



Queensland

# **Disaster Readiness Amendment Bill 2011**





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# Disaster Readiness Amendment Bill 2011

## Contents

		Page
<b>Part 1</b>	<b>Preliminary</b>	
1	Short title . . . . .	6
<b>Part 2</b>	<b>Amendment of Disaster Management Act 2003</b>	
2	Act amended . . . . .	6
3	Amendment of s 19 (Membership) . . . . .	6
4	Amendment of s 23 (Functions) . . . . .	7
5	Insertion of new pt 2, div 7 . . . . .	7
	Division 7 Requirement for disaster management groups to consult	
	48A Essential services providers . . . . .	7
6	Amendment of s 52 (Plan to be available for inspection etc.) . . .	8
7	Amendment of s 56 (Plan to be available for inspection etc.) . . .	8
8	Amendment of s 60 (Plan to be available for inspection etc.) . . .	9
9	Amendment of s 66 (Duration) . . . . .	9
10	Amendment of s 67 (Extending disaster situation) . . . . .	9
11	Insertion of new s 67A . . . . .	10
	67A Declaration extending disaster situation . . . . .	10
12	Amendment of s 71 (Duration) . . . . .	11
13	Amendment of s 72 (Extending disaster situation) . . . . .	11
14	Insertion of new s 72A— . . . . .	12
	72A Declaration extending disaster situation . . . . .	12
<b>Part 3</b>	<b>Amendment of South East Queensland Water (Restructuring) Act 2007</b>	
15	Act amended . . . . .	13
16	Amendment of s 9 (Functions of new water entities other than the water grid manager) . . . . .	13
17	Amendment of s 10 (Functions of the water grid manager) . . . . .	13

Contents

---

18	Amendment of s 76 (Automatic transfer of instruments relating to transferred works) . . . . .	13
19	Amendment of sch 3 (Dictionary) . . . . .	14
<b>Part 4</b>	<b>Amendment of Sustainable Planning Act 2009</b>	
20	Act amended . . . . .	14
21	Amendment of s 584 (General exemption for emergency development or use) . . . . .	14
22	Amendment of s 585 (Coastal emergency exemption for operational work that is tidal works) . . . . .	14
23	Amendment of s 586 (Exemption for building work on Queensland heritage place or local heritage place) . . . . .	15
<b>Part 5</b>	<b>Amendment of Transport Infrastructure Act 1994</b>	
24	Act amended . . . . .	15
25	Amendment of s 46 (Temporary restrictions on use of State-controlled roads) . . . . .	15
<b>Part 6</b>	<b>Amendment of Transport Operations (Road Use Management) Act 1995</b>	
26	Act amended . . . . .	17
27	Amendment of s 31 (Power to stop private vehicles) . . . . .	17
28	Amendment of s 49 (Power to require documents to be produced)	17
<b>Part 7</b>	<b>Amendment of Water Act 2000</b>	
29	Act amended . . . . .	18
30	Insertion of new ch 2, pt 2, div 4. . . . .	18
	Division 4      Declaring temporary full supply levels for relevant dams to mitigate potential emergencies	
31	Application of, and definitions for, div 4 . . . . .	18
32	Minister must require information about impacts of proposed temporary full supply level . . . . .	19
33	Consultation requirements . . . . .	20
34	Chief executive must advise Minister . . . . .	21
34A	Minister may declare temporary full supply level . . . .	22
34B	Effect of temporary full supply level on resource operations plan . . . . .	22
34C	Obligations of operator if temporary full supply level declared . . . . .	22
34D	Chief executive must review safety requirements. . . .	23
34E	No compensation payable . . . . .	24
31	Amendment of s 98 (Content of draft resource operations plan) .	24

		Contents
32	Amendment of s 345 (Main functions of commission) . . . . .	24
33	Amendment of sch 4 (Dictionary) . . . . .	25
<b>Part 8</b>	<b>Amendment of Water Supply (Safety And Reliability) Act 2008</b>	
34	Act amended . . . . .	26
35	Amendment of s 354 (Deciding safety conditions) . . . . .	26



