

Dr BATES (Franklin) - I rise to support the motion and in giving my maiden speech I take this opportunity to reaffirm my allegiance to the Crown and to the Crown's representative in Tasmania, the Governor, Sir James Plimsoll.

I think the most obvious fact to come out of the recent State election is that half the members of the House of Assembly have been replaced by what might be termed 'fresh blood'. My colleague, the Minister for National Parks, is quite right when he says that we have the votes of the electorate on trust, to perform or suffer the consequences. I believe voters are becoming more discerning and, quite frankly, I would have expected many of the members elected for the first time in February to have been elected no matter to what Party they professed their allegiance. By that, I do not mean that the Tasmanian electorate did not mean to return a Liberal government because quite obviously it did. I simply point out that individual candidates succeeded largely because the electorate expected they would perform well. I believe the electorate will be sitting in judgment on us all because of that.

The other particularly noticeable feature of the recent State election was how many lawyers were returned to this House. Many members of the public may instinctively believe that to be a bad thing. In my experience, in the community lawyers rank only just above politicians in the popularity stakes and a little below academics and legal academics who are now politicians with an environmentalist view may be expected to suffer worst of all.

Members laughing.

Dr BATES - Joking aside, I regard the influx of lawyers as a good thing. I think I can speak for all of us here when I say that it is a sense of justice, fair play and social responsibility which motivates us to stand for Parliament and lawyers, above all, are constantly having to come to grips with those elusive and very fragile values. Having good legal minds on both sides of the House, I think we now have a golden opportunity to correct the deficiencies of past parliaments in the area of law reform. In my opinion a great deal of Tasmanian law is totally out of date and serves only to disadvantage much of our community.

In many areas, I think the question of law reform is essentially apolitical. It does not depend on Party allegiances, it is simply a result of previous inaction and ignorance by previous governments. I will give an example of what I believe to be a matter of law reform which should not really give any cause for concern to either Party and yet it is something which has dragged on for years and years. At the risk of giving rise to nightmarish memories of their student days to the lawyers present, I am talking about law against perpetuities.

Member laughing.

Dr BATES - The member is aware of that, is he? He might well laugh.

It is a rule, for those non-legal minds, which is essentially to guarantee the free availability of land on the open market, whilst recognising the rights of the current owner to leave that land to whosoever he chooses in the future. But a more fiendish and mind-boggling set of rules to achieve that end has never been concocted. Statutory reforms in other States took place about twenty years ago. I think South Australia, if it has not done so already, is just about to abolish it. It has been a subject of a Tasmanian Law Reform Commission report and all practising lawyers would welcome reform of that rule or its abolition. In fact the rule has become almost obsolete anyway because nobody can understand it, but it still exists to catch out the unwary occasionally. I myself happen to be the beneficiary of a trust fund which is totally void for the rule against perpetuities but I am not going to tell anybody about it.

Members laughing.

Dr BATES - There are many Tasmanian laws which are useless and irrelevant echoes from the past, badly in need of being brought into shape to serve the needs of the community.

There is still a statute in force in Tasmania which actually states at the beginning that it shall not apply to Scotland and Northern Ireland. Many of our laws are covert copies of superseded English legislation and I shall refer to the planning laws in that regard in a moment.

With the present composition of Parliament I believe we have a golden opportunity to initiate real and lasting law reform. I would respectfully suggest to my colleague, the Attorney-General, and members of this House the formation of an informal parliamentary law revision committee to identify and recommend priorities regarding law reform. We have of course a Law Reform Commission and we can draw on its reports and its advice for guidance, but I would recommend this suggestion as one possible way in which the huge backlog of much needed reforms can be identified and achieved.

Another area of legislative and administrative activity which is also showing signs of age is our system of land-use planning and decision making. Our town and country planning system is so riddled with anomalies and injustices that those who have to attempt to administer the system fairly face an impossible task.

The Royal Australian Planning Institute has for years been pressing for reform and the national body has described our planning system as the worst in Australia. It is a system which is essentially based on pre-World War II British planning. It never worked there and it has been rejected in all other States. I suppose the ignorance of previous governments in matters of land-use planning has kept in place a system which is essentially useless so far as the modern needs of good planning are concerned.

