

Judge rejected law, appeal court told

SYDNEY: A judge had refused to accept legislation which gave discretionary powers to the Independent Commission Against Corruption, the Court of Appeal heard yesterday.

Keith Mason, QC, for the ICAC, said Parliament had given Commissioner Ian Temby, QC, a discretion on whether to hold hearings in public or private.

The legislation also obliged the commissioner to take into account, when deciding whether to go public or private, matters which might run contrary to fairness of some parties.

The court began hearing an appeal yesterday on a finding by Supreme Court judge Justice Cole that the public

ICAC hearing into the relationship between police and criminals violated the principles of natural justice.

Three serving policemen and a former officer had applied for the ruling, saying widespread publicity given to allegations made at the hearing by notorious criminal Arthur "Neddy" Smith damaged the reputations of people named.

However, Mr Mason said the judge had erred in law in a number of areas, including denying a public hearing was capable of being in the public interest.

"This is a trespass on the commissioner's function — it represented a judicial refusal to accept the policy of the legislation," he said.

In deciding to hold the hearing in public, Mr Temby had clearly indicated awareness of the delicate issues involved.

Dr Greg Woods, QC, for the police officers, said Justice Cole's finding of the denial of natural justice was correct.

It was unfair when a person with Smith's criminal history was allowed to make serious allegations against police and others, when it was known he probably would not respond truthfully to all questions put to him.

As Smith would only tell part of the story, rather than attracting public confidence the hearing would become an object of criticism, Dr Woods said.

The appeal will continue today.

ACT defies expectations

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The trend unemployment rate was 6.5 per cent in January compared with 11.2 per cent nationally.

The Australian Bureau of Statistics does not publish seasonally adjusted figures (the most commonly used) for the ACT because of the small number surveyed.

But the trend figures, regarded as probably the most accurate indicator, show a relatively buoyant ACT labour market.

The picture emerging from the original (seasonally unadjusted) figures is more gloomy with the ACT's unemployment rate jumping from 7.8 per cent in December to 7.8 per cent in January.

The Opposition spokesman on employment, Tony De Domenico, said they showed "time is up for Labor".

"It is totally unacceptable

that there are this many unemployed people in the ACT when the solutions are obvious," he said.

The chairman of the Canberra Business Council, George Snow, said the strength of the labour market was surprising but "there has been a lot of growth in the residential construction, tourism and tourism-related industries".

There was also a high general level of confidence.

"We see the ACT economy continuing to broaden across all industries quite independent of government," he said.

He rejected the warnings of "the gloom merchants" about the effect of any change of government on the ACT economy and said increased contracting would provide a boost to many sectors.

On the trend figures, the

ACT's unemployment rate, which was already by far the lowest of any state or territory, fell from 7 per cent in December to 6.5 per cent in January, the biggest fall of any state or territory.

The ACT unemployment rate in January was the lowest since November, 1991.

Total employment in the ACT has grown by 7.8 per cent over the past nine months (since the trough) with increases of about 4000 males and about 6000 females in employment over the past year.

The ACT's youth unemployment rate (available only as an original figure) remains the weak point of the labour market. Although the rate fell from 43.3 per cent in December to 39.2 per cent in January, it remains the highest youth unemployment level of any state or territory.

You could be next, says ad

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Mr Robb stressed that Dr Hewson was adamant that the party adhere to a "no lies" campaign. This followed close questioning yesterday over allegations this week that people working for the Opposition spokesmen on health, Bob Woods, had posed as unemployed workers giving Dr Hewson support in front of television cameras in a street walk this week in Dr Woods's Sydney electorate of Lowe.

Mr Robb did not deny that the incident took place, saying that Dr Hewson was unaware of any stonoges and that the party was not responsible for "enthusiastic" supporters.

The Lowe incident had not been investigated but Dr Hewson had made it clear at the start of the campaign that it was to be a "no lies" campaign. That was his message to all electorates.

Mr Robb said there was a history on both sides of politics of supporters getting too enthusiastic.

Nichol facing questions on ANU autonomy

By CRISPIN HULL

The ANU's vice-chancellor, Professor Laurie Nichol, is expected to be questioned at a council meeting today on how legislation passed at the end of the last sitting will affect the university's autonomy.

