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NSW Police Force



NSW
GOVERNMENT

HEALTH RISK ASSESSMENT

GUIDANCE FOR HEALTH
PRACTITIONERS

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NSW Firearms Health Risk Assessment - Guidance for Health Practitioners

Background -

The Firearms Registry was established in 1997 and operates under the authority of several key pieces of legislation, including:

- *Firearms Act 1996* (the Firearms Act)
- *Firearms Regulation 2017* (the Firearms Regulation)
- *Weapons Prohibition Act 1998* (the Weapons Act)
- *Weapons Prohibition Regulation 2017* (the Weapons Regulation).

The Act enshrines the principles of the National Firearms Agreement by promoting responsible firearm ownership and imposing strict controls on the possession and use of firearms. Within this framework it is recognised that firearms are an integral part of primary production activities (e.g., vermin control), industry operations (e.g., security), use in sport and other recreational activities.

The Firearms Registry's mission is to increase public safety through the effective and efficient regulation of firearms and prohibited weapons. One of the principal ways in which the Firearms Registry achieves this is by regulating access to firearms to ensure they are only in the hands of suitably licensed individuals who are deemed fit and proper to possess them.

Decisions regarding firearms licensing are made by delegates of the Commissioner of Police, who must be satisfied that an individual poses virtually no risk to the safety of themselves or others before issuing a firearms licence or authority.

Applicants for a firearms licence or authority must undergo a rigorous background check and must demonstrate that they have a genuine reason for possessing a firearm. They must also provide evidence of their competency in handling firearms and their ability to store them safely.

Purpose -

The Firearms Registry frequently receives information from various external sources such as health professionals, family members, and employers regarding the health and fitness of firearms licensees. Additionally, licence holders or applicants may disclose health-related information during their application or reapplication process.

When credible health concerns are raised, the standard procedure involves requesting a health risk assessment from a qualified health practitioner. This process ensures that all decisions prioritise public safety and the well-being of the individual and community.

To be read in conjunction with the [Firearms Registry Decision Making Guidelines](#), the following guidance relates to the process and criteria for assessing the physical, emotional, and cognitive attributes of an individual relevant to the possession and use of firearms. This supports delegates in making informed decisions that are appropriate, proportionate, and consistent. The aim of assessing an individual's fitness to possess and use firearms is to reduce firearm-related injuries and fatalities and ensure public safety.

Acknowledgements -

Development of these guidelines involved extensive consultation across a range of stakeholders including other government agencies and firearms authorities, industry representatives and health professionals. The Firearms Registry wishes to acknowledge all contributions, in particular, those received from health professionals which have been invaluable to the development of these guidelines.



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Target audience -

These guidelines are intended for use by delegates of the Commissioner of Police and any health practitioner involved in assessing a person's suitability to possess and use firearms.

When to request a Health Risk Assessment (HRA)?

The guidelines apply to all applications received and licensing decisions made on or after their publication, including reviews of the suitability of existing licence and authority holders.

A Health Risk Assessment must be requested by the Firearms Registry if the NSW Police Force has received credible information or advice that a firearms licence applicant or holder meets one or more of the following criteria:

- Has engaged in threats, actions or behaviours associated with self-harm, suicide, or violence towards others, and that has been related to mental illness or impairment.
- Has reported within the past 15 years feelings of depression, anxiety or alcohol or drug dependence.
- Has responded 'yes' to any of the application questions regarding suicide, self-harm, mental illness, alcoholism, or drug dependence.
- Has been diagnosed or suffered from any mental, neurological, or physical condition, including an intellectual or other disability, which may affect the understanding or ability of the licence holder to safely use firearms.

The *Mental Health Act 2007* defines mental illness as a condition that seriously impairs, either temporarily or permanently, a person's mental functioning and is characterised by the presence of one or more symptoms such as delusions, hallucinations, serious disorder of thought, or severe disturbance of mood.

The *Disability Inclusion Act 2014* defines disability in relation to a person as a long-term physical, psychiatric, cognitive, or sensory impairment that, in interaction with various barriers, may hinder the person's full and effective participation in the community on an equal basis with others.

What is credible information or advice?

When assessing the credibility of information, the decision maker should consider the following factors:

- The motivation of the person providing the information at the time.
- The background of the person, their relationship with the applicant, and any history with the Firearms Registry.
- The recency of the information.
- The validity of the information provided.

Additionally, delegates of the Commissioner will consider any criminal history or associations, the mental capacity of the individual, or whether they were under the influence of illicit drugs or alcohol at the time of disclosing the information.

Who can complete a Health Risk Assessment?

