

Suspended sentence for staged robbery

Youth obeyed, feared job loss

By MICHAEL BACHELARD

A young man who had "too easily obeyed people in authority" was sentenced in the ACT Supreme Court yesterday for his role in stealing \$15,000 from his employer.

Robert Gordon Matheson, 20, of Chisholm, told the court that his boss at the Braddon Ampol Service Station had instructed him to go along with a staged robbery of the bankroll from the service station's van. Matheson, who had been driving the van, had seen no choice but to obey him, as he had been worried about losing his job.

Justice John Gallop gave Matheson a two-year suspended jail sentence yesterday, and released him on a two-year, \$2000, good-behaviour bond, with the condition that he do 104 hours of community service.

Matheson is one of four involved

in the robbery. The court heard that the manager of the service station, Raymond McArthur, had arranged with another man, Glen Beadman, to rob the van of the takings from a long weekend as it was on the way to the bank. Beadman would be accompanied by a fourth man, John Ward.

The Crown prosecutor, Shane Madden, told the court that Matheson had driven the van to the Westpac bank in Petrie Plaza. There Beadman and Ward had got into it. Matheson had driven to a car park in Belconnen Mall. As arranged he had climbed into the back and been tied up and told not to raise the alarm for 15 minutes.

Matheson told the court he had been "numb" for the duration of the incident. He had tried to pull out when Beadman and Ward had got into the van, but they had "asked me if I wanted a black eye".

After the other two had escaped,

he had waited only three or four minutes in the van before "screaming" to raise the alarm.

That night, as he had made a police statement saying he had been abducted at gunpoint and robbed, he had realised he could not lie. After asking his father what he should do, he had retracted his first statement. As a result of his second statement, Ward, Beadman and McArthur had been charged with the robbery.

A psychiatric report presented to the court showed Matheson was very dependent on authority figures. "He was carried along," his defence counsel, Peter Bevy, said.

Justice Gallop told Matheson the only reason he did not send him to prison was that he had told the truth very quickly of the circumstances of the robbery to police.

Beadman and Ward have been sentenced to prison terms already for the offence.

Tears as Mafia hit-man told he may yet go free

MELBOURNE: The wife of a convicted Mafia hit-man, James Frederick Bazley, burst into tears yesterday as he was granted a minimum prison term that could see him released shortly before the age of 72.

Lillian Bazley was led crying from the Supreme Court after Justice Philip Cummins imposed an 11-year minimum term on her husband, saying Bazley had "enforced the fear and retribution of the evil underworld".

Bazley, 67, remained impassive when told he would have to spend another five years in prison. He has

already served six years of a life sentence for the 1979 execution-style contract killings of two NSW heroin couriers, Douglas and Isabel Wilson, whose bodies were found buried at Rye, on the Victorian coast.

Bazley has completed a nine-year sentence also for conspiracy to murder NSW anti-drugs campaigner Donald Mackay, who disappeared from Griffith, in the Riverina, in 1977.

The case against Bazley at his 1986 trial in Victoria was that he had been hired by a Mafia-like Italian criminal

organisation, and had taken orders from the late Robert Trimbole to murder both Mackay and the Wilsons.

However, Bazley, who has always maintained his innocence in relation to both matters, was never tried for Mackay's murder because the Supreme Court in Victoria had no jurisdiction over it.

The killing of Mackay, whose body has never been found, was carried out in Griffith and the court had no power to try Bazley for a crime committed in another state. However, he was

able to be tried for conspiracy to murder because some of the arrangements had been made in Victoria.

The judge imposed no minimum term when Bazley was sentenced to life for the Wilson murders and he faced the prospect of dying in prison.

However, under recent legislation he was able to apply for a minimum term and his application was heard on Tuesday.

Justice Cummins said yesterday that while the crimes were terrible and warranted the setting of a substantial minimum term, to do so

would leave Bazley "linguishing" behind bars until he died.

"Punishment by the court should be proper, not cruel," he said.

In setting the minimum term of 11 years, Justice Cummins said he had taken into account Bazley's age and failing health (he suffers badly from osteo-arthritis).

Outside the court lawyers said on behalf of Bazley's wife that she was "extremely relieved a long and stressful period of their lives had come to an end and they could see some small light at the end of the tunnel".

Defamation action settled by apology

HOBART: Defamation action against ALP Senator Nick Sherry was settled in Tasmania's Supreme Court yesterday after he publicly apologised to a Hobart restaurateur.

Senator Sherry was being sued by Ted Mann, who was seeking general damages for allegations made five years ago in an industrial row.

