

Submission in brief.

At present we are asking the police to be building inspectors in relation to firearm receptacle inspections, as per the correspondence this is an unsatisfactory position. I argue that firearm receptacles should be handed over to standards Australia and then they would also stipulate the fixing requirements. I strongly recommend the committee takes advice from an appropriately qualified building inspector. Even installing a wood heater comes under building regulations.

Note

The storage charges that arose from an unannounced inspection was on a receptacle that had been inspected and passed twice previously. Proper records need to be kept along with a structured training course for police. I was charged with a latch that could be easily removed and a padlock with a non-hardened shackle. The police prosecutor offered me the deal of the century i.e. if I plead guilty to the charge the police asked for no conviction to be recorded. I declined this kind offer. The police are holding people to ransom and artificially raising convictions for firearm offences.

Regards

Karl Willrath.

[REDACTED]

[REDACTED]



Complaint No.

33299/16

LH
3**SUMMONS**By virtue of the powers vested in me under the *Justices Act 1959* I summon you to appear at the Courthouse

at

SCOTTSDALE CPS

COUNCIL CHAMBERS

Ethu 5092
A Justice of the Peace

on

13/09/2016

Date

29/06/2016

at

09:45AM

to answer the charge set out below.

Name of person making complaint

SENIOR SERGEANT LUKE MOORE

Address

Name and address of person or persons to whom the summons is directed:

NORTHERN DISTRICT PROSECUTION SERVICES

KARL LORENZ WILLRATH

Date of Offence:

Birth Date 15/05/1967

24.05.16

Charge:

Fail to comply with storage of firearms requirements
(Categories A and B firearms)
Section 85(1) Firearms Act, 1996.

Breach of:

Particulars:

You are charged with on the 24th May, 2016 at Scottsdale in Tasmania being the holder of a Categories A and B firearms licence, issued under the provisions of the Firearms Act 1996, you failed to comply with the requirements in respect to the storage of any firearm, namely a .303 rifle and a 22LR rifle, to which that licence applied, in that when those firearms to which the licence applied were not being used you stored them in a receptacle with a non-hardened padlock and latch which could easily be removed.

The above complaint being made on the

29TH

day of

JUNE, 2016

MEMORANDUM OF SERVICE

I, of
have today served of
..... with the summons of which this is a true copy in the following manner:-

- * By delivering it to him/her personally at
- * By leaving it for him/her at
which I believe to be his last-known or usual place of abode/business with a person apparently not less than 16 years of age.
- * By posting it to him/her by registered post (in accordance with the attached receipt of the Australian Postal Corporation) directed to the address shown above.

Dated

Strike out whichever is not applicable

.....

TASMANIA POLICE

Professional Standards
Internal Investigations



GPO Box 308 HOBART TAS 7001

Phone (03) 61732158

Fax (03) 62302444

Email internal.investigations@police.tas.gov.au

Our Ref: C21617-028

20 October 2017

Mr Karl Lorenz Willrath
[REDACTED]

Dear Mr Willrath

COMPLAINT AGAINST POLICE – CONSTABLE C WHITE

I refer to your complaint against police which was received at Professional Standards on 22 March 2017. Your complaint has been investigated by Inspector D Hopkins, has been assessed at Professional Standards, and I am now writing to advise you of the outcome of the investigation.

Background

This matter of complaint arose from the circumstances that occurred during a firearms inspection that was conducted at your property, [REDACTED], on 24 May 2016.

As a result of the firearms inspection you were prosecuted in relation to an offence under the *Firearms Act 1996* alleging you failed to comply with firearms storage requirements. The particulars of the offence related to the locking mechanism, which it was alleged, did not meet with legislative requirements. You were proceeded against by summons and your matter was heard in the Scottsdale Court of Petty Sessions on 13 December 2016, and the Magistrate handed down his decision on 14 February 2017, with the matter being dismissed (charge not proven).

On 22 March 2017, you emailed Tasmania Police and complained about the involved officer, Senior Constable C White, alleging the statement she made in court during the hearing was '*...inconsistent with the facts of which can be demonstrated.*' At that time you made no allegation of perjury against Senior Constable White.

Your email of that date was very brief and did not contain much detail. You did, however, state that you would be complaining about several officers' conduct in the matter. You sought an investigation into the conduct of the officers at Scottsdale Police Station.

The matter was recorded and referred to Northern Police District, for allocation to a senior officer, with a view to reviewing the court file and ascertaining whether any adverse comments were made by the court in respect to the actions of police, the evidence given, and to contact you to discuss your concerns.

Complaint

The matter was allocated to Inspector Darren Hopkins, who contacted you, and following some discussions obtained a statement of complaint against Senior Constable White. Inspector Hopkins spent several hours with you, going over your complaint, and clarifying some issues. In short, you made the allegation that Senior Constable White had committed the crime of perjury, contrary to section 94 of the *Criminal Code Act 1924*.

