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Miss Dougall yesterday... 'the republic is inevitable' — Picture: BOB FINLAYSON

Call to widen republic panel

By EWIN HANNAN and D.D. MCNICOLL

THE Premier of Victoria, Mr Kennett, said yesterday he would pressure the Prime Minister, Mr Keating, to allow every State and Territory to have a representative on the Republic Advisory Committee after NSW nominated a hitherto unknown lawyer.

Mr Kennett said he did not know the NSW nominee, Miss Namoi Dougall, 32, but was not surprised by the nomination, which showed every premier and Territory leader should be allowed to nominate a candidate. NSW rejected Mr Kennett's selection of historian Professor Geoffrey Blainey as the candidate for the two States on the committee.

Mr Kennett said regardless of whether the other States put forward nominations, the Federal Government was still left with the "fundamental problem as to how the final selection process will occur".

Miss Dougall said yesterday she hoped Mr Keating would make up his mind quickly between her and Professor Blainey so she could "get on with the job".

"I'm rather uncomfortable discussing this at the moment because I'm only a nominee," Miss Dougall said.

"I can't really say anything, I'd love to be on the committee, I just wish the Prime Minister would hurry up and make up his mind."

Miss Dougall was born in Scotland and owes her Aboriginal first name to her homesick mother, a fifth-generation Australian who

grew up around the Namoi River in north-west NSW.

A senior solicitor with Sydney firm Middletons, Moore and Bevis, Miss Dougall specialises in litigation involving environmental matters, foreign companies, property trusts and corporate law.

She arrived in Australia at the age of 10 and after high school obtained degrees at NSW and Sydney universities.

Miss Dougall is a member of the NSW Equal Opportunity Tribunal, chairwoman of the NSW Chamber of Commerce environment committee and chairwoman of the NSW Government's Private Hospitals and Day Procedure Centres Act review committee.

"I think the republic is inevitable and I appreciate being part of the debate at a higher level," she said.

"It is such a complex matter. There are lots of views which have been expressed to me and I have been debating myself — but if I am appointed to the committee then I am restricted to the terms of reference."

Miss Dougall said she had no qualms about having to debate the finer points of the moves to a republic with some of the high-profile members of the committee, such as former NSW premier Mr Nick Greiner, lawyer Mr Malcolm Turnbull and former minister in the Hawke ministry Ms Susan Ryan.

The Premier of NSW, Mr Fahey, said yesterday Miss Dougall could bring the perspective of young people to the debate.

Fading memories after 50 years hurt the prosecution

By PATRICK LAWNHAM and ROHAN SULLIVAN

THE reliability of testimony identifying Mr Ivan Tymofeyevich Polyukhovich as an alleged war criminal dogged the prosecution even before his trial on two charges relating to the German-occupied Ukraine in 1942 began.

Justice Cox referred to the danger of convicting a man on 50-year-old recollections when he began summing up in the South Australian Supreme Court on Friday.

"Mistakes of identification have been known to happen," he said. "The extraordinary length of time" would be relevant to identification.

At the trial and committal hearing, defence counsel hammered the reliability of identification after so many years.

Mr Polyukhovich's senior counsel, Mr Michael David QC, told the jury last week they should not think the defendant was "the right bloke" just because a lot of "money and effort" had been spent. The Crown case was "gossip", he said.

The judge returned to the theme of time elapsed when he finished summing up yesterday, telling the jury it was "duty bound" to consider Mr Polyukhovich, who did not testify, might have put up a better defence if the events in Serniki had been more recent.

The 76-year-old Adelaide pensioner was acquitted yesterday on charges under Australia's War Crimes Act of being involved in the murder of up to 850 Jews and the later murder of a Jewish woman and two children.

As it was, some charges were dismissed in June by magistrate Mr Kelvin Prescott after committal hearings.

Lawyers for the defence then tried to short-circuit the case of the federal director of public prosecutions, Mr Michael Rozenes, with an unsuccessful action for a permanent stay of proceedings.

