

ACCUSED HAS NO CONVICTIONS

Dawson defence to rest on character

DAVID MURRAY
NATIONAL CRIME CORRESPONDENT

Murder accused Chris Dawson has no criminal convictions and is expected to make a case that he is of good character, a court has been told.

The trial of Mr Dawson for his wife Lynette's alleged murder 40 years ago resumed on Wednesday, with about 45 minutes of legal argument before being adjourned until Monday.

The couple's former neighbour, Julie Andrew, is then due to be the first witness to give evidence, the court was told.

Journalists and a few members of the public attended the first day of the trial, when the prosecutor, Mr Everson, delivered his opening address outlining key elements of the case against Mr Dawson.

This included a first-day bombshell that Mr Dawson was alleged to have approached a former Newtown teammate on a plane and asked for help to get rid of his wife, six years before Lynette vanished.

Lyn Dawson was 33 when she disappeared from Sydney's northern beaches in January 1982, leaving behind two daughters, then aged four and two.

The defence and prosecution had been preparing for legal arguments over whether certain evidence could be included in the trial and used as "tendency evidence"—evidence that could be used to prove Mr Dawson had a tendency to act in a certain way.

However, Justice Harrison said all of it was arguably admissible on other grounds.

The judge cited as an example a bruise being observed on Lynette before her disappearance. He said it would be a "piece of plain evidence" that would be admissible even if it wasn't used as tendency evidence. Whether the evidence was strongly probative or otherwise was a separate issue.

Mr Everson agreed that in a judge-alone trial it was not necessary to have the argument in advance of witnesses giving evidence.

"It's a classic piece of circumstantial evidence in the analogy of a strand in a cable," Mr Everson said.

Effectively, the judge wants to hear the evidence first and decide its value and permitted use later.

Bleaching 'a concern but coral has survived'

GRAHAM LLOYD
ENVIRONMENT EDITOR

When reports of mass bleaching on the Great Barrier Reef came in from aerial surveys this year marine scientist Peter Ridd headed out to find out for himself.

From the water, he surveyed the John Brewster Reef off the coast of Townsville, which had been classified by the Great Barrier Reef Marine Park Authority as having suffered major bleaching affecting between 31 to 60 per cent of coral cover. Dr Ridd described what he found as "a coral wonderland." "Certainly, there was bleaching but virtually no mortality," he said.

The final results of GBRMPA's aerial surveys are now in and they have confirmed a mass bleaching of coral across the Great Barrier Reef—the fourth to occur in seven years. Unusually, said GBRMPA, this was the first mass bleaching event to occur under La Niña conditions.

A total of 719 reefs were surveyed from the air between the Torres Strait and the Capricorn Bunker Group of the Great Barrier Reef Marine Park. Of those, 654 reefs (91 per cent) exhibited some bleaching.

GBRMPA said coral bleaching observed from the air was largely consistent with the spatial distribution of heat stress accumulation, with a greater

proportion of coral cover bleached on reefs that were exposed to the highest accumulated heat stress this summer.

In the northern region, bleaching varied from minor (1-10 per cent coral cover) to severe (61-90 per cent), with severity generally increasing from the northern tip of Cape York down towards Princess Charlotte Bay.

In the central region, which stretches from Cape Tribulation south to the Whitsundays, community bleaching ranged from major (31-60 per cent) to extreme (more than 90 per cent) on the shallow parts of reefs from Cooktown to the Whitsundays.

GBRMPA said its aerial surveys had been conducted after the final heatwave in March this year, however the coral response to heat stress could be prolonged and bleaching might progress and recovery processes would occur over the next six to eight months.

The authority said it was important to note that bleached coral was stressed but still alive.

Dr Ridd said more should be done to emphasise this point.

"I don't mind GBRMPA getting information out, but what they should do is say that in the last bleaching event (in 2020) almost nothing died," he said. "In 2016, by my calculation, only 8 per cent died and it fully recovered within a few years and we are at record coral cover so don't panic."

EXCLUSIVE

LIAM MENDES

Police have recovered a badly burnt handgun believed to have been used in the attempted hit of a senior Comanchero bikie, as senior officers say they fear innocent people will be killed in Sydney's escalating gang war.

