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Weapons licensing show cause requests

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When an application for a firearms licence or permit to acquire is made, the *Weapons Act 1990* ('the Act') requires that the authorised officer consider the application and must either approve or reject the application. In this article, we look at the use of show cause notices (also called show cause letters) to gather further information before determining an application for a weapons licence.

In recent times, it has become more common during the consideration of a weapons licence application for the authorised officer to form the view that they do not have sufficient information to decide the application. Instead of refusing the application at that time, the authorised officer elects to request that further information be provided for assessment before a decision is made.

Additional information requested with a show cause notice

When further information is required to adequately determine a weapon's licence application, it is ordinarily sought in the form of a *show cause notice* which is emailed to the applicant and identifies the further information requested by the authorised officer.

Common examples of additional information sought by the authorised officer in a show cause notice include:

- an explanation as to why certain information has been omitted from the application by the applicant, such as previous criminal history;
- an explanation of the circumstances of an interaction with police that appears in the applicant's police records but did not result in a charge;

- a report from a medical practitioner addressing the fitness of the applicant (including their mental health) to hold a firearms licence;
- further particulars of a rural property (such as size and terrain) where the applicant has stated genuine reason is for primary production or occupational reasons;
- the applicant's need for the acquisition of the weapon and why the need cannot be satisfied by any other means (particularly with respect to category H firearms for primary producers where they are already in possession of another category of firearm);
- reasons why firearms of the same type currently registered to a licence are not sufficient for the genuine need stated on the application.

Responding to a show cause notice when seeking a firearms licence

Show cause notices are usually emailed to an applicant from a generic Weapons Licensing email address. As a result, the significance of the show cause notice is often not appreciated by a recipient. Whilst a show cause notice is usually sent to an applicant in the form of an email, the response to the notice should still be prepared in a formal and considered way. The applicant should avoid sending a response on the spur of the moment, which does not address the request for information.

The time period to provide a response to the authorised officer, after receiving a show cause notice, can often be as short as 14 days.

This is problematic as a failure to respond, or to adequately respond, within the time period nominated by the authorised officer generally results in the weapons licence application being rejected.

It is therefore important that any response to the show cause notice:

- provides the further information requested by the authorised officer;
- addresses any concerns that are raised by the authorised officer as to the applicant's fitness to hold a weapons licence or genuine reason; and
- is provided within the time limit, or if a response is unable to be provided (for example, if a medical report is required and an appointment with a medical practitioner is not able to be secured in time) that an extension of time is sought from the authorised officer prior to the time period ending.

A failure to provide a comprehensive response to the show cause notice will likely result in the weapons licence application being rejected by the authorised officer. If an application is rejected, then the only avenue available to the applicant is a review to the Queensland Civil and Administrative Tribunal, which can be a time-consuming and costly process.

You can learn more about rejected applications in our earlier article, "Has your Queensland firearms licence been suspended, revoked, or rejected?"

Get help from a lawyer experienced in weapons licensing

Gilshenan &Luton has extensive experience in preparing written responses to show cause notices resulting from your weapons licence application. We can assist you in preparing a response and, if necessary, seek the necessary extension of time so that a comprehensive response can be provided to the authorised officer.

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