In a line of argument that may affect the coming war crimes trial of the remaining, separate defendant, Heinrich Wagner, Mr David said the time elapsed before inquiries began by the now disbanded special investigations unit in the late 1980s did not allow a fair trial.

Subsequent SIU inquiries brought the arrest to two other defendants — only Wagner has been committed to trial — and the dropping of a fourth case before charges were laid following the withdrawal of funding to the unit.

Mr David said the investigation did not unfairly disadvantage Mr Polyukhovich but the passage of time did.

Mr Polyukhovich was charged at his home in Adelaide's north-western suburbs in January 1990.

A High Court challenge to the Act begun in April that year failed in August 1991 and in the interim Mr Polyukhovich was found shot in the chest near his home in July 1990, requiring three months in hospital.

Early in the committal hearing, which opened in October 1991, graphic evidence was given of the exhumation of a

mass grave containing the alleged victims.

Video footage was shown of the uncovering of the skeletal remains of hundreds of bodies.

Evidence came from Detective Sergeant David Hughes, an officer of the NSW police's physical evidence section and a member of a joint team of Australian and Soviet forensic experts which carried out the exhumation in June and July 1990.

Crown prosecutor Mr Greg James QC said Mr Polyukhovich, a former forestry officer in Ukraine, had rounded up villagers who had tried to escape a Nazi dragnet before taking part in the executions.

Previous witnesses had said Mr Polyukhovich was a man known as Ivanechko, a forest guardian who worked in woods surrounding Serniki in the early 1940s.

Under the War Crimes Act, the prosecution had to prove Mr Polyukhovich's alleged crimes were committed in pursuing a German policy of persecution of the Jewish race.

The first of 27 overseas witnesses, eyewitness Mr Abraham Dinerman of Miami in Florida, testified in March last year that in one incident he had observed from a nearby barn loft men in the dress of Ukrainian police assisting German soldiers in lining up to 20 Jews before stripping and shooting them.

But the jury was not convinced by eyewitness testimony and identification of Mr Polyukhovich at the committal hearing and the trial.

tive on an arbitration panel that will hear the Northwest dispute.

Mr Brazil, consultant to the member firms of the Australian Legal Group, is considered an expert in international law.

The US has nominated a former senior US Department of Transport official, Mr Julius Katz.

Arbitration is still several months away. Australia and the US have yet to agree on the terms of reference.

PM asks NZ to pay

From Page 1

strong alliance between the two countries, but officials have made it clear Mr Keating does not agree with Mr Bolger that the two leaders should have regular, six-monthly head-of-government meetings.

Following some controversy in New Zealand in the recent Australian federal election campaign about political attacks on New Zealand's goods and services tax and industrial relations policies, Mr Keating will tell New Zealanders that the two countries should be secure enough in their relations to be confident and relaxed if government policies head in different directions.

Mr Keating will emphasise the big gains the establishment of the Closer Economic Relations treaty between the countries has given both parties but will argue that, rather than CER making the two nations look inward, it should be used as a base for looking outward into the region.

Mr Keating will meet Mr Bolger in Wellington on Friday with senior Cabinet ministers before attending a State lunch. He will later meet the New Zealand Opposition leader, Mr Mike Moore, and some members of the shadow Cabinet.

Utility bows to taxman

THE names and addresses of Prospect Electricity's 70,000 business and industrial customers in Sydney will be passed on to the Australian Taxation Office in an effort to identify those people not lodging tax returns.

The general manager of Prospect Electricity, Mr Gordon Douglass, yesterday announced that the 12 members of Prospect County Council, which controls the electricity distributor, had informally accepted the company's recommendation that such information be supplied.

Reports that the tax office had requested more confidential information drew wide public concern.

The deputy taxation commissioner, Mr Ted Withers, said only the names and addresses of customers would be required to compare against tax office records.

AAP