# Notification to Police of Patients Suspected of Having Access to a Firearm and/or Prohibited Weapon

<table>
<thead>
<tr>
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<td>EXECUTIVE SPONSOR or EXECUTIVE CLINICAL SPONSOR</td>
<td>Dr Murray Wright Director SESLHD Mental Health Service</td>
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<td>Angela Karooz Clinical Nurse Manager SESLHD Mental Health Service</td>
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<tr>
<td>POSITION RESPONSIBLE FOR THE DOCUMENT</td>
<td>Risk Manager SESLHD Mental Health Service c/o <a href="mailto:angela.karooz@health.nsw.gov.au">angela.karooz@health.nsw.gov.au</a></td>
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<tr>
<td>KEY TERMS</td>
<td>Risk, firearms, prohibited weapon</td>
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<td>SUMMARY</td>
<td>This procedure has been developed to standardise the system of NSW Police notifications across the South Eastern Sydney Local Health District, where there is possible access to firearms or prohibited weapons.</td>
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Feedback about this document can be sent to SESLHD-ExecutiveServices@health.nsw.gov.au
1. POLICY STATEMENT

Section 79 of the NSW Firearms Act 1996 requires staff to assess all patients for risk, and to notify NSW Police of those considered to be at risk of harm to self or others and who have access to firearms and/or prohibited weapons.

The purpose of this procedure is to inform and instruct staff of South Eastern Sydney Local Health District (SESLHD) of the reporting requirements in relation to suspected access to firearms or prohibited weapons by patients considered to be at risk of harm to themselves or others.

2. BACKGROUND

When SESLHD patients are assessed as having any of the risk characteristics listed below, at the time of or during admission, Police must be notified where there is possible access to firearms or prohibited weapons.

Section 79 of the NSW Firearms Act 1996 provides that:

“If a health professional is of the opinion that a person to whom the health professional has been providing professional services may pose a threat to public safety (or a threat to the person’s own safety) if in possession of a firearm, the health professional may inform the Commissioner (Police) of that opinion. A health professional is not subject to any criminal or civil liability, including liability for breaching any duty of confidentiality, if the health professional informs the Commissioner in good faith of the health professional’s opinion.”

Section 38 of the NSW Weapons Prohibition Act 1998 provides that:

“(1) If a registered medical practitioner, or other health practitioner of a class prescribed by the regulations, is of the opinion that a patient is an unsuitable person to be in possession of a prohibited weapon:

(a) because of the patient’s mental condition, or
(b) because the practitioner thinks that the patient might attempt to commit suicide, or would be a threat to public safety, if in possession of a prohibited weapon, nothing prevents the practitioner from informing the Commissioner of that opinion.

(2) This section has effect despite any duty of confidentiality, and any action by a practitioner in accordance with this section does not give rise to any criminal or civil action or remedy.”

2.1 Definitions

A health professional is defined in Section 79 (3) of the Firearms Act 1996 as any of the following: A Medical Practitioner, Psychologist, Nurse or Social Worker, a person who
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provides professional counselling services, a person who is of such other class of health professional as may be prescribed by the regulations.

The above definition of a health professional also applies for the purpose of Section 38 of the Weapons Prohibition Act 1998. See APPENDIX A (Weapons Prohibition Act 1998 – Schedule 1) for details of prohibited weapons.

Examples of characteristics for a patient at heightened risk of self-harm or violence towards others include:

- previous history of self-harm, suicide attempts or violence towards others
- current suicidal ideation
- evidence of substance intoxication/use/abuse
- known to Police and/or other service groups in relation to impulsive or aggressive acts or behaviour
- expressed or implied threats towards self or others
- command hallucinations
- delusions/hallucinations – focused on a person
- delusions of control with a violent theme
- antisocial, explosive or impulsive traits
- outstanding current legal matters arising from assault or attempted assault towards objects or people eg, Apprehended Violence Orders, Personal Violence Orders, domestic violence charges etc.

3. RESPONSIBILITIES

3.1 Employees will: Comply with this procedure and any related measures put in place to protect their health and safety at work. This includes all Medical, Nursing and Allied Health staff of the SESLHD.

