

FIREARMS REGISTRY



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Right of Review - Prohibited Weapons

This fact sheet provides information on the reviewable decisions as provided by section 35 of the *Weapons Prohibition Act 1998* and the appeal process for customers to follow.

A person may apply for a review of a decision made by an administrator and initially, an internal review of the decision is conducted by the Firearms Registry. If the outcome of that review is unacceptable, an external review to the NSW Civil & Administrative Tribunal (NCAT) may be requested.

What decisions are reviewable?

Section 35 of the *Weapons Prohibition Act 1998* (Act) outlines the decisions that may be reviewed. These include:

- The refusal of or failure to issue a permit,
- Any condition imposed on a permit,
- The revocation or suspension of a permit.

How does the review process work?

If you are not satisfied with a decision made and that decision is a reviewable decision as described above, you may request an Internal Review. The Internal Review is conducted by the Review and Advisory Unit within the Firearms Registry.

The Internal Review is an independent review of the decision by a member of staff who was not involved in the making of the original decision.

How do I make application for an Internal Review?

Your request for an Internal Review must:

- Be CLEARLY MARKED "INTERNAL REVIEW REQUEST"
- Be made in writing, via post or email, by you or your representative (e.g. solicitor), and
- Be lodged with the Firearms Registry, Locked Bag 5102, Parramatta NSW 2124, or by email to firearms@police.nsw.gov.au within 28 days of being notified of the reviewable decision, and
- Provide information on why you disagree with the decision, and
- Supply any supporting documentation you believe is relevant and applicable

A legal representative may request an internal review on your behalf. If someone other than your legal representative requests the review, they must include your written authorisation to do so.

Where can I find more information?

The information provided in the FACT Sheet is for general guidance only. Applicants and licensees should familiarise themselves with the Firearms Act 1996 and the associated Regulation, which are available on the NSW Legislation website - www.legislation.nsw.gov.au.

Locked Bag 5102, Parramatta NSW 2124

Tel: 1300 362 562

Interstate: 02 6670 8590

Email: firearms@police.nsw.gov.au

Website: www.police.nsw.gov.au/firearms

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How long does the Internal Review take?

An Internal Review is usually finalised within 21 days, however this may vary.

What are the possible outcomes of an Internal Review?

The internal reviewer may: affirm (agree with) the decision; vary the decision; or set aside the decision and make a decision in substitution.

How will I be notified?

You, or your representative, will be notified in writing of the outcome of the Internal Review.

What if I am not happy with the Internal Review decision?

If you are not satisfied with the decision made at INTERNAL Review, you may make application for an EXTERNAL Review by NCAT.

What is NCAT?

NCAT is an independent body that reviews decisions made by administrators.

How do I make application to NCAT?

Visit the NCAT website for information relating to the application process and any applicable fees associated with seeking an external review.

What if I do not wish to request a review?

The original decision will stand.

What do I do with my weapons?

Weapons must remain with police until the finalisation of any internal or external review.

If the decision is affirmed on review, you will need to arrange for the disposal of your weapons through a Prohibited Weapon Dealer or you may authorise police to destroy the weapons.

If the decision is set aside or varied, when your permit is reinstated, you will be authorised to possess and use your weapons once again. In this case, both you and the police will be informed in writing that you may collect your weapons.

Related Information

See legislation:

- [Section 35 of the Weapons Prohibition Act 1998](#)
- [Section 53 of the Administrative Decisions Review Act 1997](#)
- [Section 55 of the Administrative Decisions Review Act 1997](#)