

VICTORIA

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**ROYAL COMMISSION INTO ABORIGINAL  
DEATHS IN CUSTODY**

REPORT ON PRELIMINARY INVESTIGATION INTO  
THE DEATH OF PAUL PRYOR

*BY*

*COMMISSIONER THE HON. J. H. WOOTTEN, AC, QC*

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# ROYAL COMMISSION INTO ABORIGINAL DEATHS IN CUSTODY

## REPORT ON PRELIMINARY INVESTIGATION INTO THE DEATH OF PAUL PRYOR

Paul Anthony Pryor was an Aboriginal actor from Yarrabah in Queensland, who was found hanged in a shed at the rear of his brother's home at 199 Weston Street, Brunswick, Victoria, on 13 January 1988. He had been staying with his brother, and was last seen at 2 am on Sunday 10 January 1988 getting out of a taxi outside the house. His body was found by his brother on Wednesday 13 January 1988. He had been required to appear at Wangaratta Police Court on Monday 11 January 1988 to answer certain charges. The charges were concerned with the alleged theft of a motor vehicle, theft of \$40 worth of petrol and being an unlicensed driver, which arose out of his being arrested with two friends in a stolen car. He said that he was not aware that it was stolen.

An inquest was held at South Melbourne on 21 June 1988. The coroner found that the death had occurred in the following circumstances:-

1. The deceased was a 29 year old Aboriginal dancer who was found hanged in a shed at the rear of 199 Weston Street, Brunswick on 13 January 1988 by his brother Monty Pryor.
2. The deceased was arrested in Wangaratta on 5 January 1988 after being found in possession of a stolen vehicle with Joseph Benjamin Geia and Vincent Donald Scott. The deceased remained in custody until

released on his own undertaking on 11 January 1988 (sic - correct date is 8 January 1988).

3. The deceased was depressed and as a result of being arrested and imprisoned at Wangaratta he became concerned about his previous treatment by the Yarrabah police (Queensland) approximately 12 months previously. He was also concerned about his forthcoming court appearance at Wangaratta on Monday 11 January 1988. The deceased took his own life between 10 and 11 January 1988.
4. The deceased had indicated his intentions verbally to Glenda Dorothy Davis and by a note found in the deceased's bedroom.'

The coroner further found that the deceased had contributed to his own death and he referred the findings to the Attorney General of Victoria for forwarding to this Royal Commission. It was in these circumstances that the death came into the Commission's list.

It was clear that the death had not occurred in any form of custody and was not within the Terms of Reference of the Commission. However, there was very considerable feeling about the matter within the Aboriginal community, and representations were made by the Victorian Aboriginal Legal Service to the Victorian Government. After consideration of the matter, the counsel for the Victorian Government was instructed to request me, as the Commissioner conducting inquiries in the State of Victoria, to undertake a preliminary investigation into the death of Paul Pryor with a view to making a recommendation as to whether or not the matter should be investigated by the Commission. This would, of course, have involved an amendment to the Terms of Reference.

I indicated to counsel for the Victorian Government that, if it was desired that I should investigate the matter, the Victorian Government should seek the co-operation of the Queensland Government, as major allegations related to the conduct of police

towards Paul Pryor at Yarrabah in that State. By this time it had emerged that allegations would also be made that Paul had been mistreated by police at Fitzroy Police Station in Melbourne on Thursday 16 July 1987.

On 2 December 1988 the Premier of Victoria wrote to the then Premier of Queensland, the Honourable M. Ahern, conveying the view of the Victorian Government that Queensland should join with Victoria in requesting that the Royal Commission conduct a preliminary investigation into the death of Mr Pryor. Mr Ahern replied on 14 December 1988 indicating that the Queensland Government was prepared to co-operate by providing any background information about the arrest of Mr Pryor in Yarrabah, as well as any other relevant material which I might request. He indicated that he would be prepared to consider any recommendation which I might make following the preliminary investigation, but stressed that the Queensland Government was not prepared to contribute to the costs of any inquiry into Mr Pryor's death.

I then instructed officers of the Royal Commission to assemble all relevant material and to interview relevant witnesses who were prepared to make statements. Amongst material which was sought were copies of all documentation held by the Police Complaints Tribunal of Queensland concerning a complaint of Paul Pryor, who had alleged improper conduct by members of the police force at Yarrabah on the occasion referred to at the inquest. The Tribunal reported to the Minister about the matter on 16 February 1990, and the material and the report of the Tribunal were forwarded to the Commission on 6 March 1990.

Paul had been described as the most talented black actor of his age group in Australia. He had appeared in a number of major film and television productions between 1981 and 1986. He was distinguished not only as an actor, but as an Aboriginal dancer and had appeared in many theatre productions and stage performances.

