



Queensland

# **Water Legislation (Dam Safety) Amendment Bill 2016**





Queensland

# Water Legislation (Dam Safety) Amendment Bill 2016

## Contents

---

		Page
<b>Part 1</b>	<b>Preliminary</b>	
1	Short title . . . . .	6
2	Commencement . . . . .	6
<b>Part 2</b>	<b>Amendment of Water Act 2000</b>	
3	Act amended . . . . .	6
4	Amendment of s 813 (Contravening licence condition) . . . . .	6
<b>Part 3</b>	<b>Amendment of Water Supply (Safety and Reliability) Act 2008</b>	
5	Act amended . . . . .	7
6	Amendment of s 36 (Power to enter places for restricted purposes) . . . . .	7
7	Amendment of s 341 (What is a referable dam) . . . . .	8
8	Insertion of new ch 4, pt 1, div 1A . . . . .	9
	Division 1A      Referable dam notices	
	342A      Chief executive may give referable dam notice to particular dam owners . . . . .	9
	342B      Effect of referable dam notice if dam is not failure impact assessed . . . . .	10
9	Amendment of s 344 (Process for failure impact assessment) . . . . .	10
10	Replacement of s 345 (Requirement for other failure impact assessments) . . . . .	10
	345      Obligation to complete later failure impact assessment . . . . .	11
11	Replacement of s 346 (Failure impact ratings for dams) . . . . .	11
	346      Failure impact ratings for dams . . . . .	11
12	Amendment of s 348 (Cost of failure impact assessment) . . . . .	13
13	Amendment of s 352A (Definitions for div 2A) . . . . .	13
14	Omission of ss 352B–352D . . . . .	16
15	Replacement of s 352E (Requirement for approved emergency action plan) . . . . .	16

Contents

---

	352E	Requirement for, and main purpose of, emergency action plan . . . . .	16
16		Amendment of s 352F (Requirement to prepare emergency action plan) . . . . .	16
17		Omission of s 352G (Disaster management review of plan) . . . . .	16
18		Replacement of s 352H (Content of plan) . . . . .	17
	352H	Requirements for plan . . . . .	17
	352HA	Requirement to give emergency action plan to local governments and district groups . . . . .	18
	352HB	Assessment by local government . . . . .	18
	352HC	Review by district group . . . . .	19
19		Amendment of s 352I (Chief executive to consider plan) . . . . .	20
20		Amendment of s 352J (Criteria for approving plan) . . . . .	20
21		Amendment of s 352K (Approval of plan) . . . . .	20
22		Amendment of s 352N (Dam owner must ensure particular individuals have access to plan) . . . . .	21
23		Amendment of s 352O (Review by chief executive and direction to prepare and submit new plan) . . . . .	22
24		Replacement of s 352Q (Amending plan by agreement) . . . . .	22
	352Q	Amending plan by agreement . . . . .	22
25		Amendment of s 352T (Preparation and submission of emergency event report) . . . . .	23
26		Amendment of s 354 (Deciding safety conditions) . . . . .	23
27		Replacement of ch 4, pt 3, divs 1–3 . . . . .	23
	Division 1	Preliminary	
	388	Definition for part . . . . .	23
	389	Application of part . . . . .	24
	Division 2	Declaring temporary full supply level	
	390	Minister may declare temporary full supply level . . . . .	24
28		Insertion of new ch 4, pt 4 . . . . .	26
	Part 4	Reducing full supply level for safety purposes	
	399A	Application of part . . . . .	26
	399B	Dam owner may reduce full supply level in certain circumstances . . . . .	26
	399C	Reporting requirements while full supply level reduced . . . . .	27
29		Insertion of new ch 10, pt 11 . . . . .	28
	Part 11	Transitional provision for Water Legislation (Dam Safety) Amendment Act 2016	

	674	Application of s 352K for emergency action plans given to chief executive before commencement . . . . .	28
30		Amendment of sch 3 (Dictionary) . . . . .	29



