

Courts

Buy an elephant on expenses? Easy done, Qld court told

BRISBANE: The Queensland Health Department would have paid for an elephant out of a Minister's expense claim, a Brisbane Magistrates court was told yesterday.

The department's financial controller, Alan Davis, told the hearing into misappropriation charges against the

former Health Minister, Leisha Harvey, that it was not the duty of accounts officers to check signed vouchers.

Davis agreed with the suggestion of Harvey's legal counsel, barrister Peter Feeney, that if a claim for the purchase of an elephant had been

lodged, it would not have been queried.

Harvey allegedly rorted about \$43,000 by lodging with the department expense claim vouchers for personal expenses between January, 1988, and May, 1989.

Mr Feeney asked Davis, "You

could put in a voucher for the purchase of an elephant and it will never be queried?" Davis replied, "True."

He said it was not the duty of accounts officers to check vouchers if signed by authorised staff members.

In Harvey's case these were her daughter, Janine Tucker, who worked

as her assistant private secretary, and her sister-in-law, Irene Piascecki, who worked as Harvey's private secretary.

Davis said accounts branch staff would be over-exuberant in their duty to check properly signed claim vouchers.

The hearing is continuing.

Jury views Aliens in assault trial

An ACT Supreme Court jury spent yesterday afternoon watching the film, *Aliens*.

The film forms part of the defence of a man facing one charge of sexually assaulting a 10-year-old girl and two charges of indecent assault.

Terry O'Donnell, for the man, said on Tuesday the reason the girl had alleged the man had sexually assaulted her was because she had seen *Aliens*.

While the jury watched the film yesterday, the defendant told them, through an interpreter, what had been happening at a house in Fraser when the movie was screened on television on the night of January 17, 1989.

It is alleged that on that night, the man sexually assaulted the girl, who had been staying at her friend's house. The man, a Thai national, had been staying at the same house with his aunt and uncle.

Most of the day yesterday was taken up with legal argument. The screening of the film took about 2½ hours and the defendant gave evidence before the film for about 15 minutes.

He said that on the night of the alleged incident, the girl had come to the house about half an hour after the film had started.

His aunt's daughter had not been allowed to watch the film, but the girl who alleges the assault had come into the television room about five times throughout the film, he said.

He said she had come into the room when the music had reached a peak.

On one of these occasions she had "passed wind" in his face.

The trial will continue on Tuesday.

Men given bail over death

SYDNEY: Two men charged with the manslaughter of a 16-year-old boy whose naked and decomposed body was found in a bushland north of Newcastle earlier this year were granted bail on Wednesday in Gosford Local Court.

Gary Leonard Gerrard, 44, and Kelvin Brian Lamb, 34, both of Glenrock Parade, Koolewong, are charged over the death of Michael John Swaczak, of the Newcastle suburb of Adamstown. Both men are also charged with wilfully disposing of a body.

The youths' remains were found in scrub off the Pacific Highway near Karuah, north of Newcastle, on January 15. He was last seen leaving a party organised by Newcastle's gay community early on New Year's Day.

Magistrate Bruce Butler granted the men \$20,000 self bail and \$10,000 surety each, unsecured on the condition they report daily to police. No pleas were entered.

The matter was adjourned to Newcastle Local Court for mention on April 23.

Bail for alleged sex assailant

By LISA WALLER

A man was granted bail in the ACT Supreme Court yesterday after a judge said he was satisfied he had imposed bail conditions which would protect the safety of the community.

The man is alleged to have committed four sets of sexual-assault offences since last October and has been granted bail for four times.

Before the fourth set of charges had been laid, the man had been granted bail in the ACT Supreme Court on March 16 by Justice John Kelly. The man was residing at the Mankara Community in Fyshwick and receiving treatment for alcoholism as part of his bail conditions.

Justice John Kelly said yesterday that he was faced with an "intractable problem" — a person was to be presumed innocent until proven guilty and a judge had to consider the safety of the community as well.

He said there was evidence that the man had committed serious offences. He had adjourned the bail application on Wednesday to consider the question "very carefully" before handing down his decision.

