

# FIREARMS REGISTRY



OFFICIAL

## Right of Review - Prohibited Weapons

This fact sheet provides information on reviewable decisions as provided by section 35 of the *Weapons Prohibition Act 1998*.

A person may apply for an internal review of certain decisions made by a delegate of the Commissioner of Police. The internal review is conducted by the Firearms Registry. If the person is not satisfied with the outcome of the internal review, in certain circumstances, an application for an external review of the decision can be made to the NSW Civil & Administrative Tribunal (NCAT).

### 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 to the person,
- A condition imposed on a permit issued to the person,
- The revocation or suspension of a permit issued to the person.

### How does the review process work?

A person may exercise their right under section 53 of the *Administrative Decisions Review Act 1997* to request an internal review of a reviewable decision, within 28 days of being notified of the subject decision. The internal review is an independent review of the original decision, conducted by the Review and Advisory Team within the Firearms Registry.

### How do I make application for an internal review?

Your request for an internal review must:

- Be made in writing, by you or your representative (e.g. solicitor), and
- Be lodged with the Firearms Registry, via the [Gun Safe Customer Portal](#) within 28 days of being notified of the reviewable decision, and
- Provide information as to why you disagree with the decision made, and
- Provide any supporting documentation that is relevant to your request for an internal review.

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

If you do not have a Gun Safe account the request may be sent by email to [firearms@police.nsw.gov.au](mailto:firearms@police.nsw.gov.au), or post to Locked Bag 5102, Parramatta NSW 2124.

### How long does the internal review take?

Section 53(6) of the *Administrative Decisions Review Act 1997* outlines that the administrator must inform the person in writing of the internal review outcome, the reasons for the decision, and the right of the person to have the decision reviewed by NCAT, within 21 days of the application for an internal review being lodged (or such other period as the administrator and person agree on).

### 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](http://www.legislation.nsw.gov.au)

Mailing: Locked Bag 5102, Parramatta NSW 2124

Tel: 1300 362 562

Interstate: 02 6670 8590

Website: [www.police.nsw.gov.au/firearms](http://www.police.nsw.gov.au/firearms)

Contact us: <https://firearms.police.nsw.gov.au/cssp/s/>

Section 53(9) of the *Administrative Decisions Review Act 1997* outlines that an internal review is taken to be finalised once the person has been notified of the outcome of the review (under section 53(6)), or if the person has not been notified of the outcome of the review within 21 days of the application for an internal review being lodged (or such other period as the administrator and person agree on).

## What are the possible outcomes of an internal review?

The internal reviewer may: affirm (i.e. agree with) the decision, vary the decision, or set aside the decision and make a new 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 satisfied with the internal review decision?

If you are not satisfied with the outcome of the internal review, in certain circumstances, an application for an external review of the decision can be made to 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 an internal review?

If you do not wish to request an internal review, the original decision will stand.

## What do I do with my weapons?

If you are in possession of weapons, however, do not hold a valid permit, your possession of those weapons is unlawful, and you must immediately surrender your weapons to police.

Any weapons which have been seized by police will remain in police possession, in most cases, until the finalisation of the internal or external review. Alternatively, you may advise police that you wish to surrender the weapons for destruction, or you may arrange for the disposal of your weapons through a prohibited weapons dealer. Police are under no obligation to retain possession of your weapons and may seek a Court Order to dispose of them pursuant to section 40(1)(a) of the Act.

If, following the internal or external review, your authorisation for weapons is reinstated, and in circumstances where police have retained possession of your weapons, both you and 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](#)