




Speech By  
**Christopher Whiting**

**MEMBER FOR MURRUMBIDGE**

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Record of Proceedings, 9 May 2017

**WATER LEGISLATION (DAM SAFETY) AMENDMENT BILL**

 **Mr WHITING** (Murrumbidgee—ALP) (5.00 pm): I rise to commend this bill to the House. Through the committee process, it was made clear to us that there is a need to act to prevent loss of life. I take on board what the member for Southport was saying about there being an extremely low risk in this area of endeavour, but as he knows when we asked the department about this they were able to show us illustrations and outline many instances of catastrophic dam failure. We heard accounts of how tragedies have been narrowly averted when dams have failed. Some of those structures can be 20 or even 40 hectares in size, with five-metre walls.

Given the extreme weather events that we can face and considering past events and the evidence that the committee was given, it is incumbent upon us not to say that it is a low risk and we should just let it go. There has to be some regulation. I know that some witnesses would like no regulation whatsoever, but from the evidence it is clear that there has to be a level of regulation. Taking on board the findings of the commission of inquiry into the 2012 floods and also the Inspector-General's report in more recent times, there is a clear case to be made for regulation. Despite that, the bill does reduce some red tape.

This bill addresses the issues of emergency management planning and notifications. As we have heard, in broad terms no-one opposes the bill. We have not yet heard people talk about how, under the bill, we will empower a dam owner to reduce the full-supply level of their dam in response to a water safety issue. Everyone agrees that that is a very important part of the bill, but it has not been remarked upon as yet. I think it is a much more important component of the bill than the aspect of signs, which has been talked about.

As I have said, we are reducing red tape through this bill. Firstly, we are not imposing a new regime of red tape as requirements to have emergency action plans already exist. They have been in place since the water supply act was amended in 2012 after the report from the Queensland Floods Commission of Inquiry. The provision that exists currently states that dam owners must prepare emergency action plans, that they be approved by the appropriate agency and that the local disaster management group can review the emergency action plan for the dam. Currently those regulations apply to dam owners.

Secondly, the bill does not extend a dam owner's responsibility for warning the community downstream. It makes him or her responsible for preparing the emergency action plan and outlining who needs to be notified if an emergency arises, how and when they are notified and who does the warning.

Thirdly, the bill reduces red tape by stating that a dam owner will not have to do an emergency action plan if the risk is only for those people on the property. Under workplace health and safety legislation, a regulatory regime is already in place for the workers or the residents on the property. Under this bill, an emergency action plan would be needed only if there is a threat to people off the property. We are removing a regulatory overlap between workplace health and safety and emergency management.

Fourthly, the bill streamlines the regulatory process. Currently, the owners of dams that are deemed referable, which means some oversight is needed to check that they are safe, usually have to undertake a failure impact assessment, which means getting an engineer to do a report. We heard that could cost from a few thousand dollars up to \$20,000 for larger structures. With the new process under this bill, the dam owner does not need an engineer's report if they accept that the dam is referable. They have the option to accept that the dam is referable and, therefore, avoid the cost of doing a failure impact assessment, thus the bill reduces red tape. If the dam owner disagrees with the opinion that the dam is referable, they can do their own assessment. If they are right, their costs are reimbursed by the department. Before this bill, many dam owners had to complete a failure impact assessment; if the bill is passed, many will face the prospect of not having to do so.

In investigating the bill we heard some commentary about how we are making owners do emergency action plans that could cost thousands. At the hearings it was made very clear that the template for completing those emergency action plans can be found on the departmental website and dam owners can download the template. It is very straightforward and does not have to cost the amount of money that is being assumed or anticipated. We heard one witness say that it could cost \$5,000 or even \$10,000 to do an emergency action plan, as they would get in a consultant to do it. In the hearings we found that that would be replicating some of the work already being done as part of the workplace health and safety regime. Witnesses said that some of the work that they have done for workplace health and safety could be used for emergency action plans. It is very clear that, despite some commentary, this bill goes a long way to reducing red tape for dam owners. I commend the bill to the House.