

Commissions of Inquiry Act 1950

Commissions of Inquiry Order (No. 1) 2019

Short title

1. This Order in Council may be cited as the *Commissions of Inquiry Order (No. 1) 2019*.

Commencement

2. This Order in Council commences on 6 December 2019.

Appointment of Commission

3. UNDER the provisions of the *Commissions of Inquiry Act 1950* the Governor in Council hereby appoints the Honourable John Harris Byrne AO RFC as Chairperson and Commissioner, and Emeritus Professor John Phillip Carter AM FAA FTSE FRSN FIEAust FAIB as Commissioner, from 6 December 2019, to make full and careful inquiry in an independent manner with respect to the following matters:
 - a) the root cause of structural and stability issues identified in engineering and technical studies conducted on the Paradise Dam between 30 January 2013 and 30 November 2019;
 - b) where the root cause is attributable, or attributable in part, to the design, construction and/or commissioning stages of the Paradise Dam, the facts and circumstances that contributed to the structural and stability issues having regard to:
 - i. the governance arrangements in place including expert third party review and response to any issues raised;
 - ii. the scope and effectiveness of processes and systems to ensure quality in design, construction and/or commissioning, adopted by individuals, entities and government bodies involved in the design, construction or commissioning of Paradise Dam; and individuals, entities and government bodies involved in giving the necessary approvals required for the Dam;
 - iii. the reporting arrangements and obligations in place during design, construction and commissioning;
 - iv. remedial measures taken during design, construction and commissioning;
 - v. any other matter relevant to the Inquiry.
4. THE Commissioners may make any recommendations arising out of the evidence, considerations or findings of the inquiry in relation to the matters set out in paragraphs 3a) and b) above that the Commissioners consider appropriate to ensure future Queensland dam projects are designed, constructed and commissioned to acceptable standards, as defined in Queensland Government legislation and regulation, Australian National Committee on Large Dams guidelines and engineering good practice.

Commission to report

5. AND directs that the Commissioners make full and faithful report and recommendations which they consider appropriate on the aforesaid subject matter of inquiry, and transmit the same to the Honourable the Premier and Minister for Trade and the Honourable the Minister for Natural Resources, Mines and Energy by 30 April 2020.

Application of Act

6. THE provisions of the *Commissions of Inquiry Act 1950* shall be applicable for the purposes of this inquiry, except for section 19C (Authority to use listening devices).

Conduct of Inquiry

7. THE Commissioners in making their inquiry:
 - a) may seek information from Sunwater; relevant individuals, entities and government bodies involved in the design, construction or commissioning of Paradise Dam; individuals, entities and government bodies involved in giving the necessary approvals required for the Dam; and any sources of expert advice considered appropriate by the Commissioners;
 - b) may seek and consider public submissions in such a manner as may be necessary and convenient;
 - c) may conduct public hearings in such a manner and in such locations as may be considered necessary and convenient by the Chairperson;
 - d) may conduct interviews with any person who has information relevant to the terms of reference either with the person's consent or pursuant to a requirement under section 5 of the *Commissions of Inquiry Act 1950*.

Endnotes

1. Made by the Governor in Council on 5 December 2019.
2. Notified in the Gazette on 6 December 2019.
3. Not required to be laid before the Legislative Assembly.
4. The administering agency is the Department of Natural Resources, Mines and Energy.