

Police chief's name cleared

BRISBANE: The head of the Misconduct Tribunal, Richard Chesterman, QC, has resigned in the wake of yesterday's Supreme Court judgment clearing Police Commissioner Noel Newnham of misconduct.

Mr Chesterman headed the Misconduct Tribunal which found Mr Newnham guilty in April of official misconduct for failing to repay \$2102 in travel expenses and recommended that he be dismissed.

In a statement last night, Mr Chesterman expressed "very grave concerns" that the Criminal Justice Commission had not acted properly in the case.

Mr Newnham had appealed against the tribunal's finding, and yesterday a Supreme Court judge, Justice Martin Moynihan, overturned the findings, saying the tribunal had made an error in law because an element of the charge against Mr Newnham had not been established.

Mr Chesterman's statement said, "It has concerned me for some time that in relation to the proceedings against Mr Newnham, the Criminal Justice Commission did not act with an appropriate degree of commitment."

"The friendship between Mr Newnham and Sir Max Bingham was revealed in evidence before the tribunal," he said.

"It is my very real concern that the commission has not acted properly in the discharge of its functions and that it has shown itself incapable of acting against revealed impropriety when committed by a person who enjoys influence with the public and support among members of the commission."

Misconduct tribunal chief quits in anger

"This circumstance has grave implications for the reform process itself and the commission in particular."

Mr Chesterman said he had found that Mr Newnham had deliberately misapplied public moneys for his own benefit, which constituted a breach of discipline.

The CJC's action in the court yesterday could mean only that it thought Mr Newnham's conduct did not constitute a disciplinary breach, he said.

"Quite starkly, it means that the commission believes that for a police officer (in this case the commissioner) deliberately to misapply public moneys for his own benefit is conduct of a standard to be expected by the community of a police officer," he said.

"That proposition has only to be stated to be seen to be both absurd and abhorrent."

The commission's belief that "process of police reform" would be preserved by having Mr Newnham back at work may not be shared by people who "may not agree that any process of reform will be assisted by having as Police Commissioner one who was found to have dishonestly used public moneys."

A spokeswoman for Sir Max declined to comment last night.

The chairman of the parliamentary committee which reviews the CJC, Peter Beattie, said he was disap-

pointed and perplexed by the "extraordinary" statement.

"I think it verges on improper in terms of what you would expect from someone in his position," he said.

Mr Newnham will be back at work today and seeking another term in the job, he said yesterday.

However, the Goss Government is reserving judgment on whether Mr Newnham's contract will be renewed when it expires in early November. With a row of senior police officers standing behind him in a display of solidarity, Mr Newnham told a packed news conference that the Misconduct Tribunal which made the findings had seriously erred.

"The case before the tribunal is quashed and there is not the slightest slur on my character or my good name," he said.

Mr Newnham said some people who did not want him to remain in the office were "still active", but he refused to identify anyone.