**2016**

---

**A Bill**

for

**An Act to amend the *Water Act 2000* and the *Water Supply (Safety and Reliability) Act 2008* for particular purposes**

---

[s 1]

---

**The Parliament of Queensland enacts—** 1

**Part 1 Preliminary** 2

**Clause 1 Short title** 3

This Act may be cited as the *Water Legislation (Dam Safety) Amendment Act 2016*. 4  
5

**Clause 2 Commencement** 6

This Act commences on 1 July 2017. 7

**Part 2 Amendment of Water Act 2000** 8

**Clause 3 Act amended** 9

This part amends the *Water Act 2000*. 10

**Clause 4 Amendment of s 813 (Contravening licence condition)** 11

(1) Section 813(3)(c) and (d)— 12

*omit, insert—* 13

(c) under the Water Supply Act— 14

(i) a declaration is in force for a temporary 15  
full supply level for the dam under 16  
chapter 4, part 3 of that Act; or 17

(ii) the full supply level for the dam is 18  
reduced under chapter 4, part 4 of that 19  
Act. 20

(2) Section 813(4)— 21

*omit, insert—* 22



[s 7]

---

	service	1
(3)	Section 36—	2
	<i>insert—</i>	3
	(2A) Subsection (2) does not apply to an authorised person entering public land under subsection (1)(c) if there is no person in actual occupation of the land.	4 5 6 7
(4)	Section 36—	8
	<i>insert—</i>	9
	(7) In this section—	10
	<b>public land</b> means land that is under the management or control of—	11 12
	(a) the State; or	13
	(b) a statutory body under the <i>Statutory Bodies Financial Arrangements Act 1982</i> .	14 15
(5)	Section 36(2A) to (7)—	16
	<i>renumber</i> as section 36(3) to (8).	17
<b>Clause 7</b>	<b>Amendment of s 341 (What is a referable dam)</b>	18
(1)	Section 341(1)(a), ‘required to be’—	19
	<i>omit.</i>	20
(2)	Section 341—	21
	<i>insert—</i>	22
	(1A) Also, a dam is a <b>referable dam</b> if—	23
	(a) under section 342B, the dam becomes a referable dam; and	24 25
	(b) the chief executive has not, under section 349, accepted a failure impact assessment of the dam.	26 27 28
(3)	Section 341(1A) and (2)—	29

---

*renumber* as section 341(2) and (3). 1

**Clause 8**      **Insertion of new ch 4, pt 1, div 1A** 2

Chapter 4, part 1— 3

*insert*— 4

**Division 1A**      **Referable dam notices** 5

**342A Chief executive may give referable dam notice  
to particular dam owners** 6  
7

- (1) This section applies if the chief executive 8  
reasonably believes a dam would, if it were failure 9  
impact assessed, have a category 1 or category 2 10  
failure impact rating. 11
- (2) The chief executive may give the owner of the 12  
dam a notice (a *referable dam notice*) stating— 13
- (a) the failure impact rating the chief executive 14  
believes the dam would have if it were 15  
failure impact assessed; and 16
- (b) the reasons for the belief; and 17
- (c) that the dam will be a referable dam with the 18  
stated failure impact rating on and from a 19  
stated day (the *effective day*), unless the 20  
owner gives the chief executive a failure 21  
impact assessment for the dam; and 22
- (d) that if a failure impact assessment for the 23  
dam is not given to the chief executive 24  
before the effective day, the owner must 25  
have the dam failure impact assessed within 26  
a stated period of at least 5 years after the 27  
effective day; and 28
- (e) any safety conditions the chief executive 29  
proposes to apply to the dam under division 30  
3. 31

[s 9]

