

## Firearms Security

**Document Number** GL2005\_035

**Publication date** 27-Jan-2005

**Functional Sub group** Personnel/Workforce - Security  
Clinical/ Patient Services - Mental Health

**Summary** Provides guidance on management of Police Officer firearms in public health organisations.

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**Applies to** Area Health Services/Chief Executive Governed Statutory Health Corporation, Board Governed Statutory Health Corporations, Affiliated Health Organisations - Non Declared, Community Health Centres, Divisions of General Practice, Environmental Health Officers of Local Councils, Government Medical Officers, NSW Ambulance Service, NSW Dept of Health, Private Hospitals and Day Procedure Centres, Private Nursing Homes, Public Hospitals

**Distributed to** Public Health System, Community Health Centres, Divisions of General Practice, Environmental Health Officers of Local Councils, Government Medical Officers, Health Associations Unions, Health Professional Associations and Related Organisations, NSW Ambulance Service, NSW Department of Health, Public Hospitals, Private Hospitals and Day Procedure Centres, Private Nursing Homes

**Review date** 27-Jan-2010

**File No.** 97/205

**Previous reference** 2002/5

**Issue date** 14-Jan-2002

**Status** Active

**CIRCULAR**

<b>File No</b>	97/205
<b>Circular No</b>	2002/5
<b>Issued</b>	14 January 2002
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**FIREARMS SECURITY**

*This Circular provides further information to staff in public health organisations and the Ambulance Service of NSW and should be read in conjunction with the Memorandum of Understanding between NSW Police and NSW Health dated June 1998 and Circular 98/119.*

Police officers are bound by section 39(1) of the *Firearms Act 1996* (NSW) (the Act) which provides that **a person who possesses a firearm must take all reasonable precautions to ensure the firearm is kept safely, is not stolen or lost and does not come into the possession of an unauthorised person.** Police officers must also comply with other legislative requirements relating to security and safe storage, including the requirements for safe keeping set out in sections 40 and 41 of the Act.

The practice of hospitals and health facilities requiring police officers to remove their firearms and place them in a safe on entering the premises overrides the legislative responsibilities and obligations of police officers under the Act. Similarly, the practice of requiring police officers to place their firearms in the gloveboxes of ambulances also overrides these responsibilities and obligations.

The decision to remove the firearm **must be made by the individual police officer at the time**, taking into account all the facts presented by the particular circumstances. There is no hard and fast rule that can be applied to all circumstances confronting police officers when determining reasonable precautions that should be taken and when dealing with mentally ill persons.

The Commissioner of Police has given authority for police officers to remove and place the firearm in a hospital or health facility safe only in the following circumstances:

- *The police officer believes that is the safest course of action; **and** The safe conforms with a type that has been approved by the Commissioner. For this purpose, the minimum standard has been approved as a single locking unit of a type that is used in non-24 hour police premises. It must be a locked steel safe that cannot easily be penetrated and be bolted to the structure of the premises."*

Distributed in accordance with circular list(s):

<b>A</b> 5	<b>B</b>	<b>C</b> 5	<b>D</b> 1	<b>E</b> 1
<b>F</b> 2	<b>G</b> 1	<b>H</b> 2	<b>I</b>	<b>J</b> 3
<b>K</b> 2	<b>L</b> 2	<b>M</b> 2	<b>N</b> 2	<b>P</b>

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In accordance with the provisions incorporated in the Accounts and Audit Determination, the Board of Directors, Chief Executive Officers and their equivalents, within a public health organisation, shall be held responsible for ensuring the observance of Departmental policy (including circulars and procedure manuals) as issued by the Minister and the Director-General of the Department of Health.

An inspection of a hospital or health facility safe to ascertain whether it complies with the requirements under the Act can be arranged by contacting the Duty Officer at the nearest Local Area Police Command.

This information is also applicable to the escort of mentally ill persons by police, particularly in respect to transport by the **Ambulance Service** of NSW. It is doubtful whether an ambulance vehicle glovebox would meet both the security and safe storage requirements of the Act.

Robert McGregor  
**Acting Director-General**