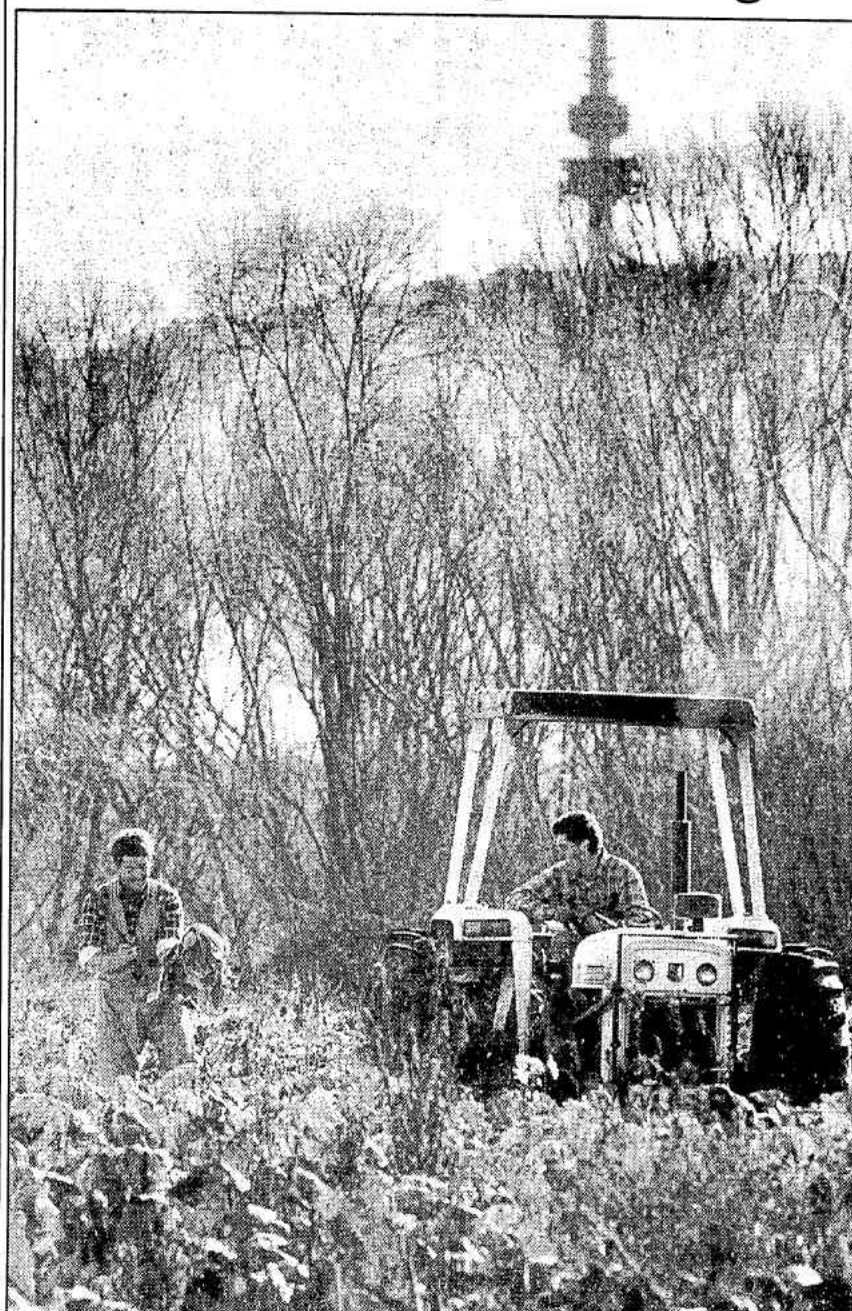
Mr Newnham will ask the State Government for a second three-year term to continue reforms, and the Police Minister, Nev Warburton, confirmed he had discussed the matter with Mr Newnham yesterday.

However, Mr Warburton told a news conference the Government would have to study whether, with a state election due by the end of the year, it should make a decision on a second term for Mr Newnham or leave it for the new government.

Asked if he had confidence in Mr Newnham's personal integrity and honesty, he said, "The court has determined that charges against him be discharged. That's the opinion of the court, that's good enough for me."

He also awarded legal costs in favour of Mr Newnham.

Pialligo, still producing



The high-tech Black Mountain telecommunications tower forms a backdrop for an age-old occupation: market gardeners Peter Priest, left, and Dick Donges harvest cauliflower yesterday at the Priests' farm at Pialligo, first established in 1927 by William Lloyds and farmed by Lloyds for three generations. It supplies local markets, including Fyshwick, Belconnen and Civic.

PNG using Australian choppers as 'gunships'

PORT MORESBY: The Prime Minister of Papua New Guinea, Rabbie Namaliu, and the Australian PM, Paul Keating, will investigate reports that Australian-supplied helicopters were being used as gunships on Bougainville in breach of conditions set by Australia for their use.

"People who operate those helicopters are entitled to carry weapons to defend themselves, but they are not entitled to use the weapons in an offensive manner. So we are making the appropriate investigations," Mr Keating said.

Authorities in PNG have so far refused to comment on the latest reports, although informed sources said there was growing dissatisfaction in the PNG military and Government about conditions attached to Australian defence aid.

A spokesman for the PNG Prime Minister said Mr Namaliu would not comment until he had received a full briefing on the matter from the PNG Defence Force commander, Brigadier-General Rochus Lokinap.

Australia gave PNG four Iroquois helicopters about three years ago as part of its defence aid package, but on the condition the helicopters be used only for troop movements, surveillance and emergency evacuations.

But a report on ABC radio yesterday said an Australian-supplied helicopter on Bougainville had a heavy machinegun mounted in its doorway and was set up for use as a gunship.

The ABC's PNG correspondent, Brian Abbott, said he saw the helicopter on Buka Island, and later at Wakunai on north-eastern Bougainville, last Thursday when he accompanied a failed Red Cross mission to the island.

Mr Abbott said the helicopter was piloted by two Australian civilians and was fully crewed for use as a gunship.

