

## 'Jealous man gave AIDS' to girlfriend

MELBOURNE: An AIDS carrier had unprotected sex with his girlfriend out of jealousy as he wrongly believed she had been having sex with his brother, Melbourne Magistrates' Court was told yesterday.

In a statement to police, the woman alleged that in March 1992, her boyfriend gave her AIDS "on purpose because he was jealous I'd been with his brother".

The 26-year-old woman, who cannot be identified, said: "He couldn't handle the thought of his brother with me. I really believe that."

Her statement was issued to the media yesterday after a Supreme Court judge lifted on Tuesday night a magistrate's order preventing publication of her evidence.

Magistrate Brian Barrow is hearing evidence against the woman's 34-year-old former boyfriend who was charged under the Crimes Act after he allegedly had unprotected sex with her without telling her of his condition.

He has been charged with conduct likely to endanger life and recklessly causing serious injury.

The woman, from country Victoria, said she had been sexually active before meeting the man, and most of the men she had sex with had not worn condoms.

But before forming a relationship with the accused man she had regular AIDS tests which proved negative.

The defence counsel for the accused man is expected to make a final presentation to the court today.

## \$70,000 bail on guilty plea

A man who pleaded guilty to almost \$70,000 in car theft was given \$2000 bail yesterday in the ACT Magistrates' Court.

John Francis Parnis, 39, of Yagoona, NSW, was charged with four counts of car and money theft and three counts of stealing a cheque.

It was alleged Parnis stole a number of cars, worth \$69,130, from Canberra and sold them in Western Australia and Queensland. The case was adjourned until October.

# ICAC considers cover-up claim

SYDNEY: The Independent Commission Against Corruption is investigating whether senior police attempted to hush-up allegations by a sergeant that he was regularly harassed by colleagues for giving evidence against corrupt officers.

Detective Sergeant Kimbal Cook had listed 10 examples of harassment and said there was "talk in police circles of having me killed or beaten up" because he was considered to blame for the imprisonment of two gaming squad officers for conspiracy.

Barry Toomey, QC, senior counsel assisting the commission, said in his opening address yesterday that the ICAC would examine whether senior police attempted to keep Sergeant Cook's report within the force and away from the then police minister, Ted Pickering, and the ombudsman's office.

The commission would also examine whether the handling of Sergeant Cook's report prevented a formal and full investigation by the police Internal Affairs Unit.

Sergeant Cook said he was told in early 1992 by Chief Superintendent Bob Myatt to rewrite his report and to shred the original, Mr Toomey said.

"Myatt told him in effect that... the application was not welcome in

the form of a complaint because it would have to go outside the police service to the Minister and the Ombudsman," Mr Toomey said.

"Myatt denies he ever saw the original document."

Sergeant Cook was eventually paid \$25,000 toward the costs of moving to another house because of the alleged harassment but the payment was listed as being for "investigative expenses".

Mr Toomey said the ICAC would also examine whether this was to keep the reasons for the payment from the minister and the Auditor-General.

Sergeant Cook had given key evidence against two fellow gaming squad officers — Frank Deak and Gene Zubrecky — who were convicted separately in 1991 and earlier this year of conspiring to induce Sergeant Cook to act corruptly.

Mr Toomey said that in 1988 the two officers had told Sergeant Cook they intended to sell back a betting ledger seized from an SP bookmaker in an operation in southern NSW.

The sergeant told his superiors and Deak and Zubrecky "were arrested at Goulburn with \$10,000 in cash concealed in their car", Mr Toomey said.

Two other officers — senior constables John Deerfield and Tracey Hall — were involved in the opera-

tion in the Riverina and had been made aware of the Internal Affairs investigation of Deak and Zubrecky.

"Upon the return of Cook, Hall and Deerfield to the gaming squad it became immediately apparent to them that a large number of members of the squad... considered their behaviour blameworthy," Mr Toomey said.

It was considered "not the done thing" and the "state of affairs in the gaming squad became very unpleasant".

Mr Toomey said the three officers then suffered harassment of a "vicious nature" over a long period. Sergeant Cook's home was vandalised and broken into and he received nuisance phone calls.

Commissioner Ian Temby, QC, was told the ICAC would not investigate the harassment allegations as it would be time-consuming and most probably fruitless.

Eventually Sergeant Cook filed an application for his moving expenses to be paid by the police service and "set out 10 aspects of the harassment".

Three years after the alleged harassment began, the then Assistant Commissioner, Col Cole, approved the payment to Sergeant Cook as investigative expenses.

The hearing continues today.

## 'Fatal attraction' trigger for hospital shooting rampage

MELBOURNE: A man who shot dead a receptionist and wounded a nurse at a Melbourne hospital had developed a "fatal obsession" for another woman who worked in the building, the Supreme Court heard yesterday.

