

Development and use 'crucial question'

Libs promise land reform

By CHRISTINE SALINS, City Reporter

The Liberal Party would reform the entire leasehold system if elected to the new ACT assembly, election candidate Lyle Dunne has promised.

Mr Dunne, who is the party's spokesman on planning, development and the environment, called for an end to the present appeals system through the Supreme Court, and said that an "appropriate" betterment tax would be collected for the benefit of the community.

He declined to comment on how much the tax would be but indicated that the party did not support the 100 per cent tax recommended by the Parliamentary Joint Sub-Committee on the ACT.

Mr Dunne said redevelopment and land use were becoming one of the crucial questions to be dealt with by the new assembly.

"The people living in areas currently under pressure for redevelopment by virtue of proximity to main centres are becoming increasingly concerned," he said. "So also are people interested in retaining areas and buildings of historical significance."

The basic question at issue is whether the interests of residents are being properly safeguarded.

Mr Dunne said there had to be adequate provision for consultation with residents affected by redevelopment proposals. Effective machinery was also needed to deal with appeals against applications for variations to lease purposes.

The present system of appeals being heard by the Supreme Court was unsatisfactory.

He applauded a statement by ACT Chief Justice Jeffrey Miles last week that business leases were not meant to prevent competition or impose social control.

"The judgment amounts to saying that lease-purpose clauses should, where possible, be read as permitting the maximum range of uses," he said. "This is clearly the only workable approach that can be taken within the constraints of the present system."

"A Liberal ACT government will reform the entire leasehold system so that businesses are no longer hampered by ludicrously restrictive lease-purpose clauses, and the consumer receives the full benefit of healthy competition. This will mean an end to the costly and time-consuming process of courts hearing complaints about minor technical lease infringements."

Mr Dunne said a separate but related issue was that of the assessment and collection of betterment taxes arising from redevelopment projects.

"The Liberal Party supports redevelopment to meet the changing demands of a steadily increasing population," he said. "It did not support the Joint Sub-Committee's recommendation that the current betterment tax of 50 per cent be replaced with a system which would effectively return the government a tax of 100 per cent on changes to lease purposes."

"The question of betterment tax has to be taken in the context of the entire ACT budget situation... but we do consider there has to be an incentive for developers," Mr Dunne said.

He declined to provide precise details on the proposals, saying that these would not be made available until the party's policy was issued. This was expected to be "some time in January".

Built heritage better protected

By CHRISTINE SALINS, City Reporter

Legislation covering building approvals in the ACT has been changed to ensure the heritage value of a building is considered before it is demolished or altered.

The amendments to the Building Ordinance and Buildings (Design and Siting) Ordinance were introduced in October by the minister responsible for the ACT, Clyde Holding. He promised to change the legislation after the controversial demolition of a house at 10 Murray Crescent, Griffith.

The changes coincide with the finalisation of the Interim Territory Planning Ordinance approved by the Executive Council last week.

This ordinance requires the setting up of an Interim Territory Planning Authority to take care of territorial planning matters until the new ACT government passes its own planning legislation. It will come into effect when the National Capital Development Commission is abolished early next year. The new National Capital Planning Authority, responsible for national planning matters, will be set up at the same time.

The Interim Territory Planning Ordinance is the final step in the implementation of the new planning arrangements for the ACT under self-government. It provides for a statutory office of Chief Territory Planner to be filled on an acting basis until the new government makes an appointment. The NCDP's chief planner, Geoff Campbell, is tipped to fill the position.

The interim authority will administer territorial aspects of NCDP policies, and will exercise design and siting approval powers currently exercised by the NCDP.

Mr Holding said the authority would be able to refuse design and siting approvals where the building to be altered or demolished was of "scientific, aesthetic, architectural or historic interest, or otherwise of cultural significance... and [if] it would not be in the public interest to grant the approval".

The authority would be advised by the ACT Heritage Committee.

The amended building ordinances prohibit the ACT Administration's building controller from issuing a permit for the alteration or demolition of a building if the interim authority has not approved the proposal.

Mr Holding said the measures would significantly strengthen present procedures and make heritage matters a mandatory consideration when redevelopment proposals were being considered.

"There is provision in the legislation for appeals to the Administrative Appeals Tribunal against any refusal by the interim authority to grant design and siting approval," he said. Previously, such appeals were considered by a Design and Siting Review Committee, which is to be abolished.