It's believed at least two Iroquois helicopters have been used in the past month by PNG troops fighting to regain control of the island of Bougainville from secessionist Bougainville Revolutionary Army forces.

Earlier this month, Australian lawyer Rosemarie Gillespie said one of the Australian helicopters had swooped over a village in the neighbouring Solomon Islands in search of people who were smuggling supplies to Bougainville rebels.

IN BRIEF 98 new HIV cases noted

SYDNEY: NSW men accounted for the majority of new cases of HIV infection reported in Australia in April.

The latest Australian HIV Surveillance Report also shows that 16,190 Australians have been diagnosed with HIV, while 3238 have been reported with AIDS, of whom 2075 have died.

NSW men accounted for 61 of the 98 Australians diagnosed with HIV during April, although this does not give any indication of when they became infected. Seven of the 98 new cases were women.

Twelve Queenslanders and 19 Victorians were diagnosed with HIV during April. The regular report is compiled by the Sydney-based National Centre in HIV Epidemiology and Clinical Research.

Crime agreement

Australia and Finland have signed a mutual assistance agreement on crime.

The agreement formalises cooperation between the two countries in the taking of evidence, execution of search and seizure requests as well as assisting with the provision of witnesses who have consented for trials and investigations.

Chang murder

SYDNEY: The second of two men charged with killing eminent heart surgeon Dr Victor Chang will face trial for the murder.

Phillip Choon Tee Lim, a 33-year-old chef from Melbourne, was committed yesterday in Sydney's Glebe Local Court for trial in the Supreme Court at a date to be fixed.

Lim is charged with murder, demanding money with intent to steal, detaining a person with intent to hold him for advantage and manslaughter.

Road-use charges

MELBOURNE: Heavy truck and bus owners in most Australian states face increased road use charges following the issuing of National Road Transport Commission recommendations yesterday.

But the road transport industry's peak national body, the Road Transport Forum, has welcomed the proposed changes, saying the benefits of a national charging system outweigh the higher levies.

The draft charges would result in truck and bus companies in all states and territories, except NSW and the ACT, being faced with higher registration charges in a bid to improve transport efficiency and reduce administrative costs.

Jews' escort to death, hearing told

ADELAIDE: Defendant Mikolay Berezowsky had helped escort Jews to their deaths in Ukraine when he was head of a local police unit recruited by Nazi soldiers to keep order, it was alleged at Australia's second European war crimes hearing yesterday.

In his opening address in the Adelaide Magistrates Court, prosecutor Sydney Tilmouth, QC, said Berezowsky, 78, was seen herding Jews out of their homes in the village of

Gnivan, early one morning in the summer of 1942.

Later that day, Berezowsky had escorted at gunpoint a column of about 100 Jews from the village towards a forest, "giving orders and being rude and abusive". Many of the Jews were crying.

Shots were heard from the forest area about 40 minutes later, but the prosecution had no evidence to suggest Berezowsky went all the way to the site of a burial pit on a nearby

military base, the court was told. Berezowsky, an Adelaide pensioner, is charged with being involved in the murder of 102 Jews near Gnivan.

The court was told that in July, 1991, the burial pit was exhumed by a team of Australian investigators, who found more than 100 skeletons stacked on top of each other in rows of two or three.

The court heard that Berezowsky came to Australia with his wife in 1949, settling in South Australia.

Obituary: DR KEVIN JAMES FAGAN

A hero of war and medicine

Dr Kevin James Fagan died last week at his family property, Cooninda, at Bowring.

Earlier this year, Dr Fagan was awarded the Gold Medal of the Australian Medical Association in recognition for his services to medicine, the community and the AMA.

In 1987 Dr Fagan became an officer in the General Division of the Order of Australia.

The AMA was bringing recognition for Dr Fagan's valiant self-sacrifice as a surgeon detained as a prisoner of war during World War II. In some of the harshest conditions on the Burma-Thailand railway, Dr Fagan earned the highest regard from thousands of POW patients on whose behalf he had laboured tirelessly.

Many war-time accounts attest to Dr Fagan's devotion to duty and his

efforts to help his fellow POWs. In his book, *The Naked Island*, Russell Braddon said, "Above all there was the extraordinary courage and gentleness, and the incredible endurance of the medical officer, Major Kevin Fagan. Not only did he treat any man needing treatment to the best of his ability; he also carried the kit of men in danger of falling, and he marched up and down the whole length of the column throughout its entire progress."