3.2 Line Managers will: Disseminate, implement and comply with this procedure.

3.3 District Managers/Service Managers will: Establish and maintain this procedure.

3.4 Medical staff will: Comply with this procedure and any related measures put in place to protect their health and safety at work.

4. PROCEDURE

4.1 As part of the routine risk assessment process, all patients admitted to SESLHD facilities, including Mental Health Inpatient Units, must be questioned regarding their access to firearms and/or prohibited weapons (including possession of a gun licence and appropriate storage of licensed weapons). Responses must be recorded in the patient’s medical record, preferably in the ‘Assessment’ module in the electronic Medical Record (eMR) where this is in use.

4.2 Wherever possible, family and friends of patients with suspected access to firearms
and/or prohibited weapons must be questioned regarding the potential for the patients’ access to firearms and/or prohibited weapons and at risk/suspicious behaviour. Responses are to be recorded in the patient’s medical record.

4.3 Wherever possible, staff of other services who have an ongoing relationship with the patient suspected of having access to firearms and/or prohibited weapons must be questioned regarding the likelihood of access. Responses are to be recorded in the patient’s medical record.

4.4 If a disclosure is made either by the patient or any of the above parties that the patient has access to firearms and/or prohibited weapons (including possession of a gun licence), the Police must be notified immediately.

4.5 If the patient states or it is known or suspected that the patient may have ready access to firearms and/or prohibited weapons, the patient must NOT be discharged or sent on leave from the SESLHD facility and/or Mental Health Inpatient Unit until Police have been informed and have subsequently confirmed that the firearms/prohibited weapons have been removed from the patient’s access. The information given to the SESLHD staff by Police must be clearly documented in the patient’s medical record and the treating team must be informed.

4.6 Complete the Disclosure of Information by Health Professionals Form (APPENDIX B) and fax to the Duty Officer at the Police Station nearest the residential address of the patient. The form must also be faxed to the Firearms Registry (fax number 02 6670 8558). The Firearms Registry treats all notifications of this nature as a priority and liaises directly with Police. If the notification is urgent and it is outside business hours, call the Police Assistance Line on 131 444 or 000.

4.7 If further information is required call the Firearms Registry on 1300 362 562 and ask to speak to the Coordinator, Review and Assessment.

5. DOCUMENTATION

- Patient Medical Record (including eMR and any hybrid paper file).
- Disclosure of Information by Health Professionals Form (APPENDIX B).

NOTE: Records are to be kept for seven years.

6. AUDIT

Not applicable.

7. REFERENCES

- NSW Firearms Act 1996
- NSW Weapons Prohibition Act 1998
Notification to Police of Patients Suspected of Having Access to a Firearm and/or Prohibited Weapon

- SESLHD MHS Policy ‘Clinical Risk Assessment and Management’ SESLHDPD/291 (under review)
- SESLHD MHS Business Rule ‘Consumers in the Community with Complex Needs (including High Risk Civil Clients)’ SESLHDBR/071
- First Report of the NSW Mental Health Sentinel Events Review Committee – Recommendations (December 2004)
- First Report of the NSW Mental Health Sentinel Events Review Committee (December 2003)
- National Safety and Quality Health Service (NSQHS): Standard 1. Governance for Safety and Quality in Health Service Organisations (1.8)
- National Standards for Mental Health Services 2010: Standard 2. Safety (2.11, 2.12, 2.13)

8. REVISION AND APPROVAL HISTORY

<table>
<thead>
<tr>
<th>Date</th>
<th>Revision No.</th>
<th>Author and Approval</th>
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<tr>
<td>July 2012</td>
<td>2</td>
<td>Revised policy endorsed by SESLHD Clinical and Quality Council.</td>
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<td>Mar 2014</td>
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<td>Approved by District Clinical and Quality Council.</td>
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<tr>
<td>Nov 2016</td>
<td>5v1</td>
<td>Initial review undertaken by SESLHD Policy and Document Development Officer Victoria Civils-Wood. Sent to MHS Service Directors, Chief Psychiatrists, Clinical Operations Managers, Inpatient Services Managers and Workplace Capabilities Educator for review. Minor feedback received and incorporated.</td>
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APPENDIX A:

WEAPONS PROHIBITION ACT 1998 – SCHEDULE 1

1. Knives
(1) A flick knife (or other similar device) that has a blade which opens automatically by gravity or centrifugal force or by any pressure applied to a button, spring or device in or attached to the handle of the knife.
(2) A ballistic knife that propels a knife-like blade of any material by any means other than an explosive.
(3) A sheath knife that has a sheath which withdraws into its handle by gravity or centrifugal force or if pressure is applied to a button, spring or device attached to or forming part of the sheath, handle or blade of the knife.
(4) An Urban Skinner push dagger or any other device that consists of a single-edged or multi-edged blade or spike that has a handle fitted transversely to the blade or spike and allows the blade or spike to be supported by the palm of the hand so that stabbing blows or slashes can be inflicted by a punching or pushing action.
(5) A trench knife or any other device that consists of a single-edged or multi-edged blade or spike that is fitted with a handle made of any hard substance that can be fitted, wholly or partly, over the knuckles of the hand of the user to protect the knuckles and increase the effect of a punch or blow, or that is adapted for such use.
(6) A butterfly knife or “balisong” or any other device that consists of a single-edged or multi-edged blade or spike that fits within 2 handles attached to the blade or spike by transverse pivot pins and is capable of being opened by gravity or centrifugal force.
(7) A star knife or any other device that consists of a number of angular points, blades or spikes disposed outwardly about a central axis point and that are designed to spin around the central axis point in flight when thrown at a target.

1A. Military-style weapons
(1) Any bomb, grenade, rocket, missile or mine or other similar device (such as a tear-gas canister) that is in the nature of, or that expels or contains, an explosive, incendiary, irritant, gas or smoke, and whether or not it is live, has been deactivated or is spent. For the purposes of this subclause, bomb includes a device known as an Improvised Explosive Device (or IED).
(2) Any device intended for use by a military or defence force and that is designed to propel or launch a weapon referred to in subclause (1).
(3) A flame thrower that is of military design or any other device that is capable of projecting ignited
incendiary fuel.

2. Miscellaneous weapons

(1) – (3) (Repealed)

(4) A spear gun having an overall length (being the length of the spear gun when it is not loaded with a spear) of less than 45 centimetres.

(5) A crossbow (or any similar device) consisting of a bow fitted transversely on a stock that has a groove or barrel designed to direct an arrow or bolt.

(6) A slingshot (being a device consisting of an elasticised band secured to the forks of a ‘Y’ shaped frame), other than a home-made slingshot for use by a child in the course of play.

(7) A Saunders ‘Falcon’ Hunting Sling, or any other device in the nature of a hunting sling, catapult or slingshot that is designed for use with, or a component part of which is, a brace that:
(a) Fits or rests on the forearm or on another part of the body of the user, and
(b) Supports the wrist against the tension of elastic material used to propel a projectile.

(8) A blow-gun or blow-pipe that is capable of projecting a dart, or any other device that consists of a pipe or tube through which missiles in the form of a dart are capable of being projected by the exhaled breath of the user or by any other means other than an explosive.

(9) Any dart capable of being projected from a blow-gun or blow-pipe.

(10) A Farallon Shark Dart, or any other similar device that is designed to expel, on contact, any gas or other substance capable of causing bodily harm and which is reasonably capable of being carried concealed about the person.

(11) A dart projector known as the Darchery dartslinger, or any other similar device that is designed to project a dart by means of an elasticised band.

(12) A mace or any other similar article that consists of a club or staff fitted with a flanged or spiked head, other than a ceremonial mace made for and used solely as a symbol of authority on ceremonial occasions.

(13) A flail or any other similar article that consists of a staff or handle that has fitted to one end, by any means, a freely swinging striking part that is armed with spikes or studded with any protruding matter.

(14) A whip that has a lash which is comprised wholly or partly of any form of metal.

(15) A whip known as a cat-o’-nine-tails, or any other whip that consists of a handle to which there is attached any number of knotted lashes.

