

Govt still struggling with OTC pay rises

By PILITA CLARK and TOM BURTON

CANBERRA: Federal Cabinet's Expenditure Review Committee will meet again this morning to consider ways of dealing with the cases of the senior Overseas Telecommunications Commission executives in OTC's continuing pay dispute with the Government.

Yesterday the committee twice discussed OTC's controversial decision to award pay rises to its employees — allegedly without full consultation with the Government — but did not come to a final decision on the matter.

Government advisers last night were maintaining the Government was still looking for ways to demonstrate publicly it would not tolerate a repeat of OTC's actions in other government enterprises.

The Government has already referred pay rises awarded by OTC to two groups of its employees — technicians and maritime officers — to the Arbitration Commission, which has set down a hearing for today.

The Minister for Communications, Mr Willis, says the executives' pay rise was arranged without his knowledge or that of his ministerial colleagues, and there have been strong rumours that the Minister is considering the dismissal of OTC's chief executive, Mr George Maltby, and the 10-member OTC commission.

But the Opposition spokesman on communications, Senator Austin Lewis, said Mr Maltby and his colleagues should not be used as scapegoats for the Government's lack of courage in micro-economic reform.

"Government actions and rhetoric since the last election have encouraged OTC and other government business enterprises to believe that the Government wanted them to make the day-to-day decisions to ensure long-term viability and competitiveness of the businesses," Senator Lewis said.

"All that Maltby and his colleagues have done is take the

Government's rhetoric at face value.

"But once the Government learnt the practical consequences of its rhetoric, it panicked and is now threatening to turn OTC upside down and pillory the management."

"The Government must not be two-faced on micro-economic reform or the operation of the government business enterprises but should acknowledge that OTC's actions were necessary to maintain skilled and experienced staff."

Senator Lewis said he did not believe there was any direction for OTC to comply with the Government's industrial relations co-ordination arrangements and pointed out that the OTC Act, which governs the commission's operations, does not make provision for the minister to make such directions.

"Mr Maltby and his colleagues have done nothing wrong," he said.

"Their actions are within the provisions of the governing legislation and in response to Government calls for government business enterprises to become more competitive and commercially oriented," he said.

A senior union official told the *Herald* yesterday that the majority of staff at OTC appeared to be "generally supportive" of Mr Maltby.

"Most people appear to think he's a good bloke," the source said.

However, there had been complaints from some staff that OTC management had pressured employees to sign a petition in support of Mr Maltby — "a manager would walk over and say 'sign this' and that's pressure on anyone's language."

The petition, which was first circulated on Tuesday under the OTC Staff Association's letterhead, is now headed simply "OTC Staff", after complaints from the Administrative and Clerical Officers' Association that it was not a legitimate organisation.

War crimes bill passes emergency session

By MIKE SECCOMBE

CANBERRA: The Federal Government's long-delayed war crimes legislation passed an emergency session of Parliament last night, without amendments to protect Australian ex-service personnel from prosecution.

The bill has been amended to limit it to crimes committed in the European theatre of war between September 1, 1939, and October

29, 1945.

Amendments to the bill also:

- State that any trials under the new legislation be conducted under the ordinary rules which applied in Australian criminal trials.
- Provide that nothing in the bill be taken to exclude, limit or prejudice the application of normal rules of evidence and procedure or the powers of the courts,

including the power to take action to prevent abuse of process.

- Preclude extradition unless a prima facie case is established that the extradition offence was a war crime.
- Require that proceedings against an alleged war criminal take place in that person's home State or Territory.

The bill has been with the Senate for a year, during which it

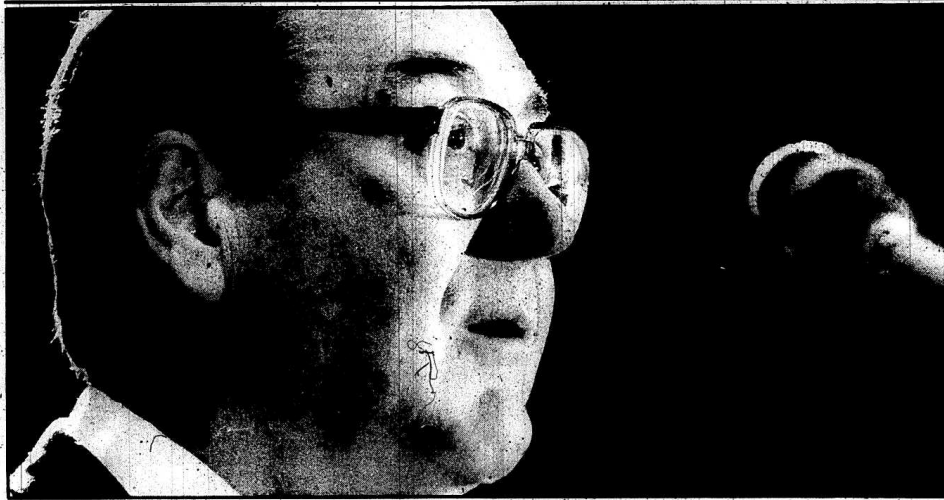
was examined at length by a Senate committee.

