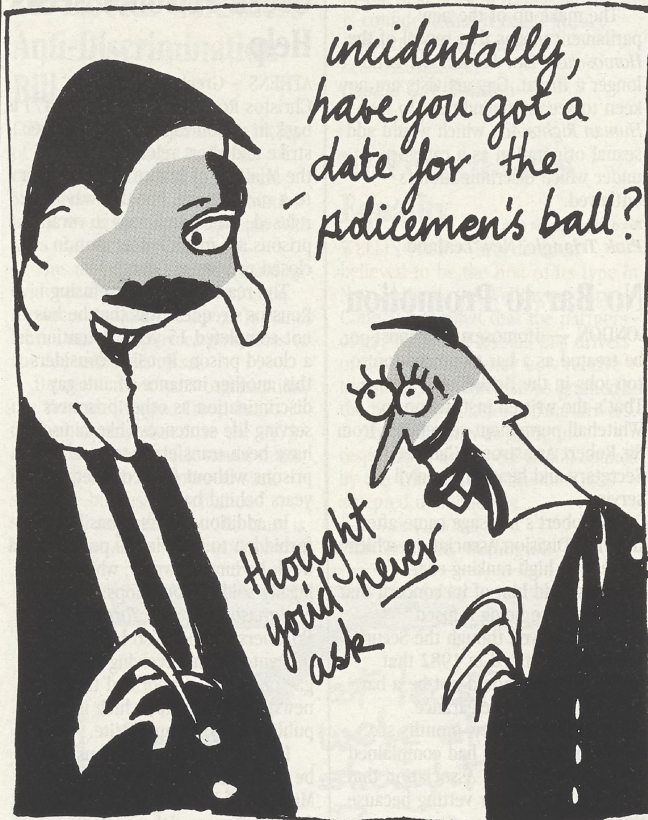


# NATIONAL NEWS



## Judge Recommends Dismissal for Police

**Judge Shadbolt, sitting as the NSW Police Tribunal has recommended that Detective Senior Sergeant Graeme Frazer and Detective Constable Mato Strizic be dismissed from the NSW Police Force.**

Two days earlier, on 30 September, - the Judge found charges of misconduct against both officers proven. Laid by Police Commissioner John Avery, the charges were that their actions on 5 May 1985 towards Paul Anthony Mortimer, a registered nurse, "could be calculated to bring discredit on the Police Force".

In his published reasons, Judge Shadbolt said that Mortimer's allegations arose "from a series of incidents commencing at the Grosvenor Club, Flinders St, and concluding at Darlinghurst Police Station", and that he maintained "that he was assaulted, wrongfully arrested and falsely imprisoned".

The hearings have spanned several months, and the testimonies of Mortimer and the police officers concerned have been reported in issues 49 and 51 of *OutRage*.

Mortimer alleged that while he and his companions were having a drink, Frazer, whom he described as "shaking, dribbling and with eyes staring", approached him twice, and later that he and Strizic attempted to remove him forcibly from the club. He broke free, he said, and ran to Darlinghurst Police Station, where he told a constable at the inquiry desk "I have been assaulted at the Taxi Club and the men who did it are still there". He said that the police officers assaulted him, dictated part of a statement to him, and asked him during interrogation whether he was homosexual. He said that he was. They also asked him questions about the murder of Wayne Brennan, to which he replied that he knew nothing.

He was later handed over to uniformed police, who fingerprinted him, charged him with offensive behavior, bailed him and told him to leave. He was later acquitted of this charge by Castlereagh St Magistrates Court.

Evidence for the respondents was given by Constables De Bouwer and Hinton, who attended the Grosvenor

Club with Frazer and Strizic on the night in question, and four officers who were on duty at Darlinghurst Police that night.

"Having heard the evidence called by the Commissioner and the respondents, I am of the view that Mr Mortimer's account of the events at the Grosvenor Club on 5 May is substantially correct. He is supported by other witnesses and corroborated on all aspects of his account", Judge Shadbolt wrote.

"In regard to the evidence of the respondents and their witnesses, Constable de Bouwer and Hinton, I have been asked to accept that Sergeant Frazer led three of them into the Grosvenor Club in order to further their inquiries into the murder of Wayne Brennan by talking to any transvestites present."

"They ignored the ones they thought they saw and the respondents sought to talk to Mr Mortimer instead. Sergeant Frazer's suspicions, based solely upon Mr Mortimer's unwillingness to talk and his agitation, were reason enough to pursue him from the club. I find this unacceptable and I prefer the evidence of Mr Mortimer and his witnesses to that of the respondents and Constable Hinton. I am satisfied on the balance of probabilities to a high standard that Mr Mortimer was assaulted by both respondents in the manner which he describes."

Having reached that point of satisfaction, Judge Shadbolt was further satisfied that Mortimer made his escape temporarily and continued running.

"I regard the incident described by the respondents in which Mr Mortimer swore at them as highly improbable. I prefer Mr Mortimer's evidence that it did not occur, to the evidence of the respondents that it did."

Regarding the alleged assaults at the police station, Judge Shadbolt found that Mortimer's account was corroborated by Dr Gallagher's observations and opinion, Mr Walsh's observations of Mortimer shortly after his release, and Mortimer's

observations and description of a triangular room which, according to the respondents, he never entered.

"I have weighed this account against that given by the respondents. To accept their account entails also accepting that the interrogation of the man who so aroused their suspicions that they pursued him, captured him and marched him to the station, remains unrecorded and only vaguely remembered. It is a highly improbable account of events."

Judge Shadbolt added that the respondents' evidence that there was a coincidence of times, conversations and activities at the station does not make it less improbable.

"I am satisfied on the balance of probabilities that the events occurred substantially as described by Mr Mortimer."

Regarding Mortimer's statement, Judge Shadbolt said that because he was satisfied that the alleged offensive behavior did not occur, he was "equally satisfied that the confession came into being at the dictation of Constable Strizic" and that Frazer was aware that this activity was occurring.

"Nothing could be better designed to bring discredit on the Police Force than the behavior of the respondents on that evening. I find the charge against both respondents proved", Judge Shadbolt concluded.

The two officers have until 1 November to appeal, either to the Review division of the District Court or the Government Appeals Tribunal. Mortimer also has two other actions pending: a civil action for damages against Frazer and Strizic and a complaint of discrimination on the grounds of homosexuality lodged with the NSW Anti-Discrimination Board. A further complaint has been lodged with the NSW Privacy Committee.

● Larry Galbraith

**Q3. There are coloured 'fairy lights' illuminating our garden courtyard on hot summer nights...**

True

False

**SMITH STREET**  
BAR & BISTROT

18 Smith Street, Collingwood. Telephone: 417 2869.

Answers: You get to sit under our fairy lights anytime!!  
True for all 3.

Galbraith, Larry. "Judge Recommends Dismissal for Police." *Outrage: A Magazine for Lesbians and Gay Men*, no. 54, Nov. 1987, p. 13. Archives of Sexuality and Gender, [link.gale.com/apps/doc/IJHKNU258429150/AHSI?u=slnsw\\_public&sid=bookmark-AHSI&xid=1680b1c5](https://link.gale.com/apps/doc/IJHKNU258429150/AHSI?u=slnsw_public&sid=bookmark-AHSI&xid=1680b1c5). Accessed 26 Sept. 2022.