At the time, Mr Mann owned two restaurants and was a member of the industrial-reform lobby group Free Enterprise Foundation.

The defamation action resulted from the hearing of an industrial

Commission in 1987, when Senator Sherry was state secretary of the Liquor and Allied Trades Union.

It was alleged that Senator Sherry gave journalists copies of statutory declarations by two former employees who accused Mr Mann of being a chronic liar, frequently drunk, underpaying staff and upsetting patrons. The declarations were given to the industrial commission.

Mr Mann's legal counsel, Michael Hodgman, QC, told the court on Tuesday that Senator Sherry's attack on his client had been cruel and malicious, given that the hearing

was about payment of penalty rates. Mr Hodgman added that the industrial commission had been told also of Mr Mann's history of dependence on the pain-killing drug pethidine, and his conviction in NSW for obtaining the drug illegally.

The defamation action was halted yesterday when Mr Hodgman told Justice Cox that both parties had agreed to a settlement.

Mr Hodgman said a public apology by Senator Sherry to Mr Mann would be read to the court by the senator's legal counsel, David Gunson.

The apology said Senator Sherry "unreservedly" apologised to Mr Mann. "I hereby acknowledge that the allegations contained in that statutory declaration which had been declared by a former employee of Mr Mann contained material that was not true and was defamatory of Mr Mann," Senator Sherry said.

He said that by Senator Sherry's giving journalists copies of the statutory declaration, Mr Mann had been publicly embarrassed and his reputation injured.

Both parties have agreed to pay their own legal costs.

'Oath against oath' in sexual assault case, magistrate says

MELBOURNE: The head of a university residential college might have caused distress to a young woman he had invited into his study, but there was no proof that he had indecently assaulted her, a magistrate found yesterday.

The master of the college was alleged to have fondled the breasts of the 22-year-old law student on the night of October 16 last year when a student's party was being held at the college.

After hearing an account of the events from both the alleged victim and the master, Magistrate Maurice Gurvich dismissed charges of indecent assault and unlawful assault.

The man had pleaded not guilty.

In a statement later outside the court, the college announced that the man was to stand down as master until the end of the year. This had been agreed by the college council and the man.

The statement said the decision had been made because of recent court proceedings involving the man, one of which had yet to be decided.

Mr Gurvich said that in his view something had happened to cause upset and distress to the young woman.

"I think it is possible the defendant had something to do with that result," Mr Gurvich said.

"However, there is some doubt in my mind what happened, and in particular there is doubt about the element of indecency, which is central to the charge, and the defendant receives the benefit of that doubt," he said.

He said that, similarly, he was not satisfied that assault had been established beyond reasonable doubt.

Mr Gurvich said that taking the young woman into his study and giving her a drink may have been indiscreet and foolish of the man, and might have been enough to arouse suspicion, "but suspicion does not take a place in evidence".

He said the case was one which hinged on "oath against oath".

The woman had alleged that she had been assaulted at a student's party after a formal dinner.

Mr Gurvich awarded costs of \$15,800 against the police informant in the case, Senior Constable Brad Shallice.

Just more than a week ago the man was found guilty of squeezing another student's breast at the college on the same night.

He was placed on a 12-month good-behaviour bond and is now appealing to the County Court.

War crimes court hears of husband 'shot by Nazis'

ADELAIDE: A witness struggled with tears yesterday as she gave evidence to Australia's third war crimes hearing.

Alexandra Doronina, 71, told the Adelaide Magistrates Court her husband had been shot and killed while he worked on a railway construction site in Nazi-occupied Ukraine.

Mrs Doronina said it had been several days after her husband, Ivan Rudik, had been killed before she had seen his grave.

She shook her head and cried, "Woe, woe, it all has passed" as senior prosecutor John Nader, QC, asked about her husband's death near the village of Ustinovka in the summer of 1942.

Heinrich Wagner, a 68-year-old South Australian pensioner, is charged with Mr Rudik's murder.

Wagner is also charged with the murder of 19 Jewish children and with being involved in the murder of 104 other people near the Ukrainian village of Izraylovka in 1942.

The court also heard evidence yesterday from 64-year-old Ukrainian pensioner Olga Volodina.

Mrs Volodina said she had watched armed policemen herd a group of up to 10 Jews out of Ustinovka in the summer or autumn of 1942.

She told the court she remembered vividly seeing a bearded Jewish man, who was part of the group, stop and address onlookers as the column marched past.

"Across from our yard they passed and he bowed very low to all and said, 'Farewell good people, and forgive us,' she said through an interpreter.

