

TOMORROW
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RIPOFF AT RANCHO RAJNEESH



Canberra and the Chicago Connection

Duby pledges probe of asbestos contractors

By RON AGGS

The new Alliance Government's Minister for Housing and Urban Services, Craig Duby, says he will investigate the affairs of two Canberra asbestos-removal contractors.

The contractors' interstate parent companies have failed to pay hefty fines in NSW and have been the subject of an open campaign by the NSW Minister for the Environment, Tim Moore, to drive them out of business in his state.

The ACT companies, Asbestos Extractors Pty Ltd and Glen McMahon Ltd, had two current projects suspended last week because Asbestos Extractors had been operating without a licence since December.

Asbestos Extractors' right to operate expired on December 10. Its licence-renewal application is now under review by the Building Control Branch, which falls under Mr Duby's portfolio.

Asbestos Extractors is a wholly owned subsidiary of Glen McMahon Limited.

However, this week's suspension of the projects was short-lived. Under Building Control Branch regulations, a director of

\$125,000 fine yet to be paid

McMahons', David McMahon, says he was able to apply for a permit on Asbestos Extractors' behalf. Both jobs were back on track with barely a hiccup.

The Building Controller, Leigh Palmer, admits "concern" about licensing regulations, which he says are being "tightened up".

Both he and David McMahon explain the six weeks' unlicensed operation as an "oversight".

Mr McMahon denies his Canberra-based operations have anything in common with his father's parent organisation, Glen McMahon Limited (incorporated in South Australia), presently being summonsed on up to a dozen serious allegations in the NSW Land and Environment Court, and yet to pay a \$125,000 fine on a subsidiary, Dayban Pty Ltd, for environmental pollution.

Mr Duby, responding to questions from *The Canberra Times* last week, said he was unaware of the fine and the impending litigation.

McMahons and Asbestos Extractors have held permits between them for 21 separate removals in the ACT in the past year. Nine of these have been for removals from homes, including three for extracting loose asbestos-fibre insulation.

Of the 21 permits, McMahons have held one, for the Monaro Mall contract in Civic — one of the two jobs suspended — part of which was awaiting final inspection.

Asbestos Extractors is awaiting final inspection on its incomplete job — a commercial removal in the city.

David McMahon says there has never been anything irregular about the Canberra-based operations of the two companies he oversees. He says they work above the Worksafe Australia codes set adopted by the Asbestos Branch, and dissmises Mr Moore's highly critical statements against his father as "not worth reacting to".

He says his father's operations have nothing to do with his own — "they are completely separate" — but admits at the

same time to being a director of some Glen McMahon companies.

The NSW Crown Solicitor's office has been asked to assist in recovering the fine, imposed after a Dayban employee was shown on the *Hinch* television program dumping liquid industrial waste down the sewer at the company's Gurrween site at 4am one day early last year.

The director of the NSW Waste Management Authority, John Cook, says summonses are being issued now detailing nine charges against G. F. McMahon Limited for illegal transportation of waste, including asbestos, at four sites in NSW.

Another Sydney-based company of which Glen McMahon is a director — Liquid Technology — will face three counts of illegal storage of asbestos waste and liquid grease/waste on an unregistered site at Terrey Hills.

In the NSW Parliament in October, Mr Moore scathingly reproached Glen McMahon, describing him "euphemistically as a colourful Adelaide waste entrepreneur".

"Not content with pumping poisonous sludge down the sewer system," Mr

Asbestos slapstick

— Saturday Magazine

Moore told Parliament, "McMahon demonstrated his continuing contempt for environmental protection by running a business that illegally transported and stored industrial waste and highly hazardous asbestos and building waste."

Mr Moore said Mr McMahon and his co-director in Dayban, Richard Keighery, "seek deliberately and systematically to make a sleazy dollar".

"They run businesses that pollute the environment and operate in complete contempt of the law and of their environmental and moral responsibilities to their fellow citizens," he said.

