




Speech By
Michael Hart

MEMBER FOR BURLEIGH

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WATER LEGISLATION (DAM SAFETY) AMENDMENT BILL

 **Mr HART** (Burleigh—LNP) (4.25 pm): I rise to address the Water Legislation (Dam Safety) Amendment Bill 2016. The LNP will not be opposing the passage of this bill; however, we do have some concerns, which I will raise during my contribution to the debate.

The Water Legislation (Dam Safety) Amendment Bill 2016, as introduced on 13 September 2016, amends the Water Act 2000 and the Water Supply (Safety and Reliability) Act 2008. The bill aims to improve the integration of dam safety and disaster management; improve the way dam owners manage dam safety; and simplify process and reduce regulatory burden.

A referable dam is a water supply dam that would put more than two persons at risk if it were to fail, as determined by a failure impact assessment. The Department of Energy and Water Supply advised the committee that currently there are 106 referable dams in Queensland owned by a range of different entities. SunWater owns 22, Seqwater owns 26, DEWS owns three, water boards own two, local governments own 32 and other GOCs including electricity companies own six. The remainder are privately owned dams including eight mining company dams and four dams owned by primary producers.

In 2012 the LNP amended the Water Supply (Safety and Reliability) Act 2008, the water supply act, to implement recommendations of the Queensland Floods Commission of Inquiry relating to dam safety and flood mitigation issues. The changes included amending the Water Act 2000 to relocate provisions for declaring temporary full-supply levels for flood mitigation dams to the water supply act and amending the water supply act to change the criteria determining which dams must carry out failure impact assessments; extend the due date for when certain low-risk recycled water systems must have an approved recycled water management plan or exemption from a plan in place; and provide exemptions for small, non-urban water service providers from certain planning and reporting requirements. Training workshops were also provided to the public about dam safety emergency action plans.

The 2012 amendments required all dam owners to have an emergency action plan for their dams approved by the Department of Energy and Water Supply and to enable the chairs of local disaster management groups to review those emergency plans. These provisions were largely untested until two events in 2015: the flooding of Callide Creek in February 2015 during Tropical Cyclone Marcia and releases from Wivenhoe Dam into the Brisbane River in May 2015. Both of these events gave rise to criticism from downstream residents and local disaster management groups. These events and SunWater's and Seqwater's flood release notification and communication processes were reviewed by the Inspector-General Emergency Management, who subsequently made a number of recommendations to improve the warning for communities, improve emergency planning for dams and better integrate dam safety disaster management.

This bill will make a number of changes. The bill requires the owner of a referable dam to have an approved emergency management plan for the dam. The expanded requirements of an emergency management plan are that it should minimise risk of harm to persons and property if a dam hazard event or an emergency event happens. Additionally, the plan must contain the agreed arrangements for warnings and notifications.

The emergency management plan will no longer be reviewed by the chairperson of the relevant disaster management district but will be provided to the relevant local government and the relevant disaster management district. Local governments and chairpersons of the relevant disaster management district must give the dam owner a notice within 30 days after receiving the emergency action plan. The plan must then be provided to the chief executive under the Water Act for assessment.

With regard to failure impact ratings for dams, the new definition for population at risk excludes a resident on a parcel of land on which the dam is situated and a person at a workplace if the dam is situated at a workplace. The government advises that this change should restrict the number of referable dams that are in place. With regard to changes to the temporary supply level for a flood mitigation dam, the bill provides a streamlined process for the minister to make a temporary full-supply level for a flood mitigation dam. However, that criteria has not changed. The flood mitigation dams are currently Wivenhoe Dam, Somerset Dam and North Pine Dam.

The bill also provides for warning signs on public land in that the bill provides the power for dam owners who are registered as service providers to place warning signs on public land in appropriate areas immediately downstream of weirs and dams. The bill also gives dam owners an express power to reduce the full-supply level of their dam in response to emerging engineering issues before the situation becomes an emergency without contravening the resource operations licence conditions under the Water Act.

The bill was referred to the Public Works and Utilities Committee which made a number of recommendations, and I was pleased to hear from the minister during his contribution to the debate that there will be amendments moved to cover those recommendations. They are quite good amendments and the LNP will not have any issue with any of those particular amendments. However, I do have a couple of concerns that I will run through quickly and the minister may choose to respond to these at a later date.

Members of the LNP on the committee raised some concerns. One concern is that at the moment there are approximately 27,000 dams in Queensland and the department has identified 106 of those dams as referable. The committee was unable to ascertain from the department how many more dams were in need of further assessment. In his introductory speech on the bill, the minister advised that DEWS—

... had 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.

DEWS provided further advice that it has used satellite imagery and modelling to determine those dams that might pose a risk and therefore be referable. As I said, with over 27,000 dams that have been assessed, about one-third of those were actually physically inspected. Out of the initial assessment, 312 dams were identified as worthy of more detailed modelling. While the modelling is still progressing, the number of dams the department considers may pose a risk to at least one household is 191. As members can see, this may be a slightly moving target. We are not 100 per cent sure how many dams will end up being referable.

Another concern that we have is that there has been no regulatory impact statement to assess the additional cost on farmers and other stakeholders and whether these costs are in fact less than the potential benefits of the reform. The government really does not know what will be the impact of changes on these stakeholders. As the present bill currently stands, the impact assessment process requires the dam owner to have the dam failure impact assessed if the chief executive has formed a reasonable belief that a dam would have a population at risk and issued a notice. DEWS advised that in many instances, informing this reasonable belief, the department has undertaken a broadly similar assessment to that required in carrying out an actual failure impact assessment.

A failure impact assessment must be certified by a registered professional engineer and this can cost a dam owner between \$15,000 and \$30,000. There is a significant cost impost if a dam owner needs to have that assessment carried out. I am pleased that the amendments contained in this bill give the dam owner the opportunity to accept the department's suggestion that their dam might be a regulated dam and move on from there without incurring that \$15,000 or \$30,000 bill. If the dam owner decides that they do not agree with the department, they can of course go ahead and have that study carried out. There is some cost involved in that, as I have said.

There is one last issue that I want to raise. There is no mechanism in the bill for an incoming purchaser of a property that has a referable dam on it to know that they do have a referable dam. Therefore, there may be instances—and I say there may be instances—where somebody buys a property with a referable dam on it and they are not fully aware of their obligations and requirements. It would be advantageous if the government were to consider some process to be put in place to notify people that they do in fact have a referable dam on their property. As I said, the LNP will not be opposing this bill. I thank the committee for its consideration and the sensible recommendations that were made by the committee.