# 2011

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## A Bill

for

***An Act to amend the *Disaster Management Act 2003*, the *South East Queensland Water (Restructuring) Act 2007*, the *Sustainable Planning Act 2009*, the *Transport Infrastructure Act 1994*, the *Transport Operations (Road Use Management) Act 1995*, the *Water Act 2000* and the *Water Supply (Safety and Reliability) Act 2008*, for particular purposes***

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[s 1]

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**The Parliament of Queensland enacts—** 1

**Part 1 Preliminary** 2

**Clause 1 Short title** 3  
This Act may be cited as the *Disaster Readiness Amendment Act 2011*. 4  
5

**Part 2 Amendment of Disaster Management Act 2003** 6  
7

**Clause 2 Act amended** 8  
This part amends the *Disaster Management Act 2003*. 9

**Clause 3 Amendment of s 19 (Membership)** 10  
(1) Section 19(1)— 11  
*insert—* 12  
‘(f) an officer of the Australian Defence Force who is 13  
appropriately qualified to provide advice on the role of 14  
the Australian Defence Force in disaster management; 15  
(g) an employee of the Australian Red Cross Society who is 16  
appropriately qualified to provide advice on how the 17  
Society can contribute to disaster management; 18  
(h) an employee of Surf Life Saving Queensland ABN 27 19  
360 485 381 who is appropriately qualified to provide 20  
advice on how Surf Life Saving Queensland can 21  
contribute to disaster management; 22  
(i) an officer of the Commonwealth Bureau of Meteorology 23  
established under the *Meteorology Act 1955* (Cwlth) 24  
who is appropriately qualified to provide hydrological 25



[s 4]

	and meteorological advice, and advice on how the Bureau can contribute to disaster management.’.	1 2
(2)	Section 19(2), ‘(e)’—	3
	<i>omit, insert—</i>	4
	‘(i)’.	5
<b>Clause 4</b>	<b>Amendment of s 23 (Functions)</b>	6
	Section 23(d)—	7
	<i>omit, insert—</i>	8
	‘(d) to regularly review and assess—	9
	(i) the disaster management of local groups in the district; and	10 11
	(ii) local disaster management plans prepared by local governments whose areas are in the district;’.	12 13
<b>Clause 5</b>	<b>Insertion of new pt 2, div 7</b>	14
	Part 2—	15
	<i>insert—</i>	16
<b>‘Division 7</b>	<b>Requirement for disaster management groups to consult</b>	17 18
<b>‘48A</b>	<b>Essential services providers</b>	19
‘(1)	If the chairperson of a disaster management group considers a provider of essential services can help the group perform its functions, the group must consult with the provider in performing the functions.	20 21 22 23
	<i>Examples of essential services—</i>	24
	gas, electricity, telecommunications, water, sewerage infrastructure	25
‘(2)	The group may consult with the provider by, for example—	26
	(a) inviting the provider to attend meetings held by the group; or	27 28

[s 6]

- (b) seeking the provider's advice in providing reports and making recommendations about matters relating to disaster management and disaster operations; or
- (c) seeking the provider's advice in preparing disaster management plans.'.

<b>Clause 6</b>	<b>Amendment of s 52 (Plan to be available for inspection etc.)</b>	6
		7
	(1) Section 52(1), from 'public at'—	8
	<i>omit, insert—</i>	9
	'public—	10
	(a) at the department's head office; and	11
	(b) on the department's website; and	12
	(c) at other places the chairperson of the group considers appropriate.'.	13
		14
	(2) Section 52(2)—	15
	<i>omit.</i>	16
	(3) Section 52(3) and (4)—	17
	<i>renumber</i> as section 52(2) and (3).	18

<b>Clause 7</b>	<b>Amendment of s 56 (Plan to be available for inspection etc.)</b>	19
		20
	(1) Section 56(1)—	21
	<i>omit, insert—</i>	22
	'(1) A district group must ensure a copy of its district disaster management plan is available for inspection, free of charge, by members of the public—	23
		24
	(a) on the website of the Queensland Police Service; and	25
	(b) at other places the chairperson of the group considers appropriate.'.	26
		27
	(2) Section 56(2)—	28
		29

*omit.*

(3) Section 56(3) and (4)—

*renumber* as section 56(2) and (3).