Paul's death was a tragedy that was keenly felt, not only by his family and friends, but by many people in the entertainment industry. Despite his success he died lonely and depressed. When last seen he was crying and angry. When asked what was the matter he replied 'They've stuffed me up'. He added 'I'm sick of people picking on me'. A suicide note was discovered after his death in which he sent various messages to his family and concluded 'What a waste. But a man can be pushed so far'.

At the inquest his brother suggested that when Paul had been locked up at Wangaratta it had triggered off feelings about an incident that occurred in Yarrabah 'about 12 months' previously, when he was treated very badly by the Yarrabah police. He said that he had asked Paul about his treatment by the police at Wangaratta. Paul had told him that the treatment was 'very, very good,' but it was nevertheless obvious to his brother that he was very upset from having been in the lockup. There was no mention in the evidence given by the brother or by Paul's girlfriend at the inquest of Paul having had any problem with police in Victoria, although each of the witnesses was given the opportunity to advance any factors affecting Paul.

However a suggestion emerged from other sources that Paul had claimed to have been mistreated by police at Fitzroy Police Station on 16 July 1987.

I have been asked by the Victorian Aboriginal Legal Service to make a recommendation to the Governments of Victoria and Queensland that an appropriate amendment should be made to my Terms of Reference so that I can investigate the death of Paul Pryor. It is suggested that, although Paul did not die in custody, his death raises similar issues because of the suggestion that he hanged himself as a result of stress caused by his mistreatment by police.

It does appear that Paul might as easily have hanged himself in custody. Indeed there is evidence that he did discuss this while at Wangaratta with one of the police officers, who persuaded him against the course of action.



There is very strong reason to believe that the primary factor in Paul's taking his own life was the effect on him of experiences in custody. He had been brutally treated and humiliated at Yarrabah in Queensland following an arrest in May 1986. Paul was a sensitive and proud young man and the experience had a profound, depressing, and lasting effect on him. For fear of coming into custody of Queensland police again, he had stayed away from Queensland, and from parents and much of his family, and from his tribal land, all of which were very important to him. He had outstanding fines in Queensland, and it was a continuing fear that warrants might be issued for his arrest.

His memories of his experiences at Yarrabah probably affected his response to the two occasions on which he was in custody in Victoria in a number of ways. All the painful and humiliating experiences came flooding back. There was a feeling of powerlessness against arbitrary action by police officers. Even when a police officer treated him well, he felt that at any moment the conduct might change. Finally, while in custody he was haunted by the fear that he would be extradited to Queensland as a result of action to enforce the outstanding fines.

All this can be asserted with confidence without the need for a formal inquiry by the Royal Commission. I turn to consider what might be added by a formal inquiry into each of the three occasions on which Paul was in custody.

There are three occasions of custody which might conceivably be examined as bearing on his death.

#### 1. Yarrabah

On 29 May 1986 Paul was arrested at Yarrabah in Queensland by police and charged with assaulting police and resisting arrest. Paul lodged a complaint with the Queensland Police Complaints Tribunal, in which he alleged that after he was arrested and taken to Yarrabah Police Station he was severely mistreated. He claimed

that police officers escorted him to a back room in the station and bodily threw him against the wall on more than one occasion; that a police officer threw him onto the floor of the police station and jumped on his chest; that a police officer attempted to choke him; that a police officer picked him up from the floor and again threw him against the wall; that a police officer attempted to ram his head into the top of an office desk but that he put his hands on the desk to cushion the blow and his head struck the handcuffs he was wearing; and that as a result of all this he suffered numerous injuries, including a substantial cut above his left eye and bruising around the region of his neck.

Paul declined an invitation to return to Queensland to appear before the Tribunal, saying that he was frightened to go back to Queensland for fear of further mistreatment by the police. However it appears that the Tribunal continued its investigations in his absence, and indeed continued the investigations after his death. The Tribunal reported to the Minister for Justice and Corrective Services on 19 February 1990 and its decision was as follows:-

'Having regard to the Rules of Evidence, the Tribunal was of the view that there was no admissible evidence from the deceased complainant to support a recommendation for criminal charges against the officers concerned.

However, the Tribunal was also of the view that, if Mr PRYOR was alive, it would have no hesitation in recommending criminal charges against them.

In view of the foregoing, the Tribunal recommends the following:-

(a) Sergeant 2/c Robert Neal WELCH (Registered Number 2208)

- that he be warned that his conduct fell below the standard expected of a police officer in

the circumstances in that, on 29 May, 1986, at Yarrabah, while Paul Anthony PRYOR (now deceased) was in his custody, he used more force than reasonably necessary in the circumstances towards PRYOR.

He should be reminded of his obligation to strictly comply with General Instruction 7.41, as required by Rule 50 of the Police Rules 1978.

(b) Constable Stephen John STAFFORD (Registered Number 5070)

- that his conduct fell short of the standard expected of a police officer in the circumstances in that, by written statements dated 21 July, 1986; 25 November, 1986 and 22 June, 1988, he gave accounts which, to his knowledge, were false, concerning the manner in which Paul Anthony PRYOR (now deceased) received a cut above his left eye at Yarrabah on 29 May, 1986.