"Everybody cried and they cried."

Earlier, convicted war criminal Ivan Zhilun told the court a man named Wagner was a member of the police in Ustinovka.

Mr Zhilun said he had spent eight years in a Soviet labour camp near Siberia after being found guilty of high treason.

He said he served as a Ukrainian police officer during World War II and often saw the man Wagner when he made his fortnightly visit to the Ustinovka police station.

He told the court Wagner was of "medium height, well built and good looking" and could speak German.

Prosecutor Grant Niemann told Magistrate Kym Boxall the proposed use of a satellite link to hear evidence from a United States-based historian was still being negotiated with the US Government.

The hearing continues today.

DRINK-DRIVING

Eleven people were dealt with in the ACT Magistrates Court yesterday for drink driving offences.

Before Magistrate Peter Dingwall, Sonia Jill Berry, 25, of Vidal Place, Richmond, pleaded guilty of an offence on December 19, 1992, in Canberra Avenue; Breathalyzer 0.065, fined \$500.

Before Magistrate Michael Somes, Anita Louise Gegg, 21, of Caranage Crescent, Griffith, pleaded guilty of an offence on April 24, 1992, in Eggleston Crescent; Breathalyzer 0.081, fined \$350, licence suspended for three months.

Michelle Baxter, 27, of Anembo Street, Narrabundah, pleaded guilty of an offence on May 31, 1992, in Badham Street; Breathalyzer 0.090, fined \$300, licence suspended for three months.

Russell Greentree, 22, of Hawkins Place, Kambah, pleaded guilty of an offence on

June 24, 1992, in Boddington Crescent; Breathalyzer 0.140, fined \$350, licence suspended for three months.

Martin John Scales, 19, of Anstey Place, Pearce, pleaded guilty of an offence on June 5, 1992, in Mount Street; Breathalyzer 0.08, fined \$400, licence suspended for four months.

Wayne John Green, 19, of Gruner Street, Weston, pleaded guilty of an offence on May 2, 1992, in Kalliopeia Crescent; Breathalyzer 0.188, fined \$250, licence suspended for 12 months.

Craig Azzopardi, 33, of Nimbin Street, Narrabundah, pleaded guilty of an offence on June 21, 1992, in Pitts car park, London Circuit; Breathalyzer 0.09, fined \$300, licence suspended for three months.

Mark Gerard McKenzie, 28, of Jardine Street, Kingston, pleaded guilty of an offence on June 20, 1992, in Commonwealth Ave-

nue; Breathalyzer 0.09, fined \$300, licence suspended for three months.

Thung Hung Tieu, 30, of Bega Flats, Reid, pleaded guilty of an offence on June 23, 1992, in Yarra Glen Drive; Breathalyzer 0.110, fined \$350, licence suspended for three months.

Chaire Margaret Seglenicks, 34, of King Street, Queanbeyan, pleaded guilty of an offence on December 12, 1991, in Chisholm shops car park; Breathalyzer 0.250, fined \$500, disqualified from holding a licence for nine months.

Michael Cafe, 20, of Bundock Place, Gungahlin, pleaded guilty of an offence on May 26, 1992, in Erindale Drive; Breathalyzer 0.310, placed on a three-year, \$2000, good behaviour bond, ordered to do 208 hours community service work, licence cancelled, disqualified from holding a licence.

LAW LIST FOR TODAY

FAMILY COURT

Before Justice Finn, in Court 1, at 10 am: Todd.

Before Justice Coleman, in Court 2, at 10 am: Rose.

Before Deputy Registrar O'Rourke, in Court 3, at 10 am: Belsky-Jacobson.

At 11 am: Tasker. At 2.30 pm: Hair/Leaf. At 3.30 pm: Calder.

A.C.T. SUPREME COURT

Before Chief Justice Miles, in Court 1, ACT Law Courts, at 10 am: Hearing: Abbott v Lend Lease Investments Pty Limited part-heard.

Before Justice Gallop, in Court 2, at 10 am: Sentencer R v Cumberland, R v Weymouth.

Before Justice Higgins, in Court 6 at 9.30 am: Application: In the matter of an application. At 10 am: Admission of a legal practitioner. Application: In the matter of a Criminal Injuries Compensation application.

Before the Master, in Court 2, at 9.30 am: Directions: Laic v Randall, Van Lierop v Fielder.

Before the Deputy Registrar, in Court 6, at 9.30 am: Call-over—Appeals List: Hutchins v

Stroud; Woolworths Ltd v Brown; Ainge v Dace; Hutchins v Hall; Tolls v Cadman; Talcovic v Van Bevern; Crowley v Willis; Weisz v Reynolds; Harun Holdings Pty Limited v Zaja; CBFC Limited v Pearce.