"If we marched 100 miles through the jungle, Kevin Fagan marched 200. And when, at the end of our night's trip, we collapsed and slept, he was there to clean blisters, set broken bones and render first aid. And all of it he did with the courtesy of a social specialist who is being richly paid for his attention and the ready humour of a man who is

not tired at all... he is the most inspiring man I have ever met."

In his book, *Footprints*, John Waterford, a former member of the 8th Division, Australian Infantry Force, said the specialist surgeon became a POW with the rest of the 8th Division and ended up in Changi prison.

"In the camp, working as a doctor and a surgeon, his courage and endurance were an inspiration... he kept going when they were often ready to drop."

Dr Fagan was released from captivity and returned to Sydney in 1945, when he resumed civilian practice as a staff surgeon at Prince Henry Hospital. Subsequently he had a distinguished surgical career at Lewisham, Royal North Shore, and St Joseph's hospitals. Dr Fagan is survived by his wife, Patricia.

Call to promote organ donations

The ACT Opposition has called for the Follett Government to mount a campaign to increase the number of people willing to become organ donors in the territory.

The shadow attorney-general, Gary Humphries, said yesterday that an ongoing education campaign was needed as well as an active promotion of the donor program at motor-vehicle registries.

"We've got about 3000 people across the country awaiting donations of organs to either sustain a reasonably normal lifestyle or even have any future life at all," he said. "Without a stimulus to the level of donation, an unacceptably large number of people will die."

Mr Humphries said the ACT should be a major source of organ donation. Australia had the lowest

rate of donation of the Western world. More needed to be done to explain how the system worked.

The Minister for Health, Wayne Berry, said "as many people as possible should be encouraged to be donors and campaigns to increase awareness are run periodically."

He had indicated his willingness to become a donor through a blue sticker on his driver's licence.

Policeman shot after hoax call lures others

SYDNEY: A man who shot and wounded a police officer at a northern suburbs station early yesterday morning made a hoax call to draw other policemen away.

A spokesman said it was now known that the gunman had made a call to the station about a car accident which left the constable there alone.

Constable Andrew Bourke, 26, was shot once through the right forearm at close range by the balacavlad man, who walked in through the back door of the Frenchs Forest police station at 1.45am and demanded guns. The constable underwent surgery at the Royal North Shore Hospital yesterday and was in a satisfactory condition.

The Dee Why District Commander, Chief Superintendent Bill McIntosh, said yesterday that Constable Bourke received a call about a car accident at nearby Terrey Hills at 1.30am.

The two other officers on duty at the station attended, but the call turned out to be a hoax.

The gunman, who was armed with

Toyota again top seller

ADELAIDE: — New vehicle registrations in Australia rose 1.1 per cent in May, according to a motor industry statistician, stalling the prospect of any sustained and significant recovery in the automotive market.

The statistician said 41,637 vehicles were registered in May, 465 more than in April.

Despite the small rise, sales remained sluggish in most sectors after many manufacturers tipped the May result to hold the key to a sustained recovery this year.

The May rise left the total market just 0.96 per cent higher than at the same time last year with 207,047 new registrations so far in 1992.

The Toyota Motor Corporation was again the biggest seller in April with 9292 units for 22.32 per cent of the market, while the Ford Motor Company was second with 7737 units for an 18.58 per cent share and General Motors-Holden's Automotive Limited third with 7248 for 17.41 per cent.

As in previous months the Nissan Motor Company was the big loser, its sales falling by more than 2000 units compared to May, 1991.

Mazda was again the leading importer last month, ahead of Daihatsu, Subaru and Honda. The big improver so far in 1992 has been luxury car importer Mercedes-Benz.

However, the top selling car in Australia was still the Holden Commodore with 4265 registrations in May, compared to 4080 for the Ford Falcon.

A small-calibre sawn-off shotgun, ran out the back door and down Frenchs Forest Road, pursued by Constable Bourke, who collapsed after about 150m, he said.

Superintendent Bourke said the gunman did not get any weapons. He said police had no suspects and a widespread doorknock of the area was under way.

Heroin find, Asian tour group held

MELBOURNE: An Asian tour group has been remanded in custody after appearing in court yesterday over the discovery of about 14kg of heroin hidden in luggage at Melbourne Airport.

Detective Sergeant Graham Ashton, of the Australian Federal Police, told Melbourne Magistrates Court the party of five Japanese and a Malay-Chinese man landed at the airport last week.