The man had been remanded in custody in the ACT Magistrates Court on March 29 by Magistrate Michael Ward after he had been charged with his fourth set of sexual-assault charges which are alleged to have occurred in February.

Crown Prosecutor Grant Lator told Justice Kelly that bail was opposed on the grounds that police feared the man might attack another woman or women if he were released, as he was alleged to have already done while on bail.

Captain Gilmore of the Salvation Army gave evidence yesterday that the man had left the Mankara facility from time to time but on group outings to attend Alcoholics Anonymous meetings and church services.

He told Justice Kelly that the

Salvation Army officers who run the Mankara Community would telephone the court and police immediately if he were to leave.

Justice Kelly said the man had done "quite well" in trying to rehabilitate himself at the Mankara Community during his previous stay, but that he was "not entitled" to put the community at risk.

"On the other hand, I see no real difference in the situation on March 16 and now," he said.

Justice Kelly said he failed to see why, if the interests and safety of the community were addressed, the time the man had to wait for a trial could not be used for rehabilitation.

He granted the man \$2000 bail with a surety of \$2000 with the conditions that the man enter Mankara and be of good-behaviour before he comes to trial; that he was not to leave Mankara except with an authorised group and at such a time as he is authorised to leave. He said Mankara was to notify the court and the police if the man left alone.

'People meter' case date set

SYDNEY: The row between two companies seeking contracts to provide the new "people meter" surveys of Australian television audiences will be heard in the Federal Court on August 6.

Justice Hill fixed the date yesterday for hearing claims by AGB Research Australia Pty Ltd, owner of McNair Anderson Associates Pty Ltd, which has conducted the surveys since 1974 in the "prime coverage" areas of Sydney, Melbourne, Brisbane, Adelaide and Perth, and in regional areas.

AGB is seeking restraining orders against its rival, A.C. Nielsen Australia Pty Ltd. AGB has also named as respondents all commercial television licence holders in the prime coverage areas and the ABC.

Its statement of claim alleges that on March 6, all those licences except those in the Nine Net-

work had selected Nielsen as the successful "people meter" tenderer.

All the licences planned to enter into a five-year contract with that company for surveys covering 52 weeks a year from mid-1990 or a date to be agreed.

AGB claims such a contract would be in breach of the Trade Practices Act by substantially lessening competition. It would result in there being only one supplier of survey results in prime coverage areas for the next five years.

The results of surveys conducted during non-ratings periods would not be available to anyone other than the commercial networks and the ABC. Only the results of ratings-period surveys would be available to anyone else.

There would be no competition among the commercial networks and the ABC as to the price or the

terms on which they would be supplied with survey results.

AGB said the costs involved in setting up the business of supplying "people meter" surveys were such that no business would be viable without the substantial and regular custom of one or more of the Seven, Nine or Ten networks.

AGB says there is sufficient demand for the surveys to sustain more than one supplier.

It seeks orders restraining the commercial networks and the ABC from agreeing or making a contract with Nielsen as the sole supplier of the surveys.

It also seeks to restrain them from acquiring the survey results on terms that the results not be supplied to anyone other than the commercial networks and the ABC.

The case will be mentioned again on May 9.

ICAC clears senior policeman

SYDNEY: A senior policeman has been cleared of allegations of corruption which arose from a lunch at which licensing police are alleged to have demanded \$250 a week from a publican.

Independent Commission Against Corruption commissioner Ian Temby, QC, said he would not make any finding of corruption against Chief Inspector Robert Cashman on the basis of evidence now before the inquiry.

Cashman had not been at the lunch, his counsel, Graeme Edwards, told the ICAC on Wednesday. He had been at a police lecture.

Mr Temby also ruled out any findings of corruption against any officer over allegations of receiving free meals and liquor, which he said were minor compared with the payment allegations made by Allan Reid, the former proprietor of the Carriagah Inn Hotel.