Before Senior Member Purcell, in Hearing Room 2, 4th Floor AMP Building, Hobart Place, Canberra. Directions Hearing: At 9.45 am: Commercial Computer Centre Pty Ltd and Department of Immigration. At 10 am: Cox and Defence Force Retirement and Death Benefits. At 10.10 am: Labattas and Concare Australia.

Before Senior Member Purcell, Dr Travers, Member, Mr Atwood, Member, Hearing Room 1, 4th Floor, Resumed Hearing: At 10.10 am: Fenton and Australian Postal Corporation.

Before Senior Member Purcell, in Hearing Room 1, at 11 am: Project Co-ordination (Australia) Pty Limited and Federated Engine Drivers and Firemen's Association, Re redundancy at Woden Valley Hospital.

TIMBER PRESERVATION AND DECOR

Decor can be a wasteful business (Tiger-skin rug), but in the stylish and eye-pleasing preservation of timber, Cabot's products are market leaders. Klenwood is the product for restoring weathered timber and removing discolouration or mould prior to staining. Bar-K is a clear, penetrating water repellent designed mainly to protect timber during the building period, minimising cracking and warping etc. Decking Stain is a must for walk-on timber surfaces, decks, pool surrounds etc; it comes in 18 attractive shades including clear and has an inbuilt hardener to resist wear and repel moisture and spills (suitable for garden furniture as well) — great buying at \$44 for 4 ltr can. Ranch House the original oil-rich solid colour which will not crack, peel or blister (12 colours). Natural Colour features 8 transparent or natural colours and highlights the natural grain and texture of all timbers inside or out.

For inside clear finishes we have Cabothene a polyurethane varnish for all interior timber surfaces especially those subject to condensation or heavy wear and tear. The sensational Crystal Clear finishes in a few hours without annoying sensitive noses, resists "yellowing", cleans up in water and provides a crystal clear hard wearing finish for internal sole timbers, veneers and plys. Danish Oil is yet another fine Cabot's product for clear finishing and hardening of interior timber, protecting it against swelling, shrinking and warping. At Oregon Traders we have a display area featuring most Cabot's products on our Oregon and decking. Call in and make your choice of colour easier, we're open Tuesday through Saturday 8.30am-5.30pm.

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Lewis aide issues CJC with writ

BRISBANE: A one-time personal assistant to jailed former Queensland police commissioner Terence Lewis has issued a Supreme Court writ against the Criminal Justice Commission and its head, Sir Max Bingham.

Chief Superintendent Gregory Lance Early is seeking a declaration that the CJC and Sir Max denied him natural justice in recommending against his being promoted to the rank of assistant police commissioner last December.

The writ claims the CJC and Sir Max did not inform Superintendent Early of the basis of the recommendation before it was made or give him any fair, adequate or reasonable opportunity to challenge it.

Superintendent Early is seeking an injunction also requiring the CJC and Sir Max to withdraw the recommendation.

Lewis was jailed in the Brisbane District Court in August, 1991, after being found guilty of corruption charges.

He has appealed to the High Court.

EXTRAVAGANCE OR INVESTMENT

INVESTMENT

A WORK OF ART
Genuine Persian rugs can take many, many years to complete and are considered by collectors and connoisseurs alike as investments in beauty and as an asset.

If you seek to acquire a greater understanding of elite Persian & Oriental carpets — you are welcome to view the work of several master weavers at Canberra's National Convention Centre this weekend.

Prices are well below any recent rug "sale". The reductions are genuine and not a mathematical impossibility.

HISTORY

UNIQUE INVESTMENT OPPORTUNITY

Leading international carpet broker, Caroline Bosly, has researched extensively the mystique of hand-woven carpets. In her brilliant book, titled "Rugs to Riches", Ms Bosly estimates on sound background returns of 30% per annum.

For example a carpet bought in 1990 for 6,275 pounds sterling by the year 1995 is estimated to be

worth 23,298 pounds sterling.