The high-grade heroin was found inside the lining of four identical suitcases belonging to four members of the party during a Customs inspection, Detective Ashton said.

Just under 14kg of heroin was found in suitcases belonging to Kichiro Asami, 59, Masaharu Katsuno, 42, Mitsue Katsuno, 36, and Ms Chika Honda, 36, he said.

They were charged with possession and importation of a prohibited import, Detective Ashton said.

Charged with being knowingly concerned in the importation of a commercial quantity of heroin were acting tour leader Yoshio Katsuno, 36, and Malay-Chinese Fong Huat Su, 35, he said.

Preliminary tests showed the heroin was 70 per cent pure, Detective Ashton said.

The six people had arrived on board a Malaysian Airlines jet from Kuala Lumpur on Wednesday and all intended to fly back to Japan on Sunday, he said.

No admissions were made by any of the accused when questioned by police, he said.

Magistrate John Tobin granted an application by Berdj Tchakerian, counsel for the Commonwealth Director of Public Prosecutions, for the six to be remanded in custody to reappear in court on September 14.

Cancer drug 'limited'

SYDNEY: Thousands of cancer patients may miss out on a new drug because the Federal Government has refused to list it on the Pharmaceutical Benefits Scheme, doctors claimed yesterday.

The Australian Cancer Society, the NSW Cancer Council and federal Opposition spokesman on health Dr Bob Woods joined calls for the drug Neupogen to be listed on the PBS.

Neupogen, hailed by some doctors as the most exciting development in cancer treatment for 20 years, has been shown to significantly reduce one of the major complications of chemotherapy.

It became available in Australia earlier this month but the Pharma-

ceutical Benefits Advisory Committee decided against listing it on the PBS because it wanted its use limited to the major public hospitals.

This means state governments must pay for the drug through the public hospital system — at a cost of up to \$12,000 per patient — instead of the costs being met by the federal government-funded PBS.

Many doctors say hospitals can't afford the drug, which the PBAC decision effectively also denies to patients living in the community or in care of private specialists.

Neupogen reduces the risk of infection in patients having chemotherapy for lymphomas and ovarian, breast and testicular cancers.

LAW LIST FOR TODAY

FEDERAL COURT

Before a Full Court (Justices Shepherd, Neaves and Miles), in Court 5, Children's Street, Canberra City, at 10.15am:

Hearing: Canberra Tyre Service Pty Ltd and another v Wilson, Vucetic.

Before a Full Court (Justices Wilcox, Miles and von Doussa), in Court 5, not before 2.15pm.

Hearing: Paton v R.

FAMILY COURT

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

Before Judicial Registrar Knibbs, in Court 2, at 10am: Goddard.

Before Deputy Registrar O'Rourke, in Court 3, at 11am: Dawson/Franchimoon. At noon: Harrison. At 2.15pm: Styles/Pengilly, Kowalski, Cordiner.

A.C.T. SUPREME COURT

Before Justice Gallop, in Court 1, ACT Law Courts, at 10am:

Judgment: ACT Rugby League Inc and others v ACT Leagues Club Ltd; ACT Leagues Club Ltd and others v ACT Rugby League Inc and others.

Appeal: Klinger v Whitley.

Before Justice Higgins, in Court 2, at 10am: Judgment: Jambrovic v Australian Capital Territory Health Authority.

Appeal: Stanfield v Peter J. Burgess and Associates Pty Ltd.

Before the Master, in Court 6, at 10am:

Hearing: Oliver v Noyes (part-heard); Kuchel v Aiken; Wizard Information Services Pty Ltd v Moore; Libke v Pike; Bower v Rodda.

ADMINISTRATIVE APPEALS TRIBUNAL

Before Senior Member Commodore

Gibbs; Mr Attwood, Member, and Dr Stephens, Member, in Hearing Room 1, 4th Floor, AMP Building, Hobart Place, Canberra. At 10.15am: Resumed hearing, Boots and Comcare.

INDUSTRIAL RELATIONS COMMISSION

Before Commissioner Johnson, in Hearing Room 1, at 11am: Snowy Mountains Hydro-electric Authority and Transport Workers Union re use of non-union labour — Report: Snowy Mountains Hydro-electric Authority and Electrical Trades Union and others re award restructuring.

At 10.30am: Before Commissioner Cox, in Hearing Room 2: Federated Engine Drivers and Firemen's Association and Confederation of ACT Industry and others re wages and conditions — Norwood Park Crematorium Award.

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