

FIREARMS REGISTRY



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RIGHT OF REVIEW - FIREARMS

This fact sheet provides information on reviewable decisions as provided by section 75 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. 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 75(1) of the *Firearms Act 1996* (Act) outlines the decisions which may be reviewed. These include:

- The refusal of or failure to issue a licence or permit (other than a permit in respect of 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 that the holder of the licence or permit is subject to a firearms prohibition order or an apprehended violence order),
- The refusal of or failure to register a firearm,
- The cancellation of the registration of a firearm,
- A firearms prohibition order made against a person. However, in circumstances 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, there is no ability to apply to NCAT for an external review of the decision.

Cause 154 of the *Firearms Regulation 2017* (Regulation) outlines that a person may also appeal decisions made in relation to a dealer licence, a shooting range approval and a club approval. These include:

- 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 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.

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

What decisions are not reviewable?

- Any decision not specified under section 75 of the Act.

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.

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://firearms.police.nsw.gov.au/cssp/s/>

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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, 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).

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 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 or external 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 or external 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 80 of the Firearms Act 1996](#)
- [Clause 154 of the Firearms Regulation 2017](#)
- [Section 53 of the Administrative Decisions Review Act 1997](#)
- [Section 55 of the Administrative Decisions Review Act 1997](#)