




Speech By
Hon. Mark Bailey

MEMBER FOR YEERONGPILLY

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WATER LEGISLATION (DAM SAFETY) AMENDMENT BILL

Introduction

 **Hon. MC BAILEY** (Yeerongpilly—ALP) (Minister for Main Roads, Road Safety and Ports and Minister for Energy, Biofuels and Water Supply) (4.23 pm): I present a bill for an act to amend the Water Act 2000 and the Water Supply (Safety and Reliability) Act 2008 for particular purposes. I table the bill and explanatory notes. I nominate the Transportation and Utilities Committee to consider the bill.

Tabled paper: Water Legislation (Dam Safety) Amendment Bill 2016 [\[2190\]](#).

Tabled paper: Water Legislation (Dam Safety) Amendment Bill 2016, explanatory notes [\[2191\]](#).

This bill provides important clarification for dam owners and the community about responsibilities for warning the public during an emergency, enhances the focus of the dam safety regulatory framework on public safety and simplifies some regulatory procedures to save small dam owners and the government substantial money. Dams are generally extremely safe. They are built and operated to some of the highest safety standards of any infrastructure. I am glad to report there have only been two recorded dam failures in Australia which have led to the loss of life, including the tragic loss of Nelani Koefer as a result of an inflatable structure failing on Bedford Weir in a tragic accident in 2008.

In Queensland, dam safety regulation not only protects against the rare risk of dam failure but also explicitly requires dam owners to warn the public about what are called 'downstream release hazards'. These are hazards caused by water coming out of a dam over the spillway automatically or by water being deliberately released by the dam owner. This type of hazard occurs frequently. Dams often spill during rain events without there being any threat to the structural integrity of the dam. As the portfolio minister for water supply during the 2015 flood events I recognised shortcomings in communication processes and I empathised with criticisms from the community, so I asked Mr Iain MacKenzie, the Inspector-General of Emergency Management, to review how they manage their flood release communications.

These two state owned organisations own almost half of the large dams in Queensland, so their performance is important in the effective management of flood events, noting that dams are only part of the picture of any flood event. The Inspector-General's 2015 report found that there were a range of operational and other improvements that could be made. This bill responds to part of that report, which recommended that the government review the dam safety legislation to enhance effective communications.

This bill is supported by a range of operational initiatives that the government has taken over the last year. The Department of Energy and Water Supply has incident management expertise and works with dam owners and disaster management groups to help both understand their roles and responsibilities to improve effective integration. Seqwater and SunWater have already made substantial improvements to how they deliver warnings effectively to the community and how they engage with disaster management authorities. This bill will underpin these operational improvements and ensure that dam owners, disaster managers and the community understand each other's roles.

The bill will clarify the purpose of emergency action plans to help ensure that dam owners, disaster managers and the community have a shared understanding of what plans are meant to achieve. I need to be clear that planning will never guarantee that all circumstances will be foreseen, although it is a critical part of disaster readiness. Plans are intended to agree responsibilities and communications and form the basis of a response, but dam owners may need to adapt their response in the face of unexpected circumstances in order to minimise the risk to people if the plan response was not effective. The bill will clarify that dam owners have a responsibility to warn people, whether of the very rare hazard of a dam failing, or the much more likely hazard of the dam spilling or releasing water into the river.

Warning is more than just notifying people: it means telling them that they may need to act and empowers the community to take action to protect life or property. Dam owners need to ensure that they have agreed with local authorities on how those warnings will be provided to suit the circumstances of a particular event. That may mean in many cases that the disaster management group agrees to take responsibility for warning communities during a general flood where the dam is a minor influence, but in other cases the dam owner may have to notify all the people downstream, for example, if the dam were to fail without warning due to an earthquake. In these circumstances the disaster management group will not have been activated and would not be able to warn people quickly.

Despite the importance of integrating dam emergency planning with local disaster management planning, I am advised that fewer than one in five of the current emergency action plans have been reviewed by local authorities, so the bill will make that review mandatory but it will make it a responsibility of council rather than the disaster management group. That is not meant to downplay the importance of the engagement of all the agencies in a local disaster management group but to ensure a timely review, as disaster management groups may not meet frequently. Furthermore, many smaller dams pose such a low risk that their failure may not trigger a disaster management response, just management by emergency services through the normal 000 arrangements. The bill also focuses the dam's safety framework more effectively on larger dams which pose a risk to the general public by stepping back from regulating dams which only pose a risk to people on the same property—those which have very low consequences compared to larger dams and which are also generally covered by workplace health and safety legislation.

The dam safety framework is intended to mainly cover high-consequence dams—those that put large numbers of people at risk. As I said earlier, dam failure events are extremely infrequent and there are other more pressing safety concerns on farms and workplaces. The Department of Energy and Water Supply has been reviewing the risk of dams across the state and has identified around 100 small dams which probably pose a risk but which are not currently regulated. Most of these only pose a risk on the same property, but around 40 may pose a risk to the general public and should be regulated. This bill simplifies the pathway to regulation for these dam owners by providing them an option to simply accept their regulator's assessment of risk rather than be forced to spend their own money to independently assess the failure impact risk. This will save these small dam owners substantial expense.

The bill also streamlines the process for the minister to declare a temporary full supply level for the three flood mitigation dams, being Wivenhoe, Somerset and North Pine. The current process is unnecessarily cumbersome and will be streamlined to align with most other administrative decision-making. However, the current decision-making criteria will be retained.

Although I have said that dam safety events are very rare, every death is a tragedy. That was underlined with the drowning of Nelani Koefer while playing with her family downstream of Bedford Weir in 2008. One of the coroner's recommendations, handed down last year, was that SunWater enter into a memorandum of understanding with the Local Government Association of Queensland to enable it to erect signs to warn the public of the risks inherent in activities in rivers downstream of weirs and dams. This bill builds on that recommendation by providing an authority for all dam owners to erect signs on public land to make sure that people are fully aware of the dangers to try to reduce the chances of a similar tragedy happening again. I commend the bill to the House.

First Reading

Hon. MC BAILEY (Yeerongpilly—ALP) (Minister for Main Roads, Road Safety and Ports and Minister for Energy, Biofuels and Water Supply) (4.31 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Referral to the Transportation and Utilities Committee

Madam DEPUTY SPEAKER (Ms Linard): Order! In accordance with standing order 131, the bill is now referred to the Transportation and Utilities Committee.

Portfolio Committee, Reporting Date

Hon. MC BAILEY (Yeerongpilly—ALP) (Minister for Main Roads, Road Safety and Ports and Minister for Energy, Biofuels and Water Supply) (4.32 pm), by leave, without notice: I move—

That under the provisions of standing order 136 the Transportation and Utilities Committee report to the House on the Water Legislation (Dam Safety) Amendment Bill by 21 February 2017.

Question put—That the motion be agreed to.

Motion agreed to.