---

	(3) The effective day must be at least 60 business days after the notice is given.	1 2
	(4) The referable dam notice must include or be accompanied by an information notice for the decision to give the notice.	3 4 5
	(5) This section does not apply to a dam that must be failure impact assessed under section 343.	6 7
	<b>342B Effect of referable dam notice if dam is not failure impact assessed</b>	8 9
	(1) This section applies if the owner of a dam is given a referable dam notice and, before the effective day for the notice, does not give the chief executive a failure impact assessment for the dam.	10 11 12 13
	(2) The dam becomes a referable dam with the failure impact rating stated in the notice on the effective day.	14 15 16
<b>Clause 9</b>	<b>Amendment of s 344 (Process for failure impact assessment)</b>	17 18
	(1) Section 344, heading— <i>omit, insert—</i>	19 20
	<b>344 Requirements for giving failure impact assessment to chief executive</b>	21 22
	(2) Section 344(3), after ‘chief executive’— <i>insert—</i> under this part	23 24 25
<b>Clause 10</b>	<b>Replacement of s 345 (Requirement for other failure impact assessments)</b>	26 27
	Section 345— <i>omit, insert—</i>	28 29

---

<b>345 Obligation to complete later failure impact assessment</b>	1
	2
(1) This section applies if—	3
(a) the owner of a dam is given a referable dam notice for the dam and, before the effective day for the notice, the owner does not give the chief executive a failure impact assessment for the dam; or	4 5 6 7 8
(b) a dam has been failure impact assessed under this part, including under subsection (2).	9 10 11
(2) The owner must—	12
(a) if subsection (1)(a) applies—ensure a failure impact assessment of the dam is completed and given to the chief executive within the period stated in the referable dam notice under section 342A(2)(d); or	13 14 15 16 17
(b) otherwise—ensure another failure impact assessment of the dam is completed and given to the chief executive within the period stated in the notice given to the owner under section 350.	18 19 20 21 22
Maximum penalty—1665 penalty units.	23
<i>Note—</i>	24
This provision is an executive liability provision—see section 487.	25 26

<b>Clause 11</b>	<b>Replacement of s 346 (Failure impact ratings for dams)</b>	27
	Section 346—	28
	<i>omit, insert—</i>	29
	<b>346 Failure impact ratings for dams</b>	30
	(1) A dam has, or a proposed dam after its construction will have, a category 1 failure impact rating if—	31 32 33

[s 11]

---

- (a) a failure impact assessment for the dam states that the population at risk is 2 or more persons but not more than 100 persons; and
  - (b) the chief executive, under section 349, accepts the failure impact assessment.
- (2) A dam has, or a proposed dam after its construction will have, a category 2 failure impact rating if—
  - (a) a failure impact assessment for the dam states that the population at risk is more than 100 persons; and
  - (b) the chief executive, under section 349, accepts the failure impact assessment.
- (3) In this section—
  - population at risk***—
    - (a) means the number of persons, worked out under the failure impact assessment guidelines, whose safety will be at risk if the dam or the proposed dam after its construction fails; but
    - (b) does not include—
      - (i) a resident on the parcel of land on which the dam is situated; or
      - (ii) if the dam is situated at a workplace under the *Work Health and Safety Act 2011*— a person at the workplace; or
      - (iii) if the dam is situated at a place that is a mine under the *Mining and Quarrying Safety and Health Act 1999* or coal mine under the *Coal Mining Safety and Health Act 1999*— a person at the mine or coal mine.

<b>Clause 12</b>	<b>Amendment of s 348 (Cost of failure impact assessment)</b>	1
(1)	Section 348(2), after ‘section 343(5)’—	2
	<i>insert—</i>	3
	or carried out by an owner of a dam for which a referable dam notice is given	4
(2)	Section 348(2)(a)(ii)—	6
	<i>omit, insert—</i>	7
	(ii) the dam, or the proposed dam, is assessed as having neither a category 1 nor a category 2 failure impact rating; and	8
(3)	Section 348(2)(a)(iii), ‘the dam’—	11
	<i>omit, insert—</i>	12
	for a failure impact assessment required under section 343(5)—the dam	13
		14
<b>Clause 13</b>	<b>Amendment of s 352A (Definitions for div 2A)</b>	15
(1)	Section 352A, heading, ‘div 2A’—	16
	<i>omit, insert—</i>	17
	<b>division</b>	18
(2)	Section 352A, definitions <i>dam failure hazard, disaster management plan, disaster management review report, disaster management review response, district group, downstream release hazard, emergency condition, emergency event, local disaster management plan, local group, relevant disaster management group, relevant district group and relevant local group—</i>	19
	<i>omit.</i>	20
(3)	Section 352A—	21
	<i>insert—</i>	22
	<b>dam hazard</b> , for a dam, means a reasonably foreseeable situation or condition that may—	23
		24
		25
		26
		27
		28
		29
		30

