

I certify that this is a copy of the authorised version of this Statutory Rule as at 1 January 2016, and that it incorporates all amendments, if any, made before and in force as at that date and any reprint changes made under any Act, in force before the commencement of the *Legislation Publication Act 1996*, authorising the reprint of Acts and statutory rules or permitted under the *Legislation Publication Act 1996* and made before 1 January 2016.

K Woodward
Chief Parliamentary Counsel
Dated 31 July 2023

TASMANIA

WATER MANAGEMENT (SAFETY OF DAMS) REGULATIONS 2015

STATUTORY RULES 2015, No. 98

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WATER MANAGEMENT (SAFETY OF DAMS) REGULATIONS 2015

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the *Water Management Act 1999*.

Dated 15 December 2015.

C. WARNER
Governor

By Her Excellency's Command,

JEREMY ROCKLIFF
Minister for Primary Industries and Water

PART 1 – PRELIMINARY

1. Short title

These regulations may be cited as the *Water Management (Safety of Dams) Regulations 2015*.

2. Commencement

These regulations take effect on the day on which the *Water Management Amendment (Dam Works) Act 2015* commences.

3. Interpretation

(1) In these regulations –

Act means the *Water Management Act 1999*;

ANCOLD means the Australian National Committee on Large Dams (ANCOLD) Inc.(ABN: 52 627 050 014);

ANCOLD guidelines means guidelines issued by ANCOLD;

authorised safety reviewer means a person declared under regulation 8 to be an authorised safety reviewer for the purposes of these regulations;

Class 1 competence see regulation 4;

Class 2 competence see regulation 5;

Class 3 competence see regulation 6;

Engineers Australia means The Institution of Engineers Australia - National Office (ABN 63 020 415 510);

expert team, in respect of an activity, means a team of persons which meets the requirements referred to in regulation 7 for that activity;

relevant overseas engineering qualification, in relation to a person, means a qualification held by the person that is –

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-
- (a) awarded by an overseas tertiary-level institution at the successful completion of a course, or program, requiring the equivalent of at least 4 years of full-time study; and
 - (b) recognised by Engineers Australia as equivalent to a Bachelor of Engineering awarded by an Australian university;

relevant overseas engineering or science qualification, in relation to a person, means a qualification held by the person that is –

- (a) awarded by an overseas tertiary-level institution at the successful completion of a course, or program, requiring the equivalent of at least 4 years of full-time study; and
- (b) recognised by Engineers Australia as equivalent to a Bachelor of Engineering, or a Bachelor of Science, awarded by an Australian university;

specialist aspect of technology means –

- (a) electrical engineering; or
- (b) environmental engineering; or
- (c) geotechnical engineering; or

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- (d) hydrological engineering; or
- (e) mechanical engineering; or
- (f) another field of engineering;

tailings dam means a structure or embankment that is built to manage water associated with tailings storage, or to retain tailings, and includes the contents of the structure or embankment;

top of the dam means the uppermost part of the dam excluding any settlement camber, or structures such as parapets and guard-rails, that are not part of the main water-retaining structure;

WAE report means a report containing details of –

- (a) actual site conditions and features encountered during construction of the dam and the works associated with the construction of the dam; and
- (b) construction procedures used in the construction of the dam and the construction of the works associated with the construction of the dam; and
- (c) details, including drawings, of the dam as constructed and the works, associated with the

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construction of the dam, as
constructed.

- (2) Unless the contrary intention appears, an expression used in these regulations has the same meaning as it has in Part 8A of the Act.
- (3) For the purposes of these regulations, a dam, or tailings dam, is of a consequence category specified in a table to these regulations if the dam is, under the ANCOLD guidelines entitled *Guidelines on the Consequence Categories for Dams* (October 2012), as amended or substituted from time to time, within the consequence category of the same name.
- (4) For the purposes of these regulations, the height of a dam is the greater of the following:
 - (a) the height from the natural bed of the stream at the downstream edge of the dam wall to the top of the dam;
 - (b) the height from the lowest elevation of the outside limit of the dam to the top of the dam.

