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LEGISLATIVE COUNCIL Question Without Notice

Monday, 18 March 2024

C204. Hon Nick Goiran to the Minister representing the Minister for Police

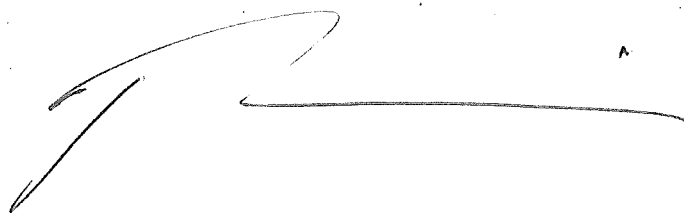
I refer to the supplementary answer that was tabled on 14 March 2023 to my Question without Notice No. 115 asked on 12 March 2023 which informed the House that on 6 February 2023 a working group was established to investigate the most effective process for firearm licence health assessments, and I ask:

1. In what form did the working group provide its recommendations to Government on 15 February 2024?
2. Were the recommendations accompanied by any other documents?
3. Will you table the recommendations and accompanying documents?
4. If no to 3, given the Government is pressing the passage of the Firearms Bill 2024, will you expedite your compliance with section 82 of the Financial Management Act 2006?

Answer

The Western Australia Police Force advise:

1. A ministerial submission to the Minister for Police.
2. Yes.
- 3-4. I table the document. (Noting that Appendix A – WA Firearms Licence Health Assessment Form attached will not be released to the WA Police Force but will be retained by clinicians in confidence.)



PROTECTED
MINISTERIAL SUBMISSION



WESTERN AUSTRALIA POLICE FORCE

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Our Ref: fA2515655
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SUBJECT: FIREARMS ACT REFORM – MANDATORY HEALTH ASSESSMENT

BACKGROUND:

In February 2022, Cabinet approval was received and a project for the redraft of the *Firearms Act 1973* (the Act) commenced, with the paramount principle of ensuring public safety through the responsible and legitimate ownership of firearms. It is proposed the new legislation pass Parliament and be enacted in late 2024.

The legislation will enable the introduction of mandatory Health Assessment by all new applicants, authorised persons and existing firearm licence holders.

CURRENT STATUS

The health assessment is one of the many new legislative changes to promote public safety, to ensure that all firearm licence holders can safely operate and possess a firearm(s).

Overall Approach

On implementation of the Initial Health Assessment:

- Every original applicant will be required to undertake a health assessment.
- Existing Licence holders who reach 80 years of age will be required to undertake a health assessment.
- All existing Licence holders will be required to undertake a health assessment within the period defined during transition, options to transition detailed in next section.
- All *Authorised Person(s)* both new and existing.
- Noting the Commissioner has a level of discretion within the Legislation to mutually recognise other prescribed health assessments for other occupational or recreational purposes, where the health assessment is no older than 12 months from the date of the firearms application and/or renewal date.

Current Numbers

- Approximately 90,000 existing firearm licence holders.
- Approximately 300 licence applications per month, this includes original and additional.
- Approximately 7,000 to 8,000 firearm licence renewals per month.
- Currently the majority of licences are renewed annually. Proposed changes will provision options of one, three- or five-year renewal periods.

Options to Transitioning Existing Firearm Licence Holders

There are approximately 90,000 existing firearm authority holders, who currently are required to renew their licences on an annual basis. This equates to approximately 7,000 to 8,000 renewals per month.

The new legislation will enable firearm licence holders to opt for a one, three- or five-year licence period. All existing licence holders will be required to undertake a health assessment after proclamation and at a subsequent recurrent period.

In addition to firearm licence applicants and existing licence holders, health assessments will also be required by individuals who are being listed as authorised persons (primary producers, trade licences etc). This number is estimated to be 1,000 per annum.

Option 1 – Transition existing firearm licence holders to undertake a health assessment within five years of Proclamation. The new Information and Communications Technology (ICT) system would strategically and randomly select existing licence holders to undertake an assessment, each month, to back capture all existing firearm licence holders. Once they have completed their initial assessment, within those five years post proclamation period, their subsequent assessment would be every five years on the anniversary of their initial health assessment, or upon reaching the age of 80 or older.

Option 2 – Transition existing firearm licence holders to undertake a health assessment within 10 years of Proclamation. The new ICT system would strategically and randomly select existing licence holders to undertake an assessment, each month, to back capture all existing firearm licence holders. Once they have completed their initial assessment, their subsequent health assessment would be on the tenth anniversary of their initial health assessment, or on reaching the age of 80 or older.