(16) Kung fu sticks or ‘nunchaku’, or any other similar article consisting of 2 or more sticks or bars made of any material that are joined together by any means that allows the sticks or bars to swing independently of each other, but not including any such article that is produced and identified as a children’s toy.

(17) A side-handled baton or any other similar article consisting of a baton, staff or rod that is made of any hard substance and has fitted to one side a handle, whether or not that handle is permanently fixed, but not including any such article that is produced and identified as a children’s toy.
(17A) An extendable or telescopic baton.
(18) Any hand-held defence or anti-personnel device that is designed to administer an electric shock on contact.
(18A) A Taser gun or other similar anti-personnel conducted energy device.
(18B) A cartridge or similar device that is designed to propel probes or prongs from a weapon referred to in subclause (18A).
(19) Knuckle-dusters or any other similar article that is made of any hard substance and that can be fitted over two or more knuckles of the hand of the user to protect the knuckles and increase the effect of a punch or other blow or that is adapted for use as such.
(20) A sap glove, or any other similar article, that consists of a glove (including a fingerless glove) that has a layer of powdered lead sewn under the outer covering and positioned over the knuckle area on the back of the glove.
(21) A studded glove, or any other similar article, that consists of a glove (including a fingerless glove) that has a number of raised studs or spikes made of a hard substance and positioned over the back of the glove to increase the effect of a punch or blow.
(22) Any device designed or intended as a defence or anti-personnel spray and that is capable of discharging by any means any irritant matter comprising or containing any one or more of the following substances in liquid, powder, gas or chemical form:
(a) Chloroacetophenone, known as CN.
(b) Orthochlorobenzalmalononitrile, known as CS.
(c) Dypenylaminechloroarsone, known as DM or Adamsite.
(d) Oleoresin capsicum, known as OC.
(23) Any device (not being a device referred to in sub-clause 22) designed as a defence or anti-personnel spray and that is capable of discharging any irritant matter.
(24) Any acoustic or light-emitting anti-personnel device that is designed to cause permanent or temporary incapacity or to otherwise disorientate persons.

3. Imitations, concealed blades etc.
(1) Any object that substantially duplicates in appearance a weapon referred to in clause 1A (1), but not including an object that is produced and identified as a children’s toy.
(2) – (Repealed).
(3) A walking stick or cane that contains a sword or any other single-edged or multi-edged blade or spike of any length or of any material.
(4) A riding crop that contains a knife, stiletto or any other single-edged or multi-edged blade or spike of any length or of any material.
(5) A Bowen Knife Belt or any other similar article consisting of a belt or belt buckle that conceals or
disguises within the article a knife or a single-edged or multi-edged blade or spike of any length or of any material.

(6) Any article or device that:

(a) Due to its appearance is capable of being mistaken for something else that is not a weapon, and

(b) Disguises and conceals within it a single-edged or multi-edged blade or spike of any length or of any material.

4. Miscellaneous articles

(1) Body armour vests (or other similar article) designed for anti-ballistic purposes or similar purposes (such as protection against electroshock or conducted energy devices) and to be worn on (or to cover) any part of the body, but not including helmets or anti-ballistic articles used to protect the eyes or ears.

(2) Handcuffs (including thumb and leg cuffs), being a set of ring-shaped shackles of any material (and connected by any means) that are designed to be worn on the wrists, thumbs or ankles (as the case requires), but not including:

(a) Antique handcuffs, or

(b) Handcuffs produced and identified as children’s toys, or

(c) Handcuffs that are designed to be released by the wearer (such as handcuffs used in theatrical productions).

(3) Silencers or any other device designed for attachment to a firearm for the purpose of muffling, reducing or stopping the noise created by firing the firearm.

(4) A detachable firearm magazine of any of the following kinds:

(a) A rimfire rifle magazine with a capacity of more than 15 rounds,

(b) A centre-fire self-loading rifle magazine with a capacity of more than 5 rounds,

(c) A centre-fire rifle magazine (other than a self-loading rifle magazine) with a capacity of more than 10 rounds,

(d) A shotgun magazine with a capacity of more than 5 rounds,

(e) A tubular magazine extension that is capable of extending the capacity of any firearm,

(f) A pistol magazine with a capacity of more than 10 rounds,

(g) Any magazine designed to be attached to any machine gun, sub-machine gun or other firearm that is capable of propelling projectiles in rapid succession following one pressure of the trigger.