PART 2 – CATEGORIES OF COMPETENCE AND AUTHORISATION

4. Class 1 competence

A person has Class 1 competence in respect of an activity, specified in Column 1 of a table to any subregulation in regulations 13 and 14, that is carried out in relation to a dam to which the subregulation applies, if he or she –

- (a) holds –
 - (i) a Bachelor of Engineering awarded by an Australian university at the successful completion of a course, or program, requiring the equivalent of at least 4 years of full-time study; or
 - (ii) a relevant overseas engineering qualification; and
- (b) is eligible to become a member of Engineers Australia in the occupational category of Professional Engineer; and
- (c) has at least 5 years' experience undertaking investigation, design, construction and day-to-day safety management of dams, where the experience is appropriate for the height and type of a dam to which the relevant subregulation applies.

5. Class 2 competence

(1) A person has Class 2 competence in respect of an activity, specified in Column 1 of a table to any subregulation in regulations 13 and 14, that is carried out in relation to a dam to which the subregulation applies, if he or she –

(a) holds –

(i) a Bachelor degree, the core subjects of which are concerned with science or natural resource management; or

(ii) an Advanced Diploma of Civil Engineering; or

(iii) an Advanced Diploma, the core subjects of which are concerned with science or natural resource management; or

(iv) an equivalent degree or Advanced Diploma –

awarded by an Australian university; or

(b) holds a relevant overseas engineering or science qualification –

and has at least 5 years' experience undertaking investigation, design, construction and day-to-day safety management of dams, where the experience is appropriate for the height and type of a dam to which the relevant subregulation applies.

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- (2) A person also has Class 2 competence in respect of an activity, specified in Column 1 of a table to any subregulation in regulations 13 and 14, that is carried out in relation to a dam to which the subregulation applies, if he or she –
- (a) holds –
 - (i) a Bachelor of Engineering awarded by an Australian university at the successful completion of a course, or program, requiring the equivalent of at least 4 years of full-time study; or
 - (ii) a relevant overseas engineering qualification; and
 - (b) is eligible to become a graduate member of Engineers Australia in its Civil College; and
 - (c) has at least 2 years' experience undertaking investigation, design, construction and day-to-day safety management of dams, where the experience is appropriate for the height and type of a dam to which the relevant subregulation applies.

6. Class 3 competence

A person has Class 3 competence in respect of an activity, specified in Column 1 of a table to any subregulation in regulations 13 and 14, that

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is carried out in relation to a dam to which the subregulation applies, if he or she –

- (a) holds –
 - (i) a Bachelor of Engineering, or a Bachelor of Science, awarded by an Australian university at the successful completion of a course, or program, requiring the equivalent of at least 4 years of full-time study; or
 - (ii) a relevant overseas engineering or science qualification; and
- (b) has at least 5 years' experience in a specialist aspect of technology appropriate to the height and type of a dam to which the relevant subregulation applies.

7. Expert team

A team of persons is an expert team in respect of an activity, specified in Column 1 of a table to any subregulation in regulations 13 and 14, that is carried out in relation to a dam to which that subregulation applies, if –

- (a) the team consists of at least 3 persons, of whom at least one has Class 1 competence in respect of the activity; and
- (b) the team contains persons with professional expertise such that for each

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of the following areas, in so far as they relate to that dam and activity, there is at least one person in the team with professional expertise in the area:

- (i) construction practices;
- (ii) dam design;
- (iii) engineering geology;
- (iv) engineering surveying;
- (v) evaluation of properties of materials;
- (vi) hydraulics;
- (vii) hydrology;
- (viii) instrumentation;
- (ix) mechanical design;
- (x) soil and rock mechanics;
- (xi) structural design.

8. Authorised safety reviewers

For the purposes of undertaking an internal review of existing dams, the Minister may, by instrument in writing, declare an authorised officer to be an authorised safety reviewer for the purposes of these regulations.