Opposition speakers have consistently claimed the legislation was largely designed to appease Australia's Jewish community because it excluded the Pacific war and other subsequent conflicts, including Vietnam.

The bill has been consistently opposed by the RSL, the Opposition and some ethnic groups.

The special unit set up to investigate allegations of Nazi war criminals living in Australia has already examined more than 550 cases and is believed ready to recommend its first prosecution.

The office of the Commonwealth Director of Public Prosecutions is expecting its first brief, early in the new year and prosecutions could start within six months.



Labor historian and speech writer Graham Freudenberg... "He's the heirloom, cherished and passed on from generation to generation."

The day Labor's perennial speech-writer spoke his mind

By MARK COULTAN

ALP leaders come and go, but they keep speaking the words of Graham Freudenberg. However Freudenberg does have a touch of the Wran style. The most virulent part of his speech concerned the Wran Government's decision to award the Loto licence to a private consortium which included Kerry Packer, Rupert Murdoch and Robert Sangster.

"Those in the party, whatever their motives, who unwittingly or otherwise encouraged the self-serving Fairfax line that there were other considerations, have much to answer for."

As he said at the outset: "When the general secretary of the ALP first asked me if I could do the 1988 McKell Lecture, my immediate thought was: 'Who will I be writing for this time?'"

Now, after two previous McKell lectures, for Neville Wran and Barrie

Unsworth, but his delivery is pure Whitlam.

He wrote his own. He gave the McKell Lecture — the major ALP philosophical statement of the year.

"Unwittingly they helped Fairfax set a climate which deepened and darkened until the deluge of March 1988."

To the ALP, he represents a continuing history. As Michael Egan, the MLC, said:

"He's the heirloom, cherished and passed on from generation to generation."

The ALP is obsessed about its history, and none more so than Graham Freudenberg. He is working on a book for the 100th anniversary of the NSW branch of the party.

This was the core of his speech. The Labor Party was not based on socialism. In fact, he said that the party had never been united around an ideology. The single greatest source of its strength was its history.

In 1965 the Labor State Government had been beaten at the polls, he said, over an internal party crisis over state aid for schools.

"The longest-established Labor Govern-

ment was destroyed in the name of a principle which, at the beginning of its 25-year rule with McKell would have been regarded as, at most, peripheral to Labor's concerns; and which now, another quarter of a century on, is not regarded as a Labor principle at all."

And, as he pointed out yesterday, for much of its history the basis of the party's appeal was its White Australia policy, despite the current immigration debate.

"We have rewritten the policy, but we can not rewrite the history," he said. "In facing the facts of history, we need neither self-justification nor self-condemnation. We, of our generation, would only have cause for shame had we allowed the weight of history prevent us from changing the policy."

IN BRIEF

ABC rules out ads for Games

The ABC has denied that it considered commercial funding to finance a bid to cover the 1992 Olympic Games in Barcelona. "Contrary to newspaper reports over the past few days, the ABC board did not consider proposals to fund a bid... by attracting corporate sponsorship or advertising," the board said yesterday. "We will continue to hold discussions with Olympic Games officials with a view to bidding for the Games' rights."

Robbery charges

Police have charged two men over an armed robbery in July during which the Rugby League coach Mr Don Furner was taken to Queanbeyan Leagues Club and ordered to open a safe. A police spokesman said the men, aged 35 and 26, were charged yesterday with armed robbery and various kidnapping offences. They are already in custody in relation to other offences, and will appear in Queanbeyan Local Court on January 9.

Public backs Shirl

Readers responded to a profile of Mum Shirl in yesterday's *Herald*, offering goods, services and money. The article said her altruism had been exploited by the State Government, and called on it to pay off the mortgage on her house in recognition of her unfunded work for the community.

Mr Asia appeal fails

The NSW Court of Criminal Appeal declined yesterday to quash the conviction of James (Diamond Jim) Shepherd, a member of the Mr Asia drug syndicate, for conspiracy to supply heroin with the former syndicate head, Terrence John Clark. In December 1986, Shepherd, from New Zealand, was sentenced to 20 years' jail with no non-parole period.

WA Lib censured

A WA Liberal MP who alleged that Government MPs were involved in a phone-tapping conspiracy was censured by Parliament yesterday after failing to substantiate his allegations. A committee found that Mr George Cash had abused parliamentary privilege.

