinion as to whether the person is a fit and proper person to be in possession of a firearm licence or whether the patient/client poses a threat to themselves, or the community.

## Can a Health Professional make a report to Victoria Police on their own motion?

Yes. If the Health Professional has concerns for medical reasons or feels a patient/client is not suited to possess a firearm licence.

## Is there a consequence for failing to report?

Although it is not obligatory for a medical practitioner to provide a report, the information obtained from you will assist the Licensing & Regulation Division in making an

important assessment therefore keeping the community safe.

Victoria Police relies on your expert advice in determining an applicant's suitability to possess firearms.

## Frequently asked questions (FAQs) on reporting.

### **What will happen if I report that it is unsafe for my patient/client to possess or use a firearm?**

Licensing & Regulation Division will identify whether the patient/client holds a firearm licence and whether there are any firearms registered in his/her name.

If they do, an assessment will be made whether the person is a 'fit and proper person' to hold the licence.

The Commissioner may cancel the person's licence if they are assessed as not a 'fit and proper person' to hold a licence or suspend the licence if satisfied there may be grounds for cancelling it.

Police officers will attempt to speak with the patient/client and seize any firearms in possession if the licence is suspended/cancelled.

If the patient/client lives with a licence holder, depending upon the circumstances, the

Commissioner may determine that it is appropriate for their firearms to be stored elsewhere.

### **Will the patient/client find out if I make a report? What if they cease treatment?**

It is up to you whether you tell your patient/client that you intend to or have made a report to Victoria Police.

If you wish for your identity to be protected, please inform Victoria Police.

Efforts will be made to protect your identity as the reporting person, including if the matter goes to court, at a later date.

Before any firearms are returned to a patient/client, a medical report will be required in relation to the patient's/client's fitness to hold a licence. We have evidence that patients/clients will re-engage or commence treatment specifically to get their licence back.

### **Why is it important to report these matters?**

Through your profession, you are more likely to have access to information which the Commissioner of Police needs to make decisions in the best interest of the community.

By ensuring that the police are aware of firearms related injuries and of people who may be unsafe to possess firearms at a point in time, you are improving community safety and potentially saving lives.

The patient/client may be at risk of firearms related suicide and the removal of firearms from their possession, even for a short time may protect that person from harm.

### **Can decisions be appealed?**

Decisions to refuse a licence application, suspend or cancel a licence or impose conditions on a licence can be appealed by the applicant or licence holder.

### **Who should I call if I have questions about reporting?**

Call the Licensing & Regulation Division (LRD) on phone: 1300 651 645.