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9. Prescribed competencies

For the purposes of section 165H(1A) of the Act, Class 1 competence, Class 2 competence, Class 3 competence, expert team and authorised safety reviewer are prescribed competencies.

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Part 3 – Design, Construction, Maintenance, &c., of Dams

**PART 3 – DESIGN, CONSTRUCTION,
MAINTENANCE, &C., OF DAMS**

10. Guidelines and information to be followed by persons constructing, &c., dams

- (1) A person undertaking an activity for the purposes of, or in connection with, the design, construction, surveillance or decommissioning of a dam must carry out that activity in accordance with the guidelines, as amended or substituted from time to time, specified in Schedule 1, for that activity.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 500 penalty units and, in the case of a continuing offence, a further fine not exceeding 20 penalty units for each day during which the offence continues; or
- (b) a natural person, a fine not exceeding 200 penalty units and, in the case of a continuing offence, a further fine not exceeding 20 penalty units for each day during which the offence continues.
- (2) The Department is to ensure that a copy of each of the guidelines that is required under subregulation (1) to be complied with is available for inspection by members of the

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public, without charge and during normal office hours, at offices of the responsible Department in relation to the administration of the Act in the following locations:

- (a) Hobart;
- (b) Launceston;
- (c) Devonport.

11. Activities to be performed in relation to certain dams

- (1) An activity specified in Column 1 of the following table, in relation to a dam that –
 - (a) is less than 10 metres high; and
 - (b) is of a consequence category specified in Column 2 of the table –

must be performed as indicated opposite the activity and below the consequence category.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 500 penalty units; or
- (b) a natural person, a fine not exceeding 200 penalty units.

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Column 1 Activity	Column 2 Consequence Category						
	Very Low	Low	Significant	High C	High B	High A	Extreme
	1. Design plans and specifications	Not required	Not required	Required	Required	Required	Required
2. Pre-construction investigation, design and report	Not required	Not required	Required	Required	Required	Required	Required
3. Supervision of construction and decommissioning	Not required	Required	Required	Required	Required	Required	Required
4. WAE report	Required	Required	Required	Required	Required	Required	Required
5. Dam safety emergency plans where there is the potential for loss of life in the event of dam failure	Not required	Not required	Not required	Required	Required	Required	Required
6. Comprehensive surveillance inspections and reports	Not required	Not required	Required	Required	Required	Required	Required
7. Safety reviews (consequence category assessment)	Required	Required	Required	Required	Required	Required	Required
8. Dam incident investigation and report	Required	Required	Required	Required	Required	Required	Required

(2) An activity specified in Column 1 of the following table, in relation to a dam that –

- (a) is 10 metres or more high but not more than 25 metres high; and
- (b) is of a consequence category specified in Column 2 of the table –

must be performed as indicated opposite the activity and below the consequence category.

Penalty: In the case of –

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- (a) a body corporate, a fine not exceeding 500 penalty units; or
- (b) a natural person, a fine not exceeding 200 penalty units.

Column 1 Activity	Column 2 Consequence Category						
	Very Low	Low	Significant	High C	High B	High A	Extreme
	1. Design plans and specifications	Required	Required	Required	Required	Required	Required
2. Pre-construction investigation, design and report	Required	Required	Required	Required	Required	Required	Required
3. Supervision of construction and decommissioning	Required	Required	Required	Required	Required	Required	Required
4. WAE report	Required	Required	Required	Required	Required	Required	Required
5. Dam safety emergency plans where there is the potential for loss of life in the event of dam failure	Not required	Not required	Not required	Required	Required	Required	Required
6. Comprehensive surveillance inspections and reports	Not required	Not required	Required	Required	Required	Required	Required
7. Safety reviews (consequence category assessment)	Required	Required	Required	Required	Required	Required	Required
8. Dam incident investigation and report	Required	Required	Required	Required	Required	Required	Required

- (3) An activity specified in Column 1 of the following table, in relation to a dam that –
 - (a) is more than 25 metres high; and
 - (b) is of a consequence category specified in Column 2 of the table –

must be performed as indicated opposite the activity and below the consequence category.