MARION FRITH

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MOVE over Dick Smith. There's a kid out Queanbeyan way who has a wonderful entrepreneurial career ahead of him. Nine-year-old Steven Wright, below, wanted a haircut, a short haircut. A really short haircut. We're talking so short that crew-cuts look like a hippy phase in comparison. Mind you, Steven's parents weren't happy about the idea, but nine-year-olds being nine-year-olds, Steven just did it anyway. Even the hairdresser was concerned about the severity of the procedure, but Steven was adamant. Off it all went. Come school-time, his parents prepared him for a ribbing. "No hats," his dad John told him, figuring he'd made his bed, he could lie in it. There must be a lesson there somewhere, and surely the tougher it was the less likely Steven would be to re-offend. But Steven brazened out the initial and predictable playground and classroom flak and in no time at all his horrified peers were in awe, and then, 100 per cent rapt. They wanted a feel. "Okay," Steven said. "Five cents a time." He made \$2.65 that first morning and shouted his best mates Paddle Pops.



AT THE time of the year when religious emphasis is on love, hope, peace and compassion, the Capital Bible Church, Hawker, has chosen to distribute to city shoppers a nasty little publication, in cartoon form to attract young readers, detailing the horrors of hell and all it holds for non-believers (and drug users) recounted by a man who went there and then came back from the dead. It's almost enough to give the whole business a bad name.

FOUR-year-old Willy Constantine has asked me to tell all of Canberra that he nearly drowned at the water-slide on the weekend. In fact, he got a mouthful of water as he hit the bottom. Still, news is different things to different people.

Caring for the needs of others

In the 14 hours Peter Fulton will spend at work on Christmas Day, some 250 dinners, 50 afternoon teas and hundreds of cocktails will pass through his hands — or at least through his mind.

As director of food and beverages at the Hyatt Hotel Canberra and duty manager on Christmas Day, it is Peter's job to make sure that everybody, yes everybody, has a good time.

His day at the office starts at 9am, and he has a luxurious two hours to arrange things before the real fun begins.

"We start with normal breakfast arrangements for all our in-house guests," he said.

"The general manager is hosting a cocktail party, hopefully to be held in one of the summer courtyards, at 1pm, for overnight guests."

"Then we have Christmas lunch in both the Promenade Cafe and the Oak Room, both of which will be 100 per cent booked."

"The Tea Lounge will be the place to spend the afternoon with Christmas afternoon tea, and then we go on to 'normal' operations for dinner."

"That's it."

Perhaps a little busier than usual, but Peter believes most people look for something a little bit special on Christmas Day.

"It's a family day and everybody really likes to enjoy themselves, get a good meal and good service," he said.

"The lunch will be very traditional, with a special pudding recipe sent over from England. It should be lovely."

Then there's the staff to worry about, their Christmas lunch to arrange, and — sigh — home for a chicken sandwich at 11pm.

And for his efforts, Peter has Boxing Day free before normal duty resumes on December 27.

You can bet he's looking forward to his holidays in February.



Peter Fulton, food and beverages director at the Hyatt Hotel Canberra... will spend Christmas day at the office making sure everybody has a good time, and then it's off home at 11pm — for a chicken sandwich.

12 WAYS OF CHRISTMAS

By Lisa Wallace

CBS fined on loan ratio but escapes prosecution

The Canberra Building Society was fined \$1500 after a guilty plea yesterday for contravening a section of the Cooperative Societies Ordinance.

Justin Stanwick, representing CBS in the ACT Magistrates Court, said the relevant section of the ordinance, Section 14AC, required that at least 60 per cent of total loans must be "effectively for owner-occupied housing mortgage loans". CBS had not reached this percentage last financial year.

Section 14AC says in part, "A building society shall not, in respect of a financial year of the society, advance on prescribed loans, less than the prescribed percentage of the money advanced during that year by the society on loans (whether or not primary loans). Penalty: \$5000." The prescribed ratio is 60 per cent.

In a letter handed to Chief Magistrate Ron Cahill, the chairman of CBS, Arthur Kenyon, had written, "The society did all that it could to secure for itself a share of the home-buyer market sufficient to enable it to meet the prescribed loans ratio." He said that "despite providing the lowest fixed-rate home loans and concessions to first-home buyers" the society had not been able to reach the prescribed ratio.

The letter had been originally

written to the Registrar of Cooperative Societies, Tony Brown, as an explanation of the society's failure to comply with the ordinance.

It outlined several reasons why the society had been unable to comply with the ordinance.

It said the society had sought access to the home-buyer market by providing loans to residential builders at competitive rates. The attempt to get access to home buyers in this way had failed.