**Clause 8      Amendment of s 60 (Plan to be available for inspection etc.)**

(1) Section 60(1)—

*omit, insert—*

‘(1) A local government must ensure a copy of its local disaster management plan is available for inspection, free of charge, by members of the public—

(a) at the local government’s head office; and

(b) on the local government’s website; and

(c) at other places the chief executive officer of the local government considers appropriate.’.

(2) Section 60(2)—

*omit.*

(3) Section 60(3) and (4)—

*renumber* as section 60(2) and (3).

**Clause 9      Amendment of s 66 (Duration)**

Section 66(b)(ii)—

*omit, insert—*

‘(ii) a regulation under section 67 or a declaration under section 67A extends the period of the disaster situation beyond the end of the 14 days.’.

**Clause 10      Amendment of s 67 (Extending disaster situation)**

(1) Section 67(3) and (4)—

*omit, insert—*

[s 11]

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- ‘(3) A regulation extending the period of the disaster situation— 1
- (a) must state— 2
- (i) the period, of not more than 14 days, by which the 3  
disaster situation is extended; and 4
- (ii) if the disaster situation has previously been 5  
extended under this section or section 67A—the 6  
the date of each previous extension; and 7
- (b) expires at the end of the stated period unless it is sooner 8  
repealed or it expires under section 68(4).’ 9
- (2) Section 67(5) and (6)— 10
- renumber* as section 67(4) and (5). 11

**Clause 11 Insertion of new s 67A 12**

After section 67— 13

*insert—* 14

**‘67A Declaration extending disaster situation 15**

- ‘(1) This section applies for a disaster situation declared under 16  
section 64 if the Minister and the Premier are satisfied— 17
- (a) the disaster situation should be extended or further 18  
extended; and 19
- (b) it is not practicable to make a regulation under section 20  
67 before the day the disaster situation ends. 21
- ‘(2) The Minister and the Premier may, by declaration, extend the 22  
period of the disaster situation. 23
- ‘(3) The declaration must— 24
- (a) be in the approved form; and 25
- (b) state— 26
- (i) the time and date of the declaration; and 27
- (ii) the period, of not more than 7 days, by which the 28  
disaster situation is extended. 29

[s 12]

- 
- ‘(4) As soon as practicable after the extension is declared, the Minister and Premier must give notice of the declaration by gazette notice.
- ‘(5) The gazette notice must include the time and date of the declaration.
- ‘(6) A declaration under this section—
- (a) may be made more than once for a particular disaster situation; but
- (b) can not be made consecutively to extend and further extend the disaster situation.’.

**Clause 12 Amendment of s 71 (Duration)**

Section 71(b)(ii)—

*omit, insert—*

- ‘(ii) a regulation under section 72 or a declaration under section 72A extends the period of the disaster situation beyond the end of the 14 days.’.

**Clause 13 Amendment of s 72 (Extending disaster situation)**

(1) Section 72(3) and (4)—

*omit, insert—*

‘(3) A regulation extending the period of the disaster situation—

(a) must state—

(i) the period, of not more than 14 days, by which the disaster situation is extended; and

(ii) if the disaster situation has previously been extended under this section or section 72A—the date of each previous extension; and

(b) expires at the end of the stated period unless it is sooner repealed or it expires under section 73(4).’.

(2) Section 72(5) and (6)—

[s 14]

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*renumber* as section 72(4) and (5).

**Clause 14 Insertion of new s 72A—**

After section 72—

*insert—*

**‘72A Declaration extending disaster situation**

‘(1) This section applies for a disaster situation declared under section 69 if the Minister and the Premier are satisfied—

(a) the disaster situation should be extended or further extended; and

(b) it is not practicable to make a regulation under section 72 before the day the disaster situation ends.

‘(2) The Minister and the Premier may, by declaration, extend the period of the disaster situation.

‘(3) The declaration must—

(a) be in the approved form; and

(b) state—

(i) the time and date of the declaration; and

(ii) the period, of not more than 7 days, by which the disaster situation is extended.

