

'Obligated to punish' war criminals

By ROD CAMPBELL

The High Court would be out of step with a number of foreign courts if it ruled that crimes against humanity during World War II were not crimes against international law and hence contrary to Australian war-crimes legislation, the court was told yesterday.

The Commonwealth Solicitor-General, Gavan Griffith, QC, made the remark on the fourth and final day of the long-running constitutional challenge to the Federal Government's war-crimes legislation.

The court has reserved its decision and the result is unlikely to be known until early next year.

An Adelaide man, 74-year-old Ivan Polyukhovich, is challenging the constitutional validity of 1989 amendments to the War Crimes Act.

The amended legislation was used to charge him early last year with 25 counts of murder and to allege that he was knowingly concerned in the deaths of between 553 and 850 others.

The offences are alleged to have been committed in the Ukraine during World War II. After a four-day hearing spread over two months, the court will now consider Mr Polyukhovich's claim that the charges should not proceed because the legislation under which they were laid was beyond the legislative power of the Federal Parliament.

The Commonwealth has claimed that Australia has an international obligation to identify alleged war criminals and to bring them to justice, either by extraditing them or trying them in Australia. It is largely relying on its constitutional power to make laws relating to "external affairs" to support the validity of the legislation.

Dr Griffith told the seven-member court

Unprecedented cooperation by Soviets

yesterday that there was ample evidence to show Australia had an international obligation to punish war criminals. He said also that "customary international law" required this.

In enacting the legislation, Australia had been responding to "international concern" over the issue. This "concern", even 50 years after the event, had been demonstrated by the unprecedented cooperation shown by Soviet authorities in agreeing to make witnesses available to the Australian court.

For the High Court to now hold that crimes against humanity during World War II were not crimes against international law, would be contrary to the views of courts in the United States, Canada and Israel, as well as those of the military tribunals set up immediately after the war, Dr Griffith said.

Criminal proceedings against Mr Polyukhovich — which have begun in South Australia and had been scheduled to continue overseas — have been put on the back-burner until the High Court's decision is known.

The case has been further complicated by an incident in August in which Mr Polyukhovich is said to have attempted suicide. Before criminal proceedings could resume, a decision would have to be made on whether he is mentally fit to plead to the charges and stand trial. The hearing of this aspect has also been deferred.

When a giraffe meets a koala, there are smiles



Life educator Wendy Walker introduces Harold the giraffe to Kenny Koala and Constable Mike Stevenson in Braddon yesterday.

Canberra police have donated their mascot, Kenny Koala, as well as their pearly whites as they get behind the Life Education Centre Foundation's "Smile For Life" campaign.

For the next three weeks the bright pink smile badges will be on sale at Caltex service stations, Owl Food Barns, Shoprite supermarkets, CPS Credit Union outlets, Video Ezy stores and other selected outlets in preparation for "Smile For Life" Day on November 30.

The life education patron, sports star Rob de Castella, has urged Canberra to back the campaign, and support the anti-drugs education program for primary school children.

Kenny, assisted by Constable Mike Stevenson, delivered the first box of badges to the Braddon Caltex service station yesterday.

Court bid: ACT plan may be invalid

Continued from Page 1

The published plans had been of the "vaguest possible nature", with no precise information about the road's location, its dimensions or the number and location of protected trees which would have to be removed.

"As a result of [these] inadequacies, the draft proposal put before the public for consultation is incomplete and does not provide sufficient detail to allow for proper and meaningful comment from members of the public," he said.

Argyle Homes launched the proceed-

ings on October 12. On October 16, Justice Terence Higgins granted it an injunction restraining the ITPA from submitting the proposal to Mr Kaine for approval until further court order. On November 2, the Master of the Supreme Court, Alan Hogan, agreed that the Commonwealth should be made a party. The case came back before Justice Higgins yesterday and orders were made concerning the lodging of documents.

The case is currently scheduled to be heard by Justice Higgins on Tuesday.

Rebels elected to NRMA

SYDNEY: The reform team which contested the National Roads and Motorists' Association council election has been successful, after a controversial campaign.

