

Dementia and firearms

Families, carers and visitors may be worried about a person with dementia who has access to firearms and ammunitions. This Information Sheet describes the effects of dementia and its application to gun ownership as well as decisions about gun licence cancellation and gun management.

Risks associated with weapons

Gun ownership and licensing needs to be reconsidered following a diagnosis of dementia.

The progression of dementia means that the person with dementia has an illness that affects their brain in ways that can result in:

- Poor decision making
- Confusion about time and place
- Impaired visual and spatial skills and awareness
- Delayed response times
- Distorted perception
- Forgetfulness
- Psychosis: delusions; hallucinations
- Personality changes
- Disinhibited behaviour

Although other people may be aware of these changes, it is possible that the person with dementia has limited insight into these problems. A person with dementia risks injuring themselves or others.

Dementia is a progressive disease which means that at some stage a decision to cancel or not renew a gun licence is required.

It is important that this decision is made while the person with dementia is able to do this. If it is too late for this there are other options explained further on.

Licence renewal

Under the Victorian Firearms Act 1996 a licence to hold a firearm is reviewed when a Licence has expired (depending on the type of licence, this review period is after 3 to 5 years).

Licensing and Regulation Division relies on applicants disclosing whether they have any condition which would prohibit the continued possession of firearms.

The process of Licence Renewal requires applicants to sign an acknowledgment by signature and date that all the information the applicant has provided is true and correct. This includes stating whether they have been treated for:

- Psychiatric, depression, stress or emotional problems
- Alcohol or drug related problems
- Stroke or head injuries
- Any other medical condition which could preclude them from obtaining a Licence and possessing firearms
- Any physical disability which may preclude them from obtaining a Licence and possessing firearms

Dementia is not specifically mentioned but comes under the category of other medical condition. This means the applicant must obtain a Medical report from their treating doctor, familiar with the applicants diagnosis, outlining their suitability to hold a gun licence.

Licence suspension and Cancellation

A Firearms Licence can be suspended and may be subsequently cancelled by the Chief Commissioner of Police at any time under the provisions of the Act. These conditions focus on the Chief Commissioners satisfaction that the person is no longer a “fit and proper person”.

Reporting

The enforcement of the safety requirements depends on police to tackle firearms offences and of witnesses to come forward and report the offences to police or a Health professional defined as:

- A registered medical practitioner
- A registered psychologist
- A registered nurse
- A social Worker
- A professional counsellor

The Act allows for a Health Professional to advise the Chief Commissioner of the situation through the Licensing and Regulation Division of Police, while allowing legal immunity from liability for the health professional. Further action is at the discretion of the Chief Commissioner depending on whether the licensee is:

- A fit and proper person
- Able to comply with the storage requirements set out in the Act (Schedule 4)
- Renewal of the Licence is not against the public interest

Firearms Storage

Firearms and ammunition must not be casually left around premises and there are strict storage requirements. Weapons and ammunition must be stored separately in locked, secure containers or steel safe. Penalties for failure to do this may include imprisonment and/or fines of up to \$28,000. Only persons with a current firearm licence and a category of licence that matches that of the applicant should be able to access a firearm safe. For example, the wife of a firearm licence holder, who does not have a firearm licence, should not be able to access the husband's firearm safe. For more detailed explanation you can refer to Schedule 4 of the Firearms Act 1996.

http://www.austlii.edu.au/au/legis/vic/consol_act/fa1996102/sch4.html

Tips

Giving up a gun licence may be hard for some people, especially those who live in rural areas and on farms, and those who are licensed for occupational, recreational or sporting gun use. However the effects of dementia can make continuing licensing and gun ownership dangerous for the person with dementia and others around them.

- Wherever possible talk early with the person who has the diagnosis about why and when they will need to give up their gun and licence.
- Try to seek co-operation from the person with dementia at an appropriate time. Carefully ensure that all firearms and ammunition are secured separately in locked safe and that the person with dementia does not have access to the keys.

- If dementia has progressed and it is too late for informed discussion then you can report your concerns to police or a health professional who can report to the Chief Commissioner of Police and have the gun licence revoked as well as address gun ownership issues.
- If the person with dementia talks about guns try to re-direct the conversation. For example, you can validate their feelings then redirect the conversation with suggestions of a walk, a hot drink or something else that would interest them. Try to avoid discussions about guns in front of a person with dementia. This may trigger longer term memories of when the person with dementia used a gun themselves (for example, the foxes are after the chooks!).
- If you must have a gun on your property where a person with dementia lives or visits, it is essential that the laws for the proper storage of guns and ammunition are strictly adhered to. Change the place that you keep the key for the gun safe and change where you store the ammunition.
- If a person with dementia does not wish to hold a licence (or can no longer hold a licence), but needs it for primary production, they may request a firearm licence holder to come to their property when the need arises (for example, humane destruction of stock and stopping pest animals attacking stock). A firearm licence holder would bring firearms onto and off the property only when required and remove the need for keeping firearms at home .
- Remember that restrictions on the continued use of firearms can be a sensitive issue that may affect the identity and self esteem of a person with dementia. However, like taking away the car keys, this may become a necessity as the disease progresses. You have a responsibility to family and to others.
- Further advice can be obtained by phoning the Victoria Police Licensing and Regulation Division. Phone **1300 651 645** or visit the Victoria Police website **police.vic.gov.au** and follow prompts to Our Services and Firearms

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This publication provides a general summary only of the subject matter covered. People should seek professional advice about their specific case. Dementia Australia is not liable for any error or omission in this publication.



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