[s 13]

---

- (a) cause or contribute to the failure of the dam, if the failure may cause harm to persons or property; or
- (b) require an automatic or controlled release of water from the dam, if the release of the water may cause harm to persons or property.
- dam hazard event**, for a dam, means an event arising from a dam hazard if, under the emergency action plan for the dam—
- (a) persons who may be harmed, or whose property may be harmed, are to be warned of the event; and
- (b) a coordinated response involving 1 or more relevant entities is unlikely to be required to respond to the event.
- disaster management plan**, of a district group or local government, means the group’s or local government’s disaster management plan under the Disaster Management Act.
- district group**, for an emergency action plan, means a district group established under the Disaster Management Act, section 22 whose disaster district under that Act could, under the plan, be affected by a dam hazard.
- emergency event**, for a dam, means an event arising from a dam hazard if, under the emergency action plan for the dam—
- (a) persons who may be harmed, or whose property may be harmed, are to be warned of the event; and
- (b) a coordinated response involving 1 or more relevant entities is likely to be required to respond to the event.
- local group**, for an emergency action plan, means

---

a local group established under the Disaster Management Act, section 29 whose local government area could, under the plan, be affected by a dam hazard.	1 2 3 4
<b>notice response</b> see sections 352HB(4) and 352HC(3).	5 6
<b>relevant entity</b> , for a dam, means each of the following under the emergency action plan for the dam—	7 8 9
(a) the persons who may be harmed, or whose property may be harmed, if a dam hazard event or emergency event were to happen for the dam;	10 11 12 13
<i>Examples for paragraph (a)—</i>	14
• the owners of parcels of farm land adjacent to the dam	15 16
• residents of a township	17
(b) each local group and district group for the emergency action plan;	18 19
(c) the chief executive;	20
(d) another entity the owner of the dam considers appropriate.	21 22
<i>Example for paragraph (d)—</i>	23
the Queensland Police Service	24
(4) Section 352A, definition <i>approval period</i> , ‘section 352K(2)’—	25 26
<i>omit, insert—</i>	27
section 352K(7)	28
(5) Section 352A, definition <i>chairperson</i> , ‘, of a relevant disaster management group,’—	29 30
<i>omit.</i>	31

[s 14]

---

<b>Clause 14</b>	<b>Omission of ss 352B–352D</b>	1
	Sections 352B to 352D—	2
	<i>omit.</i>	3
<b>Clause 15</b>	<b>Replacement of s 352E (Requirement for approved emergency action plan)</b>	4
	Section 352E—	5
	<i>omit, insert—</i>	6
	<b>352E Requirement for, and main purpose of, emergency action plan</b>	7
	(1) The owner of a referable dam must have an approved emergency action plan for the dam.	8
		9
	(2) The main purpose of an emergency action plan for a dam is to minimise the risk of harm to persons or property if a dam hazard event or emergency event for the dam happens.	10
		11
		12
		13
		14
		15
<b>Clause 16</b>	<b>Amendment of s 352F (Requirement to prepare emergency action plan)</b>	16
	Section 352F, before penalty—	17
	<i>insert—</i>	18
	(c) if the dam becomes a referable dam under section 342B—within 4 months after the day it becomes a referable dam.	19
		20
		21
		22
<b>Clause 17</b>	<b>Omission of s 352G (Disaster management review of plan)</b>	23
	Section 352G—	24
	<i>omit.</i>	25
		26