The main rebels, media consultant Jane Singleton, NSW cricket captain Geoff Lawson, and Roads and Traffic Authority surveyor Richard Talbot, were elected as councillors.

The three re-elected retiring councillors were Dr Roger Vandenberg, Mr Rob Caldwell and Mr Ray Kirby.

Vote counting began on Monday after the ballot closed on November 1.

Spokeswoman for the NRMA Elizabeth Shaw said just over 91,000 members voted — the highest number in any ballot.

There were 1.7 million NRMA members able to vote in this year's poll.

Controversy surrounded the election when allegations of political affiliations, foul play and entrenched cliques hit the media.

Ms Singleton, Mr Lawson and Mr Talbot said in October they had been forced to go to the media to get their policies across, because they had been denied the chance to canvass them in the NRMA magazine, *The Open Road*.

Mr Talbot said sitting council members had stories and photos of them in the same edition as the ballot form, while other candidates had been restricted to simple biographical notes.

Seven candidates failed to be elected.

Greenpeace condemns park delay

By HUGH LAMBERTON

The environment group, Greenpeace, condemned the NSW Government yesterday for its decision to back away from the establishment of a marine park at Jervis Bay.

The organisation's marine ecology coordinator, Molly Olsen, said the decision to postpone the longstanding proposed park was an "atrocious" one and the need for a marine park at Jervis Bay was "well-established".

In an October 17 letter leaked to *The Sydney Morning Herald*, the NSW Premier, Nick Greiner, rebuffed suggestions from the Prime Minister, Bob Hawke, that the federal Minister for the Environment, Ros Kelly, meet her NSW counterpart, Tim Moore, to commence talks on a joint approach to the park.

Mr Greiner suggested any negotiations between federal and state governments would be premature due to the number of competing interests that were unresolved.

Instead, he suggested the establishment of a regional environment and planning committee to examine the conflict between development and conservation in the region.

Earlier this year, Mr Greiner and Mr Moore announced that legislation giving the NSW Government the power to declare marine parks would be introduced during the Budget session. The first areas to be declared would be Jervis Bay and Lord Howe Island.

Ms Olsen said the establishment of marine parks in Australia was long overdue and that less than 1 per cent of Australia's marine area outside the Great Barrier Reef was protected in national parks.

"It is very much a back-down from our point of view and we can only view the committee as a delaying tactic," she said.

Greenpeace staff would further examine the issue while in the Jervis Bay region this weekend.

Before the March federal election, the then federal Minister for the Environment, Senator Graham Richardson, hinted the Hawke Government might override the NSW Government if agreement on the park could not be reached.

The present minister, Mrs Kelly, has not returned from a global climate change conference in Europe but it is understood she is committed to the park proposal.

However, it is unclear whether she is prepared to go it alone without NSW cooperation.

APOLOGY

On page one of *The Canberra Times* of November 7, 1990, we reported that Dr Eric Willmot was on the "mat" in relation to the evidence given to the Assembly Estimates Committee.

The article incorrectly reported the question put by Mr Moore which was in fact concerned with discussions Dr Willmot had held with the Interim Territory Planning Authority. The ITPA Report referred to in the article was received after those discussions were held.

The *Canberra Times* accepts that it was in error in suggesting that Dr Willmot had been disciplined and *The Canberra Times* apologises for any embarrassment to Dr Willmot.

Company Demonstrators

Canberra's only Mercedes Benz dealer proudly offers you the following company vehicles for your consideration.

300E 24 Anthracite with grey leather upholstery. Elec sunroof, alloy wheels, alarm and phone. Low kms. VRY 518. **\$137,217**

190E Arctic white with grey upholstery. Elec windows, rear headrest, ABS brakes. YTM 649. **\$75,000**



Canberra Star

LICENCED MOTOR DEALER
164 McIlroy Drive Ph. 285 2233

Tax-file fear a joke, says Richardson

The Minister for Social Security, Senator Graham Richardson, dismissed as "a joke" yesterday claims that the new tax-file number system would have more far-reaching powers than the Australia Card.

