




Speech By  
**Joan Pease**

**MEMBER FOR LYTTON**

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

 **Ms PEASE** (Lytton—ALP) (5.18 pm): I rise to speak in support of the Water Legislation (Dam Safety) Amendment Bill 2016. 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. The bill will amend the Water Act 2000 and the Water Supply (Safety and Reliability) Act 2008 and will improve the integration of dam safety and disaster management, improve the way dam owners manage dam safety and simplify the process, and reduce the regulatory burden.

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 hazards are caused by water coming out of a dam over the spillway automatically or by water deliberately released by the dam owner which can occur frequently. In rain events, dams often spill without there being any threat to the structural integrity of the dam. A review by the Inspector-General Emergency Management, IGEM, indicated that there were a number of operational and other improvements that could be made. This bill responds to the recommendation that the government review the dam safety legislation to enhance effective communications. This bill will underpin operational improvements and ensure that dam owners, disaster managers and the community understand each other's roles.

During the review of the bill, the committee received nine written submissions and received written advice from the Department of Energy and Water Supply in response to matters raised in submissions. The committee also held a public departmental briefing and a public hearing. I would like to thank the stakeholders who made a written submission and also those who attended the public hearings. I also thank the department for their thorough briefings on the bill and their responses to questions on notice. I would also like to thank the committee chair, the member for Kallangur, Mr Shane King, my fellow committee members, and the secretariat for their exceptional work during the committee process.

The department advised that it had consulted with the 35 local governments with referable dams in their local government areas, as well as the Local Government Association of Queensland and peak bodies representing dam owners, and that it had also consulted with relevant agencies across government, including the Inspector-General Emergency Management, SunWater and Seqwater on the policy intent as well as the draft bill—many of their issues were addressed in the final bill; and dam owners through the Queensland Farmers' Federation. This bill will ensure that dam owners, disaster managers and the community have a shared understanding of what emergency action plans are meant to achieve.

Ensuring that communities are prepared is a critical part of disaster readiness. This bill will insert a purpose statement for an emergency action plan which will make it clear that the plan exists to minimise risk to the community by planning for a range of possible scenarios and responses should a

dam hazard or emergency event happen. Plans are intended to agree responsibilities and communications and form the basis of a response. However, the best planning cannot predict every possible situation, and it is important that the response to an event is tailored to the real situation. This will mean that dam owners may need to adapt their response during unexpected circumstances to minimise the risk to downstream.

Currently, prior to submitting an emergency action plan to the regulator for approval, dam owners must provide an opportunity for disaster management groups to give feedback on the plan to ensure consistency with disaster management plans. Unfortunately, the IGEM found that fewer than half of the disaster management groups that they had spoken to had provided comment on an EAP and most plans approved to date, therefore, have not had the benefit of input from disaster management groups. This bill ensures that the local government must assess the EAP plan prepared by the dam owner for consistency with its own disaster management plan and must provide a written report on its assessment, and the district management group will have the same opportunity.

This bill will also simplify process and reduce the regulatory burden for small dam owners, including many farmers. Dam owners are responsible for the safety of their dams and, under the Water Supply (Safety and Reliability) Act 2008, dams are assessed to determine the number of people whose safety could be at risk should the dam fail. A dam that poses a risk to two or more people is called a referable dam and is regulated through conditions imposed on the dam and provisions of the Water Supply Act.

Currently, small farm dams that only pose a risk to the dam owner and their workers must manage the safety of the dam under both the Water Supply Act and the Work Health and Safety Act 2011. This bill will remove this regulatory overlap and means that a dam that poses a risk only to the dam owner and their workers will be regulated by the Work Health and Safety Act and not the Water Supply Act. Therefore, a dam that poses an unlikely but high-consequence risk to the general public will still be regulated as a referable dam under the Water Supply Act. This will reduce regulatory burden by streamlining the process for determining whether an existing dam should be regulated as a 'referable dam' under the Water Supply Act.

Currently, the chief executive can give a dam owner a notice that the dam is referable and therefore should be regulated which would require the dam owner to undertake a failure impact assessment to determine how many people would be at risk if the dam were to fail. This bill will establish a new process which simplifies the pathway to regulation by giving the dam owners 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. Dam owners will not be forced to accept the assessment and will have the option of completing their own assessment. These streamlined processes will not only decrease the regulatory burden for dam owners but also reduce the costs for both dam owners and the department.

This bill is a sensible and measured response to the review. I commend the Water Legislation (Dam Safety) Amendment Bill 2016 to the House.