---

<b>Clause 18</b>	<b>Replacement of s 352H (Content of plan)</b>	1
	Section 352H—	2
	<i>omit, insert—</i>	3
	<b>352H Requirements for plan</b>	4
	(1) The emergency action plan must—	5
	(a) identify each dam hazard for the dam; and	6
	(b) for each dam hazard—	7
	(i) identify the area likely to be affected by a dam hazard event or emergency event arising from the dam hazard, including, for example, by attaching to the plan maps showing areas vulnerable to flooding if the event were to happen; and	8 9 10 11 12 13 14
	(ii) identify each circumstance that indicates an increase in the likelihood of the dam hazard event or emergency event happening; and	15 16 17 18
	(iii) state when and how the owner of the dam plans to warn persons who may be harmed, or whose property may be harmed, by the dam hazard event or emergency event, if a circumstance mentioned in subparagraph (ii) arises or the dam hazard event or emergency event happens; and	19 20 21 22 23 24 25 26
	(iv) state when and how the owner plans to notify the relevant entities for the dam if a circumstance mentioned in subparagraph (ii) arises or the dam hazard event or emergency event happens, including the order of priority in which the relevant entities are to be notified; and	27 28 29 30 31 32 33 34

[s 18]

---

- (v) state the actions the owner plans to take in response to a dam hazard event or emergency event; and
  - (c) be accompanied by each notice given by a local government or district group under section 352HB(3) or 352HC(2) for the plan, and any notice responses by the owner; and
  - (d) include any other relevant matter prescribed by regulation.
- (2) For subsection (1)(b)(iii), if a relevant entity agrees, the emergency action plan may provide for warnings to be given by the relevant entity on behalf of the dam owner in appropriate circumstances.
- 352HA Requirement to give emergency action plan to local governments and district groups**
- Before giving the chief executive an emergency action plan for a dam, the owner of the dam must give a copy of the plan to—
- (a) each local government whose local government area may be affected by a dam hazard identified in the plan; and
  - (b) each district group for the plan.
- 352HB Assessment by local government**
- (1) If a local government is given a copy of an emergency action plan under section 352HA(a), the local government must assess the emergency action plan for consistency with its disaster management plan.
  - (2) In assessing the emergency action plan, the local government must consult with its local group for the plan.

- 
- (3) The local government must, within 30 business days after receiving the emergency action plan, give the owner of the dam a notice stating—
- (a) whether the local government considers the plan is consistent with its disaster management plan; and
- (b) if it considers the plan is not consistent with its disaster management plan, the reasons why it considers the plan is not consistent.
- (4) The owner of the dam may prepare a written response to the notice (a *notice response*) and attach it to the notice.

### **352HC Review by district group**

- (1) If a district group is given a copy of an emergency action plan under section 352HA(b), the chairperson of the group may review the plan for consistency with the group's disaster management plan.
- (2) The chairperson may, within 30 business days after receiving the emergency action plan, give the owner of the dam a notice stating—
- (a) whether the group considers the plan is consistent with the group's disaster management plan; and
- (b) if the group considers the plan is not consistent with its disaster management plan, the reasons why it considers the plan is not consistent.
- (3) If the chairperson gives a notice under subsection (2), the owner of the dam may prepare a written response to the notice (a *notice response*) and attach it to the notice.

[s 19]

---

<b>Clause 19</b>	<b>Amendment of s 352I (Chief executive to consider plan)</b>	1
	(1) Section 352I(1), ‘and decide’—	2
	<i>omit, insert—</i>	3
	and, within 30 business days after receiving the plan, decide	4 5
	(2) Section 352I(2)—	6
	<i>omit, insert—</i>	7
	(2) In considering the emergency action plan, the chief executive must have regard to—	8 9
	(a) each notice given by a local government under section 352HB(3) for the plan; and	10 11
	(b) each notice given by the chairperson of a district group under section 352HC(2) for the plan; and	12 13 14
	(c) any notice responses prepared by the owner of the dam; and	15 16
	(d) any disaster management standards under the Disaster Management Act.	17 18
<b>Clause 20</b>	<b>Amendment of s 352J (Criteria for approving plan)</b>	19
	Section 352J(b), ‘emergency condition’—	20
	<i>omit, insert—</i>	21
	dam hazard	22
<b>Clause 21</b>	<b>Amendment of s 352K (Approval of plan)</b>	23
	(1) Section 352K(2), ‘(the <i>approval period</i> )’—	24
	<i>omit.</i>	25
	(2) Section 352K—	26
	<i>insert—</i>	27
	(3) Subsection (4) applies if, within 30 business days	28

