

Firearms Reporting: Information for Health Professionals

Certain health professionals are required to report:

- if their patient / client is likely to **possess or use a firearm in circumstances which would be unsafe** (See Section 148, *Firearms Act*); and
- **information about gunshot injuries** (See Section 158A *Firearms Act*).

This information sheet provides information about:

- who must report;
- what must be reported;
- how to make a report;
- the benefits of reporting; and
- the consequence if there is a failure to report.

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.

Where possession or use of a firearm would be unsafe

NOTIFICATION UNDER SECTION 148 OF THE FIREARMS ACT

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 would be **unsafe** for any person (including the patient / client):
 - because of the patient's / client's mental or physical condition, or
 - because the patient / client would be a threat to public safety,

then you must notify the Commissioner in writing.

To assist with a notification, a template **Health Professional Reporting Notice** is available and can be completed and emailed to Firearms Services (firearms.services@police.tas.gov.au) or faxed to (03) 6173 0416. Please flag any emails as 'high importance'.





Who is required to make a report under Section 148?

A 'prescribed person' is required to make a report under Section 148.

This is:

- i. a medical practitioner;
- ii. a registered nurse;
- iii. a person registered under the *Health Practitioner Regulation National Law (Tasmania) Act 2010* in the psychology profession;
- iv. a social worker; and
- v. a professional counsellor.

Gunshot injuries

NOTIFICATION UNDER SECTION 158A OF THE FIREARMS ACT

If you suspect that a person you are treating has a wound inflicted by a firearm, you must report it to police.

The following information needs to be reported:

- i. The name and address of your client / patient, or a description if their name / address are not known;
- ii. Details of the wound; and
- iii. Any information which was provided about the circumstances which lead to the infliction of the wound.

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

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.

Who is required to make a report under Section 158A?

The requirement to report information concerning a wound inflicted by a firearm is upon a 'medical practitioner'.

What protection does legislation provide for reporting practitioners?

The *Firearms Act* exists to enhance public safety. In order to protect you, Section 148 (5) of the Act provides that persons who report information in good faith, are not subject to criminal or civil liability.

Is there a consequence of failing to report?

It is an offence for a medical practitioner not to make the report required under Section 158A of the *Firearms Act*. The penalty is a fine not exceeding 50 penalty units.

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 it is unsafe for my patient / client to possess / use a firearm?
 - Firearms Services will identify whether the patient / client holds a firearms licence and whether there are any firearms registered in his / her name.
 - If they do, an assessment will be made about 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 their 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 my 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 Tasmania Police.
 - If you wish for your identity to be protected, please inform Tasmania 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 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 / 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.
 - The *Firearms Act 1996* (Tas) states that you must report to police if you have information of this nature.
- Who should I call if I have questions about reporting?
 - Call the Review Team of Firearms Services on (03) 6173 2720