Mr Reid, 51, of Lindfield, has

told the inquiry he was invited to a lunch on May 10, 1984, at which he was asked to pay \$250 a week. He named Cashman, Senior Constable David Oliver, Sergeant Peter Macken and Inspector Raymond Bryant as at the lunch.

Questioned on Wednesday by Mr Edwards, Reid said he had no recollection of Cashman being at the table when money was demanded, or of talking to him during the meal.

The inquiry continues.

Gunman Bill passes House

MELBOURNE: The Community Protection Bill, drafted to keep convicted gunman Gary Ian David in custody, was approved by Victoria's Upper House on Wednesday night.

One Independent and three Liberals opposed the Bill with 36 in favour.

David, also known as Gary Webb, had threatened to commit a mass murder on his release.

The Bill gives the Supreme Court power to make an order keeping David in a prison or psychiatric institution if it finds he constitutes a risk to the community. Civil-rights campaigners say it legalises discrimination.

There was no move by the Opposition to reduce the 12-month sunset clause to six months, as proposed earlier in the debate.

David has completed a sentence for attempted murder. He was certified criminally insane this year and has lodged an appeal over the certification with the Mental Health Review Board.

Five charged with woman's murder

SYDNEY: Five people have been charged with the murder of a 29-year-old woman who was found strangled in bed at Newcastle, north of Sydney, earlier this week.

The five, three men aged 19, 25 and 30, a woman aged 41 and a 17-year-old youth, were arrested on Wednesday by detectives from Toronto, Wallend, and Newcastle's homicide squad, a police spokesman said yesterday.

They were charged with the murder of Raleen Gloria Middel, who was found dead at a home in Booragul, a Newcastle suburb, on Monday morning.

A post mortem examination revealed the woman had been strangled, the spokesman said.

Those charged over the murder were to appear at Wallend Local Court yesterday.

DRINK-DRIVING

Six people were dealt with yesterday in the ACT Magistrates Court on drink-driving charges.

Before Magistrate Warren Nicholl, Millian Spohr, 41, of McCabe Crescent, Holt, pleaded guilty to an offence on March 17 in McCulloch Street. Breathalyzer 0.170, fined \$300, licence suspended for four months.

Mark Ramsfield, 30, of Northbourne Avenue, Braddon, pleaded guilty to an offence on April 5 in Tharwa Road. Breathalyzer 0.250, fined \$600, licence suspended for nine months.

Charged woman's name suppressed

SYDNEY: A Mafia figure was allegedly lured to his death on the promise of having sex with a woman who was one of four people charged with his murder, Lidcombe Local Court was told yesterday.

The 38-year-old woman's name was suppressed by court order after police feared she may become a target for revenge over her alleged involvement in the murder of convicted drug offender Bruno Morabito.

She appeared in court yesterday with David Sultana, 20, of Orchard Hills, and Manuel Duque, 20, of Blacktown. Duque was also charged with conspiracy to murder.

A 17-year-old girl charged with murder was due to appear at Minda Children's Court in Sydney's west yesterday.

The court heard Morabito was ambushed after the 38-year-old woman allegedly lured him into a laneway with the promise of sex.

Second conviction quashed

PERTH: John Senz, 47, the Swan Building Society's former money market manager, who was one of two men convicted in February of stealing \$4.5 million from the society, had his 3½-year sentence quashed yesterday by the Full Court of WA.

Malcolm Dobson, the society's former general manager, had a similar conviction and sentence overturned on Wednesday.

Dobson and Senz denied the

theft of \$4.5 million in bills and securities which were used to secure a loan for a company. The securities were returned within a week and Dobson and Senz each received \$10,000.

Chief Justice Malcolm said the deal had been considered fraudulent as the two received a secret commission. But neither had been charged with receiving such a commission and therefore the convictions were quashed.

Before Special Magistrate Timothy Ian Tweedale, 26, of Chauncy Crescent, Richardson, pleaded guilty to an offence on December 16, 1989, in Tharwa Road. Breathalyzer 0.160 to 0.170; convicted and sentenced to three months' imprisonment and to be released immediately upon entering a \$2000, three-year good-behaviour bond and not driving anywhere in Australia for three years. Licence cancelled.