---

	after the emergency action plan is given to the chief executive for approval under section 352F, the chief executive has not approved the plan.	1 2 3
(4)	The chief executive is taken to have approved the plan on the day that is 30 business days after the plan was given to the chief executive (the <i>deemed approval day</i> ).	4 5 6 7
(5)	If subsection (4) applies to an emergency action plan—	8 9
(a)	the approval is—	10
(i)	for 2 years after the deemed approval day; or	11 12
(ii)	if the chief executive gives the dam owner notice of a longer period—the longer period; and	13 14 15
(b)	the chief executive must comply with subsection (1) in relation to the plan as soon as practicable after the deemed approval day.	16 17 18 19
(6)	For subsection (5)(a)(ii)—	20
(a)	the notice must be given within 2 years after the deemed approval day; and	21 22
(b)	the longer period must not be more than 5 years after the deemed approval day.	23 24
(7)	The period mentioned in subsection (2) or (5)(a) for an emergency action plan is the <i>approval period</i> for the approved plan.	25 26 27
<b>Clause 22</b>	<b>Amendment of s 352N (Dam owner must ensure particular individuals have access to plan)</b>	28 29
	Section 352N(b)(ii), ‘an emergency condition’—	30
	<i>omit, insert—</i>	31
	a dam hazard event or emergency event	32

---

[s 23]

---

<b>Clause 23</b>	<b>Amendment of s 352O (Review by chief executive and direction to prepare and submit new plan)</b>	1 2
	(1) Section 352O(1), ‘an emergency condition’—	3
	<i>omit, insert—</i>	4
	a dam hazard	5
	(2) Section 352O(1), example, item 2, ‘the relevant disaster management group’—	6 7
	<i>omit, insert—</i>	8
	a local group or district group	9
	(3) Section 352O(2), ‘emergency condition’—	10
	<i>omit, insert—</i>	11
	dam hazard	12
<b>Clause 24</b>	<b>Replacement of s 352Q (Amending plan by agreement)</b>	13
	Section 352Q—	14
	<i>omit, insert—</i>	15
	<b>352QAmending plan by agreement</b>	16
	(1) The owner of a referable dam may ask the chief executive to amend the approved emergency action plan for the dam to—	17 18 19
	(a) correct a minor error; or	20
	(b) make another change that is not a change of substance.	21 22
	(2) The request must be in writing and accompanied by a copy of the plan showing the proposed amendment.	23 24 25
	(3) The chief executive may—	26
	(a) decide to approve or refuse the amendment; and	27 28
	(b) give the owner notice of the decision.	29

---

	(4) If, within 10 business days after the request is made, the chief executive has not given the owner notice of the decision, the chief executive is taken to have approved the amendment.	1 2 3 4
	(5) If the amendment is approved under this section, the plan as amended is taken to be the approved emergency action plan.	5 6 7
<b>Clause 25</b>	<b>Amendment of s 352T (Preparation and submission of emergency event report)</b>	8 9
	Section 352T(3), definition <i>end</i> —	10
	<i>omit, insert</i> —	11
	<i>end</i> , of an emergency event, means when the dam hazard giving rise to the event is no longer a risk to persons or property.	12 13 14
<b>Clause 26</b>	<b>Amendment of s 354 (Deciding safety conditions)</b>	15
	Section 354(4)—	16
	<i>omit, insert</i> —	17
	(4) The safety conditions must be relevant to, but not an unreasonable imposition on, the dam or be reasonably required for the dam.	18 19 20
<b>Clause 27</b>	<b>Replacement of ch 4, pt 3, divs 1–3</b>	21
	Chapter 4, part 3, divisions 1 to 3—	22
	<i>omit, insert</i> —	23
	<b>Division 1 Preliminary</b>	24
	<b>388 Definition for part</b>	25
	In this part—	26
	<i>safety requirements</i> see section 396(2).	27

