



QUEENSLAND FARMERS' FEDERATION

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Submission

16 January 2017

Research Director
Transportation and Utilities Committee
Parliament House
George Street
BRISBANE QLD 4000

Via email: TUC@parliament.qld.gov.au

Dear Sir/Madam

Re: Submission to the Transportation and Utilities Committee on the Water Legislation (Dam Safety) Amendment Bill 2016

The Queensland Farmers' Federation (QFF) is the united voice of intensive agriculture in Queensland. It is a federation that represents the interests of 15 of Queensland's peak rural industry organisations, which in turn collectively represent more than 13,000 primary producers across the state. QFF engages in a broad range of economic, social, environmental and regional issues of strategic importance to the productivity, sustainability and growth of the agricultural sector. QFF's mission is to secure a strong and sustainable future for Queensland primary producers by representing the common interests of our member organisations:

- CANEGROWERS
- Cotton Australia
- Growcom
- Nursery & Garden Industry Queensland
- Queensland Chicken Growers Association
- Queensland Dairyfarmers' Organisation
- Burdekin River Irrigation Area Committee
- Central Downs Irrigators Limited
- Bundaberg Regional Irrigators Group
- Flower Association of Queensland Inc.
- Pioneer Valley Water Board
- Pork Queensland Inc.
- Queensland Chicken Meat Council
- Queensland United Egg Producers
- Australian Organic.

The united voice of intensive agriculture



QFF welcomes the opportunity to provide comment to the Committee on 'The Water Legislation (Dam Safety) Amendment Bill 2016'. QFF provides this submission without prejudice to any additional submission provided by our members or individual farmers.

On 30 November 2016 the Minister for Main Roads, Road Safety and Ports and Minister for Energy, Biofuels and Water Supply, the Hon. Mark Bailey MP introduced the Water Legislation (Dam Safety) Amendment Bill 2016 into the Queensland Parliament. In accordance with Standing Order 131, the Bill was referred to the Transportation and Utilities Committee for detailed consideration.

QFF understands that the policy objectives of the Bill are to amend the *Water Act 2000* and the *Water Supply (Safety and Reliability) Act 2008* 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.

QFF and its member organisations acknowledge and accept that there is a need for effective regulation. While QFF commends and supports the process of reducing regulatory burden where appropriate to do so, the sector questions the Department's overall philosophy of dam safety and the application of an appropriate risk framework which is specifically appropriate for on-farm dams.

QFF welcomes the reduction in the scope of the regulation of smaller dams, so that persons on the same property as the dam (residents), or at the same workplace, will not be counted as 'population at risk'. QFF understands from Departmental figures that this means around 60% of the 100 or so dams that have been assessed should no longer be considered referable on the basis that they are very likely covered by the *Work Health And Safety Act 2011* (WHS Act).

That said, QFF notes that there are approximately an additional 100 dams yet to be assessed by the Department, which may result in considerable further impacts to the farming community. QFF reserves its right to provide an updated submission to the Committee following the Department's assessment of these dams.

The WHS Act provides a nationally consistent framework to protect the health, safety and welfare of all workers at work and of all other people who might be affected by the work. The WHS Regulation outlines how a duty under the WHS Act must be performed and prescribes procedural or administrative matters to support the WHS Act (e.g. licences for specific activities or the keeping of records).

A farm/farmer is classed as a person conducting a business or undertaking (PCBU) and, as such, has a duty to manage risks to health and safety of 'workers and to customers and onlookers to the work activity'. PCBUs must manage risks to health and safety by identifying all reasonably foreseeable hazards, applying a control measure that is reasonably practicable after working through a hierarchy of risk control measures, and then maintaining and reviewing these risk control measures. QFF considers that this is the most appropriate framework for managing the risks posed from on-farm dams and any regulatory duplication must be removed.

QFF has also been advised by the Department that the *"amendments to the failure impact process have no effect on the existing arrangements in Division 2 for failure impact assessing dams, other than to introduce an option for the chief executive to tell a dam owner that their dam is considered referable, and for the dam owner to accept that, without the need for a failure impact assessment. If the dam owner chooses, then the existing failure impact assessment process will apply without change. If this option were not to be provided, the dam owners whose dams have been assessed over the past few years would be facing the requirement to undertake a failure impact assessment whether they agreed with the chief executive's reasonable belief or not".*

However, QFF has also been informed by the Department that the compliance unit responsible for dam safety *“last spoke to the dam owners when inspections were happening – about five years or so ago”*. As such, the current owners/farmers with impacted assessable dams may be unaware of the status of the dams and have not received any recent communication from the Department or, where the property has changed ownership, no communication from the Department on this matter at all. The proposed changes also have financial impacts to these property owners. The Department itself has acknowledged a minimum indicative costing of around \$5,000 for producing an Emergency Action Plan, not including ongoing costs associated with maintaining its currency.

QFF also understands that the modelling data used to determine the Population at Risk (PAR) for the on-farm dams is *“approximate and should therefore only be used for indicative purposes. The models developed as part of the program have largely been built on remotely sourced survey information and imagery obtained from a variety of sources. This data may be up to eight (8) years old and site visits to verify modelling assumptions have yet to be undertaken for many of these”*.

The Australian National Committee on Large Dams (ANCOLD) is the national dams engineering body which prepares guidelines on dams, noting that much of this work is applied to all dams. The PAR in ANCOLD’s Consequence Category Guidelines is defined as: *“The PAR includes all those persons who would be directly exposed to flood waters assuming they took no action to evacuate”*.

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. 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 engineered spillway inadequacy.

QFF notes that there has not been a single death attributable to the failure of an on-farm dam in Queensland and therefore questions if on-farm dams exceed the societal or individual risk. The context of the review of the Inspector General of Emergency Management and more broad public concern is focused to large-scale infrastructure; i.e. large dams and weirs. It is farmers’ self-interest to manage their dams as effectively and efficiently as possible – a failed dam is a waste of effort, and a loss of water security and future income.

QFF reminds the Committee that perverse outcomes arise from regulation that is not warranted or appropriately targeted, and when it is not well communicated or clearly understood. The collective benefits of regulation must outweigh the collective costs of doing so.

QFF extends an invitation to the Committee to visit examples on-farm dam storages, so that a practical, on-the-ground assessment of the associated risk (or lack thereof) can be made. The Committee must be satisfied that there is a real risk posed by on-farm dams and that any additional regulation and cost imposed to the agricultural sector is warranted.

Yours sincerely

Travis Tobin
Chief Executive Officer