



VICTORIA POLICE

LICENSING & REGULATION DIVISION



QUICK GUIDE: THE ROLE OF HEALTH PROFESSIONALS IN THE FIREARM LICENSING PROCESS

PURPOSE

This quick guide outlines the role of health professionals in the firearm licensing process, the circumstances in which 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.

THE USE OF FIREARMS AND PUBLIC SAFETY

There are a number of requirements that must be met before a firearm licence can be granted in the State of Victoria.

One of these requirements is that the Chief Commissioner of Police must be satisfied that the applicant can possess, carry or use a firearm without being a danger to public safety or peace and in doing so, poses no threat to themselves. In this vein, the applicant's medical history may be an important consideration in order to determine suitability for a licence. This process applies for a new or renewal application.

Health professionals have a critical role in this process, and Victoria Police relies heavily on their impartial and expert advice in determining an applicant's suitability to possess firearms.

WHAT IS MEANT BY A HEALTH PROFESSIONAL?

Section 183(4) of the *Firearms Act 1996* defines a health professional as a registered medical practitioner, a registered psychologist, a nurse or midwife, a prescribed class of social worker¹ or a professional counsellor.

WHAT PROTECTION DOES LEGISLATION PROVIDE?

Under section 183 of the *Firearms Act 1996*, health professionals are not subject to any civil or criminal liability for providing certain information to the Chief Commissioner of Police provided that the advice is given in good faith.

¹ A person who is a member of, or who is eligible for membership of, the Australian Association of Social Workers Inc.



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WHEN WILL VICTORIA POLICE REQUEST A MEDICAL REPORT FROM A HEALTH PROFESSIONAL?

There are two scenarios:

1. An applicant for a firearm licence requires medical evidence to support their application

In the course of applying for, or renewing a Victorian firearm licence, applicants are required to declare whether they have been treated for certain medical issues (including mental health) in the previous five years. Applicants are advised that it is an offence against section 140A(1) of the *Firearms Act 1996* to knowingly supply details that are false or misleading.

The medical issues that Victoria Police believe may impact on a person's ability to safely possess and carry firearms safely are (broadly, but not limited to):

- Mental health concerns including depression, stress or emotional problems;
- Alcohol or drug related problems;
- Neurological conditions including stroke and brain injury; and/or
- A physical disability or any other medical condition.

If an applicant indicates that they have a medical history relative to any of the above, Victoria Police retains its discretion to require a written medical report from the treating health professional.

2. An existing licence holder requires medical evidence to continue to hold a licence

Victoria Police may receive advice from a variety of sources including sporting clubs, family members or associates of a licence holder expressing concern as to the suitability of an existing licence holder. In these scenarios, Victoria Police must review the person's suitability for a licence. If the concerns raised are medically based, Victoria Police will seek a medical report from the treating health professional regarding the matter.

WHEN SHOULD A HEALTH PROFESSIONAL MAKE A REPORT TO VICTORIA POLICE ON THEIR OWN MOTION?

As licences are renewed between three and five years, any change in the medical condition of a firearm licence holder should be brought to the attention of Victoria Police. It is for this reason that health professionals should be continually mindful of the firearm licensing regime in Victoria.

Victoria Police has an expectation that health professionals will notify Victoria Police if they feel a patient is not suited to possess firearms where they suspect the patient:

- Is a firearm licence holder; or
- Has, or is intending to apply for a firearm licence.



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WHAT INFORMATION IS VICTORIA POLICE SEEKING?

In the aforementioned situations, a medical report is required from the treating health professional that specifies the following:

- Confirmation of who the treating health professional is;
- The nature of the condition, its treatment (including medication) and likely impacts;
- A clear statement in the treating health professional's opinion as to whether or not the person is a fit and proper person to be in possession of a firearm licence and whether the person poses a threat to themselves or the community due to the possession and use of firearms;
- Whether the treating health professional's advice or opinion is subject to any limitations (i.e. whilst continuing to take medication, under supervision etc).

As a guide, templates for the above situations are attached to this information guide (Appendix 1).

WHAT ACTION IS TAKEN BY VICTORIA POLICE UPON RECEIVING NOTIFICATION?

After receiving a medical report, Victoria Police will consider the information, along with any other relevant information to determine the applicant's suitability for a firearm licence. Each case will be considered on its merits (case by case basis). This will assist in the determination of a person's suitability and any likely effect on their ability to possess, carry or use a firearm.

The review may result in one of the following outcomes:

- Licence holder retaining their firearm licence with no further action;
- Suspension or cancellation of the person's existing licence;
- Refusal of licence application;
- Applicant granted a new firearm licence;
- Applicant granted a new firearm licence with special conditions imposed; these conditions may include (but not limited to) the requirement to periodically submit medical reports or restrictions requiring supervision;
- Applicant granted a new firearm licence for a shorter duration; or
- Further medical information may be required.

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



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HOW TO NOTIFY VICTORIA POLICE

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

Notification regarding medical suitability must be made in writing, and sent by either email, post or fax to:

Licensing & Regulation Division

GPO Box 2807

Melbourne 3001

Victoria Australia

Telephone: 1300 651 645

Facsimile: (61 3) 9247 6485

Email: licensingregulation@police.vic.gov.au

If you would like clarification regarding any information contained within this guide or have additional questions or concerns please contact the Licensing & Regulation Division.

Office use only:

Entity No: _____

APPENDIX 1

MEDICAL REPORT: SUITABILITY FOR VICTORIAN FIREARM LICENCE HOLDERS OR APPLICANTS

Personal Details of Patient or Client (complete in BLOCK letters)

Surname: _____ Date of Birth: / /

First Given Name: _____

Second Given Name: _____

Home Address: _____

Health Professional:

Please tick your health profession:

- Registered Medical Practitioner
- Nurse
- Midwife
- Registered Psychologist
- Social Worker
- Counsellor

How long have you known/treated the patient or client? Years: _____ Months: _____

Do you know the medical history of the patient or client? Circle: Yes / No

If not, who treated the patient or client previously? _____

Contact details of previous health professional: _____

Please tick:

I am of the belief that the above-named person:

- is a current holder of a firearm licence
- intends to apply for a firearms licence

and wish to provide the following information in good faith.

