

**AUSTRALIAN NATIONAL COMMITTEE ON LARGE DAMS 2017 CONFERENCE
SPEECH BY
HER EXCELLENCY PROFESSOR THE HONOURABLE KATE WARNER AC
GOVERNOR OF TASMANIA
WREST POINT CONVENTION CENTRE, THURSDAY 26 OCTOBER 2017**

Good morning everyone and welcome to the Australian National Committee on Large Dams 2017 Conference or ANCOLD.

I begin by paying my respects to the traditional and original owners of this land – to pay respect to those that have passed before us and to acknowledge today's Tasmanian Aboriginal community who are the custodians of this land.

I understand that the ANCOLD conference is an annual event that brings together professionals working in the dams industry to address and explore challenges faced in the industry. The gathering is primarily of those from Australia with some participation from New Zealand and further abroad.¹ I wish to warmly welcome all of you to Tasmania and I do hope you get a chance to explore our beautiful Island while you are here.

In preparing to speak to you today I read with interest about your organisation on your website and I also read through your Conference Program which looks set to deliver an extremely diverse and fascinating array of presentations to you.

I have to confess that my knowledge of Large Dams is both superficial and very skewed – skewed by my legal background because my immediate thought was what an appropriate place for a dams conference when the most famous and influential environmental law case in Australia is the Tasmanian Dam Case, which was also a landmark in Australian constitutional law.

¹ Information Brief- in the folder

The case arose out of proposal in 1978 by the Hydro-Electric Commission to construct the Gordon-below-Franklin Dam on the Gordon River which would have flooded a large section of the Franklin River in South-West Tasmania. In 1982 the World Heritage Committee declared the area a World Heritage site.

During the Federal election the following year, the Labor Party promised to intervene by using the external affairs power to stop the dam. After Labor won the election it passed the *World Heritage Properties Conservation Act 1983* which in conjunction with *National Parks and Wildlife Conservation Act 1975* enabled the Commonwealth Government to prohibit clearing, excavation and other activities within the Tasmanian World Heritage area. The Tasmanian Government refused to halt construction of the dam and the Commonwealth Government took the State government to the High Court.

In a split decision the High Court upheld the validity of the Commonwealth laws preventing the dam from proceeding. The legal significance of the case lies in that it upheld the use of the external affairs power in the Constitution to make laws to fulfil Australia's international obligations – including laws to protect world heritage areas. This also allowed the Commonwealth to intervene to protect human rights such as the right to privacy infringed by Tasmania's laws criminalising homosexuality.

Dams of course can have enormous benefits: water storage and management, food production and electricity generation and flood protection. With global warming and population growth, water is becoming an increasingly vital resource for our civilisation. While dams can provide a solution to addressing our need for an adequate and safe water supply, the environmental impacts of dams are numerous and varied and need to be carefully considered before dams are constructed as well as after to address unforeseen consequences. Moreover, dam failure can lead to catastrophic results. I have learnt that when the Banqiao Dam in China failed in 1975 some 171,000 people lost their lives.

Having just visited Derby as part of our municipal visit to Dorset in the North-East of the state, the story of the Briseis Dam caught my eye. The Briseis Dam disaster resulted from the bursting of a dam constructed on the Cascade River above Derby, to supply water for hydraulic tin mining operations. Following unprecedented rainfall of 450 millimetres during the previous two days, on 4 April 1929 a deluge of 125 millimetres fell in one and a half hours on the catchment area above the Briseis Dam.

The resultant flood broke the dam, and a huge wall of water surged down the river valley towards the town, engulfing several houses and other buildings and pouring into the workings of the Briseis Mine. Fourteen lives were lost, including one family of five who were sitting down to a meal when their home was carried away.²

Because of the impact of dams on the environment, their potential for disaster and in the case of tailings dam failures, the threats to the mining industry's social licence to operate, the construction of dams, levees and weirs is highly regulated.

However, I am very conscious that there is nothing that I can tell you about all of this that you don't already know. So, having opened with a reminder about the Tasmanian Dams Case, I will close with something relating to dams that I came across the other day which was new knowledge to me and maybe to some of you. We have always thought of pre-colonial Aboriginal Australians as hunter gatherers. However, new evidence is emerging that challenges that perception. Bruce Pascoe's book *Dark Emu: Black Seeds: Agriculture or Accident*, based upon reports of early white settlers and explorers, argues that these people found, 'Not a wilderness, not a land peopled by wanderers but a managed landscape created by the enormous labour of a people intent on creating the best possible conditions for food production.'³ Intriguingly, the Aboriginal people built dams, wells and watercourses. This is an account from one early explorer who saw a dam being built by Aborigines:⁴

² http://www.utas.edu.au/library/companion_to_tasmanian_history/B/Briseis%20Dam%20Disaster.htm

³ Bruce Pascoe, *Dark Emu: Black Seeds: Agriculture or Accident*, Magabala Books, 2014, 9.

⁴ Pascoe, n 3, p 39.

The people would get in a line, using their digging scoops and larger coolamons. The clay and earth was scooped into the larger coolamons, which were passed along the line. Walter commented on the speed of the operation; with a line of people working, the deepening of the favoured catchment area and the building of the bank could be done at the same time. When it was satisfactorily excavated, the people would trample the clay base. If ant nest material was nearby this was carried and trampled in to give a very firm base.

Pascoe tells of a two metre high 100 metre long dam wall discovered on the Bulloo River floodplain in the Channel country of south-west Queensland; of a dam with a clay and granite wall constructed at the base of a granite outcrop found by early explorer SG Hubbe in Western Australia; of a large well found by Sturt in 1849 in South Australia; and many more.⁵

For me, learning that Aboriginal people did build dams and irrigate and till the land is a reminder that there's was a civilisation that ingeniously protected our land for 60,000 years, a lesson which we need to heed in our management of it.

In closing, I wish you a successful conference and I commend you on this important field of study and work.

Thank you.

⁵ Pascoe, note 3, pp 39-41.