---

[s 27]

---

<b>389 Application of part</b>	1
This part applies to a dam for which an approved flood mitigation manual is in force.	2 3
<b>Division 2            Declaring temporary full                               supply level</b>	4 5
<b>390 Minister may declare temporary full supply       level</b>	6 7
(1) This section applies if the Minister considers the impacts of a potential flood or drought may be mitigated by having a full supply level for a dam that is different from the full supply level stated in the resource operations licence.	8 9 10 11 12
(2) The Minister may, by notice given to the owner of the dam, declare a new full supply level (a <i>temporary full supply level</i> ) for the dam.	13 14 15
<i>Note—</i>	16
For the effect of the declaration of a temporary full supply level on the resource operations licence under which the dam operates, see the Water Act, section 813.	17 18 19
(3) In deciding whether to make the declaration, the Minister—	20 21
(a) must have regard to—	22
(i) the outcome of any consultation between the chief executive and the owner of the dam about the full supply level for the dam; and	23 24 25 26
(ii) the extent to which the temporary full supply level is likely to mitigate the impacts of a potential flood or drought; and	27 28 29 30

- 
- (iii) impacts the temporary full supply level 1  
may have on the water security of the 2  
dam; and 3
- (iv) whether the temporary full supply level 4  
would affect the safety of the dam; and 5
- (v) any other positive or negative impacts 6  
of the temporary full supply level the 7  
Minister considers relevant; and 8
- (b) may have regard to any matter the Minister 9  
considers appropriate, including, for 10  
example— 11
- (i) meteorological forecasts; and 12
- (ii) the public interest. 13
- (4) A declaration under this section— 14
- (a) takes effect on the day stated in the 15  
declaration; and 16
- (b) ceases to have effect on the earlier of the 17  
following days— 18
- (i) the day stated in the declaration; 19
- (ii) the day that is 6 months after the 20  
declaration is made; 21
- (iii) the day the declaration is revoked. 22
- (5) A copy of a notice given to an owner of a dam 23  
under subsection (2) must be published in the 24  
gazette as soon as practicable after it is given. 25
- (6) The Minister may declare a temporary full supply 26  
level more than once for a particular dam. 27
- (7) In this section— 28
- water security**, of a dam, includes the reliability 29  
of water supply having regard to the availability 30  
of water stored in, and the cost of supplying water 31  
from, the dam. 32

[s 28]

---

<b>Clause 28</b>	<b>Insertion of new ch 4, pt 4</b>	1
	Chapter 4—	2
	<i>insert—</i>	3
	<b>Part 4</b>	4
	<b>Reducing full supply level for safety purposes</b>	5
		6
	<b>399A Application of part</b>	7
	This part applies to a dam to which a resource operations licence applies.	8
		9
	<b>399B Dam owner may reduce full supply level in certain circumstances</b>	10
		11
	(1) This section applies if a dam owner believes, based on advice of a registered professional engineer, that there is an unacceptable risk of a failure of a dam if it operates at the full supply level stated in the resource operations licence for the dam.	12
		13
		14
		15
		16
		17
	(2) The owner may reduce the full supply level of the dam to the level (the <i>reduced full supply level</i> ) that lowers the risk of a failure of the dam to a level acceptable to the owner, having regard to the advice of the registered professional engineer.	18
		19
		20
		21
		22
	<i>Note—</i>	23
	For the effect of the reduced full supply level on the resource operations licence under which the dam operates, see the Water Act, section 813.	24
		25
		26
	(3) The owner must, as soon as practicable after reducing the full supply level, give notice of the reduced full supply level to—	27
		28
		29
	(a) the chief executive; and	30

