

SECOND READING SPEECH

LAUNCESTON FLOOD RISK MANAGEMENT BILL 2014

Mr Speaker, I move that the Bill be now read a second time.

The Government is committed to the improved management of flood risk in the Launceston area. The Bill before the House is the last in a series of agreed measures to achieve that outcome. It will facilitate the Launceston Flood Authority and the Launceston City Council to exercise their functions and powers to manage the risk and clarify indemnity issues in the case of a flood event occurring.

The issue of flood mitigation in Launceston has a long history. Over the last 150 years there have been various projects to construct and then re-construct flood levees to protect the low lying areas of the city.

In 2006, a study of the Launceston area conducted by independent consultants concluded that the levee and other flood mitigation systems in the Invermay area have become inadequate.

The then State Government, the Australian Government and the Launceston City Council subsequently agreed to jointly fund upgrades to provide protection sufficient for a 1 in 200 year flood.

Together, the then State Government and the Council developed a comprehensive set of thirty agreed measures which formed an integrated approach to flood mitigation in Launceston. The measures included land use planning and development control policies, public

education programs, emergency management policies and plans, and capital works.

These measures were formalised in 2008, when the Council and the State Government signed the *Launceston Flood Risk Management Deed*, which articulates the obligations on both parties with respect to the provision of funding necessary to improve the flood protection scheme.

The Australian Government matched the State's contribution of around \$20 million in funding.

The Council agreed to establish a single authority to be responsible for the design, construction and maintenance of the flood protection systems. The Launceston Flood Authority was subsequently established by the Council.

Over the intervening years the remaining agreed measures have now largely been implemented or are currently being put in place. The most obvious of these for the residents of Launceston has been the re-design and construction of new flood levees in critical areas.

The State Government agreed in the Deed to use its best endeavours to establish legislation to facilitate flood protection in the Launceston area, including immunity from legal action for the Council and the Authority whilst undertaking flood risk mitigation or emergency management activities. This Bill fulfils that obligation.

The Bill has been developed after an extensive consultation process with the Launceston City Council, the Launceston Flood Authority, and an Interdepartmental Committee (IDC) established for this purpose. The Launceston Flood IDC included senior representatives from the

Departments of Justice (Tasmanian Planning Commission), Premier and Cabinet, Treasury and Finance, Primary Industries, Parks, Water and Environment and Police and Emergency Management (State Emergency Service).

The Bill is necessary to provide a clear statement of the powers and functions of the Flood Authority in relation to managing flood risk, which includes the design, construction and maintenance of the levee system.

The Authority will also be given power to require that development applications in the flood-prone area, and Planning Scheme Amendments with implications for the flood-prone area, be referred to it for advice.

The Bill also gives the Authority standing to join an appeal to the Resource Management and Planning Appeal Tribunal.

The Bill clarifies issues associated with emergency management situations and complements, and does not impinge on, the *Emergency Management Act 2006*.

The Bill sets out the Council's role in relation to the levee-related land, including an ability to utilise levee-related Crown Land for any purpose that improves the amenity of an area without impeding the flood protection systems.

The Bill establishes a range of offences in relation to damaging flood protection works, or hindering the management of a flood event, and permits the Council to issue fines relating to those offences.

The Bill will provide a comprehensive range of immunities against actions for injury, damage or loss as a result of flooding in the flood-prone area, or as a result of the performance of other functions and powers under this Act.

The Bill also establishes a procedure to wind up the Launceston Flood Authority. This power can be exercised by the Minister on the request of the Council, but given the specialised nature of the Authority's role, the Minister would be expected to consult widely in the event that such a request is received.

Mr Speaker, in conclusion this Bill represents the final step in a process to improve the management of flood risk in the Launceston area, at a time when the likelihood of extreme weather events is unfortunately increasing.

Mr Speaker, the Government fully supports the introduction of this Bill.

I commend this Bill to the House.