A Health Risk Assessment can be conducted by a relevant health practitioner registered under the Health Practitioner Regulation National Law (NSW), provided they have at least five years of treatment history with the person and/or access to their medical records. If necessary, the primary health practitioner may refer the Health Risk Assessment to a psychiatrist, psychologist, or another recognised professional to supplement their evaluation.

If the health practitioner does not have access to at least five years of the person's documented medical history but wishes to proceed with the assessment, they must be able to declare that they have sufficient information and knowledge of the applicant to make an accurate assessment of the individual's fitness to possess and use firearms at the time of the evaluation.



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What if the individual fails to return the Health Risk Assessment?

Once determined that a Health Risk Assessment is required, if the decision maker does not receive the completed assessment within the required timeframe, including any agreed extensions, a decision regarding the licence application must be made on the basis that the individual has failed to provide the information required to establish that they pose, and will continue to pose, virtually no risk to the safety of themselves or others.

It is the obligation of the individual to ensure that the completed Health Risk Assessment is returned to the Firearms Registry within this timeframe.

What if the individual already has access to firearms?

If under the authority of an existing licence or authority, the individual already has access to firearms, and one or more of the following conditions apply for which they have not already provided a Health Risk Assessment, the authority may be suspended, and police directed to seize the licence holder's firearms, ammunition, and licence.

The individual:

- is receiving treatment or medication for a neurological or psychological condition.
- has reported within the past 5 years feelings of depression, anxiety or alcohol or drug dependence.
- has within the past 5 years engaged in threats, actions or behaviours associated with self-harm, suicide, or violence towards others and that has been related to mental illness or impairment, including alcohol or drug dependence.
- in their reapplication, responded 'yes' to any of the questions regarding suicide, self-harm, mental illness, alcoholism, or drug dependence (unless already provided).
- has reportedly been diagnosed as having one or more of the following conditions:
 - a specified depressive or anxiety disorder,
 - mania, bipolar disorder, schizophrenia, or a psychotic illness,
 - acute stress or trauma related disorder, including post-traumatic stress disorder,
 - a personality disorder, including borderline personality disorder,
 - obsessive-compulsive and related disorders,
 - alcohol-or-drug-related dependency,
 - dementia,
 - neurological conditions such as Parkinson's or Huntington's diseases, or epilepsy,
 - a serious head injury.

When deciding to suspend a current licence or authority, the delegate must consider the recency, reliability, and severity of all available information to determine if the action is reasonable and in the best interest of public safety. Other factors, such as history of firearms possession or reports or incidents of domestic violence, should also be considered.

Additionally, if the Firearms Registry becomes aware of any change in circumstances or new information that necessitates a further Health Risk Assessment, the delegate must take all reasonable steps to restrict the individual's access to firearms until the assessment is completed.

The licence or authority must remain suspended until the Firearms Registry is satisfied that the individual poses, and will continue to pose, virtually no risk to the safety of themselves or others, or until a decision is made to refuse or revoke the licence or authority.

What are the requirements for a Health Risk Assessment?

The purpose of the Health Risk Assessment is to obtain health information and advice relevant to determining whether an individual is fit and able to be granted access to firearms. Specifically, this assessment should include evaluating whether an individual can:

- Control the movement of the firearm, including holding it steady and accurately aiming to hit a target.

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- Function in the community without significant distress or impairment in social, occupational, or other important areas of functioning.
- Be aware of and understand relevant legislation, rules, and regulatory requirements associated with the safe possession and use of firearms.
- Demonstrate awareness of their environment, including physical surroundings and the safety of themselves and others.

Any illness, injury, or disability that is likely to impair a person's ability to meet these requirements must be carefully considered in the context of whether the person can safely possess and use a firearm without increased risk to themselves or others.

When considering a person's emotional and cognitive attributes, it is not required for the Health Risk Assessment to include a specific assessment or diagnostic tool. However, the use of such tools in the fields of law enforcement, crime recidivism, and suicide risk is well-researched and validated. For example, the Minnesota Multiphasic Personality Inventory (MMPI) is a common psychometric test designed to assess personality traits and is frequently used for evaluating psychopathology and emotional function.

In addition to an assessment or diagnostic tool, a mental status examination should cover observations made during a clinical interview to determine the person's mental state, as the health practitioner deems appropriate.

An applicant must not be issued a firearms licence if their medical condition has the potential to impair their insight, behaviour, cognitive ability, or perception to the extent that there is reasonable cause to believe, they are not capable of being in the possession of firearms without risk to public safety. This includes the ability to form a rational judgement, to exercise will power to control physical acts, or for any reason, not personally exercising continuous and responsible control over firearms.