In the letter, Mr Kenyon said the combination of the reintroduction of negative gearing and the October share market crash had meant that more investors were investing in residential properties than in shares. This had resulted in not as many loans being given to owner-occupiers.

Mr Stanwick said the thrust of the letter was that "unique market circumstances have prevented the society's compliance with the ordinance".

"No applicant for a loan, who complied with normal borrowing requirements, has been declined a loan though the society has had the lowest rates," he said.

"The fact is that though the society has reached a high measure of

housing loans... it has not met with the particular loan mix."

He said CBS was the largest building society in the ACT and that 1600 housing loans had been approved during the relevant period — "a significant achievement". He went on to say that the society's 23 years of operation had been conviction-free.

The chief executive of CBS, David Bastian, said on December 4 that the society had been talking to the Government for two years about its difficulty in complying with Section 14AC.

He said that despite holding interest rates down in an effort to remain competitive, there was "not enough housing business to be had... I can do no more."

Mr Cahill said he would not prosecute under the ordinance. He said he appreciated that it had been difficult under the circumstances to comply with the ordinance, but he considered it was a matter which required a fine.

The good record of the society had been taken into account in his judgment. "It seems that despite the good record [of the society] and despite the fact that it was not intentional... there is an obligation on institutions to obey the demands of the legislation," he said.

IN BRIEF

Victims of WA crash

PERTH: Police named yesterday the 10 people believed to have died when an aircraft crashed about 300km north of Kalgoorlie on Friday. A spokesman said identification was proving difficult and could take time.

Directors of the mining company, Independent Resources Ltd, were among the dead, managing director Max Greenham, a director of associated companies, Geoff Bayly, and company secretary Susan Kahl. Police said the flight list showed the following on board: Paul Wilson, Susan Barr, Julie Saw, Dr Howell, Susan Africano, Trish Doohan and pilot Kevin Fitzmaurice.

Brisbane tourist

Police are urgently trying to contact Reg Gilbert, of Buranda, Brisbane, believed to be holidaying in the Canberra region. Mr Gilbert or anyone knowing his whereabouts should contact the operations sergeant on 497444.

OTC pay rises

The Minister for Transport and Communications, Ralph Willis, received yesterday a 20-page report from the Overseas Telecommunications Commission about pay rises granted to OTC executives and technicians.

Tiger mystery

SYDNEY: Police are looking for an unidentified witness they believe could unravel the mystery of the fatal tiger attack on Taronga zoo worker Victoria Scrivener. Detective-Sergeant Neville Greenaway of North Sydney made the appeal after interviewing a 33-year-old female workmate of Ms Scrivener who was in the tigers' enclosure at the time.

Police were treating the attack as an accident. "There's no criminal negligence being attributed to anyone," he said. No action was planned against the two tigers.

Lotteries

Jackpot lottery 3419, drawn yesterday: 1st, \$100,000 No 134703, no details available; 2nd, \$12,000 No 089830 nfp, Davidson; 3rd, \$5000 No 095761, no details available; Consolation \$1000, 134702-134704. Jackpot of \$180,000 not won, now stands at \$200,000 in Jackpot 3420, drawn today. The 40 Million Dollar Lottery will be drawn on Thursday.

Winning numbers, NSW Lotto Week 51: 28, 1, 17, 36, 32, 14, supplementary 18. Second Chance Draw: 4, 7, 39, 35, 8, 19, no supplementary.

Prizes, Tattslotto draw 773: division 1, \$443,497.05; division 2, \$7948.05; division 3, \$634.75; division 4, \$21.30; division 5, \$13.20. Super 66 division 1 prize, \$75,204.64.

Tatts 2: 72, 73. Division 1 prize \$698, division 2 \$5.

Carlton case dismissed

By STEPHEN QUEST, Industrial Reporter

Carlton and United Breweries' application for an interim injunction against the Transport Workers' Union was dismissed yesterday in the Federal Court.

The court action followed a return to work yesterday by the five TWU owner-drivers who had refused to deliver Carlton products from a Queanbeyan distribution depot, run by Len Edwards Transport.

But the court ruled the case could be related at short notice if the need arose, and deferred a second application for a permanent injunction and damages under the secondary-boycott provision of the Trade Practices Act.

Though Carlton would not comment on the application being dismissed — its objective had been achieved by the drivers turning to work — the TWU claimed victory against the international brewer.

The union's secretary, David Lamont, said Carlton had not been able to satisfy the court that there was a "case to answer" — and you need to do that before you receive [interim] injunctions.

