

FIREARMS REGISTRY



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RIGHT OF REVIEW - FIREARMS

This fact sheet provides information on the reviewable decisions as provided by section 75 of the Firearms Act 1996 and clause 154 of the *Firearms Regulation 2017* 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, in certain circumstances.

What decisions are reviewable?

Section 75(1) of the *Firearms Act 1996* (Act) outlines the decisions that may be reviewed and include:

- * The refusal of or failure to issue a licence or permit,
- * Any condition imposed on a licence or permit,
- * The revocation of a licence or permit issued to the person,
- * The refusal of or failure by the Commissioner to register a firearm,
- * The cancellation of the registration of a firearm,
- * A firearms prohibition order made against a person. However, where the prohibition order is made against a person who would be refused a firearms licence or permit under the provisions of 11(5) or 29(3) of the Act, they may request an Internal Review, but not a review externally by the NCAT.

A person can also appeal decisions made in relation to a dealer licence, a shooting range approval and a club approval - clause 154 of the *Firearms Regulation 2017* (Regulation):

- * The refusal of an application to change the premises to which a firearms dealer licence relates - clause 35 of the Regulation,
- * The refusal or failure to grant an approval for a shooting range,
- * A condition imposed or varied on the shooting range approval,
- * The revocation of a shooting range approval,
- * The refusal or failure to grant a club approval,
- * A condition imposed on the club approval,
- * The revocation of a club approval.

Appeals relating to club approvals can only be made by a secretary or other relevant office holder of the club concerned.

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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What decisions are not reviewable?

- * There is no right of review for a decision to refuse to issue a permit for a prohibited firearm
- * There is no right of review when a licence or permit revocation is based on the person being subject to a firearms prohibition order or an apprehended violence order
- * Any decision not specified in section 75 of the Act

NOTE: Cancellation of registration of a firearm is a reviewable decision. However, if you do not hold a valid firearms licence or permit, the decision to cancel registration cannot be changed at Internal Review.

If your licence has expired, you can apply for a firearms licence online via the [NSW Police Force Community Portal](#). Further information regarding the process for retrieving your firearms can be obtained by contacting the Firearms Registry on 1300 362 562.

How does the review process work?

If you are not satisfied with a reviewable decision made, you may request an Internal Review. The Internal Review is conducted by the Case Management 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 frreview@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.

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 (i.e. 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.

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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 firearms?

Firearms 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 firearms through a licensed firearms dealer or you may authorise police to destroy the firearms.

If the decision is set aside or varied, when your firearms licence is reinstated, you will be authorised to possess and use your firearms once again. In this case, both you and the 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, those firearms subject to the offence are deemed forfeited to the Crown.

Related Information

See legislation:

- * [Section 75 of the Firearms Act 1996](#)
- * [Section 80 of the Firearms Act 1996](#)
- * [Clause 154 of the Firearms Regulation 2017](#)
- * [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](#)