‘(4) As soon as practicable after the extension is declared, the Minister and Premier must give notice of the declaration by gazette notice.

‘(5) The gazette notice must include the time and date of the declaration.

‘(6) A declaration under this section—

(a) may be made more than once for a particular disaster situation; but

(b) can not be made consecutively to extend and further extend the disaster situation.’.

<b>Part 3</b>	<b>Amendment of South East Queensland Water (Restructuring) Act 2007</b>	1 2 3
<b>Clause 15</b>	<b>Act amended</b>	4
	This part amends the <i>South East Queensland Water (Restructuring Act) 2007</i> .	5 6
<b>Clause 16</b>	<b>Amendment of s 9 (Functions of new water entities other than the water grid manager)</b>	7 8
	Section 9—	9
	<i>insert—</i>	10
	‘(3) Also, if requested by the water chief executive, Seqwater has the function of advising the water chief executive about its activities to assist in the performance of the water chief executive’s functions under the <i>Water Act 2000</i> , chapter 2, part 2, division 4.’.	11 12 13 14 15
<b>Clause 17</b>	<b>Amendment of s 10 (Functions of the water grid manager)</b>	16
	Section 10(d)—	17
	<i>omit, insert—</i>	18
	‘(d) if requested by the water chief executive, advising the water chief executive about its activities to assist in the performance of the water chief executive’s functions under the <i>Water Act 2000</i> , chapter 2, part 2, division 4;	19 20 21 22
	(e) another function conferred under an Act.’.	23
<b>Clause 18</b>	<b>Amendment of s 76 (Automatic transfer of instruments relating to transferred works)</b>	24 25
	Section 76(7), definition <i>water chief executive—</i>	26
	<i>omit.</i>	27

[s 19]

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<b>Clause</b>	<b>19</b>	<b>Amendment of sch 3 (Dictionary)</b>	<b>1</b>
		Schedule 3—	2
		<i>insert—</i>	3
		‘ <i>water chief executive</i> means the chief executive under the	4
		<i>Water Act 2000.</i> ’.	5
	<b>Part 4</b>	<b>Amendment of Sustainable</b>	<b>6</b>
		<b>Planning Act 2009</b>	<b>7</b>
<b>Clause</b>	<b>20</b>	<b>Act amended</b>	<b>8</b>
		This part amends the <i>Sustainable Planning Act 2009</i> .	9
<b>Clause</b>	<b>21</b>	<b>Amendment of s 584 (General exemption for emergency development or use)</b>	<b>10</b>
		Section 584(1)(a)(ii)—	11
		<i>omit, insert—</i>	12
		‘(ii) the structural safety of a building; or	13
		(iii) the operation or safety of community infrastructure	14
		that is not a building; and’.	15
			16
<b>Clause</b>	<b>22</b>	<b>Amendment of s 585 (Coastal emergency exemption for operational work that is tidal works)</b>	<b>17</b>
		Section 585(1)(c)—	18
		<i>insert—</i>	19
		‘(iv) the operation or safety of community infrastructure	20
		that is not a building.’.	21
			22



<b>Clause 23</b>	<b>Amendment of s 586 (Exemption for building work on Queensland heritage place or local heritage place)</b>	1 2
	Section 586(1)(c)—	3
	<i>insert</i> —	4
	‘(iii) the operation or safety of community infrastructure that is not a building.’.	5 6
<b>Part 5</b>	<b>Amendment of Transport Infrastructure Act 1994</b>	7 8
<b>Clause 24</b>	<b>Act amended</b>	9
	This part amends the <i>Transport Infrastructure Act 1994</i> .	10
<b>Clause 25</b>	<b>Amendment of s 46 (Temporary restrictions on use of State-controlled roads)</b>	11 12
	(1) Section (1)(b), ‘, during a specified limited period,’—	13
	<i>omit</i> .	14
	(2) Section 46(2)—	15
	<i>omit, insert</i> —	16
	‘(2) A restricted road use notice must—	17
	(a) be erected or displayed on the road to which the notice applies; and	18 19
	(b) be easily visible to persons using the road; and	20
	(c) state how the use of the road is restricted; and	21
	(d) state the maximum penalty for failing to comply with the notice.’.	22 23
	(3) Section 46(4)—	24
	<i>omit, insert</i> —	25

