

What decisions of the Registrar can SACAT review?

SACAT can review the following decisions of the Registrar of Firearms:

- refusal of a licence or licence renewal
- refusal of a permit or registration
- imposition of limitations or conditions on a licence or permit
- variation of a licence or permit
- cancellation or suspension of a licence, permit or registration
- imposition of a firearms prohibition order
- refusal to approve a person as a company's nominated person in control of the company firearm

Fit and proper person test

The paramount consideration of the Tribunal in dealing with applications for review involving firearms is the safety of the public.

A person may only be issued with or continue to hold a firearms licence if they are a fit and proper person to hold a licence, as defined by section 7 of the *Firearms Act*.

If the Registrar is not satisfied that you are a fit and proper person, your application for a licence may be refused or if you have a licence, it may be cancelled.

There are many different reasons why you may not be considered a fit and proper person. These are not limited to criminal acts and can include other considerations such as medical reasons.

If you are applying to SACAT to review a decision on the basis that you consider that you are a fit and proper person to hold a firearms licence, **you are responsible for proving to the Tribunal that you are a fit and proper person.**

The Registrar does not need to prove that you are not a fit and proper person. You may wish to get legal advice or representation to assist you in preparing your case to demonstrate that you are a fit and proper person.

If the reason for cancelling or suspending your licence relates to an alleged medical condition, you may also wish to obtain psychiatric or other medical reports to demonstrate your fitness to hold a licence.

Prescribed offences

If you have been found guilty (including if you have plead guilty) of a "prescribed offence" as specified in the *Firearms Regulations 2017*, the Registrar **must** cancel your firearms licence.

Prescribed offences include:

- Possessing a firearm without a licence
- Refusing to surrender a firearm
- Possession, manufacture and/or trafficking of illicit drugs
- Assault
- Property damage (including arson)
- Contravention of an intervention order
- Driving under the influence
- An indictable contravention of the Code of Practice (including improper storage of firearms and ammunition)

The Tribunal is bound by the same law as the Registrar of Firearms. If you have been found guilty of (or you pleaded guilty to) a prescribed offence, then the Tribunal must confirm the decision to cancel your firearms licence. This is because the Tribunal has no discretion on review in such a matter and cannot reach a different outcome from the Registrar.

The only element you may argue before the Tribunal on review in such a matter is whether the offence in question was a prescribed offence as defined by the *Firearms Regulations*.

It does not matter what penalty the court imposed or whether a conviction was recorded. The Tribunal will proceed on the basis of the court findings and court record. That means you cannot argue in the Tribunal that the court outcome or findings were wrong.

If you pleaded guilty to a *prescribed offence*, it is not relevant why you plead guilty or that you did not know your licence would be cancelled as a result.

For more information regarding prescribed offences please refer to the [Firearms Act 2015](#) and the [Firearms Regulations 2017](#). Organisations that may assist you or provide legal advice are provided at the conclusion of this factsheet.

What information should you provide to the Tribunal?

The Tribunal will make a decision based on all of the relevant information that has been provided by you and the Registrar of Firearms. The Tribunal will have before it the Registrar's decision and a copy of all of the documentation which was taken into consideration by the Registrar when making the decision under review.

The Tribunal can also consider additional evidence on review that is provided by either party. The parties need to seek the permission of the Tribunal to put any additional evidence before the Tribunal. The evidence must be relevant to the review proceedings.

Sometimes witnesses can be called at the review proceedings. However, usually matters are decided on the basis of the documentary evidence and the submissions of parties.

What can SACAT do on review?

When SACAT is reviewing a decision of the Registrar, the Tribunal must reach the "correct or preferable" decision.

When determining an application, SACAT can:

- confirm that the decision is correct
- vary the decision in some way
- find that the decision is incorrect and
 - substitute its own decision or
 - send it back to the Registrar for further consideration

How long do I have to seek a review from SACAT?

You must lodge your application for review within 28 days of receiving the decision you wish to review.

SACAT may allow an extension of time if satisfied that special circumstances exist and another party will not be unreasonably disadvantaged by the delay in commencing proceedings.

How do I apply to SACAT?

All applications to SACAT are completed through our online application form which you can find at our website: www.sacat.sa.gov.au.

All the information you are required to provide will be contained in the online application form.

If you are unable to complete the form online, you can contact the Tribunal for assistance on 1800 723 767. You can also visit SACAT's offices at Level 4 or 7, 100 Pirie Street, and use a computer at one of SACAT's public kiosks.

What fees apply to an application to review a decision of the Registrar?

There is a filing fee that applies to this type of application.

You must generally pay a fee when you make an application to SACAT. However, this depends on the type of application you are making and your role in the matter.

The online application form will tell you the applicable fee for your application. You must pay this fee at the time of making your application or you may make an application for the fee to be waived. SACAT will not do anything with your application until any applicable fees have been paid or waived.

Further information about SACAT fees and charges is available at our website, [Fees and charges](#) and [Fee waivers and exemptions](#).

Who can assist me?

There are numerous organisations who provide free legal advice to eligible people and may be able to assist you.

Legal Services Commission

- **Phone number:** 1300 366 424
- **Website:** www.lsc.sa.gov.au

Southern Community Justice Centre

- **Phone number:** 1300 850 650
- **Website:** www.communityjusticesa.org.au

Northern Community Legal Service

- **Phone number:** (08) 8281 6911
- **Website:** northernlegal.org.au

Limestone Coast Community Justice Centre

- **Phone number:** (08) 8723 1396
- **Website:** www.communityjusticesa.org.au

Riverland Community Justice Centre

- **Phone number:** (08) 8582 4998
- **Website:** www.communityjusticesa.org.au

Contact the Tribunal

If you would like to speak to a staff member about review of a firearms decisions, please telephone SACAT on 1800 723 767 (select option 4 and then 5).

This information sheet does not constitute legal advice and does not relate to the circumstances of any individual matter. If you wish to have legal advice you should seek that independently.