Option 3 – Upon proclamation all existing firearm licence holders will be required to undertake a Health Assessment, without a transition period this would fall as part of their renewal process, which currently is annual (single year period). That will require 7,000 to 8,000 health assessments undertaken within the first year of proclamation. Once they have completed their initial assessment, the subsequent health assessment will be on the fifth- or tenth-year anniversary, which mean this would impact the health system every 5 or 10 years.

Impact of Transitioning Options

Option 1 and 2 offer the best scenario to prevent the health system from being overwhelmed upon proclamation and potentially being required to complete 90,000 health assessments in the first year (7,000 to 8,000 per month).

- Option 1 – 5 years implementation equals approximately 1,500 per month.
- Option 2 – 10 years implementation equals approximately 750 per month.
- Option 3 – Immediately upon renewal equals approximately 7,000 to 8,000 per month. Noting, this estimate of 7,000 to 8,000 is assuming 90,000 licence holders renew their licence.

Health Assessment Forms

Assessment will be a two-step process:

- Applicant/licence holder completes the *Part A – Self-Assessment Form* (please refer to Attachment 1 - Appendix A) and submits electronically to attach to their application or licence record; provide a copy to the practitioner.
- Medical practitioner reviews applicants *Part A – Self-Assessment Form* (printed copy) then completes *Part B and C – Medical Practitioner's Form* (please refer to Attachment 1 - Appendix B and C) and submits electronically via the portal for linking to the application or licence record.

The PDF forms will be available through the Western Australia Police Force online points of contact (the general webpage and firearms webpage) as an online editable form, allowing the applicant or existing firearm licence holder to access it at any time and submit it using their application number or licence number to link it in the system. The practitioners form will do likewise.

As an outline, the forms will be created as a PDF with inbuilt functionality from their online location. The form will have mandatory fields, including application number and licence number field. On submission, within the new IT solution, the form will be automatically linked to the appropriate record, as per the application or licence number.

Both the applicant/licence holder and medical practitioner will be able to print and/or save a copy of the document.

General Information

The medical practitioner is not a decision maker in relations to a person's suitability to be granted or retain their firearm licence. The intent is the completed health assessment form provides information for consideration by the Commissioner of Police (the Regulator) in the overall picture of a person's fit and proper status to obtain or retain a licence. The health assessments are similar in nature to other prescribed occupational and/or recreational health assessments. As firearm licences are considered recreational/occupational, similar to heavy haulage drivers or recreational pilots, there is no Medicare rebate for these assessments

The health assessments have been streamlined and as such may be able to fit within the normal timing for consultation appointments by medical practitioners. Further, the health assessments have been designed to make them suitable for telehealth consultations.

The cost associated with the medical practitioner's appointment to carry out a health assessment will be determined by individual practices. As stated above, they will not be eligible for Medicare rebate. A Health Assessment Medical Practitioner's Guidance Sheet has also been developed (please refer to Attachment 1 – Appendix C).

The Act allows the Commissioner to direct a firearm licence holder to undertake a health assessment as to their fit and proper status at a medical practitioner of their choice. This currently is assessed by the Regulator in a holistic fashion using the Licence Consideration Group Meeting. In addition, if further clarification is required the Regulator can further request the individual to attend either a specialist or a designated medical practitioner to obtain specific information.

The *Health Services Act 2016*, *Mental Health Act 2014* and the proposed changes within the Firearms legislation, provides a significant level of protection for any medical practitioner from criminal, civil or disciplinary proceedings connected to any disclosure matters related to those Acts. If medical practitioners still have concerns in relation to indemnity coverage, it would be prudent for them to contact their own medical defence organisation to seek clarification.

Individuals, which includes new applicants or existing firearm licence holders, who have undergone a prescribed occupational and/or recreational health/medical assessment, for instance Recreational Pilot's licence or Commercial Haulage, and where the medical assessment is no older than 12 months from the date of the firearms application and/or renewal date, may be accepted by the regulators in lieu of undergoing the Western Australia Firearm Health Assessment.

Where an individual commences a new original application process but withdraws/suspend the action, the Firearm Health Assessment forms will have a validity period of 12 months, provisioned there have been no change to the individual's health.

Consultation

The Firearms Act Reform Program established a Health Assessment Working Group in February 2022. Members included representatives of Western Australia Medical Practitioners; Royal Australian College of General Practitioners; the Western Australia Department of Health, Mental Health Commission; Western Australia Primary Health Alliance; Royal Australian and New Zealand College of Psychiatrists; and Rural Health Western Australia. Representatives from the offices of the Minister of Health and Minister for Police.