However I welcome recent government initiatives to remove overregulation which stifles development initiatives. I also welcome recent legislation which tries to force local councils to accelerate the adoption of planning schemes. These initiatives have of course been undertaken primarily for the benefit of the development lobby but they should assist the community in general. The community is becoming much more interested in, and aware of, planning and quality of life issues and about retaining the amenities of the local environment. This interest in the local community has been evidenced over the past nine or ten years by the steady increase of cases which go to appeal before the Planning Appeal Board - some 30 in 1977 but last year 101.

It will be interesting to see whether the Town and Country Planning Commissioner's proposed new act - I believe it is to be introduced later in the year - will take account of the growing public awareness of the role of good planning and the increased desire of people to participate in the system. I respectfully suggest to the Minister for Local Government that one of the continuing anomalies which could be tackled is the consistent failure to advertise subdivision proposals, despite the existence of Crown Law opinion which says that it is in fact legally necessary.

There is one current and contentious planning issue, and that is Electrona. To avoid abusing the privilege of being heard in silence I will not debate it fully because I do not want to see apoplectic faces caused by members on the other benches having to withhold their comments for too long. But one of the members who spoke last week - I think it was Mr Rundle - did mention Electrona. He said that the public would know how many jobs Electrona could generate - he is obviously privy to information which has not been made available to the general public. I know there have been statements in the newspapers but the supposed research on which they were based has never been released, the Government has consistently refused to release it and that is a fate which befalls many research reports paid for by the taxpayers.

I do not think I am speaking out of turn now, since the inquiry before the board finished this morning and in any case it is something which has been made public. We must take into account, for example, the fact that 60 houses in the Electrona area - and, I suppose, more than 100 people - will have to suffer noise levels over and above anything previously considered reasonable by any other State, for the privilege of having that development operate alongside them.

It seems to me that problems like Electrona, and problems arising over the development of the international hotel or the coal-fired thermal power station, are land-use planning issues which have not been properly dealt with by the Government. There has been no sensitive attempt to incorporate public responses and the public desire to participate in the planning process.

One of the most ridiculous situations about Electrona - and one I think the Minister for the Environment must tackle as soon as possible - is the fact that people were required to lodge objections to the Electrona plant before the environmental impact statement even came out. Nobody was quite sure what they were supposed to object to because there was nothing to tell him what the plant would be doing and, even when the environmental impact statement was released, the public were not allowed to comment or send in proposals to the Department of the Environment. Instead the objectors and the company were forced to go through a tedious, time-consuming and very expensive appeal when a little commonsense and goodwill and a decent administrative system could have resolved many of the issues later canvassed before the Appeal Board. Everyone suffered because the system itself helps neither the developer, the objector nor the Department of the Environment - which is caught in the middle with these things - nor, of course, the Appeal Board which had to sit for nearly three months when it had much better things to do.

I have three suggestions for the Minister for the Environment which I can translate to him by mental suggestion, if nothing else. The first is to develop legislation spelling out the nature and purpose of environmental impact assessments including procedures for the conduct of those assessments. We are the only State in Australia which does not have that sort of legislation and procedures.

Secondly, I suggest we amalgamate the Environment Protection Appeal Board, the Planning Appeal Board, the mining warden, the Building Appeal Board and, if relevant, rating and valuation appeals as well into a comprehensive board, free of legal technicality and assisted by assessors with appropriate qualifications. That will prevent the ridiculous distinction between what is a planning matter and what is an environmental matter, a distinction which has bedevilled the recent Electrona appeal.

Thirdly, I would write into planning and environmental legislation a power for the licensing authority to conduct round table discussions with the objectors before an appeal is needed. That way the objectors can try to resolve the issues with the developer and the Department of the Environment and try to get matters into some sort of sensible form to see if anything needs to go before the Appeal Board later. I think those measures would greatly assist the administration of the decision-making process.

Times have changed and people are not prepared automatically to accept government assurances about what is good for them. They are prepared to check out for themselves such things as the silicon smelter, the international hotel and the coal-fired thermal power station. And people wishing to pursue those matters are not - as they are frequently painted - greenies, anti-development, anti-Tasmanians, Battery Pointites or even simply planners, which also became a dirty word in the previous Parliament. They are simply people who want to express a view about environmental impacts on their surroundings and want those impacts to be properly assessed. The Government can assist the process of reasonable and sensible community participation or it can seek to deny public involvement. Whilst the latter course is adopted there will always be confusion, conflict and confrontation.

