



**Note:** This information sheet does not constitute legal advice and is for general information purposes only. Applicants and licensees are required to understand and comply with the Firearms Act 1996 (“the Act”) and associated Regulations, which are available on the Tasmanian legislation website – [legislation.tas.gov.au](http://legislation.tas.gov.au). This document was prepared in October 2024 based on the relevant legislation at that time.

This information sheet explains what happens when a firearms licence is cancelled and how to apply to the Magistrates Court of Tasmania (Administrative Appeals Division) for review of the cancellation of a licence

**If a person’s firearms licence is cancelled, the person to whom the licence was issued must immediately surrender any firearms, firearm parts, permits to acquire and ammunition in the person’s possession and their firearms licence to a police officer.**

### Can a person apply for a firearms licence after a cancellation?

Yes, the person may apply for a new firearms licence. Firearms Services will assess the application to ensure the applicant satisfies the requirements of holding a licence.

- Where the licence has been cancelled pursuant to Section 51(3) of the Act (Cancelled due to a restraint order – See also s 51(1)) the person may apply in writing to the Commissioner to reinstate the licence or return any firearms, or both reinstate the licence and return any firearms, which have been seized in accordance with Section 51(4) and which the Commissioner considers appropriate, to the holder of the licence or such other person, with the agreement of the applicant, who is the holder of a licence.
- If the licence was cancelled automatically *due to a court order*, they will be unable to obtain a new licence until they are no longer subject to the order
- If a person is prohibited from possessing or using a firearm *due to a firearms prohibition order*, their licence is automatically cancelled. A person may apply to the Magistrates Court (Administrative Appeals Division) for review of a firearms prohibition order made against the person

### Frequently asked questions (FAQ)

#### WHAT HAPPENS AFTER A PERSON SURRENDERS THEIR FIREARMS?

After they surrender their firearm/s to a police officer, Firearms Services will advise them of the options for disposing of their firearms.

#### HOW DOES A PERSON APPEAL THE DECISION TO CANCEL THEIR LICENCE?

A person may apply to the Administrative Appeals Division of the Magistrates Court for review of the cancellation of a licence, unless the

licence was automatically cancelled due to the issuing of a Family Violence Order, a Restraint Order relating to personal injury or due to a recognised Domestic Violence Order.

- They can request a 'Statement of Reasons' for the decision to cancel a licence by writing to Firearms Services either:
  - prior to lodging an application with the Magistrates Court, within 28 days from receiving notice of the cancellation; or
  - by lodging an application with the Magistrates Court, the decision maker is required to provide a statement of reasons within 28 days if they haven't already done so
- The statement of reasons will set out the findings on material questions of fact relating to the decision, a reference to the evidence or other material on which any such findings are based and the reasons for the decision.
- **If a statement of reasons is provided** and the person still wants to have the decision reviewed, they have 28 days from the date on which the statement of reasons was provided, to apply to the Court.
- **If a statement of reasons is not requested** and the person wants to review the decision, they have 28 days from the date on which the person was notified of the making the decision to cancel the licence, to apply to the Court.

To appeal the decision to cancel a licence, or apply to have a court order revoked, contact the Magistrates Court of Tasmania:

**Hobart**

(03) 6165 7136 | [registry.hobart@justice.tas.gov.au](mailto:registry.hobart@justice.tas.gov.au)

**Launceston**

(03) 6777 2945 | [registry.launceston@justice.tas.gov.au](mailto:registry.launceston@justice.tas.gov.au)

**Devonport**

(03) 6478 4353 | [registry.devonport@justice.tas.gov.au](mailto:registry.devonport@justice.tas.gov.au)

**Burnie**

(03) 6477 7140 | [registry.burnie@justice.tas.gov.au](mailto:registry.burnie@justice.tas.gov.au)



**TASMANIA POLICE FIREARMS SERVICES**

Department of Police, Fire and Emergency Management

**Phone** (03) 6173 2720

**Email** [firearms.services@police.tas.gov.au](mailto:firearms.services@police.tas.gov.au)

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