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World News

Killings: India ready for war

From TONY ALLEN-MILLS, in New Delhi and AHMED RASHID, in Lahore

The killings of an Indian businessman and two academics who were kidnapped by Muslim militants in Kashmir has stunned the Indian Government and heightened the danger of a full-scale military confrontation between India and Pakistan.

Two of the kidnap victims' bodies were recovered late on Tuesday only hours after the Prime Minister, V. P. Singh, had warned his countrymen to "be prepared" for war.

After weeks of mutually aggressive rhetoric in which New Delhi and Islamabad have blamed each other for the Muslim uprising in Kashmir, the conflict is fast approaching the point where a military clash appears inescapable. Although both Mr Singh and the Pakistani Prime Minister, Benazir Bhutto, insist that they are committed to restraint, the war of words has turned so vicious that neither leader may be able to prevent an outbreak of hostilities.

Mr Singh effectively put India on a war footing on Tuesday night when, in an inflammatory speech to Parliament, he warned that "a momentary may develop" that might result in war. "Let us be prepared," he said. "Steel yourselves for it. We cannot remain soft."

On Wednesday night Pakistan's Chief of Army Staff, General Mirza

Aslam Beg, called India's concentration of troops on the border an act of military intimidation and ordered a high state of vigilance by the army.

In his strongest statement since the uprising in Kashmir erupted in January, General Beg said that India's threats were very serious and all measures were being taken to defend Pakistan. The deployment of the Indian Army Strike Corps in Rajasthan, which is adjacent to Pakistan's southern province of Sindh, was the most threatening, he said.

Pakistani military officials said that the Strike Corps had extended its winter exercises by one month and was fully deployed 80km from the border. The corps could lead any planned Indian attack by trying to cut off Sindh from the rest of Pakistan.

Mr Singh went so far as to warn that India would consider reprisals if confronted with a nuclear threat. Using language that will have sent a chill through much of the rest of the world, Mr Singh said India would not allow Pakistan superiority in nuclear weapons capability. "Our scientists have the capability to match it," he boasted to cheering MPs.

Although his tough line may partly have been explained by his need to justify a sharp increase in defence spending in his Budget for the next financial year, his belligerence may also have been the product of frustration at his Government's continuing inability to restore order in Kashmir. After more than three months of rebellion, India's only Muslim majority state remains a disaster area, with daily reports of

clashes between security forces and separatist militants, and with the local Government still obliged to rely on shoot-on-sight curfews as the only effective means of quelling popular revolt.

That the crackdowns and curfews are not working was best evidenced by last week's kidnappings and subsequent murders of three well-known Indians holding prominent posts in Srinagar. The bullet-riddled body of H. L. Khara, the Hindu general manager of a state-owned watch factory, was discovered on the outskirts of Srinagar on Tuesday evening. Several hours later the police found the bodies of Professor Mushar ul-Haq, the Vice-Chancellor of Kashmir University, and of his secretary, Abdul Ghani, both Muslims.

Responsibility for the kidnappings was claimed by the Jammu and Kashmir Students' Liberation Front, which had offered to free its prisoners in exchange for the release of three jailed Kashmiri separatists. It was the first significant political kidnapping in the state since separatist militants seized the daughter of the Indian Home Minister shortly after last year's general election. On that occasion Mr Singh's Government was criticised for howling at the kidnappers' demands, and this week officials insisted they would not negotiate.

The kidnappers extended one deadline at the weekend, but when the authorities still refused to respond, the hostages were murdered.

— The Independent

Deadlock again in Israel

JERUSALEM: Israel's major political parties were deadlocked again yesterday, hampering Middle East peace efforts and prompting fresh calls for electoral reform.

Four weeks after Labour broke a parliamentary stalemate to topple the coalition Government, defections and resignations kept it in a tie with the rightist Likud with little immediate prospect of either taking the lead.

Parliament was about to begin a special session to approve a Labour-led Cabinet on Wednesday when one of Labour leader Shimon Peres' 61 backers in the 120-seat Knesset announced his resignation and another said he would vote for Likud.