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Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 500 penalty units; or
- (b) a natural person, a fine not exceeding 200 penalty units.

Column 1 Activity	Column 2 Consequence Category						
	Very Low	Low	Significant	High C	High B	High A	Extreme
	1. Design plans and specifications	Required	Required	Required	Required	Required	Required
2. Pre-construction investigation, design and report	Required	Required	Required	Required	Required	Required	Required
3. Supervision of construction and decommissioning	Required	Required	Required	Required	Required	Required	Required
4. WAE report	Required	Required	Required	Required	Required	Required	Required
5. Dam safety emergency plans where there is the potential for loss of life in the event of dam failure	Not required	Not required	Not required	Required	Required	Required	Required
6. Comprehensive surveillance inspections and reports	Not required	Not required	Required	Required	Required	Required	Required
7. Safety reviews (consequence category assessment)	Required	Required	Required	Required	Required	Required	Required
8. Dam incident investigation and report	Required	Required	Required	Required	Required	Required	Required

12. Activities to be performed in relation to tailings dams

(1) In this regulation –

raise in relation to a tailings dam, means to raise the wall of the dam to increase the

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available volume of both water and tailings storage.

(2) An activity specified in Column 1 of the following table, in relation to a tailings dam that –

- (a) is constructed by means of an ongoing operation (known as continual lift); and
- (b) uses tailings as the primary embankment material; and
- (c) is of a consequence category specified in Column 2 of the following table –

must be performed as indicated opposite the activity and below the consequence category.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 500 penalty units; or
- (b) a natural person, a fine not exceeding 200 penalty units.

Column 1 Activity	Column 2						
	Consequence Category						
	Very Low	Low	Significant	High C	High B	High A	Extreme
1. Geotechnical and earthquake engineering investigations	Not required	Not required	Required every raise	Required every raise	Required every raise	Required every raise	Required every raise
2. Design plans and specifications	Required every raise	Required every raise	Required every raise	Required every raise	Required every raise	Required every raise	Required every raise

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3.	Pre-construction investigation, design and report	Required every raise	Required every raise	Required every raise	Required every raise	Required every raise	Required every raise	Required every raise
4.	Spillway and decant design	Required every raise	Required every raise	Required every raise	Required every raise	Required every raise	Required every raise	Required every raise
5.	Dam safety emergency plans where there is potential for loss of life in the event of dam failure, or where infrastructure or environmental values could be at risk should the dam collapse or fail	Not required	Not required	Required every raise	Required every raise	Required every raise	Required every raise	Required every raise
6.	Supervision of construction and decommissioning	Required every raise	Required every raise	Required every raise	Required every raise	Required every raise	Required every raise	Required every raise
7.	WAE report	Required every raise	Required every raise	Required every raise	Required every raise	Required every raise	Required every raise	Required every raise
8.	Comprehensive surveillance inspections and reports	Not required	Not required	Required	Required	Required	Required	Required
9.	External (third party) review	Not required	Not required	Not required	Required every raise	Required	Required every raise	Required every raise

13. Required competence for certain dams

(1) A person must not carry out, in relation to a dam that –

(a) is less than 10 metres high; and

(b) is of a consequence category specified in Column 2 of the following table –

an activity specified in Column 1 of the table, unless the person has one of the classes of competence specified, in Column 2 of the table, opposite the activity and below the consequence category.

Penalty: In the case of –

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- (a) a body corporate, a fine not exceeding 500 penalty units; or
- (b) a natural person, a fine not exceeding 200 penalty units.