- 
- (b) if the Water Act, section 813 is not administered in the department—the chief executive of the department in which the section is administered. 1  
2  
3  
4
- (4) The notice must— 5
- (a) include the reasons why it is necessary to operate the dam at the reduced full supply level; and 6  
7  
8
- (b) include the period for which it is necessary to operate the dam at the reduced full supply level; and 9  
10  
11
- (c) be accompanied by a copy of the registered professional engineer’s advice about the reduced full supply level. 12  
13  
14
- 399C Reporting requirements while full supply level reduced** 15  
16
- (1) This section applies if a dam continues to operate at a reduced full supply level under section 399B for more than 1 year. 17  
18  
19
- (2) The owner of the dam must, within 1 month after the end of each 1 year period after the full supply level is reduced, give a report to— 20  
21  
22
- (a) the chief executive; and 23
- (b) if the Water Act, section 813 is not administered in the department—the chief executive of the department in which the section is administered. 24  
25  
26  
27
- (3) The report must state— 28
- (a) when the owner intends to allow the dam to return to the full supply level stated in the resource operations licence for the dam; and 29  
30  
31
- (b) if the owner is a service provider— 32

[s 29]

---

	(i) the impacts the reduced full supply level has had on the provider's customers since its reduction; and	1 2 3
	(ii) the likely future impacts on customers for the period for which the provider proposes to keep the dam at a reduced full supply level; and	4 5 6 7
	(iii) the impacts the reduced full supply level has had or is likely to have on achieving the water plan outcomes for a water plan under the Water Act.	8 9 10 11
<b>Clause 29</b>	<b>Insertion of new ch 10, pt 11</b>	12
	Chapter 10—	13
	<i>insert—</i>	14
	<b>Part 11</b>	<b>Transitional provision</b>
		<b>for Water Legislation</b>
		<b>(Dam Safety)</b>
		<b>Amendment Act 2016</b>
		15 16 17 18
	<b>674 Application of s 352K for emergency action plans given to chief executive before commencement</b>	19 20 21
	(1) This section applies to an emergency action plan given to the chief executive under previous chapter 4, part 1, division 2A if, immediately before the commencement, the chief executive had not decided to approve or refuse to approve the plan under previous section 352I.	22 23 24 25 26 27
	(2) For section 352K(4), the plan is taken to have been given to the chief executive on the commencement.	28 29 30
	(3) In this section—	31

---

*previous*, followed by a provision number, means  
the provision as in force immediately before the  
commencement.

<b>Clause 30</b>	<b>Amendment of sch 3 (Dictionary)</b>	4
(1)	Schedule 3, definitions <i>dam failure hazard, disaster management review report, disaster management review response, downstream release hazard, emergency condition, feasibility advice, full supply level, impact information, impact information notice, local disaster management plan, proposed temporary full supply level, relevant disaster management group, relevant district group, relevant local group</i> and <i>water security</i> —	5 6 7 8 9 10 11 12
	<i>omit.</i>	13
(2)	Schedule 3—	14
	<i>insert</i> —	15
	<i>dam hazard</i> , for chapter 4, part 1, division 2A, see section 352A.	16 17
	<i>dam hazard event</i> , for chapter 4, part 1, division 2A, see section 352A.	18 19
	<i>effective day</i> , for a referable dam notice, see section 342A(2)(c).	20 21
	<i>full supply level</i> means for a dam generally, the level of the dam's water surface when water storage is at maximum operating level without being affected by flood.	22 23 24 25
	<i>notice response</i> , for chapter 4, part 1, division 2A, see sections 352HB(4) and 352HC(3).	26 27
	<i>reduced full supply level</i> , for a dam, see section 399B(2).	28 29
	<i>referable dam notice</i> , for chapter 4, part 1, division 1A, see section 342A(2).	30 31
	<i>water security</i> includes the reliability of water	32

[s 30]

---

supply.	1
(3) Schedule 3, definition <i>approval period</i> , paragraph (a), ‘section 352K(2)’—	2 3
<i>omit, insert</i> —	4
section 352K(7)	5
(4) Schedule 3, definition <i>temporary full supply level</i> , ‘section 388’—	6 7
<i>omit, insert</i> —	8
section 390(2)	9

© State of Queensland 2016