David McMahon said the attack, made under parliamentary privilege, was to score some points on a hot political issue.

The company would defend the summonses.

"Asbestos is the core of our business and we pride ourselves on our safety record over 30 years," he said. "It's a pretty touchy subject and we've been working our butts off to keep confidence with our clients which hasn't been easy. It doesn't help with programs like *Hinch*."

He said his organisations' records in the ACT, licensed to operate since 1984, would stand up to close scrutiny.

Mr Palmer says it has been "a long-standing policy to allow individuals to hold licences on behalf of a company which employs them".

Sanctioned by the Building Branch's guidelines, because he held a current licence at the time Asbestos Extractors licence expired, David McMahon was able to resurrect the suspended jobs.

In the case of Asbestos Extractors, he applied for a permit on their behalf.

The expired licence was held by John Wayne Malcolm.

However, Mr Palmer says the guidelines are now to be altered so — as in other states — companies will hold licences rather than individuals.

Nurses turn up campaign heat

Picket lines were set up inside and outside Royal Canberra Hospital yesterday as nurses intensified their industrial campaign against changes to their rosters. The ACT secretary of the Australian Nursing Federation, Prue Power, said it had become clear that the ACT Minister for Health, Gary Humphries and the ACT Department of Health did not intend to solve the nurses' dispute. Mr Humphries said it was clear the Government would have to counter "any misinformation" in the nurses' campaign. **PAGE 3**

Govt 'sits on' applications

Supporters of Chinese students in Australia have accused the Federal Government of "sitting on" applications by the students for permanent residency. **PAGE 4**

Freedom comes at a cost

Freedom and self interest could be placing Australia's way of life under threat, the Member for Fraser, John Langmore, told the Australia Day ecumenical church service yesterday. He said that one view of individualism allowed people to say, "If you've got the money, honey, you can do your own thing, as long as your thing does not destroy someone else's property or interrupt their sleep or bother their privacy." **PAGE 6**

Killer storms hit Europe

Hurricane-force winds wrecked buildings, tore up trees, blacked out cities and claimed lives across Europe yesterday. **PAGE 7**

Hollywood great dies

One of Hollywood's film greats died in her sleep on Thursday. Ava Gardner, 67, had been ill since suffering a stroke in October, 1986. **PAGE 7**

Cease-fire in Azerbaijan

Militants in Armenia and Azerbaijan have declared a cease-fire in their undeclared war, but some rebels continued to attack Soviet soldiers. **PAGE 14**

Receiver for Linter group

Abe Goldberg's Linter Group Ltd and Linter Textiles Corp were put under receivership yesterday in an attempt to protect the clothing operations from group debts of \$1.3 billion. **PAGE B9**

Stefan Edberg and Ivan Lendl face each tomorrow for the first Grand Slam tennis title of the year — the Australian Open. Edberg scored a crushing straight-sets semi-final victory over fellow Swede Mats Wilander yesterday. Lendl won through in straight sets also, defeating Yannick Noah, of France. **PAGE D12**

War man in court: 9 counts

By ROD CAMPBELL

The first person to be charged in Australia with war crimes since shortly after World War II appeared in court in Adelaide yesterday charged with the murder of 24 people in the Ukraine and with involvement in the death of 850 others.

Ivan Timofeyevich Polyukhovich, who is also known as Ivanekho, Jan Poluchowicz and John Poluchowicz, a 73-year-old pensioner, made a brief appearance in the Adelaide Magistrates Court after being arrested and charged by officers of the Federal Government's Special Investigations Unit on Thursday night.

Outside the court, Polyukhovich's lawyer, David Stokes, said he was considering a move to the High Court against the charges on the grounds of the extreme delay in bringing the prosecution.

"That is a possibility, but there are many things still to be investigated before a decision will be made," he said.

The Sydney-based unit was set up in 1987 and is headed by Bob Greenwood, QC.

