

This fact sheet provides information on reviewable decisions as provided by sections 75 and 75A of the Firearms Act 1996.

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.

A person may apply to the NSW Civil & Administrative Tribunal (NCAT) for review of certain decisions about firearms prohibition orders.

Decisions reviewable by the Firearms Registry

Section 75A(1) of the *Firearms Act 1996* (Act) provides for Internal Review of the following decisions made by a delegate of the Commissioner of Police:

- The refusal of or failure by the delegate to issue a licence or permit, other than a permit for a prohibited firearm, to the person,
- A condition imposed on a licence or permit issued to the person,
- The revocation of a licence or permit issued to the person (other than a revocation on the basis the holder of the licence or permit is subject to a firearms prohibition order, an apprehended violence order or a serious domestic abuse prevention order),
- The refusal of or failure by the delegate to register a firearm,
- The cancellation of the registration of a firearm,
- A decision made under the regulations about the person that belongs to a class of decisions prescribed by the regulations for this paragraph (refer Clause 154 below).

Clause 154 of the *Firearms Regulation 2017* (Regulation) outlines that a person may also apply for Internal Review of decisions made in relation to a dealer licence, a shooting range approval and a club approval. These are:

- The refusal of an application to change the premises to which a firearms dealer licence relates,
- The refusal or failure to grant an approval of a shooting range,
- A condition imposed or varied on a shooting range approval,
- The revocation of a shooting range approval,
- The refusal or failure to grant a club approval,
- A condition imposed on a club approval,
- The revocation of a club approval.

Application for Internal Review of decisions relating to club approvals can only be made by the secretary or other relevant office holder of the club concerned.

Under section 75 of the Act and section 53 of the *Administrative Decisions Review Act 1997*, a person who has a firearms prohibition order made against them may seek an Internal Review of that decision. In some cases, these decisions may also be reviewed externally by the Civil and Administrative Tribunal (NCAT).

What decisions are not reviewable?

- Any decision **not** specified under sections 75 or 75A of the Act or clause 154 of the Regulation.

NOTE: While the cancellation of the registration of a firearm is a reviewable decision, if the person does not hold a valid firearms licence or permit, the decision to cancel the registration cannot be overturned through an Internal Review.

Further, in circumstances where the person's firearms licence or permit has expired, there is no ability to reinstate the licence or permit following an Internal Review.

How does the Internal 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 all 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, 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, and the reasons for the decision, and (if applicable) 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).

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 do not wish to request an Internal Review?

If you do not wish to request an Internal Review, the original decision will stand.

What is NCAT?

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

What decisions are reviewable at NCAT?

Under sections 75(1) and (2) of the Act:

- A person, in certain circumstances, may apply to NCAT for a review under the *Administrative Decisions Review Act 1997* of a decision to make a **firearms prohibition order** against the person.
- However, a person may not apply for a review of a firearms prohibition order if the person would be required under section 11(5) or 29(3) of the Act to be refused a licence or permit (a **disqualified person**) had the person not been subject to a firearms prohibition order. This does not apply to a person who is a **disqualified person** only because the person is less than 18 years of age.

NOTE: The decisions made on Internal Review under section 75A of the Act, including decisions made on Internal Review under clause 154 of the Regulation, are not reviewable at NCAT.

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 do I do with my firearms?

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

Any firearms which have been seized by police will remain in police possession, in most cases, until the finalisation of the Internal Review. Alternatively, you may advise police that you wish to surrender the firearms for destruction, or you may arrange for the disposal of your firearms through a licensed firearms dealer. Police are under no obligation to retain possession of your firearms and may seek a Court Order to dispose of them pursuant to section 80(1)(a) of the Act.

If, following the internal review, your authorisation for firearms is reinstated, and in circumstances where police have retained possession of your firearms, both you and police will be informed in writing that you may collect your firearms.

NOTE: If any of your firearms were seized in relation to an offence relating to safe keeping under Part 4 of the Act, and you were found guilty by the court of that offence, the firearm/s subject to that offence are deemed forfeited to the Crown pursuant to section 80(2) of the Act.

Related information:

See legislation:

[Section 75 of the Firearms Act 1996](#)

[Section 55 of the Administrative Decisions Review Act 1997](#)

[Section 53 of the Administrative Decisions Review Act 1997](#)

[Section 75A of the Firearms Act 1996](#)

[Section 80 of the Firearms Act 1996](#)

[Clause 154 of the Firearms Regulation 2017](#)

NSW Police Force	Version	Document Date	Reference
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