Tarek Zahed and his brother Omar were hit by a barrage of bullets at a western Sydney gym just after 8pm on Tuesday.

The national sergeant-at-arms of the gang is fighting for his life in hospital after losing a significant amount of blood and being shot in the head. Omar did not survive the attack.

One gym-goer who witnessed the shooting said he believed more than 20 bullets were fired in the space of 20 to 30 seconds.

The hitmen fled and shortly after two Audi Q7s were set on fire in the southwest Sydney suburbs of Berala and Greenacre.

The Australian witnessed

Truth will prevail, says soldier facing war crime claims

STEPHEN RICE
NSW EDITOR

The Ben Roberts-Smith defamation case has been banned from the Federal Court's YouTube channel after it was revealed unidentified foreign individuals have been using the videos to identify secret SAS witnesses appearing in the trial.

The YouTube version of the trial, which has usually been available on delay the day after proceedings, but sometimes edited for national security reasons, will no longer be available, following a ruling by the Federal Court issued late on Wednesday.

The ban came after the Commonwealth became aware that "persons located outside of Australia" were using the videos to analyse information from different sources to then publish information which identifies

"The truth will prevail" and SAS soldiers, including Ben Roberts-Smith, will be cleared of war crimes in Afghanistan, a soldier accused of executing a villager has told a court.

But the court has heard Nine newspapers believe the SAS soldier, facing investigation over the killing, is trying to derail any murder prosecution before it begins. Mr Roberts-

Smith is suing Nine newspapers in the Federal Court after the media outlets accused him of killing unarmed Afghan prisoners. Their centrepiece allegation is that, in 2012, he kicked an unarmed, handcuffed Afghan farmer off a cliff in the village of Darwan.

An SAS soldier known as Person 4 in February told the court that he saw the farmer tumble down the rocky incline and into a dry creek below.

The shepherd, Ali Jan, was badly injured when Person 4 and another soldier, Person II,

dragged him across the dry creek bed. Person 4 told the court he turned his back and heard gunshots. When he turned back he saw Person II with his weapon raised and Mr Roberts-Smith watching.

The court heard this week that Person 4 was best man at Person II's wedding. But their friendship was now broken.

Person II told the court on Wednesday he became aware in 2018 that Person 4 was behind claims he had executed a prisoner at Darwan. "I felt incredibly hurt by that."

Special Operations Command (SOCOMD) members and other "sensitive witnesses". That information included their names and initials.

Many witnesses in the trial are current or former SOCOMD members whose identity has been suppressed for national security reasons. Evidence of the breach of secrecy had been revealed in closed court, judge Anthony Besanko said, as he issued new orders to protect witnesses.

"It is not appropriate that I refer to that material in these

reasons as that will have the effect of drawing attention to it," he said. "Action against a person to correct the situation is made difficult, if not impossible, where the person is located outside of Australia."

The move to ban the YouTube videos was supported by lawyers

for Mr Roberts-Smith, who argued that anything that made it easier for witnesses to be intimidated should be carefully considered. The application was opposed by Nine newspapers, which argued the importance of "open justice" and suggested that geo-

blocking the material was a possible option.

However, Justice Besanko said geo-blocking could easily be circumvented by the use of a virtual private network, which was a widely available commercial service. Justice Besanko found the requirements of open justice were satisfied without the facility of the YouTube channel. Members of the public would still be able to go into the court building and view and listen to the proceedings in a room set aside for that purpose.

But unlike those watching via the YouTube channel, "they are all within the court's jurisdiction and subject to the court's processes", Justice Besanko said.

The parties, witnesses and lawyers in the defamation case appear in person in court, but the courtroom is not open to members of the public to guard against inadvertent disclosure of national security information.

McLachlan tells court of sudden co-star kiss

LAUREN FERRI

Australian actor Craig McLachlan has told a court he kissed one of the women who claims he sexually harassed her, while his partner was sitting in a nearby room.

McLachlan is suing his former co-star Christie Whelan Browne, the ABC and Fairfax Media for defamation in the NSW Supreme Court.

The 56-year-old claims the media companies and Whelan Browne defamed him by publishing stories in January 2018 that he says falsely portrayed him as having harassed and bullied female performers in the 2014 run of The Rocky Horror Show. He denies the allegations.