Beer supplies should be back to normal by tomorrow, averting a Carlton "drought" in some small clubs and retail outlets which have been unable to buy through normal warehouse channels.

War crimes Bill to include Australians

Australian ex-service personnel could be prosecuted under the Federal Government's controversial war crimes legislation after an Opposition amendment to remove Australians from the operation of the Bill was defeated yesterday in the Senate by two votes.

The Government has consistently opposed any moves to specifically exclude Australians, claiming it would be unfair and undemocratic to "quarantine" one class of people from the effects of the legislation.

However, it has proposed amendments which effectively exclude most Australians. These include confining the scope of the legislation to crimes committed in Europe and allowing defendants to raise the doctrine of military necessity as a defence.

In other debate yesterday, the Opposition launched a blistering attack on the special unit set up to investigate allegations of war criminals living in Australia. The Opposition attacked the unit's methods of investigations, described its investigators as "zealots", and said some

did not make appointments or even knock on the door when they visited suspects.

One target of the attack was the wife of unit head, Robert Greenwood, QC.

Senator Noel Crichton-Browne (LP, WA) said Mrs Greenwood had incurred travel and accommodation expenses of \$21,135.24 between August 8 last year and December 3 this year when she accompanied her husband on visits to the Soviet Union, Europe and the United States.

He said the money spent on her trip had not contributed anything to the legislation.

NSW Independent Senator Irina Dunn and six Australian Democrats voted with the Government to defeat the Opposition motion — 37 to 35 — to remove Australian ex-service personnel from the ambit of the legislation.

Australian Democrat spokesman on veterans' affairs, Senator Paul McLean, and Tasmanian Independent Senator Brian Harradine voted with the Opposition.

Mohammed gets a perfect gift

By KATHRYN WHITFIELD and DEIRDRE MAHONEY

Mohammed El-Leissy, 4, received the Christmas present he wanted yesterday — the Department of Immigration revoked his mother's deportation order.

"Merry Christmas and Happy New Year," he said almost continually during an interview with his mother yesterday.

His mother, Maye El-Leissy, an Egyptian citizen, had been considered by the department to be a prohibited non-citizen and had been served with a notice of deportation in November.

Mohammed is an Australian citizen by birth. If his mother had been deported to Egypt he would have faced difficulties. He would not have been able to gain permanent residency in Egypt — unless his estranged father applied for it on his behalf — he would not be able to attend a state school in Egypt, and would not be able to receive state medical care.

The Minister for Immigration, Senator Robert Ray, announced in Parliament yesterday that Mrs El-Leissy's deportation order had been revoked.

He said the new choice had been made because of medical evidence that Mrs El-Leissy suffers from a chronic skin disease, lupus (as reported in *The Canberra Times* on November 29). She would be in a "potentially life-threatening situation" medically if she returned.

However, Senator Ray said in Question Time yesterday that Mrs El-Leissy's dealings with the Department of Immigration had been "characterised by mendacity and deception".

She had applied to migrate to Australia in 1980 and had been refused three times before she had been granted a visitor's permit for family reasons, provided she would not seek to stay.

She had then asked for permanent residency on the basis of a de facto relationship but she had not turned up to meet department officials.

Her subsequent marriage had lasted only briefly.

Senator Ray said he had not bowed to media pressure and had not changed his mind because of worries of abuse on return to Egypt.

"Indeed, the circumstances of her parents are very comfortable by anyone's standards," he said.

"Despite knowing her medical conditions since 1963, Mrs El-Leissy did not volunteer that information until she became a prohibited non-citizen in this country."

"Successive ministers have been entitled to believe that Mrs El-Leissy's actions have been characterised by dishonesty and have been a calculated attempt to circumvent Australia's immigration requirements."

"I repeat that the sole reason for my decision to revoke the deportation order is based on this individual's health."

Though Mrs El-Leissy, who is living with her son in a Society of St Vincent de Paul women's refuge in Canberra, had not been formally notified of the decision yesterday, the department had informed the Canberra head office of the society.

"I couldn't think ahead even to tomorrow [before the deportation order was revoked]," Mrs El-Leissy said yesterday. "I couldn't make any plans, but now they have given us a future. I thank the minister for he has changed our future and he has let Mohammed have a good future."

Mrs El-Leissy said the society had helped during their plight and had put forward her case to the department.

She had never deceived the department and had "always told the truth".

She said she had applied to emigrate to Australia in 1978 but had been rejected.

The spokesman for Senator Ray said this was because she was not considered to have appropriate qualifications.

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Maye and Mohammed El-Leissy at a Canberra women's refuge yesterday.