Senator Richardson was responding to previous evidence by a spokesman for the Australian Privacy Foundation, Roger Clarke, at a Senate committee hearing.

Senator Richardson told the inquiry yesterday that some of Mr Clarke's assertions were dangerous and he could not understand the basis for them.

The Senate Standing Committee on Legal and Constitutional Affairs is examining clauses of the Social Security Legislation Amendment Bill and the Social Security and Veterans' Affairs Legislation Amendment Bill (No 2) which relate to the tax-file-number system.

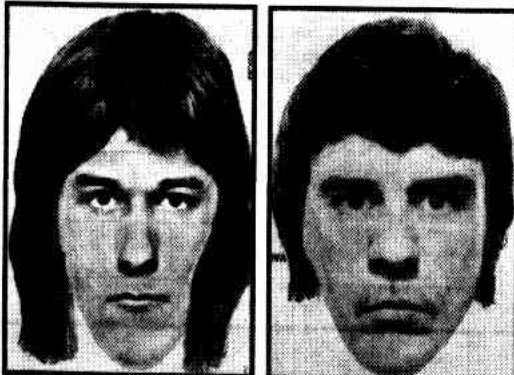
The Bills will require sole-parent pensioners, family-allowance and family-allowance-supplement recipients and some veterans' pension recipients to provide a tax-file number before being eligible to receive their funds.

Unemployment and sickness beneficiaries are already required to do so.

Senator Richardson said the TPN system was not establishing "any kind of citizen identification scheme" or a data base.

CORRECTION

The Malaysian Cultural and Food Fair will be held on December 8, not today, as reported in *The Good Times* this week.



The two Identikit pictures of the robber issued by police.

Two impressions of the one robber

Canberra police have issued two Identikit pictures of the man who used a sawn-off shotgun to hold up staff of the Canberra United Credit Union at Westfield Shoppingtown Belconnen on Thursday.

The pictures were made up from descriptions of the robber supplied by two different witnesses.

Police said a dark-haired man wearing a brown suede jacket had

entered the credit union about noon and demanded money, before escaping by running through the mall.

It is now strongly believed the man had an accomplice, a dark-haired man with a goatee beard, who was carrying a blue bag with two tennis racquets inside.

Police said the escaping robber had handed something to the man as he ran past him.

Lotteries

Jackpot Lottery 4075: first, \$100,000, No 111996, nfp, Kin-cumber; second, \$12,000, No 035240, nfp, Canberra, ACT; third, \$5000, No 014330, nfp, Narrandera, Consolation \$1000 each: 111995-111997. Jackpot of \$220,000 not won by No 074478. Jackpot \$240,000 in Jackpot Lottery 4076 drawn on Monday.

NSW Lotto midweek draw 45 dividends: division 1, 1 winner, \$1,230,249.50; division 2, 41, \$5001.10; division 3, 467, \$731.80; division 4, 25,456, \$16.20; division 5, 80,139, \$6.90.

Tatts Two draw yesterday: 88, 63, Division 1, 11 winners, \$1309; division 2, 2722, \$3.

Economy not so bad, say Kaine and Service

Continued from Page 1

However, he made no reference to the 25 per cent increase in retail space in the ACT over the same period, which has meant that sales are spread among a much larger number of retailers.

In its survey of the ACT economy, *Trends* noted the "surprisingly strong retail sales statistics" but said there were "bleak spots", particularly butchers, small food stores and electrical-goods stores.

The Canberra housing market has "lifted off its 1989 trough" but "activity still is weak", housing finance has declined after a small rise and house prices have failed to

keep pace with inflation. No large non-residential construction projects have been approved for the ACT since March, 1990, and corporate collapses have dented the building sector's confidence.

Car sales have fallen off and employment growth has been "relatively sluggish". *Trends* notes that the ACT unemployment rate has been falling during the year as the national rate has been rising, but attributes this to the falling participation rate as women drop out of the workforce. Tourism remains weak despite some improvement in the number of rooms sold.