The prosecution of Polyukhovich is the first to come from the activities of Mr Greenwood's unit and since the Government's controversial amendments to war-crimes legislation were passed just over a year ago.

Some 269 war-crimes trials were conducted under Australian law in Australia and the Pacific between 1945 and 1951. Most involved the activities of Japanese military personnel.

The case is likely to attract world-wide media attention similar to that generated by recent war-crimes cases in North America. Already, the French media is showing interest in the case. If and when a trial takes place, it could become one

of the longest and most expensive in Australian legal history.

Polyukhovich, whose address has been suppressed, has been charged with nine war-crimes offences under the 1988 amendments to the War Crimes Act of 1945. Each of the nine charges carries a maximum penalty of life imprisonment.

Eight of these allege that he wilfully murdered a total of 24 people. Some of the alleged victims are referred to by their full names, some by one name only and others by their relationship with other alleged victims. The charges identify to some extent at least 18 of the alleged victims, although one was described only as "the miller's daughter". The identity of the remainder was not known.

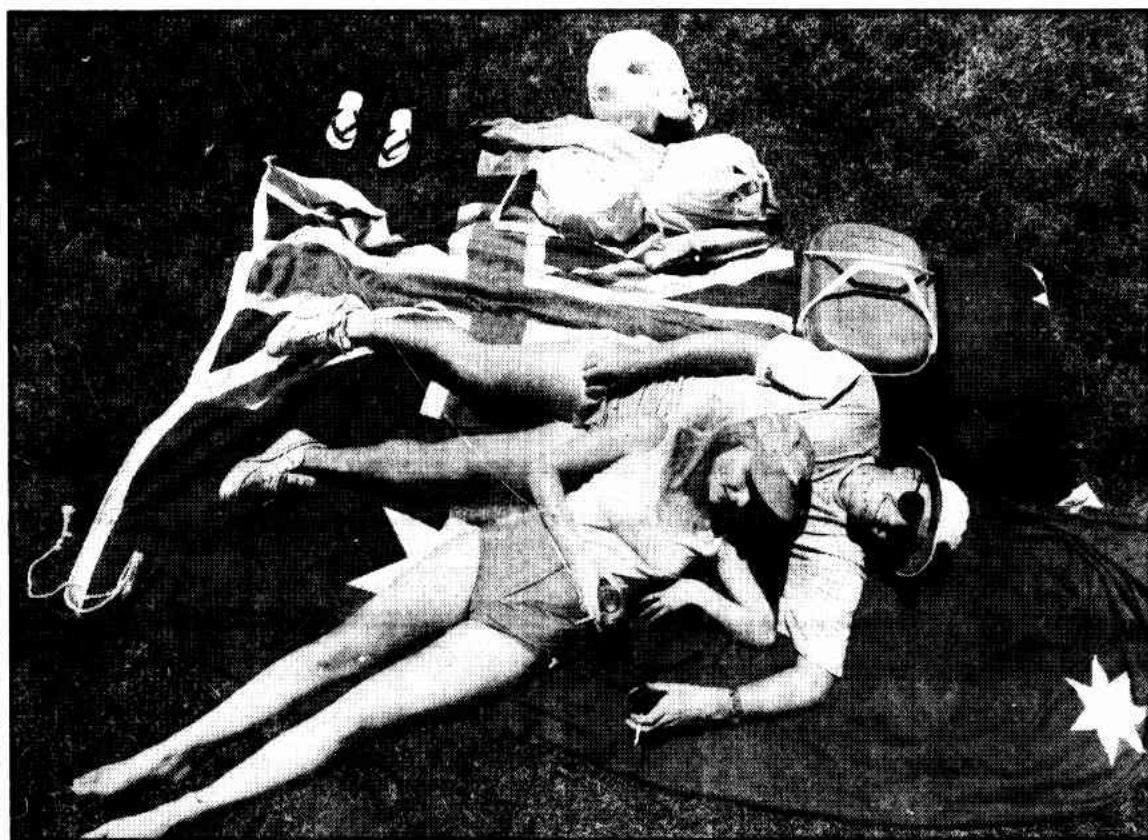
The alleged victims include 12 women, three girls, four boys and five men. The youngest was a one-year-old boy.

