




Speech By
Ann Leahy

MEMBER FOR WARREGO

Record of Proceedings, 9 May 2017

WATER LEGISLATION (DAM SAFETY) AMENDMENT BILL

 **Ms LEAHY** (Warrego—LNP) (5.39 pm): I rise to contribute to the debate on the Water Legislation (Dam Safety) Amendment Bill 2016. The bill seeks to amend the Water Act 2000 and the Water Supply (Safety Reliability) Act 2008 to improve the integration of dam safety and disaster management, improve the way that dam owners manage dam safety and simplify the processes and, hopefully, reduce the regulatory burden.

There are currently some 106 referable dams in Queensland which are owned by a range of different entities: SunWater owns 22; Seqwater owns 26; the Department of Energy and Water Supply owns three; water boards own two; local governments own 32; other GOCs, including electricity companies, own six; and the remainder are privately owned dams, including eight which are owned by mining companies and four by primary producers. I have no doubt that some of those dams are in my electorate; for instance, the Cunnamulla weir, Beardmore Dam and the Chinchilla weir. I have no doubt that some of the four dams which are owned by primary producers would also be in the Warrego electorate.

The three policy objectives of the bill appear to be well-meaning, and there is always a need to seek improvement. There is an old saying that there will always be longer droughts and higher floods. How much rain falls in a catchment is not something that government has any control over. Previous weather events in 2010, 2011 and 2012, and even some that we have witnessed during Tropical Cyclone Debbie this year, have resulted in successive flood events in some areas. Disaster management is one of those areas where there is always a need to improve and review. Not every event is the same and not every flood is the same.

I note the statement of reservation of the member for Southport and deputy chair of the Public Works and Utilities Committee. In particular I note the comments that are made in relation to the lack of clarity for local governments and local disaster management committees being absolutely indemnified from any and all litigation that may arise as a result of their advices as a referral agency. There is a significant question in relation to the transfer of liability to disaster management groups or local governments under the amendments, and I would appreciate it if the minister could give a clear assurance in relation to whether a liability could occur as a result of their advice in the event of a catastrophic or significant dam failure. That is particularly important for the smaller local governments across our state because every time the legislative profile changes for local government, the risk profile changes for local government insurance. That advice would be appreciated if there is any additional liability likely to occur.

I wish to address the input of Cotton Australia and QFF to the committee with regard to this legislation. While Cotton Australia and QFF supported the proposal to streamline the failure assessment process, they raised a general concern about the application of the dam safety legislation to all farm dams even though there have not been any deaths associated with an on-farm dam failure. QFF submitted to the committee—

Given the nature of many of the farming soils in Queensland associated with the location of on-farm dams, the exposure to flood waters is typically limited as failure occurs over several hours or days and soil infiltration rates are high.

I am not sure if many other members of this House have seen those ring tank dams fail, but I have over the years in my area and there is no way in the world that those particular situations pose any risk whatsoever to property or to individuals. The QFF submission further states—

These failures are not comparable to flood waters associated with dam failure in areas of high urban development or flows associated with gully dams or from [an incorrectly] engineered spillway or a spillway inadequacy.

Cotton Australia also noted in their submission that 'no life has been lost in Australia due to farm dam failure'. They further submitted—

... while a gully type dam maybe be subject to a higher risk of rapid failure, all the experience from irrigation farmers utilising "ring-tank" style dams is that "failure occurs over many hours, and is almost always rectified without full loss of the storage capacity ...

When you are a farmer, if there is an indication that there is any issue with a ring tank style of dam then the first thing you do is try and preserve the water because it is extremely precious. It is probably more accurately referred to as liquid gold, so you certainly do not let that disappear if there is any failure.

QFF and Cotton Australia also raised concerns about the number of farm dams which are still to be assessed by the department to ascertain whether they are referable, given that this may result in considerable further impacts on farming communities—including potential costs of approximately \$5,000 for producing an emergency action plan—when the evidence suggests that the risk is minimal and is very hard to justify. In relation to emergency action plans, I wonder how easy it is going to be to get a professional person out to Cunnamulla, Thargomindah or even further west out in the Cooper Basin. That would present a significant impost and travel cost to farming families.

I note there is no mechanism in the bill for an incoming purchaser to be notified that a dam on a property is a referable dam and that there could be obligations on the new owner of that property. I am not sure if the minister is aware of the water buy-back in the Murray-Darling Basin, but I would appreciate his further consideration of this matter. In the Murray-Darling Basin water is being bought back, but the dam infrastructure continues to be on the property because there is a significant cost to remove it. I think there should be some mechanism whereby people can be advised by the department or some way of searching departmental records to find out if a particular dam would be considered referable by the department. That is a particularly important issue in my electorate, and I would ask the minister to give some consideration as to how that may occur.

As has been indicated by earlier speakers in the House, the opposition does not oppose this legislation and I commend the bill to the House.