No payout to Nauru

The Government has said it will not contribute to a \$72 million compensation payout to the tiny Pacific island of Nauru which a commission of inquiry has recommended it should pay. A 10-volume report into the rehabilitation of the worked-out phosphate lands on Nauru says Australia, New Zealand and Britain should collectively contribute for the destruction caused by phosphate mining on the island.

Greenies get \$1.1m

More than \$1.1 million will be given to conservation groups in grants this financial year, the Federal Government announced yesterday. Heading the list of 44 groups to receive money is the Australian Conservation Foundation, which will receive \$167,800 in administrative grants, plus another \$10,000 for the organisation's national conference.

Starfish inquiry

An independent inquiry will investigate the extent of the threat posed to the Great Barrier Reef by the crown of thorns starfish, the Minister for Environment, Senator Richardson, announced yesterday. A recent study of 220 reefs claimed to have found two-thirds of them "substantially" damaged by starfish.

Our holiday timetables let you get serious about enjoying the silly season



Urban Transit's holiday bus and ferry timetables have been prepared to provide transport services that match the holiday needs of Sydney travellers. We've put on Night Owl buses and extra late ferries to get you home after parties and celebrations. And we've allocated services on all routes to meet traditional travelling demands. Here's a summary to cut out and keep for reference.

Heath

- 23/12 Normal timetable plus new Night Owl services.
- 24/12 Normal Saturday timetable plus Night Owl.
- 25/12 Winter Sunday timetable.
- 26/12 Public Holiday timetable for all buses which meet Inner Harbour Ferries.
- All other buses on Summer Sunday timetable.
- 27/12 Same as 26/12.
- 28/12 Saturday timetable plus Night Owl and additional services to the city between 8pm-11pm and from the city and Manly until 3-3.30am.
- 29/12 Same as 26/12.

Farmers fight AGC loan error

By JANET FIFE-YEOMANS

An expensive mistake which led to 300 NSW farmers being overcharged in interest rates could cost the Australian Guarantee Corporation as much as \$3 million — and leave the farmers with interest-free loans.

The farmers and some truck drivers who took loans from AGC after February 1985 have been repaying them at a higher rate of interest than at a higher AGC mistakenly put the wrong rate of interest on their contracts.

Under the NSW Credit Act, once a lender incorrectly states an interest rate, it loses its right to any interest charges and must apply to the Commercial Tribunal to have the charges reinstated.

Now AGC has taken its case to the tribunal to get the farmers to pay up.

Yesterday the farmers asked the tribunal to force AGC to

THE COURTS

hand over financial records held on the farmers along with evidence of what the company has done to remedy the mistake so the farmers can fight its application.

Their request was opposed by AGC.

"If the company was as loath to hand over its money as it is to show its documents, then none of us would be here," said Mr John Basten, counsel for 13 of the farmers.

The farmers, which occurred randomly on loan accounts which were repaid yearly, were discovered in 1985 by a Victorian farmer who was charged 18.39 per cent interest on a contract loan of \$102,000 at 17 per cent.

It has also affected 1,600 farmers in Victoria as well as the 300 in NSW.

Mr Basten told the tribunal that it was clear from an affidavit by AGC's consumer division head office credit analyst, Mr Kenneth Shepherd, that the company had taken extensive steps over the past 18 months to investigate the extent of the error and take steps to rectify it.

But AGC was still making the error as late as this year, said Mr Basten.

He said it was critical to find out why it had taken the company 18 months from the time the error was discovered before it began its investigation.

The case first came before the tribunal in May and Mr Basten said the delays in getting the documentation were becoming oppressive to the farmers.

He said these were farmers often with little education and little understanding of financial matters who wanted to know

what was going to happen with their loans.

Mr John Stowe, QC, for AGC, accused Mr Basten of embarking on a "fishing expedition".

The company has told the tribunal it would cost it up to \$174,000 in man-hours to search for the relevant documents.

Mr Stowe said the farmers were not "rural peasants" but businessmen who ran large operations.

The deputy chairman of the Commercial Tribunal, Mr Bob Vermeesch, reserved his decision until today.

Only 14 of the 300 affected NSW farmers are represented before the tribunal but the final ruling will have ramifications for all of them.

The Good Samaritan was over the limit

By PAULENE TURNER

A man won a Supreme Court appeal yesterday against his conviction for aiding and abetting a woman in driving over the alcohol limit.

He had allowed her to drive him home, in his car, after a birthday celebration.

Vincenzo Cavallaro was convicted in Deniliquin Local Court for aiding and abetting, counselling and procuring Ann Landy, on October 10 last year, in the offence of driving with more than the prescribed concentration of alcohol.

For this he was fined \$250 and disqualified from driving for three months.