Polyukhovich has also been charged with being knowingly concerned in the murder of 850 people in the Ukraine during 1942. These were said to be Jews from Serniki ghetto but otherwise their identities are unknown.

All charges relate to incidents which are alleged to have occurred between August, 1941, and May, 1943, near the villages of Alexandrovo and Serniki, in the Rovno district of the Ukraine (which is now known as the Ukraine's Soviet Socialist Republic). Rovno is about 180km from the Polish border and about 300km west of Kiev.

Prosecutor Grant Niemann did not oppose bail but asked that Polyukhovich surrender any passports. Polyukhovich entered no plea and stood quietly in the dock as his lawyer, David Stokes, applied for bail. The magistrate, Granley Harris, released him on \$20,000 bail to reappear on March 2.

Continued on Page 2



Thongs, Esky, a drink, a smoke and the flag... David Philpotts, 21, of Evatt, and Debbie Voysey, 23, of Queanbeyan, enjoy Australia Day in Commonwealth Park.

Border Australian of year

SYDNEY: Australia's cricket captain Allan Border, named Australian of the Year yesterday, says his next sporting ambition is to beat the West Indies.

At the Sydney Opera House, Border said Australia would soon be able to take out the team which has dominated international cricket for a decade.

"The way the side has developed,

hopefully we can beat Pakistan in the next Test and then look to taking on the West Indies one year down the line," he said.

Border's award, for outstanding and consistent performance in Test cricket, was presented by the Prime Minister, Bob Hawke, at Admiralty House in the morning.

The Young Australian of the Year is Queensland's Brenden Bor-

rellini for his "outstanding determination to overcome his disabilities". Borellini, 21, was the first person born deaf and blind to successfully go on an ordinary high school.

Only ten years ago he was doing pre-school activities and had an expressive vocabulary of 22 words.

He is now studying English, Modern History, Ancient History, Theatre and Biology in Grade 12.

Max Gillies 'a misfit'

SYDNEY: Comedian Max Gillies came under fire yesterday for his remarks about receiving an Australia Day honour. The president of the Victorian Returned Services League, Bruce Ruxton, OBE, condemned Gillies for saying the requirement that the Queen approve the honours list had taken the gloss off the award. "If Gillies doesn't like this, why didn't he have the guts to decline the honour when it was offered," Mr Ruxton said. "Gillies is a misfit." The secretary of the Order of Australia, David Smith, said, "The graceless discourtesy of Mr Gillies is exceeded only by his ignorance. Awards in the Order of Australia are approved by the Queen of Australia."



Bruce Ruxton, Max Gillies and David Smith

How Curry-Kenny turned villain

From JOHN HOURIGAN, Sports Editor, in Auckland

Lisa Curry-Kenny, all sweetness and light on Thursday, was the unwitting villain yesterday and received a blast from head swimming coach Don Talbot.

Australia's latest champion, Hayley Lewis, much in demand again yesterday after collecting her third gold medal of the Commonwealth Games, in the 200m freestyle, is hiding from the media.

Curry-Kenny was asked to be the go-between to urge Lewis to attend a press conference but Talbot intervened.

Talbot made it quite clear that he was upset with the media. "I am likely to make Lisa upset over Hayley. I don't want that... it's no good for team morale," he said. "I had an exchange with Lisa on the deck."

"Hayley has brought home the bacon so far and she has great potential and she's got her feet on the ground."

"But she doesn't like giving interviews, it affects some, maybe she'll

fall in a heap if we don't let her get her rest."