[s 25]

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- ‘(4) A person must not drive past a restricted road use notice erected or displayed under subsection (1) in contravention of the notice, unless the person—
- (a) has a reasonable excuse; or
  - (b) is acting in accordance with a written approval given by the chief executive or police commissioner; or
- Note—*
- A written approval includes, for example, an approval given by text message, email or fax.
- (c) is carrying out road works or inspecting a road for the chief executive, and the contravention is necessary for the person to carry out the road works or inspect the road.
- Maximum penalty—200 penalty units.’.
- (4) Section 46(6), ‘a declaration in force under subsection (1)’—  
*omit, insert—*  
‘subsection (4)’.
- (5) Section 46(7)—  
*renumber* as section 46(9).
- (6) Section 46—  
*insert—*
- ‘(7) Also, civil liability does not attach to the chief executive or police commissioner for giving an approval mentioned in subsection (4)(b) if the approval was given in good faith without reckless disregard for the possible occurrence of the personal injury or loss or damage to property from which liability would arise if this subsection did not apply.
- ‘(8) If subsection (7) prevents civil liability attaching to the chief executive or police commissioner liability attaches instead to the State.’.
- (7) Section 46(9), as renumbered—  
*insert—*

*‘police commissioner* means the commissioner of the police service appointed under the *Police Service Administration Act 1990*.’

## **Part 6                      Amendment of Transport Operations (Road Use Management) Act 1995**

### **Clause 26      Act amended**

This part amends the *Transport Operations (Road Use Management Act) 1995*.

### **Clause 27      Amendment of s 31 (Power to stop private vehicles)**

Section 31(1)—

*insert—*

‘(d) if the officer reasonably believes—

(i) the driver has just committed, is committing, or is about to commit an offence against the *Transport Infrastructure Act 1994*, section 46 or the Queensland Road Rules, section 100; and

(ii) the officer reasonably believes making the requirement is necessary to prevent damage to road transport infrastructure or ensure the safety of road users or other persons.’

### **Clause 28      Amendment of s 49 (Power to require documents to be produced)**

(1) Section 49(1), ‘kept, by the person’—

*omit, insert—*

‘kept by the person,’



‘(3)	The holder of the resource operations licence mentioned in subsection (1)(a) is the <i>operator</i> of the dam.	1 2
<b>‘32</b>	<b>Minister must require information about impacts of proposed temporary full supply level</b>	3 4
‘(1)	This section applies if the Minister considers the declaration of a new full supply level (a <i>temporary full supply level</i> ) for a relevant dam may mitigate the impacts of a potential flood or drought.	5 6 7 8
‘(2)	In considering whether a temporary full supply level may mitigate the impacts of a potential flood or drought, the Minister may have regard to any matter the Minister considers appropriate, including, for example—	9 10 11 12
	(a) meteorological forecasts; and	13
	(b) the public interest.	14
‘(3)	The Minister must ask the chief executive to require the operator of the dam to provide information about how a proposed temporary full supply level may impact—	15 16 17
	(a) the safety of the dam; and	18
	(b) how the dam operates.	19
‘(4)	The chief executive must comply with the Minister’s request by requiring the operator, by notice, to give the information to the chief executive.	20 21 22
‘(5)	The notice must—	23
	(a) state a reasonable period by which the information must be given; and	24 25
	(b) include a warning that it is an offence to fail to comply with the notice unless the operator has a reasonable excuse.	26 27 28
‘(6)	The operator must comply with the notice unless the operator has a reasonable excuse.	29 30
	Maximum penalty—200 penalty units.	31

[s 30]

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- ‘(7) The chief executive must provide a copy of the information 1  
given by the operator under this section to the commission. 2