AMBI

DESIGNER FASHIONS, SHOES & ACCESSORIES
SHOP 4, MANUKA VILLAGE, A.C.T. 2603 (06) 235 8411

ONE DAY SALE

20% OFF ALL STOCK TODAY ONLY

9 till 2 o'clock

NO LAYBYS

CREDIT CARDS ACCEPTED

FANTASTIC

\$2 SALE ON SELECTED FABRICS

See your Summer wardrobe with our great range of NEW SEASON'S Co-ordinating Plain and Printed Rugby Knits and Interlocks.

PARKING AVAILABLE BUNDA ST, CARPARK

Justknits

NEW STORE
GAREMA CENTRE, CIVIC
(Behind McKinley Optical)
Phone 247 0429

ADD LIFESTYLE with a FLEXALUM GLAZED ROOM



FROM \$5,000

Price Example for Glazed Rooms:
\$5,000 for 3.1 x 3.8 in a corner on existing base
\$6,700 for 3.1 x 4.7 on existing base
\$9,900 for 3.1 x 5.6 incl. a timber deck
\$15,000 for 3.7 x 9.4 incl. a timber deck
Prices depend on individual site conditions.

Enjoy the great outdoors in the comfort and privacy of a Flexalum glazed room or screened enclosure. It's the ideal way to extend your living area.

Your room is individually designed, plans submitted for approval, and built on our licence No. C3478. Phone to arrange for your free quote.

Just-tite

1 OATLEY COURT
BELCONNEN
PH 251 5644

26 COLBEE COURT
PHILLIP
PH 282 3788

Conquer Clutter



Losing the battle of the bulging wardrobe? Put our experts to work for you.

CREATIVE WARDROBES
Call for a FREE measure and quote
280 7077



Child's wardrobe
FYSHWICK • open 6 days
72 Kembla St
CHOC 52 Each wardrobe independently owned and operated

CREATIVE WARDROBE COMPANY



Walk in wardrobe
Call 008 041 077
TOLL FREE for South Coast, Highlands and Cooma areas

Young Australians TO WORK IN Japan

The Government of Japan is inviting applications from young Australian graduates (under 35) to work in Japan for at least one year under a successful international exchange program (The 1991 Japan Exchange and Teaching Program).

Aims: The JET Program is designed to promote mutual understanding between Japan and Australia, foster international perspectives at local levels, and intensify English language education in Japan.

Applicants: Most of the successful applicants will be employed in public schools or local boards of education to assist in teaching English in secondary schools. Some successful applicants will be attached to local government.

Conditions: Contracts will be for one year, commencing about 1 August 1991, renewable in certain circumstances by mutual consent between the host institution and the JET participant. Salary and travel expenses will be paid by the Government of Japan.

Applications Close: 21 December 1990. Application forms are available from Japan Exchange and Teaching Program The Embassy of Japan 112 Empire Circuit YARRALUMBA ACT 2608 or Consulates-General of Japan in major cities

Telephone (06) 273 2679

THINKING OF EXTENDING YOUR HOME? A HIGH RISK PROJECT?

It can be if you don't choose your builder very carefully.

But who can you rely on? Well we at ABC CONSTRUCTIONS believe you can totally rely on us (and it's not just that say it, but all our satisfied clients).

Since George and I set up the business 5 years ago it has been our policy to do the very best job possible for our clients from the very start of the project to the very end of it.

Our reputation is your guarantee.

Some of the many benefits we can offer you are as follows:

• Free appraisal of your existing home and possible sitings of your new addition.

• We'll then go away and draw up a proposed floor plan with full written quote (broken down, not just one lump sum).

• Fixed price contract.

• Work schedule: showing when and what is happening week by week, (and keeping to it).

• A team of highly motivated skilled tradesmen with QUALITY being our first priority.

• AND probably one of the most important things that nearly every service industry overlooks, WE KEEP YOU INFORMED about what is going on at all times.

So if you're thinking of extending, or are already at the plan stage ring me Anthony Cervero on 281 4136 any time, day or night. Or if I'm not there I'll be on site and can be contacted on (018) 624515.

ABC CONSTRUCTIONS
PHONE 281 4136