

DOMESTIC VIOLENCE INFORMATION SHEET



NSW Police Force

Seizure of Firearms – Domestic Violence Powers

Why have the Police taken my firearms?

Police have seized your firearms under section 85 of *the Law Enforcement Powers and Responsibilities Act 2002* (NSW)- LEPRA.

The law says:

- when police are lawfully in your house to investigate a domestic violence offence
- they **MUST** ask if there are firearms in the house and
- if there are, they **MUST** seize them.

But I have not been charged or have an AVO against me?

The law applies every time that police are lawfully upon premises to investigate whether a domestic violence offence has occurred or not, regardless of who owns the firearms.

Is my firearms licence suspended?

No. Your firearms licence is not suspended.

Will my license be suspended?

Only if police later form a view that:

- a domestic violence offence may be committed **or**
- if you are later charged with a domestic violence offence **and/or**
- you are listed as a defendant on an interim ADVO your licence will be automatically suspended.

Police may also seek to suspend your firearms license if they believe that you cannot exercise continuous and responsible control over your firearms.

What will happen to my firearms?

Your firearms will be transported to a police station and stored there. Police will:

- photograph the firearms to document the description and condition of them and
- notify the Firearms Registry of the seizure.

If my licence is not suspended how and when can I get my firearms back?

If you are the owner of the firearm you:

- may apply to have your firearms returned **within 28 days** as per section 212 of the *Law Enforcement Powers and Responsibilities Act*.
- should write to the Commander of the Police Area Command or Police District.

The application must be in writing and must state in detail why the firearms should be returned to you.

Note: If you do not apply to have your firearms returned within 28 days your firearms MAY be forfeited to the Crown