

## Firearms Reporting: Information for Health Professionals

Certain health professionals are required to report:

- if their client may possess a firearm in circumstances which may be unsafe and
- possible gunshot injuries.

**This information sheet provides information about:**

- who must report
- what must be reported
- how to make a report, and
- the benefits of reporting.

In some cases, failure to report is a criminal offence.

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

### Who is required to report?

Section 148(6) of the *Firearms Act 1996* requires any health professional who is defined as a 'prescribed person' to report. A prescribed person is a medical practitioner, a registered nurse, a person registered under the *Health Practitioner Regulation National Law (Tasmania) Act 2010* in the psychological profession, a social worker or a professional counsellor.

### Possession of a firearm where unsafe

#### SECTION 148(1) OF THE FIREARMS ACT 1996

If you *reasonably believe* that a patient or client:

- is *likely* to possess or use a firearm (whether they hold a firearms licence or not), *and*
- such possession may be unsafe for any person (including the patient / client):
  - because of the patient / client's mental or physical condition, or
  - because the patient / client would be a threat to public safety

then you *must* inform the Police Commissioner.

To report a person whose possession of a firearm may be unsafe, fill out **Form 49 Health Professional Reporting Form** as soon as practicable, and email it to Firearms Services ([firearms.services@police.tas.gov.au](mailto:firearms.services@police.tas.gov.au)) flagged as 'high importance' or fax it to (03) 6173 0416.





## Gunshot injuries

### SECTION 158A OF THE FIREARMS ACT 1996

If you have reasonable cause to suspect that the person you are treating has a wound which was inflicted by a firearm, you must report it to police.

To report a potential gunshot wound, call Tasmania Police on **131 444** immediately.

**NOTE:** If you treat a wound of this nature, you must take reasonable steps to **retain any ammunition** (or fragment of ammunition) recovered from the wound until it can be collected by a police officer. Let police know when you call if you have retained any fragments or ammunition for collection.

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

The *Firearms Act* exists to enhance public safety. In order to protect your role in this, section 148 (5) of the Act clearly states that health professionals are not subject to any criminal or civil liability for providing this information in good faith.

### What other information can I access?

*Information Sheet 50 Firearms and Health Professionals* provides guidance on drafting reports for Firearms Services in relation to an individual's fitness to possess and use firearms, and information on recognising people at risk of firearms related suicide and assisting those people with strategies to remain safe.

*Information Sheet 4 Reducing Firearms Related Risk* provides guidance for licence holders and their families, including strategies to reduce the risk of firearms related suicide and general firearm safety.

## Frequently asked questions (FAQ):

- What will happen if I report that my client/patient is currently unsafe to possess firearms?
  - The Commissioner of Police will immediately re-assess whether the person is a fit and proper person to hold a licence at that point in time.
  - In almost every case, the Commissioner will suspend the person's licence for a period of time to allow for treatment.
  - Police officers will be sent immediately to serve the notification and seize all firearms.
- Will my client/patient find out that I reported them as unsafe? What if they cease treatment?
  - You are not required to inform your client/patient that you are going to make, or have made, a report to Tasmania Police.
  - If you wish for your identity to be protected through the process, please request this.
  - Tasmania Police will make every effort to protect your identity as the reporting person.
  - In order to have firearms returned to them, the person must provide medical corroboration of their fitness to possess firearms. We have anecdotal evidence that patients 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 interests 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.
  - Your patient 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.
  - The *Firearms Act 1996* states that you must report to police if you have information of this nature.

## Reporting terms defined

### POSSESSION OF FIREARM WHERE UNSAFE

#### Reasonably believe:

- For a belief to be reasonable it must be based on:
  1. The existence of facts.
  2. Which are sufficient to induce belief in a reasonable person.
  3. Which the reporting individual believes in good faith to be true.
- To assess this, ask yourself:
  1. What are the objective facts in relation to potential firearm possession by this individual?
  2. Would a reasonable person who knew these facts form the belief that the person may or might be in possession of firearms?
  3. Do you actually believe that the person may or might be in possession of firearms?

#### Likely:

- 'Likely to possess a firearm' means that there is a material risk that this is the case.
- It does not require that it is probable (i.e. more than 50% confidence).
- It does require more than a remote chance that this may be the case.
- If the person makes a threat involving a firearm, this is sufficient to make their possession of a firearm "likely".
- If you want to check whether the person possesses a firearm, the most appropriate method is to ask the individual.
- It is possible in certain circumstances to ask Tasmania Police whether a person has a firearms licence (if you are able to provide proof of your occupation and need for this information), however this is not conclusive evidence of possession of firearms. A licensed person may not possess firearms, and some people do possess firearms without a licence.

**If in doubt, report:** Sections 148 and 158A of the *Firearms Act* provide that if you make a report in good faith then you cannot be prosecuted or sued in relation to that report. It is recommended that practitioners err on the side of caution.