**‘33 Consultation requirements 3**

- ‘(1) Before making a recommendation under section 34 about 4  
declaring a proposed temporary full supply level for a relevant 5  
dam, the chief executive must consult the entities mentioned 6  
in subsection (2) about— 7
- (a) the extent to which the proposed temporary full supply 8  
level is likely to mitigate the impacts of a potential flood 9  
or drought; and 10
- (b) the impacts of the proposed temporary full supply level 11  
on water security. 12
- ‘(2) For subsection (1), the entities are— 13
- (a) if the dam is in the SEQ region or a designated 14  
region—the commission; or 15
- (b) otherwise— 16
- (i) the operator of the dam; and 17
- (ii) any other entity responsible for operating the dam. 18
- ‘(3) In giving advice to the chief executive for a dam mentioned in 19  
subsection (2)(a), the commission must consult with the 20  
following— 21
- (a) for a dam in the SEQ region— 22
- (i) in relation to a matter mentioned in subsection 23  
(1)(a)—Seqwater under the *South-East* 24  
*Queensland Water (Restructuring) Act 2007*; and 25
- (ii) in relation to a matter mentioned in subsection 26  
(1)(b)—the water grid manager; 27
- (b) for a dam in a designated region— 28
- (i) the operator of the dam; and 29
- (ii) any other entity responsible for operating the dam. 30

<b>‘34</b>	<b>Chief executive must advise Minister</b>	<b>1</b>
‘(1)	As soon as practicable after sections 32 and 33 have been complied with, the chief executive must advise the Minister about whether declaring a temporary full supply level for a relevant dam is likely to mitigate the impacts of a potential flood or drought.	2 3 4 5 6
‘(2)	In giving the advice, the chief executive must have regard to the following—	7 8
(a)	information given by the operator to the chief executive under section 32;	9 10
(b)	the extent to which the proposed temporary full supply level is likely to mitigate the impacts of a potential flood or drought;	11 12 13
(c)	the impacts of the proposed temporary full supply level on water security;	14 15
(d)	whether the proposed temporary full supply level will affect the safety of the dam;	16 17
(e)	generally, any other positive or negative impacts the proposed full supply level may have;	18 19
	<i>Examples of impacts—</i>	20
	• impacts on public safety	21
	• environmental, social and economic impacts downstream of the dam	22 23
(f)	another matter the chief executive considers appropriate.	24
‘(3)	The advice must include—	25
(a)	details of the matters the chief executive has considered in giving the advice under subsection (2); and	26 27
(b)	a recommendation about whether a temporary full supply level should be declared; and	28 29
(c)	if the advice recommends declaring a temporary full supply level—the likely implications of the declaration on water security and the safety of the dam.	30 31 32

[s 30]

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<b>‘34A Minister may declare temporary full supply level</b>	1
‘(1) On receiving advice from the chief executive under section 34, the Minister may, by gazette notice, declare a temporary full supply level for the relevant dam the subject of the advice.	2 3 4
‘(2) In deciding whether to declare a temporary full supply level, the Minister must have regard to—	5 6
(a) the advice given by the chief executive under section 34; and	7 8
(b) the public interest.	9
‘(3) The temporary full supply level—	10
(a) takes effect on a day stated in the declaration; and	11
(b) ceases to have effect—	12
(i) the day that is 6 months after the declaration is made, or an earlier day stated in the declaration; or	13 14
(ii) if the declaration is revoked before the day the declaration would have ceased to have effect under subparagraph (i)—on the day the declaration is revoked.	15 16 17 18
‘(4) The Minister may declare a temporary full supply level under this division more than once for a particular dam.	19 20
 <b>‘34B Effect of temporary full supply level on resource operations plan</b>	 21 22
‘If a temporary full supply level for a relevant dam has been declared and is in force, a reference in the resource operations plan to the full supply level for the dam is taken to be a reference to the temporary full supply level.	23 24 25 26
 <b>‘34C Obligations of operator if temporary full supply level declared</b>	 27 28
‘(1) This section applies to the operator of a relevant dam if—	29
(a) a temporary full supply level is declared for the dam; and	30 31



[s 30]