"She has come here a bit starry-eyed, she's heading for the biggest medal tally and you must not do this to her. I told Lisa there are processes for this sort of thing and they are handled by management."

Another four gold from five events, with arch rival Canada collecting the other — its first, plus two silver and two bronze and a two-day tally of eight, five, four.

Lewis, surging towards the highest bounty of the Games, was outstanding in the 200m freestyle in 2min 00.79sec. Jenny McMahon was second in 2min 2.43. Both had personal bests.

The session began with Canada's Marcel Gery and New Zealand's Anthony Mosse supposedly holding the whip hand in the 100m butterfly.

But Andrew Baildon made mincemeat of his own PB and produced a Games record of 53.98sec for a decisive win. Gery got second, only 0.05sec ahead of Australian Jason Cooper.

Mosse was disappointed in finish-

ing fourth and said his goggles had filled with water.

Then it was the men's 400m medley and yet another Australian quinnella with Robert Bruce first in 4min 20.26sec and Rob Woodhouse second in 4min 21.79sec and, though not expecting a medal, Helen Morris came through for third in the 200m breaststroke.

The icing on the cake was in the men's 4 x 200m freestyle relay. Victory was expected this time, especially after the clean sweep in the 200m the previous night.

All went to plan and Tom Stachewicz, Gary Lord, Ian Brown and Marty Roberts breezed to a Games record of 7min 21.17sec... and with a safety margin of about 2sec.

"Be damn safe on the changeover, that was the priority," Stachewicz said.

"How safe? ... Well I said, 'Hi Lordy, off you go,'" he joked.

On paper yesterday was supposed to be a bad day for Australia but the form obviously read poorly.

Today it looks good for us. Perhaps the bubble will never burst.

The two days of the year...

The annual Australia Day squabble went ahead yesterday.

The Prime Minister, Bob Hawke, and the NSW Premier, Nick Greiner, called for the country to celebrate on January 26 — but the Victorian Premier, John Cain, said he would not change his mind and was sick of the argument.

Victoria, with Western Australia, South Australia and Tasmania, will have its holiday on Monday.

Mr Cain said, "I find it astonishing that year after year suggestions are made that there is something wrong with the Australia Day holiday not being on the 26th."

"We've been through it ad nauseam," Mr Greiner said he hoped this year would be the last time Australia had to "endure the national shame" of celebrating its national day on different dates.

Professor Russel Ward, a historian, told ABC radio it was a safe bet no other country on earth was so divided about its national day.

CANBERRA: Thundery shower. Chance of rain 20pc. Max 32 degrees. Last year 9-28. Yesterday 11-24.

LAKES: Winds north-west 15-20km/h.

OUTLOOK: Milder south-east change tomorrow. Mainly fine and warm on Monday.

SHOWERS

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Sixty dead as Colombian jet crashes in US

COVE NECK: About 60 people were killed and more than 80 injured when a Colombian jet crashed into a wooded area near New York's Kennedy airport, officials said.

The plane's engines apparently failed after it ran out of fuel.

Thomas Gulotta, chief executive of Long Island's Nassau County, said an estimated 60 people were killed aboard Avianca's flight 052 from Bogota and Colombia's drug capital of Medellin.

Officials at Kennedy airport said the plane, with 158 people aboard, had reported it was running out of fuel. An amateur radio operator said the pilot's last message was that he was out of fuel and had lost two engines.

A priest, Father Joseph Collins, said he delivered last rites to between 35 and 45 people.

"They were either dead or dying," he said.

People covered with blankets were laid on the lawn of the nearby home of the parents of tennis champion John McEnroe. A witness who got through police lines to the McEnroe estate said he saw between 13 and 20 people covered completely with blankets and assumed they were dead.

Rescue workers said the plane missed one house by 15m.

Hundreds of spectators converged on the area, impeding the rescue efforts, and local television urged people to stay away so a fleet of ambulances could take survivors to hospitals.

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