The legislation replaces the system whereby the university got its money from Parliament to spend on university purposes as it saw fit.

Instead the minister will determine the university's funds out of a pool appropriated for all 35 Australian universities. The ANU's share will be determined according to the "educational profile" that it provides to the minister.

The standing committee of the ANU Council will meet today. It is understood Professor Nichol will be asked whether the new arrangement will permit the minister to direct what the university teaches and what to research and to force universities to follow social and political priorities of the Government.

The Dawkinsisation of the universities — Page 11

Two war-crime charges dropped

ADELAIDE: The Department of Public Prosecutions dropped yesterday two of the four charges against an Adelaide pensioner accused of European war crimes, defence lawyers said.

Ivan Polyukhovich, 76, was to have faced two separate trials in the South Australian Supreme Court, the first beginning on March 1.

But the DPP dropped yesterday the two charges from the second trial which related to the murder of two Jewish men and a Jewish woman in German-occupied Ukraine in World War II.

Polyukhovich will now stand trial on two charges alleging that in the village of Serniki in 1942 he murdered a Jewish woman and that he was knowingly concerned with the murder of 850 other people.

The dropping of the second set of charges also resulted in Supreme Court Justice Brian Cox lifting a suppression order which had prevented publication of the case in South Australia.

The suppression was imposed on January 28 after the defence successfully argued that publicity surrounding the first trial would prejudice Polyukhovich's chances of a fair trial in the second matter.

Polyukhovich in January, 1990, became the first Australian citizen charged with European war crimes.

Adjusted jobs data 'no joy'

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"I chose the election date knowing full well when all the unemployment releases are and I understood that one was a couple of days before the election.

"The Government is not going to be doing anything other than saying it's a problem and trying to meet it."

The revised Budget forecasts issued on Tuesday with Mr Keating's economic statement confirmed that unemployment is expected to remain around 11 per cent at least until the middle of the year.

Before the figures were issued, Mr Keating had predicted the Opposition would be as "happy as Larry" if the raw figures broke through 1 million.

He said later that when the Opposition leadership found the adjusted figures had come down, it would "take some of the smile off their face".

Rail deal 'by end of the month'

SYDNEY: A major enterprise agreement between the National Rail Corporation and unions that will inject almost \$700 million into the construction of the national rail freight network is due to be finalised by the end of the month.

The NRC's general manager of employee relations and development, Barry O'Sullivan, said yesterday he expected the final details of the agreement to be hammered out at a meeting with the ACTU on Monday.

Once the Industrial Relations Commission ratifies the agreement about \$280 million in One Nation funding and \$400 million equity capital from the Commonwealth, NSW, Victoria and Western Australia can be released into the rail network.

CORRECTION

A public meeting over police budget cuts in Tuggerah next Wednesday night was called by the Australian Federal Police Association, not by the Australian Federal Police as reported on Wednesday. This was a reporter's error.

LOTTERIES

Jackpot Lottery 4903: First, \$100,000, No 9388, nfp, Sans Souci; second, \$10,000, No 69305, nfp, Umina; third, \$5000, No 140846, nfp, Lurline Bay.

Consolation prizes \$1000 each, Nos 9587, 9589, Jackpot of \$2,110,000 not won by No. 70088.

Australian Lotto Bloc Thursday draw 1206: Drawn numbers: 19, 22, 24, 36, 43, 10. Supplementaries: 27 and 29.

NSW Lotto Week 6 Thursday Draw: Winning numbers: 1, 14, 23, 37, 42, 44. Supplementaries: 26 and 28.

Tatts 2: 88, 21. Division 1, \$735.

VICE-REGAL

The Governor-General, Bill Hayden, and Mrs Hayden gave a lunch at Admiralty House, Sydney, yesterday afternoon. Guests were Mr P. B. Koch, Mr R. Walker, Ms H. Macfarlane, Mr S. Ahearn, Ms E. Stepote, Mr P. Sinclair, Ms K. Johnson, Mr T. Jones, and Ms A. Marden.

Mr Hayden was represented at Melbourne International Airport yesterday at the arrival in Australia of His Excellency the Honourable B. Dowling, MP, President of the Republic of Nauru, by Group Captain M. J. Rawlinson, an honorary aide-de-camp to the Governor-General.

