Agriculture and Other Legislation Amendment Bill 2019

Amendments during consideration in detail to be moved by The Honourable the Minister for Agricultural Industry Development and Fisheries

1 After clause 135
   Page 75, after line 26—
   insert—

   Part 19A Amendment of Water Supply (Safety and Reliability) Act 2008

135A Act amended
   This part amends the Water Supply (Safety and Reliability) Act 2008.

135B Insertion of new ch 4, pt 5
   Chapter 4—
   insert—

   Part 5 Particular works for Paradise Dam

399D Application of part
   This part applies if—
   (a) the chief executive, under section 356(2), changes the safety conditions applying to the Paradise Dam; and
   (b) the changed safety conditions are in relation to the carrying out of spillway works.
399E Definitions for part

In this part—

associated works means works associated with spillway works, including, for example—

(a) works necessary to ensure water can continue to be released from the Paradise Dam following the carrying out of spillway works; or

(b) works necessary to ensure fish can continue to move through the Paradise Dam following the carrying out of spillway works; or

(c) works to remediate land affected by spillway works.

spillway works means works to lower a spillway for the Paradise Dam in order to reduce the risk of the dam failing.

399F Application of other Acts to spillway works and associated works

(1) The following Acts do not apply in relation to the carrying out of spillway works or associated works—

(a) the Biosecurity Act 2014;

(b) the Building Act 1975;

(c) the Environmental Protection Act 1994;

(d) the Fisheries Act 1994;

(e) the Forestry Act 1959;

(f) the Land Act 1994;

(g) the Nature Conservation Act 1992;

(h) the Pest Management Act 2001;
(i) the Planning Act 2016;
(j) the Plumbing and Drainage Act 2018;
(k) the Recreation Areas Management Act 2006;
(l) the State Development and Public Works Organisation Act 1971;
(m) the Transport Infrastructure Act 1994;
(n) the Transport Operations (Marine Safety) Act 1994;
(o) the Transport Planning and Coordination Act 1994;
(p) the Vegetation Management Act 1999;
(q) the Water Act 2000.

(2) Also, the following provisions do not apply in relation to the carrying out of spillway works or associated works—

(a) the Local Government Act 2009, chapter 3, part 3, division 1;
(b) the applied provisions under the Transport Operations (Marine Safety—Domestic Commercial Vessel National Law Application) Act 2016;
(c) a provision of a local law;
(d) a provision of an Act, other than an Act mentioned in subsection (1), prescribed by regulation.

(3) The Minister may recommend to the Governor in Council the making of a regulation under subsection (2)(d) only if satisfied—

(a) the application of the provision to the carrying out of spillway works or associated works would significantly
delay the carrying out of the works; and

(b) the making of the regulation will not adversely affect public health or safety.

(4) A regulation made under subsection (2)(d) expires on 31 December 2023.

399G Owner must give notice of spillway works and associated works

The owner of the Paradise Dam must, before starting any spillway works or associated works, give the chief executive notice of the works.

399H Amendment of resource operations licence for Paradise Dam

(1) This section applies in relation to a resource operations licence applying to the Paradise Dam.

(2) The chief executive (water) may amend the resource operations licence to the extent necessary to ensure consistency with the changed safety conditions applying to the Paradise Dam.

(3) The chief executive (water) must, within 30 business days of making the amendment, give the holder of the resource operations licence notice of the amendment and a copy of the amended licence.

(4) The Water Act 2000 applies in relation to the amended resource operations licence as if the amendment were made under that Act.

(5) In this section—

chief executive (water) means the chief executive of the department responsible for
administering the *Water Act 2000*.

### 399I Expiry

This part expires on 31 December 2023.

### 135C Amendment of sch 3 (Dictionary)

1. Schedule 3, definition *works*—
   
   *omit.*

2. Schedule 3—
   
   *insert—*

   *associated works*, for chapter 4, part 5, see section 399E.

   *spillway works*, for chapter 4, part 5, see section 399E.

   *works*—

   (a) means—

   (i) operations of any kind and all things constructed, erected or installed for the purposes of this Act or the *Water Act 2000*; and

   (ii) any land used for the operations; and

   (b) for chapter 4, part 5—includes building work, and operational work, within the meaning of the *Planning Act 2016*.

2. **Long title**

   Long title, after ‘*Veterinary Surgeons Act 1936*’—

   *insert—*

   , the *Water Supply (Safety and Reliability) Act 2008*