(5) Any article or device, such as a device known as a brass catcher, that is designed to be attached to a firearm for the purposes of catching ejected cartridge cases when the firearm is being fired.

(6) Any portable tyre deflation device, or any other similar portable device, that is designed to puncture, or that has been adapted for the purposes of puncturing, the tyres of a motor vehicle when driven over the device.

(7) Any article or device, such as a device known as a caltrop, that is made up of two or more sharp nails
or spines arranged in such a manner that one of them always points upward, however the article or device is placed, and that is capable of puncturing the feet, paws or hooves of animals when they pass over the article or device.

(8) A laser pointer, or any other similar article, that consists of a hand-held battery-operated device with a power output of more than 1 milliwatt, designed or adapted to emit a laser beam and that may be used for the purposes of aiming, targeting or pointing.

(9) Any device (regardless of its composition) that is designed to propel or launch a bomb, grenade, rocket or missile by any means other than by means of an explosive, including a device known as a PVC cannon.
APPENDIX B: The NSW Police Force – Firearms Registry ‘Disclosure of Information by Health Professionals’ Form can also be accessed here.

NSW POLICE FORCE - FIREARMS REGISTRY

Disclosure of Information by Health Professionals
Section 79 of the Firearms Act 1996 & section 38 of the Weapons Prohibition Act 1998

Section 79 of the Firearms Act 1996 & section 38 of the Weapons Prohibition Act 1998 protect disclosures of information to the NSW Commissioner of Police by health professionals where they are of the opinion that a person they are treating may pose a risk to public safety or to the person’s own safety if in possession of a firearm or prohibited weapon. Of particular interest are high risk mental health patients known to have access to firearms.

Sections 79 of the Firearms Act 1996 & section 38 of the Weapons Prohibition Act 1998 provide protection from civil or criminal liability, that may otherwise arise including a breach of confidentiality, when disclosing information to the Commissioner of Police.

A health professional, is defined in S79 of the Firearms Act 1996 and for the purposes of section 38 of the Weapons Prohibition Act 1998, as any of the following persons: a medical practitioner, psychologist, nurse, social worker or professional counsellor.

PROCESS TO FOLLOW
1. Complete the form and Fax: 0266 708598 and mark ‘Attention - Team Leader Licensing’, AND
2. Fax this form to the police station nearest the residential address of the patient. If you are unsure of the nearest police station, ring the Police Assistance Line on 131444.

PATIENT INFORMATION
LAST NAME
DATE OF BIRTH
HOME ADDRESS
Where is the patient currently located? eg inpatient, Accident and Emergency, at residential address etc.

If in hospital, anticipated date of discharge. To ensure safety issues can be addressed, please give at least 6 hours notice to Police.
DATE OF DISCHARGE
ADDRESS WHERE PATIENT WILL BE DISCHARGED (if different from residential address).

Describe the circumstances that lead you to believe that the person may pose a threat if in possession of a firearm/prohibited weapon. Include relevant conversation, observations, circumstances, effect of medical condition or treatment on person's capacity etc.

Does the person have access to their own firearms/prohibited weapons? YES NO UNKNOWN
Does the person have access to other firearms/prohibited weapons? YES NO UNKNOWN

If ‘YES’ indicate below the address where the firearms/prohibited weapons are located?
For example, with friends, neighbours, spouse or other relative.

HEALTH PROVIDER INFORMATION

Medical Practitioner Psychologist Reg/Enrolled Nurse Social Worker Counsellor

NAME CONTACT NUMBER
SIGNATURE DATE
Reporting Location (eg hospital, mental health hotline, private clinic, facility etc)

ALL INFORMATION SUPPLIED IS TREATED IN THE STRICTEST CONFIDENCE

Vers 3.0 February 2013