Consultations have occurred with key stakeholders within the community providing a broad outline of the proposal, there is a greater understanding of the requirement and its similarity to other assessments for recreational and occupational reasons.

Legislation

- The draft Bill enables the Commissioner to require evidence that the holder of a licence or applicant meets firearm authority health standards.
- The power will enable the Commissioner to receive evidence that the person has been examined and found not to have any physical or mental conditions that could reasonably result in the person not being able to meet the health standards.
- The examination can be by a medical practitioner of the person's or the Commissioner's choosing.
- A failure to comply with a requirement of the Commissioner under this section within the period allowed by the Commissioner is sufficient grounds for the Commissioner to be satisfied that the person fails to meet firearm authority health standards and for that reason is not a fit and proper person.
- The legislation will provision the Commissioner with the discretion to find a person fit and proper, where a health assessment could satisfy the Commissioner, the person does not meet the health standards. *Example - Physical or neurological impairments managed through either medication or aid/s.*
- The Commissioner can suspend an authority for such period as necessary for further provision of evidence from the person that they meet the health standards
- There are full protections from criminal, civil or disciplinary action against any medical practitioner who provides information regarding an applicant or licence holder, whether that information relates to a health assessment or from some other interaction.
- Section 220 of *Health Services Act 2016*.
- Section 577 of *Mental Health Act 2014*.
- Section 23B of *Firearms Act 1973* (Section 376 of *Firearms Act 202#*).
- Health Department Policy MP0010/16 (Effective 1 July 2016).

OTHER RELEVANT INFORMATION:

The WA Police Force prefers and recommends Option 1, the 5-year transition and recurrent health assessment.

RECOMMENDATION:

That the Minister for Police:

1. Approves the proposed Health Assessment Process.

APPROVED / NOT APPROVED / FURTHER DISCUSSION

2. Approves Option 1: the transition of existing firearm licence holders to undertake a health assessment within five years of Proclamation and recurrent assessment every five years on the anniversary of their initial health assessment, or upon reaching the age of 80 or older.

APPROVED / NOT APPROVED / FURTHER DISCUSSION

3. Approves Option 2: the transition of existing firearm licence holders to undertake a health assessment within 10 years of Proclamation and recurrent assessment every 10 years on the anniversary of their initial health assessment, or upon reaching the age of 80 or older.

APPROVED / NOT APPROVED / FURTHER DISCUSSION

4. Approves Option 3: the existing firearm licence holders to undertake a health assessment as part of their renewal process and recurrent assessment every five or 10 years on the anniversary of their initial health assessment.

APPROVED / NOT APPROVED / FURTHER DISCUSSION

5. Approves Part A – Self-Assessment Form (*Appendix A*) to form part of the firearms Mandatory Health Assessment and be included in the Regulations as the prescribed form.

APPROVED / NOT APPROVED / FURTHER DISCUSSION

CURRENT AS:

17/01/2024

APPROVED BY:

PETER HEALY APM
ASSISTANT COMMISSIONER
OPERATIONS SUPPORT

RECOMMENDED:


ALLAN ADAMS APM
DEPUTY COMMISSIONER

18/1/2024

RECOMMENDED:


COL BLANCH APM
COMMISSIONER OF POLICE

24/01/2024


HON PAUL PAPALIA CSC MLA
MINISTER FOR POLICE

15/2/2024

APPENDIX A – Mandatory Health Assessment – SECTION A Self-Assessment Questionnaire



WA FIREARMS LICENCE HEALTH ASSESSMENT

In partnership with WA Health Department

PURPOSE

This forms part of the assessment process for obtaining/renewing/retaining a WA Firearms Licence.

WHO IS THE FORM FOR

This form is for individuals wishing to obtain or hold a WA Firearms Licence as per *The Firearms Act 20XX and The Firearms Regulations 20XX*.

INFORMATION ON COMPLETING THE FORM**Section A**

WA Firearms Health Assessment Questionnaire – Self-Assessment is to be completed by the applicant / licence holder.

Complete Section A

Section A is to be completed by the applicant and submitted as approved by the *Firearms Regulations 20XX*.

The Applicant must print a copy of this form and give it to their Medical Practitioner.

The Medical Practitioner will complete Section B and C of the Medical Practitioner Form.

The intent of this form and the one completed by the Medical Practitioner is to provide the Regulator with information, as part of the overall evaluation, to help decide the applicant's/licence holder's suitability to be granted or retain a firearms licence.

This assessment will only take into consideration medical conditions over the last 5 years. This assessment is a 'point in time' and circumstances may change. Health Assessments will be carried out at regular intervals (e.g. upon renewal) or as necessary (if requested by the Regulator).