Section 11 of the Act stipulates that a firearms licence must not be issued unless the Commissioner of Police:

- is satisfied that the applicant is a fit and proper person and can be trusted to have possession of firearms without danger to public safety or to the peace.
- does not have reasonable cause to believe that the applicant may not personally exercise continuous and responsible control over firearms because of:
 - any previous attempt by the applicant to commit suicide or cause a self-inflicted injury, or
 - the applicant's intemperate habits or being of unsound mind.



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Medical conditions that may be relevant to an applicant's ability to personally exercise continuous and responsible control over firearms include:

- depressive or anxiety disorder,
- mania, bipolar disorder, schizophrenia, or a psychotic illness,
- acute stress or trauma related disorder, including post-traumatic stress disorder,
- a personality disorder, including borderline personality disorder,
- obsessive-compulsive and related disorders,
- alcohol-or-drug-related dependency,
- dementia,
- neurological conditions such as Parkinson's or Huntington's diseases, or epilepsy,
- a serious head injury.

This list is not intended to be exhaustive. Medical practitioners should consider any other psychological, emotional, or cognitive condition which may affect the individual's safe possession of a firearm, now or in the future.

When considering the impact of the illness or impairment, information should be considered relevant to the current and potential severity, development, and course of the relevant health disorder, rather than a simple diagnosis. The fact that a person has received treatment for a certain illness or condition does not necessarily make them unsuitable to possess a firearm if managed effectively through medication or other forms of treatment.

Taking into consideration the person's medical history, they may still meet the criteria to hold a firearms licence subject to ongoing reviews, if:

- the condition is well controlled, and they have demonstrated compliance with treatment over a substantial period; and
- they have demonstrated insight into the potential effects of their condition on holding a firearms licence; and
- their medication does not affect their alertness, ability to exercise judgement or to safely handle or control firearms.

Information relevant to the person's suitability at the time of the assessment, may also include recent major life events such as the breakdown of a marriage or relationship, or the loss of employment.

How to return the completed Health Risk Assessment -

Once the Health Risk Assessment has been completed in detail to demonstrate consideration of factors relevant to the possession of firearms without risk to public safety, the document must be returned in full, including the Applicant Medical Report Authorisation and Applicant Declaration pages by email them to firearms@police.nsw.gov.au.

Please note that the Firearms Registry is not liable for any expense incurred in the completion of the Risk Assessment and all costs must be borne by the applicant.

What protection does legislation provide for health professionals?

Section 79 of the Act and Section 38 of the Weapons Act provide protection from civil or criminal liability that may otherwise arise, including a breach of any duty of confidentiality, when a health professional, including a medical practitioner, discloses information about a person they are treating to the Commissioner of Police.

In this section, a health professional means a medical practitioner, psychologist, nurse or social worker, or a person who provides professional counselling services.

Once the Health Risk Assessment has been completed -

Once the Health Risk Assessment has been completed and received, the NSW Police Force Firearms Registry will ultimately decide on the application, considering the Health Risk Assessment, the opinion of the medical practitioner and all information available to them including relevant police holdings.



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All determinations must be made in accordance with the Firearms Registry's Decision Making Guidelines, to issue, refuse, apply special conditions, or revoke the licence or authority. Health practitioners are not decision-makers with respect to whether an individual is considered fit to possess and use firearms. The outcome of the Health Risk Assessment is only one component of the overall decision-making process.

If the applicant has been referred to a psychiatrist, psychologist, or another recognised professional to supplement their evaluation, an extension of 42 days from the date of the referral will be granted. If the medical practitioner has otherwise failed to respond to all questions contained in the Health Risk Assessment or has not indicated that the individual meets all criteria for a firearms licence, this will be considered as part of the assessment outcome.

Concerns regarding a person with access to firearms or weapons -

If a health professional is treating a person and that person has made threats of self-harm or harm to others, or they have reason to believe that person may be a risk to their own safety, or public safety, if in possession of a firearm or prohibited weapon, the health professional should notify the NSW Police Force.

All reports regarding public safety should be treated as a priority and reported by calling 000. Police will make further enquiries as to whether the person holds a firearms licence or authority, including if they have possession or access to firearms or prohibited weapons. If the person does hold a firearms licence or authority, that licence or authority may be suspended, and the firearms/prohibited weapons seized as a public safety precaution.

Glossary of Terms -

firearm means a gun, or other weapon, that is (or at any time was) capable of propelling a projectile by means of an explosive, and includes a blank fire firearm, or an air gun, but does not include a paintball marker within the meaning of the *Paintball Act 2018* or anything declared by the regulations not to be a firearm.

possession of a firearm includes any case in which a person knowingly has custody of the firearm or has the firearm in the custody of another person, or has the firearm in or on any premises, place, vehicle, vessel, or aircraft, whether or not belonging to or occupied by the person.

use means to fire the firearm or hold it so as to cause a reasonable belief that it will be fired, whether or not it is capable of being fired.

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