Column 1 Activity	Column 2 Consequence Category						
	Very Low	Low	Significant	High C	High B	High A	Extreme
	1. Design plans and specifications	No specific class of competence required	No specific class of competence required	Class 1 competence	Class 1 competence	Expert team	Expert team
2. Pre-construction investigation, design and report	No specific class of competence required	No specific class of competence required	Class 1 or Class 3 competence	Class 1 or Class 3 competence	Expert team	Expert team	Expert team
3. Supervision of construction and decommissioning	No specific class of competence required	Class 2 competence	Class 1 competence	Class 1 competence	Expert team	Expert team	Expert team
4. WAE report	No specific class of competence required	Class 2 competence	Class 1 competence	Class 1 competence	Expert team	Expert team	Expert team
5. Dam safety emergency plans & operation and maintenance manuals	No specific class of competence required	No specific class of competence required	Class 1 competence	Class 1 competence	Expert team	Expert team	Expert team
6. Intermediate surveillance inspections and reports	No specific class of competence required	Class 2 competence	Class 2 competence	Class 2 competence	Class 2 competence	Class 2 competence	Class 2 competence
7. Comprehensive surveillance inspections and reports	No specific class of competence required	Class 2 competence	Class 2 competence	Class 1 competence	Expert team	Expert team	Expert team
8. Safety reviews (consequence category assessment)	Class 2 competence or authorised safety reviewer	Class 2 competence or authorised safety reviewer	Class 2 competence	Class 1 competence	Expert team	Expert team	Expert team
9. Dam incident investigation and report	Class 2 competence	Class 2 competence	Class 1 or Class 3 competence	Class 1 or Class 3 competence	Expert team	Expert team	Expert team

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(2) A person must not carry out, in relation to a dam that –

(a) is 10 metres or more high but not more than 25 metres high; and

(b) is of a consequence category specified in Column 2 of the following table –

an activity specified in Column 1 of the table, unless the person has one of the classes of competence specified, in Column 2 of the table, opposite the activity and below the consequence category.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 500 penalty units; or

(b) a natural person, a fine not exceeding 200 penalty units.

Column 1 Activity	Column 2 Consequence Category						
	Very Low	Low	Significant	High C	High B	High A	Extreme
	1. Design plans and specifications	Class 2 competence	Class 1 competence	Class 1 competence	Class 1 competence	Expert team	Expert team
2. Pre-construction investigation, design and report	Class 2 competence	Class 1 or Class 3 competence	Class 1 or Class 3 competence	Class 1 or Class 3 competence	Expert team	Expert team	Expert team
3. Supervision of construction and decommissioning	Class 2 competence	Class 1 competence	Class 1 competence	Class 1 competence	Expert team	Expert team	Expert team
4. WAE report	Class 2 competence	Class 1 competence	Class 1 competence	Class 1 competence	Expert team	Expert team	Expert team

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5.	Dam safety emergency plans & operation and maintenance manuals	No specific class of competence required	No specific class of competence required	Class 1 competence	Class 1 competence	Expert team	Expert team	Expert team
6.	Intermediate surveillance inspections and reports	Class 2 competence	Class 2 competence	Class 2 competence	Class 2 competence	Class 2 competence	Class 2 competence	Class 2 competence
7.	Comprehensive surveillance inspections and reports	Class 2 competence	Class 2 competence	Class 1 competence	Class 1 competence	Expert team	Expert team	Expert team
8.	Safety reviews (consequence category assessment)	Class 2 competence or authorised safety reviewer	Class 2 competence	Class 1 competence	Class 1 competence	Expert team	Expert team	Expert team
9.	Dam incident investigation and report	Class 2 competence	Class 2 competence	Class 1 or Class 3 competence	Class 1 or Class 3 competence	Expert team	Expert team	Expert team

(3) A person must not carry out, in relation to a dam that –

- (a) is more than 25 metres high; and
- (b) is of a consequence category specified in Column 2 of the following table –

an activity specified in Column 1 of the table, unless the person has one of the classes of competence specified, in Column 2 of the table, opposite the activity and below the consequence category.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 500 penalty units; or
- (b) a natural person, a fine not exceeding 200 penalty units.

