



Appendix two – Reasons for firearms licences to be suspended or revoked

Decision to be made	Reasons	Relevant statutory provisions
Revocation		
Automatic	Licence holder subject to Firearms Prohibition Order (FPO)	Act s 24(1)
	Licence holder subject to Apprehended Violence Order (AVO)	Act s 24(1)
Discretionary	For any reason which licence holders would not have received the same licence in the first place:	Act s 24(2)(a)
	<ul style="list-style-type: none"> Not fit and proper person + cannot be trusted to have possession of firearms without danger to public safety or to the peace. 	Act s 11(3)(a)
	<ul style="list-style-type: none"> Not capable of meeting storage and safety requirements. 	Act s 11(3)(c)
	<ul style="list-style-type: none"> Not a NSW resident or not about to become a NSW resident. 	Act s 11(3)(d)
	<ul style="list-style-type: none"> Commissioner has reasonable cause to believe that the applicant may not personally exercise continuous and responsible control over firearms because of: applicant's way of living or domestic circumstances, any previous attempt to commit suicide or cause self-inflicted injury, applicant's intemperate habits or being of unsound mind. 	Act s 11(4)
	<ul style="list-style-type: none"> Convicted of prescribed offences listed in cl 5(1) of the Regulation (see below). 	Act s 11(5)(b) Reg cl 5(1)
	<ul style="list-style-type: none"> Subject to Good Behaviour Bond in relation to prescribed offences listed in cl 5(1) of the Regulation (see below). 	Act s 11(5)(d) Reg cl 5(2)
	<ul style="list-style-type: none"> Commissioner is of the opinion, having regard to any criminal intelligence report or other criminal information held in relation to the person, that – (a) the person is a risk to public safety + (b) holding of licence would be contrary to public interest. 	Act s 11(5A)
	<ul style="list-style-type: none"> Commissioner considers that it is contrary to public interest for a person to continue to be a licence holder. 	Act s 11(7)
	<ul style="list-style-type: none"> Licence holder supplied information which was (to licence holders' knowledge) false or misleading in a material particular in, or in connection with, the application for the licence. 	Act s 24(2)(b)(i)
	<ul style="list-style-type: none"> Licence holders contravene any provision in the Act or Regulations, regardless to whether licence holders were convicted of an offence for the contravention. 	Act s 24(2)(b)(ii)

Decision to be made	Reasons	Relevant statutory provisions
Revocation		
Discretionary	<ul style="list-style-type: none"> Licence holders contravene any condition of their licences. Commissioner is of the opinion that the licence holder is no longer a fit and proper person to hold a licence. Commissioner is satisfied that the licence holder, through any negligence or fraud on the part of the licence holder, has caused firearm to be lost or stolen. Commissioner is satisfied that it is not in the public interest for the licence holder to continue to hold the licence. 	<p>Act s 24(2)(b)(iii)</p> <p>Act s 24(2)(c)</p> <p>Act s 24(2)(c1)</p> <p>Reg cl 20</p>
Suspension		
Automatic	Interim Apprehended Violence Order (IAVO) is made against licence holder.	Act s 23(1)
Discretionary	Commissioner is satisfied that there may be grounds for revoking a licence (see licence revocation section above).	Act s 22(1)
Mandatory	Commissioner is aware that licence holder has been charged with domestic violence offence.	Act s 22(2)
	Commissioner has reasonable cause to believe that licence holder has committed or have threatened to commit domestic violence offence.	Act s 22(2)

Firearms Regulation Clause 5 – Offences that disqualify licence applicants (but are discretionary for suspension or revocation)

Sub-clause	Offence	Offence details
(1)(a)	Offences relating to Firearms or Weapons	<p>Offence relating to possession or use of firearm or other weapon, or firearm part or ammunition, committed under:</p> <ul style="list-style-type: none"> the law of any Australian jurisdiction the law of any overseas jurisdiction – if it would have been an offence under the law of an Australian jurisdiction had it been committed in Australia.
(1)(b)	Offences relating to Prohibited Drugs etc	<p>Offences in respect of prohibited plant or prohibited drug or a prescribed restricted substance.</p> <p>Penalty including any term of imprisonment (whether or not suspended), community service order, good behaviour bond or penalty of ≥\$2,200.</p> <p>Committed under the law of any Australian jurisdiction or the law of any overseas jurisdiction (if it would have been an offence under the law of an Australian jurisdiction had it been committed in Australia).</p>
(1)(c)	Offences relating to Public Order or involving Assaults against Law Enforcement officers	
(1)(d)	Offences involving Violence	<p>Any offence committed under the law of any Australian or overseas jurisdiction, being:</p> <ol style="list-style-type: none"> offence involving the infliction of actual bodily harm on a person, with penalty including any term of imprisonment (whether or not suspended), community service order, good behaviour bond or penalty of ≥\$550 offence involving kidnapping or abduction offence involving stalking or intimidation offence of attempting to commit, threatening to commit or conspiring to commit any of the offences in (i)-(iii).
(1)(e)	Offences of Sexual Nature	
(1)(f)	Offences involving Fraud, Dishonesty or Stealing	<p>Any offence under the law of any Australian or overseas jurisdiction involving fraud, dishonesty or stealing.</p> <p>Penalty including any term of imprisonment (whether or not suspended) for ≥3 months, community service order for ≥100 hours, or good behaviour bond.</p>
(1)(g)	Offences involving Robbery	Any offence under the law of any Australian or overseas jurisdiction involving robbery (whether armed or otherwise).
(1)(h)	Offences relating to Riot	Any offences under s 93B of the <i>Crimes Act 1900</i> or any similar offence under the law of any Australian jurisdiction or the law of any overseas jurisdiction (if it would have been an offence under the law of an Australian jurisdiction had it been committed in Australia).
(1)(i)	Offences relating to Affray	Any offence under s 93C of the <i>Crimes Act 1900</i> or any similar offence under the law of any Australian jurisdiction or the law of any overseas jurisdiction (if it would have been an offence under the law of an Australian jurisdiction had it been committed in Australia).

Sub-clause	Offence	Offence details
(1)(j)	Offences relating to Terrorism	<p>An offence relating to terrorism, being:</p> <ul style="list-style-type: none"> An offence under Pt. 6B of the <i>Crimes Act 1900</i> or against Pt. 5.3 of the Criminal Code set out in the Schedule to the <i>Criminal Code Act 1995 (Cth)</i>; or An offence committed elsewhere than in NSW that, if committed in NSW, would be an offence under Pt. 6B of the <i>Crimes Act 1900</i> or against Pt. 5.3 of the Criminal Code set out in the Schedule to the <i>Criminal Code Act 1995 (Cth)</i>.
(1)(k)	Offences involving Organised Crime Groups, Consorting and Recruitment	<p>An offence committed under ss 93T, 93X or 351A of the <i>Crimes Act 1900</i>, or committed elsewhere than in NSW that, if committed in NSW, would be an offence under the mentioned provision.</p>