He should be reminded of his obligation to strictly comply with General Instruction 7.42, as required by Rule 50 of the Police Rules 1978.

Accordingly the allegations concerning Paul's treatment at Yarrabah have been investigated by an appropriate tribunal and his complaints have been vindicated in strong terms, the Tribunal saying that it would have had no hesitation in recommending criminal charges against two police officers had Paul been alive to give evidence.

In view of this vindication of Paul's claims as a result of the inquiry by the Queensland Police Complaints Tribunal, I do not think that a

further inquiry by this Commission would be justified in the interests of the family. So far as the Commission's own knowledge is concerned, Commissioner Wyvill will be reporting on several deaths at Yarrabah, so that the Commission will be well informed about conditions there.

## 2. Fitzroy

On 16 July 1987 at Fitzroy Paul was arrested by police and charged with a number of offences, including being drunk in a public place, resisting arrest and being found in a public place with an offensive weapon. Certain statements were made by Paul after his release concerning his treatment while in custody. Paul did not put them in written form, nor did he make any formal complaint.

Police from Fitzroy Police Station declined to be interviewed by Commission officers but supplied statements through their solicitor. These statements give a version of events from the police point of view, and contain a strong denial by the police of any mistreatment of Paul. A statement was obtained by Commission officers from the police surgeon who was called to the station by police officers at 9.40 pm on 16 July 1987 to examine Paul. He says that Paul made no complaint to him about his treatment, but did refer to his own taking of drugs. Although Paul was in a very stressed state, he found no indication of mistreatment by police.

As it was not possible to test the evidence offered by police officers from Fitzroy Police Station, even by the limited means of interview by Commission officers, I have not relied on it in reaching a conclusion, except to note its consistency in a large measure with views I have formed on a basis of information from other sources. Commission officers had the co-operation of a number of people including people in whom Paul confided, and as a result was able to form a fairly clear view as to what was likely to emerge from a detailed investigation. It is clear that the period in Fitzroy Police Station had a profound and distressing effect on Paul, and left him in a state of considerable concern and depression thereafter. There were outstanding charges for which he had to appear in court, and

of course he carried with him the fear that this might be the occasion to extradite him to Queensland. However there is strong reason to believe that Paul's distress was the result of his own reaction to custody, bringing back the memories and fears from his Yarrabah experience, and probably exacerbated by the effect on him of alcohol and amphetamines. I do not propose to go into any detail about what is said to have occurred in the police station, as it has not been the subject of any tested evidence and its repetition would be painful to many people. However I have found the very strongest reason to believe that a formal inquiry would establish that the very serious effect on Paul of his incarceration in Fitzroy Police Station stemmed from the triggering of Yarrabah memories rather than particular actions by police at Fitzroy.

In these circumstances a formal inquiry into events in Fitzroy Police Station would not, I believe, be in anyone's interest.

### 3. Wangaratta

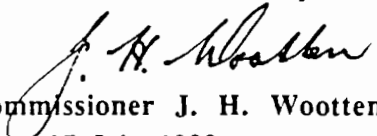
Paul's brother told the coroner that Paul had said that his treatment by the Wangaratta police was very, very good. Commission officers have interviewed all officers who were concerned with Paul at the station, and nothing has emerged which would suggest that there would be any point in inquiring into his custody at Wangaratta. It appears that, as at Fitzroy, Paul's distress after his Wangaratta confinement was due to its evocation of memories of his treatment at Yarrabah, and the fear that his appearance at the court, due the day after his death, might lead to further imprisonment, which he found so stressful, or even his return to Queensland. That the immediate effects on Paul were less serious at Wangaratta than at Fitzroy can probably be explained by the fact that at Wangaratta Paul was not under the influence of alcohol and amphetamines, and that he was befriended by a sympathetic police officer who was concerned about his welfare.

### Conclusion

In all the circumstances I do not recommend that the Terms of Reference of the Commission be amended to include an inquiry into the death of Paul Pryor. As events have turned out, the principal allegations that underlay the claim that his death flowed from his treatment in custody have been vindicated by other means.

One cannot but have the greatest sympathy and admiration for Paul's family, who were so proud of his achievements, and who gave him such support in his troubles, and continued the fight to vindicate his claims after his death. One can only hope that they feel some satisfaction from the finding of the Police Complaints Tribunal.

The Commission will take note of the material that has been placed before it in its general deliberations on the question of Aboriginal deaths in custody. Many of those whose deaths have been investigated by the Commission have been people who have been poor and unsuccessful. It is revealing that a person who was as successful as Paul in a professional artistic career in the general community should have nevertheless suffered such stresses and pressures as to take his own life, in the same way as many less successful Aboriginals.

  
Commissioner J. H. Wooten, Q.C.  
Date: 17 July 1990