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Column 1 Activity	Column 2 Consequence Category						
	Very Low	Low	Significant	High C	High B	High A	Extreme
	1. Design plans and specifications	Expert team	Expert team	Expert team	Expert team	Expert team	Expert team
2. Pre-construction investigation, design and report	Expert team	Expert team	Expert team	Expert team	Expert team	Expert team	Expert team
3. Supervision of construction and decommissioning	Expert team	Expert team	Expert team	Expert team	Expert team	Expert team	Expert team
4. WAE report	Expert team	Expert team	Expert team	Expert team	Expert team	Expert team	Expert team
5. Dam safety emergency plans & operation and maintenance manuals	No specific class of competence required	No specific class of competence required	Class 1 competence	Class 1 competence	Expert team	Expert team	Expert team
6. Intermediate surveillance inspections and reports	Class 2 competence	Class 2 competence	Class 2 competence	Class 2 competence	Class 1 competence	Class 1 competence	Class 1 competence
7. Comprehensive surveillance inspections and reports	Expert team	Expert team	Expert team	Expert team	Expert team	Expert team	Expert team
8. Safety reviews (consequence category assessment)	Class 2 competence or authorised safety reviewer	Expert team	Expert team	Expert team	Expert team	Expert team	Expert team
9. Dam incident investigation and report	Class 2 competence	Class 2 competence	Class 1 or Class 3 competence	Class 1 or Class 3 competence	Expert team	Expert team	Expert team

14. Required competence for tailings dams

A person must not carry out, in relation to a tailings dam that –

- (a) is constructed by means of an ongoing operation (known as continual lift); and

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(b) uses tailings as the primary embankment material; and

(c) is of a consequence category specified in Column 2 of the following table –

an activity specified in Column 1 of the table, unless the person has one of the classes of competence specified, in Column 2 of the table, opposite the activity and below the consequence category.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 500 penalty units; or

(b) a natural person, a fine not exceeding 200 penalty units.

Column 1 Activity	Column 2 Consequence Category						
	Very Low	Low	Significant	High C	High B	High A	Extreme
	1. Geotechnical and earthquake engineering investigations	No specific class of competence required	No specific class of competence required	Class 1 or Class 3 competence	Class 1 or Class 3 competence	Class 1 or Class 3 competence	Class 1 or Class 3 competence
2. Design plans and specifications	Class 1 or Class 3 competence	Class 1 or Class 3 competence	Class 1 or Class 3 competence	Class 1 or Class 3 competence	Class 1 or Class 3 competence	Class 1 or Class 3 competence	Class 1 or Class 3 competence
3. Pre-construction investigation, design and report	Class 1 or Class 3 competence	Class 1 or Class 3 competence	Class 1 or Class 3 competence	Class 1 or Class 3 competence	Expert team	Expert team	Expert team
4. Spillway and decant design	Class 1 or Class 3 competence	Class 1 or Class 3 competence	Class 1 or Class 3 competence	Class 1 or Class 3 competence	Expert team	Expert team	Expert team
5. Dam safety emergency plans	No specific class of competence required	No specific class of competence required	Class 1 or Class 3 competence	Class 1 or Class 3 competence	Class 1 or Class 3 competence	Class 1 or Class 3 competence	Class 1 or Class 3 competence

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6.	Supervision of construction and decommissioning	Class 1 competence	Class 1 competence	Class 1 competence	Class 1 competence	Class 1 competence	Class 1 competence	Class 1 competence
7.	WAE report	Class 1 competence	Class 1 competence	Class 1 competence	Class 1 competence	Expert team	Expert team	Expert team
8.	Intermediate surveillance inspections and reports	No specific class of competence required	No specific class of competence required	Class 1 or Class 3 competence	Class 1 or Class 3 competence	Class 1 or Class 3 competence	Class 1 or Class 3 competence	Class 1 or Class 3 competence
9.	Comprehensive surveillance inspections and reports	No specific class of competence required	Class 1 competence	Class 1 competence	Class 1 or Class 3 competence	Class 1 or Class 3 competence	Class 1 or Class 3 competence	Class 1 or Class 3 competence
10.	External (third party) review	No specific class of competence required	No specific class of competence required	No specific class of competence required	Class 1 or Class 3 competence	Class 1 or Class 3 competence	Class 1 or Class 3 competence	Class 1 or Class 3 competence

15. Persons who may perform certain activities

(1) In this regulation –

requirement means a requirement or condition specified in a permit, notice, direction or authorisation given under or in accordance with section 164, 164A, 165F, 165H, 165J, 165L, 165M, 165N or 165P of the Act.

