

FIREARMS REGISTRY



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Prohibited Weapons Silencer Permit

This fact sheet provides information on the requirements for applying for a prohibited weapon permit for a silencer.

It is an offence in NSW to possess a prohibited weapon without the authority of a permit.

What is a silencer?

A silencer is a 'prohibited weapon' under section 4(1) of the Weapons Prohibition Act 1998 (the Weapons Act). Item 4(3) of schedule 1 of the Weapons Act defines the category of "Prohibited weapons" to include certain "Miscellaneous articles", including **"Silencers or any other device designed for attachment to a firearm for the purpose of muffling, reducing or stopping the noise created by firing the firearm"**.

When a silencer is attached to a firearm, the firearm is classified as a prohibited firearm by item 10 of Schedule 1 of the *Firearms Act 1996*. Clause 126 of the *Firearms Regulation 2017* provides an exemption from the requirement to obtain a prohibited firearm permit in circumstances where the person is the holder of a firearms licence and is authorised by a prohibited weapon permit to possess and use a silencer.

The underlying principles of the Weapons Act under section 3(1) are to confirm that the possession and use of prohibited weapons, such as silencers, is a privilege that is conditional on the overriding need to ensure public safety, and to improve public safety by imposing strict controls on the possession and use of prohibited weapons.

Who would be able to establish a genuine reason to possess and use a silencer?

Under section 11(1) of the Weapons Act, the Firearms Registry must not issue a permit unless "the applicant has, in the opinion of the [decision-maker], a genuine reason for possessing or using a weapon". Notably, it is for the applicant to "produce evidence ... that he or she satisfies the requirements (if any) specified in respect of" any of the listed genuine reasons in the Weapons Act.

A person intending to use silencers for the genuine reason of recreational/sporting or business/employment purposes must demonstrate "that it is necessary ..." or the activity "requires the possession or use ..." of the prohibited weapon. For the genuine reason of animal management, the applicant must in addition, also be a veterinary practitioner, or an organisation that has responsibilities for animal management.

To ensure strict controls respect to the possession and use of prohibited weapons, if a person is unable to establish a genuine reason, it is not in the public interest for a permit to be issued authorising the possession or use of a silencer.

A number of decisions of the NSW Civil and Administrative Tribunal (NCAT) indicate that, in reviewing any decision to refuse to issue a permit on the basis that the applicant has failed to demonstrate the necessity of the prohibited weapon for his business or employment, NCAT will focus on the core features of the business, not the way that the applicant chooses to conduct the business: see, for example, *Osborne v Commissioner of Police, New South Wales Police Service* [2000] NSWADTAP 10; *Commissioner of Police, NSW Police Force v Allen* [2016] NSWCATAP 148.

Notably, in at least two cases, NCAT has accepted expert evidence to the overall effect that earplugs and earmuffs are as effective as, if not superior to, silencers at minimising risk to hearing when firing firearms: see *Burton v Commissioner of Police, NSW Police Force* [2019] NSWCATAD 14 and *Larsson v Commissioner of Police, NSW Police Force* [2018] NSWCATAD 149. In each case, the applicant failed to discharge the burden of establishing a genuine reason to possess and/or use a silencer.

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

Mailing: Locked Bag 5102, Parramatta NSW 2124

Tel: 1300 362 562

Interstate: 02 6670 8590

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

Contact us: <https://portal.police.nsw.gov.au/s/online-firearm-applications>

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A supplementary guide for prohibited weapon silencer permit applicants for the genuine reasons of either business/employment or recreational/sporting purposes is available on the Firearms Registry website ([Silencer - NSW Police Public Site](#)).

Note: A genuine reason may be established to possess or use a silencer which falls under a separate and specific prohibited weapons permit (For example, a prohibited weapons dealer, theatrical armourer, collector or museum permit). These permits have a separate application process. Please refer to the Permits page on the Firearms Registry website for further information.

What is the term of the permit?

The permit will be issued for a maximum term of 5 years.

How much will the permit cost?

The prescribed fee for this permit is \$127. Your payment must accompany the application. You may pay by cheque or money order made payable to the NSW Police Force or by filling out the credit card details on the reverse of the application form.

What do I need to send with the application?

- A completed P638 'Application for a Prohibited Weapons Permit' form
- A completed 'Prohibited Weapon Silencer Genuine Reason' form
- A completed 'Business Declaration' (business application only)
- Supporting documentation as requested on the genuine reason form

What level of safe storage applies to this permit?

Level 2 safe storage is prescribed for a silencer. See the fact sheet 'Safe Storage Prohibited Weapons Levels 1, 2 & 3' available on the Safe Storage page on the Firearms Registry Internet site. You must meet or exceed the prescribed safe storage for the weapon concerned.

How do I apply for a Silencer Permit?

You must complete the P638 'Application for a Prohibited Weapons Permit' form and the 'Prohibited Weapon Silencer Genuine Reason' form and where applicable provide any supporting documentation.

Further information / related information

Firearms Registry website: www.police.nsw.gov.au/firearms

- [Application for a Prohibited Weapons Permit](#)
- [Business Declaration form](#)
- [Fee Schedule](#)
- [100 Point Identification fact sheet](#)

See the [Safe Storage](#) page on our website for safe storage requirements.

Instructions for completing the Prohibited Weapons Permit Application Form (P638)

NEW APPLICATION / REAPPLICATION

Mark the appropriate box, new application or reapplication. If you currently hold, or have previously held, a firearms licence or firearms or prohibited weapon permit, enter your licence or permit number

SECTION A - PERMIT TYPE

From the drop-down list select the type of permit for which you are applying. If the permit is not listed in the drop-down list, enter 'Other' and describe the type of permit you require in the space provided.

SECTION B - NOMINATED PERSON/BUSINESS OR NOMINATED PERMIT HOLDER/INDIVIDUAL

Insert the full name, date of birth, gender, NSW drivers licence (if held), contact phone numbers, email address and supply details for the nominated person (business) or nominated permit holder (individual). If you have been known by any other names enter your alias here.

SECTION C - RESIDENTIAL ADDRESS

Insert your full residential address in this section.

SECTION D - POSTAL ADDRESS

If the postal address is the same as the residential address, mark the box. If your postal address is different to your residential address, insert your postal address in this section.

SECTION E - BUSINESS, CLUB OR GOVERNMENT AGENCY DETAILS

If this application is being made by a Business, Club or Government Agency, provide details in this section and attach supporting documentation.

SECTION F - SAFEKEEPING ADDRESS OF WEAPONS

If the safekeeping address is the same as the residential address, select 'YES' in the box. If your weapon safekeeping address is different to your residential address, insert the address in this section.

SECTION G - PERSONAL HISTORY

Answer each question by selecting a 'YES' or 'NO' from the drop-down list. If you answer 'YES' to any question, provide details as an attachment.

SECTION H - DECLARATION

The application must be signed and dated by the applicant.

SECTION I - FEE

The prescribed fee for a prohibited weapon permit is \$127. Your payment must accompany the application.