The court was told that William Ernest Jolly, 46, was mentally ill and, before the shootings on November 12, had donated up to \$15,000 to hospital charities.

Jolly's counsel Robert Vernon said his client had developed a "fatal obsession, a fatal delusion, almost a fatal attraction" for a woman who worked at the Mercy Private Hospital in East Melbourne.

Jolly has pleaded guilty to the murder of Carey Ann Cook, 29, of outer suburban Keysborough, and to intentionally causing serious injury to Beryl Ellen Smith, 39, of East Melbourne.

At a pre-sentence hearing, Mr Vernon said the court was "dealing with a tortured soul, a paranoid psychotic with a delusional disorder".

The woman he killed was shot

after he became angry at learning "Susan" was not there. He shot the other woman in the legs and attempted to shoot a third woman as he went on a rampage through the hospital, firing 21 shots as he went.

He told police he had planned the shooting for some time and explained to them the hatred which he felt for Susan, Ms Douglas said.

Mr Vernon said Jolly had a long criminal record but had no convictions since 1986.

When interviewed after the shootings, Jolly told police: "I have always tried to help hospitals. I have a lot of receipts where I have donated money, because I feel sorry for hospitals. I think they do great work."

Mr Vernon said the receipts did exist and proved Jolly had donated up to \$15,000 to 12 hospitals in Melbourne and around the state.

Mr Vernon said Jolly, on the day of the shootings had, "in nuclear terms, suffered a total meltdown".

The woman he killed had been shot four times in the head.

## Murder defence 'airy fairy'

BRISBANE: A defence that a man may have shot and bludgeoned his wife to death while he was sleepwalking was "an airy fairy" theory, the Brisbane Supreme Court heard yesterday.

Bernard Charles Brown, 41, has pleaded not guilty to the charge.

Crown prosecutor Kevan Townsley urged the jury to "look beyond

the airy fairy theory advanced to explain this case away".

The defence said Mrs Brown was either killed by an unknown person, or by her husband who was not conscious of what he was doing.

Under law, someone who commits a crime independently of the exercise of his own will is not guilty.

The trial continues.

## Judge refuses appeal in war crimes case

ADELAIDE: Heinrich Wagner, the third person in Australia to be charged with European war crimes, will stand trial after an application for a permanent stay of proceedings against him was dismissed in the South Australian Supreme Court yesterday.

Justice Edward Mullighan told the court he refused to uphold the appeal but suppressed his reasons "in the interests of the administration of justice".

The details of the application, which was lodged by Wagner's defence lawyers earlier this month, were also suppressed.

Lawyers representing the Crown and Wagner held talks with Justice Mullighan after he handed down his decision, but no trial date has yet been set.

Wagner, 69, has been charged with being involved in the murder of 104 Jews and 19 part-Jewish children in the Ukraine during the Nazi occupation in 1942.

He has pleaded not guilty.

## Pickard puts travel problem down to doubt

SYDNEY: Doubt, not resentment, made him react slowly to a ministerial order to gain approval for overseas travel as New South Wales Agent-General to London, Neil Pickard told his arbitration hearing yesterday.

Mr Pickard, facing his fourth day of questioning, rejected arbitrator Gordon Samuels' suggestion that elements of resentment about the order contributed to his actions, which led to his sacking last October.

"No, I don't think there was resentment," he told the hearing at

Sydney's Justice and Police Museum. "I would hate to think I would be bitter and resentful."

"There was doubt as to its origin and purpose. Nothing like this had occurred before to the agent-general — or to agent-generals from other states."

"That's why I wanted to know if it was a new direction."

Mr Pickard is seeking more than \$415,000 in compensation from the state government over his sacking and has added an ambit claim for \$500,000 to cover lost future income and his damaged reputation.

The government has filed a counterclaim, alleging he spent at least \$45,000 of taxpayers' money for unauthorised purposes.

Mr Pickard, sacked after he had travelled to France and Germany despite receiving the order in Rome from a Department of State Development official, said on Tuesday he had been waiting to talk with the Minister, Peter Collins, after the trip.

He told Mr Samuels again yesterday that his confusion over the order led to the delay, and he alluded to hard feelings only when Mr Sam-

uels asked a second time if resentment played a part.

"How do you separate yourself from the office and the termination of it?" he asked.

Earlier, Mr Pickard reiterated how his wife's distraught state over the termination and the accompanying publicity caused him to spend the day after the order with her instead of calling Mr Collins.

He cited the emotion of hearing what people were saying about him and the pursuit from the press in London, including photographers following him down streets and into

clubs when reports were saying he was "impossible to find".

Much of yesterday's cross-examination from solicitor-general Keith Mason, QC, centred on the public expenditures listed in the counterclaim, some of them recently repaid by Mr Pickard as private costs.