- 
- (b) because of the temporary full supply level, the operator will be unable to comply with a requirement of the resource operations plan under which the dam operates; and
    - (c) the resource operations plan states a process for submitting a program (an *interim program*) to the chief executive for approval about how the requirements of the plan will be met when the operator is unable to comply with the plan because of an emergency or other incident.
  - ‘(2) The operator must give the chief executive a proposed interim program under the resource operations plan within 10 business days after the temporary full supply level is declared.
  - ‘(3) The proposed interim program must—
    - (a) relate to the period for which the declaration is in force; and
    - (b) comply with any other requirements under the resource operations plan for submitting an interim program.
- ‘34D Chief executive must review safety requirements**
- ‘(1) This section applies if a temporary full supply level declared for a relevant dam exceeds the full supply level stated in the resource operations plan for the dam.
  - ‘(2) The chief executive must review any requirements about safety (the *safety requirements*) applying to the dam under—
    - (a) safety conditions applied under the Water Supply Act, chapter 4, part 1, division 3; or
    - (b) the flood mitigation manual prepared for the dam under the Water Supply Act, chapter 4, part 2.
  - ‘(3) The review must be conducted within—
    - (a) 1 month after the full supply level is declared; or
    - (b) if the Minister requests a shorter period in writing—the shorter period.
-

[s 31]

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- ‘(4) If the chief executive considers an amendment of the safety requirements is necessary having regard to the temporary full supply level, the chief executive must arrange for the amendment to be made—
  - (a) for safety conditions—under the Water Supply Act, section 356; or
  - (b) for a flood mitigation manual—under the Water Supply Act, section 372.

**‘34E No compensation payable**  
 ‘No compensation is payable to any person because of the operation of this division.’.

**Clause 31 Amendment of s 98 (Content of draft resource operations plan)**  
 (1) Section 98(1)(e) to (g)—  
*renumber* as section 98(1)(f) to (h).  
 (2) Section 98(1)—  
*insert*—  
 ‘(e) if the water infrastructure identified includes a relevant dam—the full supply level for the dam; and’.

**Clause 32 Amendment of s 345 (Main functions of commission)**  
 (1) Section 345(b)—  
*renumber* as section 345(c).  
 (2) Section 345—  
*insert*—  
 ‘(b) to advise the chief executive about its activities to assist in the performance of the chief executive’s functions under chapter 2, part 2, division 4; and’.

<b>Clause 33</b>	<b>Amendment of sch 4 (Dictionary)</b>	1
(1)	Schedule 4, definition <i>full supply level</i> and <i>water security</i> —	2
	<i>omit.</i>	3
(2)	Schedule 4—	4
	<i>insert—</i>	5
	<b><i>‘full supply level</i></b> means—	6
(a)	for a dam generally—the level of the dam’s water	7
	surface when water storage is at maximum operating	8
	level without being affected by flood; or	9
(b)	for a relevant dam under chapter 2, part 2, division	10
	4—the full supply level stated in the resource operations	11
	plan under which the dam operates.	12
	<b><i>operator</i></b> , of a dam for chapter 2, part 2, division 4, see section	13
	31(3).	14
	<b><i>relevant dam</i></b> see section 31(2).	15
	<b><i>temporary full supply level</i></b> , for a dam, see section 32(1).	16
	<b><i>water security</i></b> includes—	17
(a)	generally—the reliability of water supply; and	18
(b)	in relation a relevant dam for which a temporary full	19
	supply level is proposed under chapter 2, part 2, division	20
	4—the reliability of water supply having regard to the	21
	availability of water stored in, and the cost of supplying	22
	water from, the dam.’	23

[s 34]

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<b>Part 8</b>	<b>Amendment of Water Supply (Safety And Reliability) Act 2008</b>	1 2 3
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<b>Clause 34</b>	<b>Act amended</b>	4
	This part amends the <i>Water Supply (Safety and Reliability) Act 2008</i> .	5 6

<b>Clause 35</b>	<b>Amendment of s 354 (Deciding safety conditions)</b>	7
	Section 354(4)—	8
	<i>omit, insert—</i>	9
	‘(4) The safety conditions—	10
	(a) must be relevant to, but not an unreasonable imposition on, the dam or reasonably required for the dam; and	11 12
	(b) may include requirements about giving information to the local community situated immediately downstream of the dam about the likely or actual release of water from, or flow of water through, the dam as a result of flooding.’.	13 14 15 16 17