ACT Police funding inquiry is needed now, says Moore

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"It is ironic that Gary Humphries draws attention to the front-line police seem to have to make even though he has on a number of occasions suggested that police ought to be cutting their own administration."

"I find it strange that he hasn't taken the opportunity to call his committee together and suggest an inquiry into police funding. That would seem very logical and rational."

Mr Humphries said yesterday the ACT Government should halt "its police cuts" without delay and make use of the \$2.1 million additional contribution to ACT policing by the Commonwealth.

"Extra Commonwealth funding seems to be good news, but it has to be translated immediately into extra police on the streets," he said.

"If the ACT Government does not act to stop the cuts, then the promise can only be seen as an empty promise."

Mr Humphries said the announcement by the federal Minister for Justice, Michael Tate, had more to do with the re-election campaign for the Member for Canberra, Ros Kelly, than a desire to restore the safety of Canberra citizens.

Mr Moore said the Legal Affairs Committee had not been one of the most active committees and had only met twice since the February, 1992, election.

However, he said Mr Humphries received \$2809 a year in recognition of his duties as chair.

Only two MLAs, Mr Humphries and Mr Lamont sit on the Legal Affairs Committee.

"He should face his own responsibilities as chair of that committee and this is an example of a major contribution that could be made to the community by that committee."

The acting Police Minister, Wayne Berry, said such an inquiry might have long-term benefits but would not solve the current budgetary problems.

"Management cannot be stifled by the suggestion of an inquiry and must get on with managing the resources they have," he said.

The Police Minister, Terry Connolly, returns to work next week and, given the publicity generated by the police-funding, the Government could well support such an inquiry.

Because there are only two members on the committee, it would be difficult to hold an effective inquiry.

Mr Stevenson has refused to serve on any committees and Mr Moore has refused to serve on additional committees until he receives more staff resources.

Mr Humphries said the Liberals were unlikely to support Mr Moore's call.

The issue was a government responsibility which it must embrace soon and directly rather than after a process of parliamentary inquiry.

"Michael Moore is playing into the hands of the Government by giving them a breather," he said.

An inquiry would take several weeks at a minimum. In the meantime, police resources would continue to be inadequate.

"We're in favour of the Government taking action urgently and that means examining the question of manpower — particularly on the administrative side — at government level."

"This inquiry is a fairly blatant ploy by Michael Moore to push for extra staffing resources," he said.

Mr Humphries accused Mr Moore of being engaged in horse-trading with the Follett Government on the issue of staffing.

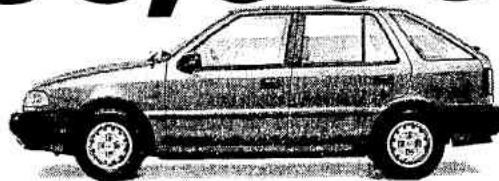
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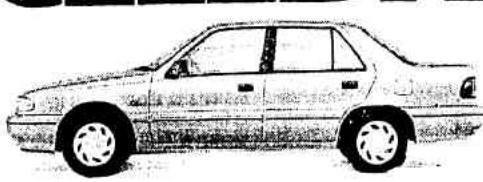
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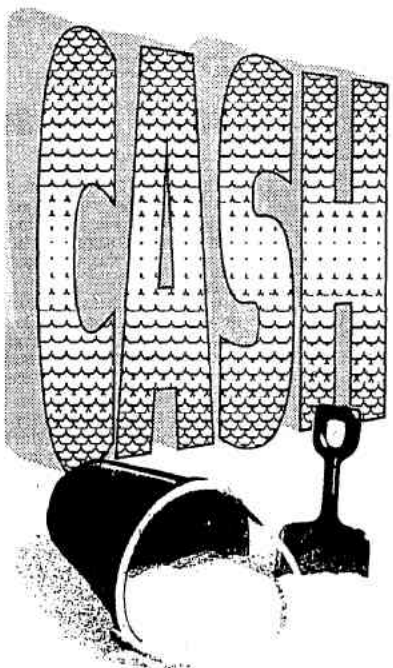
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