Mr Mason said the expenditures included dinners and lunches involving couples who merely were friends, major sporting and entertainment tickets for friends and chauffeur services for other friends.

The arbitration was adjourned until today.

# Open letter to our customers

The operations of the Commonwealth Bank are being severely disrupted by a 48 hour strike called by the Bank's union, the Commonwealth Bank Officers' Association, for Wednesday 30 June and Thursday 1 July.

On behalf of the Bank I sincerely apologise for the inconvenience this may cause you.

We have been working for many months on a major change program designed to improve customer service and the efficiency of the Bank. During this process, management has consulted closely with the union to assist them to understand the nature of the changes proposed and the reasons for them.

Unfortunately, the union has chosen to abandon the process of consultation and negotiation, by calling the stoppage in support of its claim for an 8% wage increase. In current economic circumstances, this claim is totally unrealistic.

To help you to deal with any resultant inconvenience, we have set up a toll-free number to provide assistance during the strike. This number is **008 813 460**.

I again express my sincere regret for the inconvenience this strike is causing. I emphasise that this will not alter the Bank's commitment to change that is in the interests of all its customers.

I assure you of our resolve to return service to normal as soon as possible.

Yours sincerely

*I K Payne*

I K Payne  
Executive Director  
Commonwealth Bank of Australia

**Commonwealth Bank**

Commonwealth Bank of Australia ACN 123 123 124

## DRINK-DRIVING

Ten people were dealt with in the ACT Magistrates' Court yesterday for drink-driving offences.

Before Chief Magistrate Ron Cahill Anne Marie Stephenson, 33, of Crisp Circuit, Bruce, pleaded guilty to an offence on January 1, 1993, on Sherbrook Street; Breathalyzer 0.110, received a \$1000 two-year good behaviour bond and ordered to donate \$200 to a charity.

Viado Nick Cindrie, 24, of Mayne Street, Chifley, pleaded guilty to an offence on January 8, 1993, on Commonwealth Avenue; Breathalyzer 0.075, fined \$600, licence suspended for six months.

Steven Douglass, 19, of Werriwa Crescent, Isabella Plains, pleaded guilty to an offence on January 10, 1993, on London Circuit; Breathalyzer 0.03, fined \$700, licence suspended for six months.

Daniel John Flynn, 26, of Southwell Street, Westangera, pleaded guilty to an offence on January 1, 1993, on Masson Street; Breathalyzer 0.095, fined \$500, licence suspended for six months.

Andrew Alexander Smith, 27, of Courvoisier Street, Garran, pleaded guilty to an offence on January 17, 1993, on London Circuit; Breathalyzer 0.165, fined \$650, licence suspended for six months.

Place Charnwood, pleaded guilty to an offence on January 17, 1993, on Covington Crescent; Breathalyzer 0.115, fined \$500, licence suspended for three months.

Perrell McIntosh, 27, of Totterdell Street Belconnen, pleaded guilty to an offence on December 13, 1992, on Ginninderra Drive; Breathalyzer 0.95, fined \$300, licence suspended for three months.

Cassandra Johns, 30, of Goodchild Street Lynham, pleaded guilty to an offence on January 17, 1993, in Pitts Carpark; Breathalyzer 0.150, fined \$500, licence suspended for three months.

Justin Shane Kennedy, 19, of Capertree Place Kaleen, pleaded guilty to an offence on January 15, on an unnamed street; Breathalyzer 0.05, fined \$300, licence suspended for three months.

Before Magistrate Warren Nicholl, Nigel Sean Smith, 20, of Streton Crescent Latham, pleaded guilty to an offence on January 17, 1993, on Parkes Way; Breathalyzer 0.18, fined \$500, licence suspended for six months.

## LAW LIST

**FEDERAL COURT**  
Before the Full Court (Justices Miles, Hill and Cooper), in Court 5, at 10.15am: (hearing) the Queen v Sam Scott.

**FAMILY COURT**  
Before Deputy Registrar Morrissey, in Court 2, the Pre-hearing Conference List as follows:

At 9.30am: Crispino.  
At 11.30am: Sarlemyn.  
At 2.15pm for a Conciliation Conference: Olley.

**ACT SUPREME COURT**  
Before Mr Justice Higgins, in Court 1, ACT Law Courts at 10am:

Appeal: W.B. v Constable S.P. Cooke.

**FEDERAL ADMINISTRATIVE APPEALS TRIBUNAL**

Before Deputy President Giebel, Canberra House, 40 Marcus Clarke Street, Canberra: Telephone Conference 11am.

Before Senior Member Purcell, by telephone: Telephone Directions Hearing, 10.30am: Keaney and Department of Social Security.