The forestry issue is also a good case in point. It is also a planning issue. I believe the Institute of Foresters and the Forestry Commission recognise it as a planning issue. The question of how far we go in logging and clear-felling in National Estate forests and conservation areas is a rather different question from how we manage those forests which are to be used for timber production. I welcome and support the work done by the Forestry Commission in developing working plans for concession areas and management plans for protecting environmental values in conservation areas. But the decisions to allocate concession areas for timber production were generally made a

long time ago without knowledge and without an understanding of competing values. Outside concession areas, there are no management plans for conservation areas which are still subject to logging.

The conservation lobby sees the problem as a long-term planning issue. It wants to be assured where logging and clear-felling will stop and it wants to participate in the decisions which make that judgment. That is not quite the same as participating in management planning for areas which will be logged, welcome as the decision to include that participation is.

To determine where economic forestry activities will stop, an understanding and agreement about what is wilderness and what its special values are must be developed between conservationists and government. I believe the Forestry Commission is trying to do that and I welcome it, but I resent the polarisation of the community over this issue - the painting of people into black and white camps - when in fact what we really have are shades of gray and green.

I also think it is really quite unnecessary, and a sad insight into government in the State, when ministers of the Crown turn up to a protest rally without any apparent rational argument to put but simply to abuse and make jokes about two other members of Parliament. I regret very much that this should be a feature of modern politics, as a substitute for rational debate. But let no one be in any doubt about the resolve of the member for Denison and myself to weather that sort of vilification.

While still on the subject of land use and development, I also wish to point out that bad planning or failure to assess environmental impacts properly can also lead to huge economic problems. Ask any farmer who has a problem with soil erosion. We are the only State in Australia not to have a statutory soil conservation authority and appropriate legislation.

Insensitive planning in coastal zones has also led to dunes erosion and the consequent threatening of adjoining properties - and to the introduction of interstate experts to fix the problem, at great expense. We are virtually the only State in Australia without a coastal protection authority and adequate legislation in terms of planning. We will soon be the only State without environmental impact assessment legislation. We allow subdivisions to eat up prime rural land, without advertisement and without any consideration about the costs of doing so and the value of what we are losing. The Government wants to transfer all responsibility for subdivisions back to the local councils instead of exerting the central government control which the situation so desperately demands.

In the past the State has allowed uncontrolled logging or damming of catchment areas and then initiated studies and inquiries to ascertain why rivers and estuaries are silting up and becoming blocked with rubbish. The State allows the almost indiscriminate use of chemical fertilisers and pesticides. It fails to monitor sources of pollution adequately and then the Inland Fisheries Commission is pulled out to investigate the declining fish and aquatic populations of the State's rivers.

The State refuses to release money for the upgrading of sewage treatment plants and issues ministerial exemptions to polluters, and yet it still seeks to encourage viable shell and scale-fish industries in waters affected by those polluters. We overfish our marine resources for lucrative export markets and then complain because the fishing has gone off. I wonder whether we are not really running backwards with our hands clasped firmly over our eyes. We seem to have forgotten that in ecological terms everything is connected to everything else and ignorance exercised in one area comes back to haunt us in another.

The point I obviously wish to make is that failure to have regard to sensible and balanced environment and planning control is not merely ecological folly but economic folly. I believe that, of the Premier's advisers, no one is qualified in environmental and planning issues and I would see that as a very grave mistake.

It costs very much less to look before one leaps than to pay for mistakes afterwards. If the State is to look towards its future, both environmentally and economically, it must reorganise its administration and its laws with respect to land and resource-use decision making and devote more resources to this badly neglected area.

Tourism has also been raised by a number of speakers. The Attorney-General praised quite rightly the value of the Port Arthur site as a tourist attraction because of its heritage value. I must say I find it faintly illogical to hear government members call on the one hand for Federal intervention for one part of the National Heritage whilst trying to stop Federal intervention in any other part of the heritage. Looking on dispassionately, as an Independent member of this Parliament, I also think to myself, 'Why should the Federal Government feel any urgency about assisting the Tasmanian Government when all it generally receives from Hobart is abuse and vilification?'

Last week the Attorney-General referred to cooperation rather than confrontation. It is a noble ideal I wholeheartedly endorse and try to practise, and it might usefully be applied to Federal-State relations.