"The events of recent days raise serious questions about our system of government and political behaviour, and the day will come when we will have to attend to them," the President Chaim Herzog, said after giving Mr Peres 15 more days to seek a majority.

Rabbi David Halahmi, named by the religious Agudat Israel Party to replace the outgoing Rabbi Avraham Verdiger, said he would back Mr Peres in accordance with a pact signed by his party with Labour last week.

But political sources saw little chance of renegade Rabbi Eliezer Mizrahi backing down from his decision to vote with Likud, leaving each side with 60 seats and raising the prospect that the fractious coalition would have to be resurrected.

"I stand by my decision... I think that the present situation is leading toward a blessed government of national unity," Mr Mizrahi told Army Radio.

— Reuters

Greek Govt works on changes

ATHENS: The new Greek Prime Minister says his conservative Government will push ahead with sweeping changes aimed at putting the devastated economy back on its feet despite a razor-thin parliamentary majority.

"Our parliamentary majority is thin... but the great majority of the people has entrusted us with its hopes," Constantine Mitsotakis told his first Cabinet meeting after being sworn in on Wednesday.

"We will work in a four-year perspective because this is what the nation's interest demands."

His New Democracy party has 123 deputies in the 300-seat Parliament, one short of an absolute majority.

He secured the extra seat from a centrist deputy who agreed to back the new Government in a vote of confidence next week.

The conservatives returned to

power after eight years of socialist rule and one year of weak coalitions. Mr Mitsotakis, 71, has blamed Greece's woes on the former Socialist Prime Minister, Andreas Papandreu, who ruled from 1981 until last June.

Problems include a \$US55-billion total public deficit, a booming black economy paying no tax and a 16.5 per cent annual inflation rate, the highest in the European Community.

The Budget deficit in 1989 reached \$US12.5 billion.

Referring to the country's plight after Mr Papandreu's rule, Mr Mitsotakis said the state was "not only wasteful but unreliable, bureaucratic and commanded no respect... it was a state in decay".

Mr Mitsotakis has pledged to free regulations imposed on the private sector by the socialists, attract foreign investment and curb govern-

ment spending, which soared under Mr Papandreu.

Mr Papandreu, 71, was handed a crushing election defeat in June after his Panhellenic Socialist Movement (PASOK) was dragged down by months of financial and political scandals. Greece had been run since by weak coalition governments.

After PASOK's defeat Mr Mitsotakis led a campaign to have Mr Papandreu charged with complicity in a \$US200 million bank embezzlement scandal and illegal phone bugging while in office. The trials are pending.

Mr Papandreu said PASOK, with 123 deputies, would play a constructive role as the main opposition party. A communist alliance has 19 seats. Independent deputies, including two Muslims and an ecologist, and smaller parties make up the balance.

— Reuters

King told 'stay away'

BUCHAREST: Romania's provisional Government barred former King Michael from returning home yesterday after more than 40 years in exile.

The official Rompres news agency said the Government cancelled the entry visa of the former monarch, who lives in Switzerland, and asked Swiss Air not to allow him on board its scheduled Geneva-Bucharest flight.

The move came after he decided to go ahead with his visit despite an appeal from the Government to wait until after elections on May 20.

King Michael was forced to abdicate in 1947.

He has emphasised it would be private and non-political and would take the form of a "pilgrimage".

The Romanian Government said the visit would have fallen right in the mid-

dle of the election campaign, and his personal safety could be in danger from extremist organisations.

Several leaders of parties in the Provisional Council of National Union, the interim administration, had publicly criticised the timing of the visit, the Government said on Wednesday.

"The visit and the publicity surrounding it have been interpreted as a political gesture likely to have an undesirable impact on the election campaign and awaken new passions," the Government warned.

The visit was to take place one month ahead of elections for an Assembly which will write a new Constitution following the December overthrow of communist dictator Nicolae Ceausescu.

— AFP



Israel's Labour Party leader, Shimon Peres, in Parliament on Wednesday.

Easter Specials

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