McLachlan on Wednesday was taken in detail through various sexual harassment allegations made by 11 women who are expected to give evidence throughout the case.

He has vehemently denied the accusations, which include sexual harassment, indecent exposure, indecent assault, and bullying.

However, while giving evidence on Wednesday afternoon McLachlan admitted to going into the dressing room of one of his co-stars, Erika Heynatz, while his partner remained in his dressing room. McLachlan told the court he kissed Heynatz on the mouth.

"She was facing the mirror doing her makeup, I approached her and said, 'Look at me,'" McLachlan said.

"She did, and I kissed her ... I was standing leaning over."

The actor told the court that he told Heynatz he had been "thinking" about her and told her she was "wonderful".

"I turned to leave, spun back on my heel and joked, 'I think I might be falling in love with you', and left," McLachlan said.

McLachlan told the court he was in the room no longer than 45 seconds while his partner, Vanessa Scammell, was in his dressing room. He said he told Ms Scammell he was going to "check on" Heynatz.

Earlier in the day, McLachlan wiped away tears as he told the court his family was scared he would "do something stupid" and he felt "helpless" after being accused of sexually harassing his co-stars. He said he had to be put into a mental health facility by the end of 2018.

The trial continues.

NCA NEWSWIRE



Police inspect a burnt firearm in Berala, western Sydney, where a car was torched after the shooting of senior bikie Tarek Zahed and his brother

Gun recovered after bikie boss shooting



TOBY ZERNA, JAMES GOURLEY/NCA NEWSWIRE

The body of Omar Zahed at a gym in Auburn, and Comanchero kingpin Tarek Zahed

to his life and suggestions he leave Sydney. "They were informed last Thursday that their lives were at risk, as they have been warned on countless other occasions," State Crime Commander and Assistant NSW Police Commissioner Michael Fitzgerald said.

Police Minister Paul Toole announced 30 extra officers would be assigned to Strike Force Raptor and an additional strike force, named Leary, would be established to investigate the shooting.

"If you are part of Sydney's underworld, you are involved in criminal activity and we are going to hunt you down and we are going to stamp out this kind of activity," Mr Toole said.

He issued a warning to those involved in organised crime.

"We will actually kick down doors, we will raid homes, we will raid businesses, we will harass you, we will disrupt your everyday life to stop this kind of activity."

Commissioner Karen Webb said her "greatest fear" was that an innocent person would be killed in crossfire.



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Loan Description

Personal L47, L44, L46

Personal L47, L44

Personal - Part Secured L46

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New Car L53

Used Car L54, L58

Used Car <5 years L54

Used Car >5 years L58

Used Car >5 years L58

Owner Occ and Invest Home L64, L65, L75

Owner Occ and Invest Home L66, L67, L72, L79

Owner Occ and Invest Home L62, L63, L74, L76, L19, L15

New Interest Rate (%) 13.24

14.24

14.00

5.24

5.64

7.23

9.24

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11.20

10.45

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Palmer nephew's bid to avoid arrest

ERIN LYONS

A former Queensland Nickel refinery director who went on an overseas holiday after the business went broke and never came home wants his arrest warrant put on hold if he flies back and surrenders to police.

Clive Palmer's nephew Clive Mensink left Australia in June 2016, less than two months after the refinery went into voluntary administration owing \$30m to employees and \$196m to other creditors. His last known location was Bulgaria, where he was spotted in 2018 with then-girlfriend Gabriela Konstantinova.

After refusing to comply with repeated requests for him to

attend the Federal Court for questioning in relation to the refinery's collapse, Mr Mensink was hit with contempt of court charges and a warrant was issued for his arrest.

On Wednesday his lawyers asked Federal Court appeal judges that the warrant not be executed to allow Mr Mensink the opportunity to fly home via private jet and hand himself into police within 48 hours of arriving.

Judge Darryl Rangiah last year dismissed an application Mr Mensink lodged to have the contempt proceeding dismissed on the grounds the Federal Court registrar had "no reasonable prospect of successfully prosecuting him".

Mr Mensink then lodged a Full Court appeal. The appeal judges have reserved their judgment for a later date.

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