

Water Legislation (Dam Safety) Amendment Bill 2016

Amendments during consideration in detail to be moved by
The Honourable the Minister for Main Roads, Road Safety and Ports and
Minister for Energy, Biofuels and Water Supply

1 **Clause 13 (Amendment of s 352A (Definitions for div 2A))**

Page 14, lines 8 to 16—

omit, insert—

dam hazard event, for a dam, means an event arising from a dam hazard if—

- (a) persons or property may be harmed because of the event; and
- (b) a coordinated response involving 2 or more of the relevant entities mentioned in paragraphs (b) to (d) of the definition *relevant entity* is unlikely to be required to respond to the event; and
- (c) the event is not an emergency event.

2 **Clause 13 (Amendment of s 352A (Definitions for div 2A))**

Page 14, lines 26 to 34—

omit, insert—

emergency event, for a dam, means an event arising from a dam hazard if—

- (a) persons or property may be harmed because of the event; and
- (b) any of the following apply—
 - (i) a coordinated response involving 2 or more of the relevant entities mentioned in paragraphs (b) to (d) of the definition *relevant entity* is likely to be required to respond to the event;

- (ii) the event may arise because of a disaster situation declared under the Disaster Management Act;
- (iii) an entity performing functions under the State disaster management plan may, under that plan, require the owner of the dam to give the entity information about the event.

3 Clause 13 (Amendment of s 352A (Definitions for div 2A))

Page 15, lines 10 and 11, ‘harmed’—

omit, insert—

affected

4 Clause 13 (Amendment of s 352A (Definitions for div 2A))

Page 15, after line 19—

insert—

(ba) each local government whose local government area may be affected if a dam hazard event or emergency event were to happen for the dam;

5 Clause 18 (Replacement of s 352H (Content of plan))

Page 17, line 16, ‘an’—

omit, insert—

a material

6 Clause 18 (Replacement of s 352H (Content of plan))

Page 17, after line 18—

insert—

Examples for subparagraph (ii)—

- an unusual amount of seepage from the dam

- rainfall in the catchment area of the dam

7 Clause 18 (Replacement of s 352H (Content of plan))

Page 17, line 26, after ‘happens’—

insert—

, including the order of priority in which the persons or categories of persons are to be warned

8 Clause 18 (Replacement of s 352H (Content of plan))

Page 18, lines 10 and 11, from ‘, if a relevant’ to ‘may provide’—

omit, insert—

the emergency action plan may provide for the dam owner to make arrangements with a relevant entity

9 Clause 25 (Amendment of s 352T (Preparation and submission of emergency event report))

Page 23, after line 9—

insert—

(1) Section 352T—

insert—

(1A) For subsection (1), an emergency event relating to the dam happens if—

(a) a person or property has been or may be harmed because of the event; and

(b) any of the following applies—

(i) a coordinated response involving 2 or more of the relevant entities mentioned in paragraphs (b) to (d) of the definition *relevant entity*

was required to respond to the event;

- (ii) the event arose because of a disaster situation declared under the Disaster Management Act;
- (iii) an entity performing functions under the State disaster management plan has, under that plan, required the owner of the dam to give the entity information about the event.

10 Clause 25 (Amendment of s 352T (Preparation and submission of emergency event report))

Page 23, line 10, before ‘Section’—

insert—

(2)

11 Clause 25 (Amendment of s 352T (Preparation and submission of emergency event report))

Page 23, line 13, ‘risk’—

omit, insert—

material risk

12 After clause 25

Page 23, after line 14—

insert—

25A Amendment of s 352U (Preparation and submission of emergency event interim report)

Section 352U—

insert—

- (1A) For subsection (1)(a), an emergency event relating to the referable dam happens if—
- (a) a person or property has been or may be harmed because of the event; and
 - (b) any of the following applies—
 - (i) a coordinated response involving 2 or more of the relevant entities mentioned in paragraphs (b) to (d) of the definition *relevant entity* was required to respond to the event;
 - (ii) the event arose because of a disaster situation declared under the Disaster Management Act;
 - (iii) an entity performing functions under the State disaster management plan has, under that plan, required the owner of the dam to give the entity information about the event.

13 Clause 28 (Insertion of new ch 4, pt 4)

Page 27, after line 14—

insert—

- (5) No compensation is payable to any person because of the operation of this section.
- (6) In this section—

unacceptable risk, of a failure of a dam, means a risk that is not acceptable under a guideline about the flood capacity of dams made under section 572.

14 Clause 30 (Amendment of sch 3 (Dictionary))

Page 29, after line 31—

insert—

State disaster management plan see the Disaster Management Act, section 49(1).

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