Investigation

Inspector Hopkins subsequently investigated your allegation, and did so by reviewing the evidence given in court; the determination of the presiding magistrate; and a report submitted by the involved officer, Senior Constable White. Also reviewed were the court file, the court hearing recordings, as well as the court determination recordings.

During the court hearing, you represented yourself and put suggestions of contempt of court and perjury to the magistrate in respect to/of, and during, the course of Senior Constable White's evidence. The presiding magistrate reportedly considered and rejected your assertions in that regard. Senior Constable White's evidence was challenged during cross-examination and at worst, that cross-examination revealed a limited knowledge of firearm types, and an apparent misunderstanding about the difference between a bolt and a screw. Senior Constable White's evidence was consistent with her statutory declaration, and there was no evidence, or indication, that she had deliberately lied to the court. It also revealed that Senior Constable White's completion of the firearms inspection was not as thorough as it could have been, though that was explained through the existence of anxiety due to a threat perceived by Senior Constable White during the course of the inspection. As a result, Senior Constable White elected to remove herself from the residence in deference to her own safety, a decision she would not attract any criticism for.

You alleged that Senior Constable White perjured herself by claiming she was locked in your house during the firearms inspection. It was your position that you did not lock Senior Constable White in, and when she left your residence, she let herself out. On that basis, you asserted that she could not have been locked in.

With respect, it is my view that the literal interpretation of what Senior Constable White said led to a misinterpretation of what Senior Constable White actually meant by the words "locked in". It is apparent from what was discussed in court, and from Senior Constable White's account that she said that she was locked in by you, but only in the sense that you activated two deadlocks behind her after she entered the house. She acknowledged that she was still free to leave, but in order to do so, she had to unlock both deadlocks using the key that was in the lock. It was never the case that Senior Constable White was suggesting that she was detained in the house.

Senior Constable White also said that she did feel somewhat uncomfortable about being there alone, and as a result, she left as soon as she could. There was no attempt by Senior Constable White to mislead the court in relation to this matter.

You also took issue with whether or not Senior Constable White checked to see if your firearms were loaded before she left the house. Senior Constable White claimed in her evidence that she did not check to see if any of the firearms were loaded. She gave evidence that she returned to the station as soon as she could, as she felt uncomfortable staying at the house any longer, and as a result, didn't complete a safety check. That evidence was not challenged in cross-examination by you when you had the opportunity to.

Finally, you also took issue with regards to details of the safe being “bolted” to the floor. You said that the safe was not bolted to the floor, but rather, was screwed to the floor. Although Senior Constable White said bolts were used, it is apparent that she was mistakenly referring to screws as bolts, which appears to have arisen from her lack of hardware knowledge.

During cross examination Senior Constable White accepted that she was simply referring to the same thing though there was a clear misunderstanding regarding Senior Constable White’s knowledge of the difference between screws and bolts. This was again challenged before the magistrate, but no issue was taken with her evidence by the magistrate, and the magistrate accepted that she was referring to screws when calling them bolts or “bolted to the floor”. In her report Senior Constable White said she didn’t pay particular attention to what was securing the safe to the floor, only considering whether or not it was secured. In all the circumstances Senior Constable White’s evidence in this regard is understandable and acceptable.

On the above basis, Inspector Hopkins formed a view that there was insufficient evidence to suggest that Senior Constable White had breached the Code of Conduct, nor the crime of perjury.

Assessment

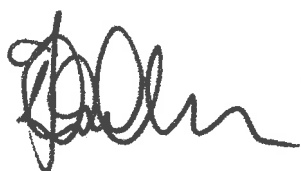
Inspector Hopkins’ investigation report and supporting documentation arising from the investigation was returned to Professional Standards for assessment and consideration regarding whether or not the matter should be investigated further.

A key consideration in allegations of perjury are that there must be evidence that the witness in the judicial proceeding, in this case Senior Constable White, wilfully made a statement which she knew to be false, or did not believe it to be true. Additionally, the *Criminal Code Act 1924*, at s96, also requires that there be corroboration in relation to the charge, as no person can be convicted of this crime solely upon the evidence of one witness as to the falsity of any statement alleged to be false.

Having assessed the investigation to date, and given consideration as to whether or not there may be other avenues of investigation available, I have determined that it is unnecessary to conduct any further investigations in respect of this matter. The evidence does not support the allegation of perjury, and nor is there any corroborative material available to support your allegation, which is a necessary legal requirement in cases such as these. Likewise, there is no evidence of a breach of the Code of Conduct.

Under these circumstances there will be no further investigation and the matter is now concluded.

Yours sincerely

A handwritten signature in black ink, appearing to read 'T B Dooley', with a stylized, cursive flourish at the end.

T B DOOLEY
Commander