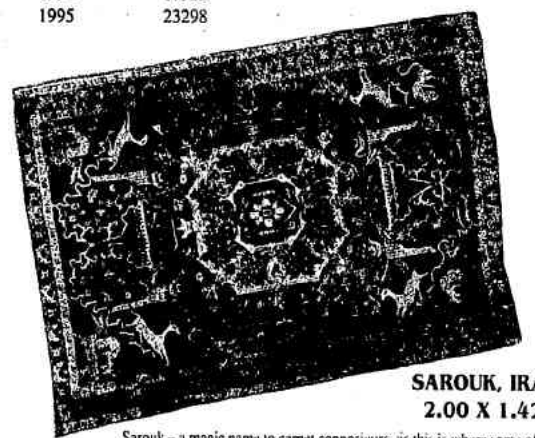
Caroline Bosly was appointed by the Central Office of Information to represent Britain in the field of Oriental carpets which is a billion pound industry. Ms Bosly's book is published by George Allen and Unwin in London. The following table, based on Caroline Bosly's book shows an increase in the prices of fine Persian and oriental carpets.

Estimates future increases in carpet prices.

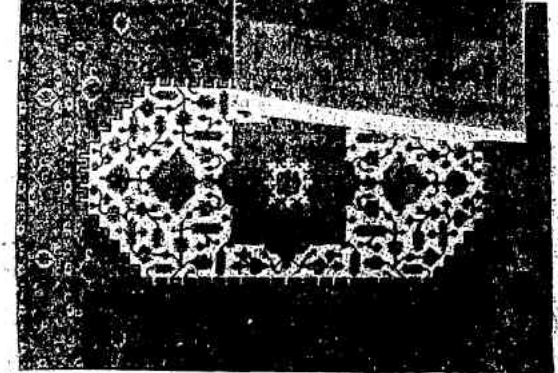
Year	Price
1990	6275
1991	8157
1992	10604
1993	13786
1994	17922
1995	23298



TABRIZ IRAN 2.96 X 1.81M
A splendid figurative rug from Tabriz, the phoenix city and an important weaving centre of the fifteenth century. This wonderful piece of classical weaving, depicts the end of Achaemenid rule, with details showing Persepolis and the legendary orgy in the court of Alexander the Great.



SAROUK, IRAN 2.00 X 1.42M
Sarouk — a magic name to carpet connoisseurs, as this is where some of the very highest quality pieces in the Western and Oriental collections originated. This museum quality example has design affinities with the rectilinear antique Heriz designs and related Fereghan pieces but the structure is clearly Sarouk.



HERIZ 10 X 8FT
In the far North-West of Persia, within the province of Azerbaijan lies the town of Heriz. Heriz, noted for the production of handwoven rugs dating back to the golden age of the Safavid Shans, possesses a balance of colour and design that classes them among the loveliest in the world. Designs are usually characterised by sharp angles of line and geometric shapes that conform to well established family traditions. Work is carried out entirely from memory without a planned model or chart, which sometimes results in charming variations or mis-matches of colour and design. Well known for their robustness, they are surely the Prince of Rugs.

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On sale are 250 pieces at 30 - 60% off normal prices as part of our promotional sale.

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AFGHAN 5 x 3ft was \$495 NOW \$ 139	9 x 6ft was \$1650 NOW \$825	HERIZ 10 x 8ft was \$3,950 NOW \$1950
PERSIAN BALUCHI 6 x 4ft was \$1290 NOW \$435	12 x 9ft was \$2995 NOW \$1350	BOKHARA 12 x 9ft was \$2,950 NOW \$1250
TURKISH 9 x 6ft was \$3,900 NOW \$1900	4 x 2ft was \$440 NOW \$169	LAHORE was \$1,900 NOW \$995
QAZVINI 6 x 4ft was \$1,100 NOW \$495	Round Chinese Rugs by up to 60% OFF 8 x 8ft sq. Navy Blue was \$4400 NOW \$1900	DOUBLE KNOT Open-field Design 12 x 9ft was \$2950 NOW \$1100

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8 x 4.5ft was \$650 NOW \$300	5 x 3ft was \$139 NOW \$55	14 x 3ft was \$1100 NOW \$450
9.6 x 6.4ft was \$1800 NOW \$900	6 x 4ft was \$189 NOW \$89	PERSIAN HAMADAN 9.6 x 2.8ft was \$1395 NOW \$695
5.6 x 3.6ft was \$650 NOW \$259	9 x 6ft was \$395 NOW \$185	PERSIAN TABRIZ 8 x 2.5ft was \$2,300 NOW \$950
PERSIAN 12 x 8ft was \$3600 NOW \$1800	12 x 9ft was \$840 NOW \$299	PERSIAN HAMADAN 11 x 3ft was \$1,400 NOW \$695
PERSIAN SOMAK 9 x 4ft was \$3100 NOW \$1400	100 PIECES ALL SIZES	PRINCESS BOKHARA 6 x 2ft was \$299 NOW \$129

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