(2) Subject to subregulation (3), if an activity in relation to a dam is –

(a) required to be undertaken –

(i) as a condition of a permit under section 164 or 164A of the Act;
or

(ii) as a term or condition imposed under section 165F(2) of the Act;
or

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- (iii) by a notice under section 165H, 165N or 165P of the Act; or
- (iv) by a direction under section 165L of the Act; or
- (b) authorised under section 165J or 165M of the Act –

a person must not undertake the activity in relation to the dam unless the person is a member of a class of persons who may carry out the activity in relation to the dam under regulation 13 or 14.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 500 penalty units; or
 - (b) a natural person, a fine not exceeding 200 penalty units
- (3) A requirement may specify that an activity in relation to a dam is to be carried out by a person, or persons, who are members of a class of persons who have a higher class of competence than the class of persons who may carry out the activity under regulation 13 or 14.
- (4) A person who –
- (a) is a member of a class of persons that is specified under subregulation (3) in a requirement in relation to a dam; and
 - (b) carries out an activity to which the requirement relates –

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Part 3 – Design, Construction, Maintenance, &c., of Dams

is taken to comply with regulation 13 or 14 in respect of the carrying out of the activity in relation to the dam.

PART 4 – MISCELLANEOUS

16. Operation and maintenance manuals

For the purposes of section 165K(2)(b) of the Act, an operation and maintenance manual is to comply substantially with section 4.4 of the *Guidelines on Dam Safety Management* published in 2003 by ANCOLD, as amended from time to time.

17. Fees, allowances and compensation

- (1) The fee payable to the Crown, by the owner of a dam or proposed dam, for the assessment of –
 - (a) the following reports:
 - (i) a design report;
 - (ii) a construction report;
 - (iii) a maintenance report;
 - (iv) a surveillance report;
 - (v) a decommissioning report;
 - (vi) a WAE report;
 - (vii) a safety review report;
 - (viii) an incident report; or
 - (b) a dam safety emergency plan –

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Part 4 – Miscellaneous

is 60 fee units for each half hour spent assessing the report or plan.

- (2) The following amounts are payable to persons attending or giving evidence at an inquiry or examination referred to in Part 8A of the Act:

1.	For meals, travelling and accommodation:	The same rate and on the same terms as prescribed from time to time for the equivalent allowance in the General Conditions of Service Award made under the <i>Industrial Relations Act 1984</i> in respect of persons who are State Service officers or State Service employees
2.	For loss of salary, wages or income resulting from a person's attendance at the inquiry or examination, if the person is not an expert witness (for each hour, or part of an hour):	The actual loss incurred, up to a maximum of 2.5% of the seasonally adjusted average weekly earnings of a full-time adult employee in Tasmania as published by the Australian Bureau of Statistics for the December quarter for the previous year
3.	For loss of salary, wages or income resulting from a person's attendance at the inquiry or examination, if the person is an expert witness:	The amount that the inquirer considers just and reasonable in the circumstances

- (3) Compensation is not payable to a person who does not incur an actual loss of salary, wages or income as a result of attending an inquiry or examination.

18. Infringement notice offences

The following penalties are prescribed as the penalties for an offence, committed under regulation 10, 11, 12, 13, 14 or 15, in respect of which an infringement notice is served under section 252 of the Act:

- (a) in the case of a body corporate –
- (i) for a first offence, 25 penalty units; and
 - (ii) for a subsequent offence within 5 years after the first offence, 50 penalty units; or
- (b) in the case of a natural person –
- (i) for a first offence, 10 penalty units; and
 - (ii) for a subsequent offence within 5 years after the first offence, 20 penalty units.