I also have some concern about the provision of decent family accommodation for tourists. Apart from the need perhaps to upgrade one in every two or three caravan parks around the State, I think much more could be done to encourage bed and breakfast accommodation in our rural areas, especially in some of the lovely old homesteads with which Tasmania is endowed. Perhaps government grants could be initiated to help owners of colonial accommodation upgrade and restore them for use by tourists for bed and breakfast accommodation. Perhaps too there could be beautification grants for older country towns to assist with repainting and general maintenance, to assist them to provide tearooms, craft centres and other facilities.

Mr Davis - Tearooms?

Dr BATES - Yes. Tearooms are a problem. I recently went all the way up the east coast - from Bicheno to St Helens and beyond - and there was only one tearoom at which one could stop with a family and get a cup of tea and a scone.

There is a lovely old village in my own electorate aptly named Franklin, which is ideally situated and ripe for a development and refurbishment program. It is situated in a lovely spot but at the moment it looks and feels worn out. There is nothing there to cause tourists to stop and stay a while. I am afraid that, in the tourist promotion stakes, New Zealand has us beaten all the way down the line. We cannot afford just to sit back. I appreciate the initiatives of the Government in developing tourism facilities but we still cannot sit back and just wait for the tourists to roll off the New Zealand-Tasmania air link.

Like other speakers I have personally experienced the bad side of the tourism industry. The thoughtless littering of just about every camping place, picnic spot and beach and fishing spot comes to mind. Figures kept by the Department of the Environment show no improvement at all in the five years in which the Government's litter reduction campaign has been going on. The Tasmanian Government still accepts the advice of the vested packaging and beverage industries that its pitiful contribution to litter control is all that is required when the evidence collected by the Department of the Environment proves the opposite. I would also respectfully suggest to the Minister for the Environment that penalties for littering should be increased quite substantially.

I have had other bad experiences as a tourist and so have many of my interstate colleagues, although in general they enjoy their time here. A couple of months ago in an east coast pub I was standing behind a lady who was ordering \$20 worth of counter teas for her family. There were three children and she asked for one half serve. The gentleman who ran the pub said he could not do that; what would he do with the other half? A lady behind that lady also asked for a half portion and he refused her as well. He could not work out that one half plus another half make one. He then refused to make me sandwiches for six persons. He pointed to the board. The only things on the menu

were curried sausages, and eggs, beans and chips - and that was on a stinking hot day in the middle of February. To cap it all off, at the entrance to the pub there was a sign saying, 'Do not ask to inspect the premises as this request will be refused', and I thought, 'What a marvellous introduction to Tasmanian hospitality!' This pub was a good half-hour's drive away from any competition and only a few kilometres from a major tourist destination - itself without any facilities. I have never experienced that sort of treatment in Europe, New Zealand or America and international tourists will not put up with it. That sort of behaviour may well be an isolated instance but it takes only one of those to spoil an otherwise good holiday.

I also think Tasmania is one of the best places in the world - after Manchester and Birmingham, I can assure members of that - and I want others to think so too. That is why I am perturbed at the failure to initiate the sort of environmental planning which takes place in other States and Territories and countries we regard as third world countries like Papua New Guinea and Fiji; they have it better than we do. Failure to do the same will affect our quality of life, our economic performance and our attraction for tourists.

Finally I briefly want to say a few words about unemployment. The most tragic thing I saw during the very short time in which I was able to canvass for the election was the sight of the unemployed youth hanging around the local shopping centres because there was nothing else to do. They are delightful people, simply ordinary young people with nothing zany about them; just good-hearted teenagers and the member for Denison, Mr Davis, asks what we can do for them. The greatest gift we can give those people is education. We have an appalling record of failing to keep children at school to learn a trade, profession or some sort of skill; yet everyone knows that is the only way one can get a job these days if he wants a choice, at least, and if he does not want to sit on dole queues for months on end.

The old Electrona carbide works is a good example of how parents are sucked into believing that there will always be a job available for their children within industries like that. But in the end, those industries will either put off workers or go bust and close down and the expectations of the local community that they will always provide a job will be dashed.

As I said before, education is the greatest gift we can bestow on people and I really think we ought to try to increase the budget available to education in order to give young people skills or a trade of some sort.

I will finish here. I will be researching these other matters - as, I think, the electorate expects - in the years ahead but I want to assure the electorate that I shall always endeavour to do what I believe is right and what I was elected to do. I am prepared to be judged in that light at the next election and when I feel I have nothing left to offer this Parliament I will leave of my own accord.

I thank you, Mr Speaker and members, for your courtesy and patience.