Note: Please answer these questions truthfully. You may still be able to obtain or keep a firearms licence, even if you answer 'yes' to some of the questions.

SECTION A – WA Firearms Health Assessment Questionnaire – Applicant

Answer the questions by checking the correct box prior to the Medical Practitioner's Assessment. If you are not sure, about a question, please discuss it with your doctor. The doctor will ask you additional questions during the examination.

1. Applicant's Details

Surname

First Name(s)

Contact (Number
(Mobile))

Email Address

WA Firearms Licence Application Number or WA Firearms Licence Number

2. Current medical treatment or medication

Please bring details of all medications you take on a regular basis to the doctor. This includes all medications such as tablets, eye drops, sprays and patches. In addition, if you wear glasses/visual aids/contact lenses and/or hearing aids, please bring/wear them to the assessment.

Question	No	Yes
Are you being treated by a doctor for any illness or injury or medical condition which may affect your ability to safely use a firearm? <i>If yes, please provide details</i>	<input type="checkbox"/>	<input type="checkbox"/>
Are you receiving any medical treatment or taking any medication – either prescribed or otherwise that might affect your ability to safely use a firearm? <i>If yes, please provide details</i>	<input type="checkbox"/>	<input type="checkbox"/>

Medical History**3. Have you ever had or been told by a doctor that you had, any of the following?**

Question	No	Yes
Heart disease or disorders? Including but not limited to: high blood pressure, chest pain/angina, irregular heart beat/arrhythmia. <i>If yes, please provide details</i>	<input type="checkbox"/>	<input type="checkbox"/>
Any physical injuries or disorders? Including but not limited to: head Injury, injuries to the limbs or joints, arthritis? <i>If yes, please provide details</i>	<input type="checkbox"/>	<input type="checkbox"/>
Nervous system disorders, such as but not limited to: Seizures, fits, convulsions, epilepsy, blackouts, fainting, dizziness, vertigo, problems with balance <i>If yes, please provide details</i>	<input type="checkbox"/>	<input type="checkbox"/>
Diabetes <i>If yes, please provide details of current treatment</i>	<input type="checkbox"/>	<input type="checkbox"/>
Double vision, difficulty seeing? Hearing loss, deafness? Do you wear hearing aid? Have you had eye or ear surgery in the past (5 years)? <i>If yes, please provide details</i>	<input type="checkbox"/>	<input type="checkbox"/>
Have you ever been diagnosed with a mental health, psychiatric or nervous disorder? <i>If yes, please provide details</i>	<input type="checkbox"/>	<input type="checkbox"/>
Have you ever had, or been told by a doctor that you had a sleep disorder, sleep apnoea, or narcolepsy? <i>If yes, please provide details</i>	<input type="checkbox"/>	<input type="checkbox"/>
Have you ever had any other serious injury, illness or operation in the past other than listed above? <i>If yes, please provide details</i>	<input type="checkbox"/>	<input type="checkbox"/>

Alcohol and Drug Use**4. The Alcohol Use Disorders Identification Test (AUDIT) may be used to screen for alcohol dependence.**

The AUDIT relies on accurate responses to the questionnaire, and should be interpreted in the context of global assessment that includes other clinical evidence

Question	(0)	(1)	(2)	(3)	(4)	Score
How often do you have a drink containing alcohol?	<input type="checkbox"/> Never	<input type="checkbox"/> Monthly or less	<input type="checkbox"/> 2-4 times/month	<input type="checkbox"/> 2-3 time per week	<input type="checkbox"/> 4 or more a week	
How often do you have six or more drinks containing alcohol on one occasion?	<input type="checkbox"/> Never	<input type="checkbox"/> Monthly or less	<input type="checkbox"/> Monthly	<input type="checkbox"/> Weekly	<input type="checkbox"/> Daily or almost daily	

5. Drug Use

Question	No	Yes
Do you use illicit drugs or recreational? <i>If yes, please provide details</i>	<input type="checkbox"/>	<input type="checkbox"/>
Do you use any drugs or medication not prescribed to you by a doctor? <i>If yes, please provide details</i>	<input type="checkbox"/>	<input type="checkbox"/>

6. Applicant's Declaration

I declare that all the information provided by me for this application to the certifying doctor to be true and correct. I consent to the doctor providing WA Police with information about me relevant to this medical assessment of my suitability for obtaining or holding a WA Firearms Licence.

Surname First Name(s)

Contact Number Email Address

WA Firearms Licence Application Number or WA Firearms Licence Number

Date (dd/mm/yyyy)

/ /

Signature