19. Legislation rescinded

The legislation specified in Schedule 2 is rescinded.

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SCHEDULE 1 – GUIDELINES AND INFORMATION

Regulation 10

1. For the activity of preparing design plans and specifications, the following guidelines are specified:
 - (a) the ANCOLD guidelines entitled *Guidelines on Selection of Acceptable Flood Capacity for Dams (2000)*;
 - (b) the ANCOLD guidelines entitled *Guidelines on Tailings Dams – Planning, Design, Construction, Operation and Closure (May 2012)*;
 - (c) the ANCOLD guidelines entitled *Guidelines on Design of Dams for Earthquake (1998)*;
 - (d) *Guidelines for the Construction of Earth-fill Dams (2008)* published by the Department of Primary Industries and Water;
 - (e) the ANCOLD guidelines entitled *Guidelines on Design Criteria for Concrete Gravity Dams (September 2013)*.

2. For the activity of preconstruction investigation, design and reporting, the following guidelines are specified:

- (a) *Guidelines for pre-construction reports (dam works) – Assessment Committee for Dam Construction, May 2009* published by the Assessment Committee;
 - (b) the ANCOLD guidelines entitled *Guidelines on Selection of Acceptable Flood Capacity for Dams (2000)*;
 - (c) the ANCOLD guidelines entitled *Guidelines on Tailings Dams – Planning, Design, Construction, Operation and Closure (May 2012)*;
 - (d) the ANOCOLD guidelines entitled *Guidelines on Design of Dams for Earthquake (1998)*;
 - (e) *Guidelines for the Construction of Earth-fill Dams (2008)* published by the Department of Primary Industries and Water;
 - (f) the ANCOLD guidelines entitled *Guidelines for Dam Instrumentation and Monitoring Systems (1983)*;
 - (g) the ANCOLD guidelines entitled *Guidelines on Risk Assessment (2003)*.
3. For the activity of supervising construction and decommissioning, the *Guidelines for the Construction of Earth-fill Dams (2008)*, published by the Department of Primary Industries and Water, are specified.

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4. For the activity of preparing a WAE report, the *DPIPWE Guidelines for Work-As-Executed Reports for Completed Dam Works (December 2009)*, published by the Department of Primary Industries, Parks, Water and Environment, are specified.

5. For the activity of preparing dam safety emergency plans and operation and maintenance manuals, the following guidelines are specified:
 - (a) the ANCOLD guidelines entitled *Guidelines on Dam Safety Management (2003)*;

 - (b) *Guidelines for Dam Safety Emergency Management Plan DPIPWE July 2013* published by the Department of Primary Industries, Parks, Water and Environment;

 - (c) the ANCOLD guidelines entitled *Guidelines for Dam Instrumentation and Monitoring Systems (1983)*.

6. For the activity of undertaking intermediate surveillance inspections and reports, the following guidelines are specified:
 - (a) the ANCOLD guidelines entitled *Guidelines on Dam Safety Management (2003)*;

 - (b) the ANCOLD guidelines entitled *Guidelines on Tailings Dams – Planning,*

Design, Construction, Operation and Closure (May 2012).

7. For the activity of undertaking comprehensive surveillance inspections and reports, the following guidelines are specified:
 - (a) the ANCOLD guidelines entitled *Guidelines on the Consequence Categories for Dams (October 2012)*;
 - (b) *Guidelines for 5 Year Dam Safety Surveillance Report DPIPWE May 2013*, published by the Department of Primary Industries, Parks, Water and Environment;
 - (c) the ANCOLD guidelines entitled *Guidelines on Tailings Dams – Planning, Design, Construction, Operation and Closure (May 2012)*;
 - (d) the ANCOLD guidelines entitled *Guidelines for Dam Instrumentation and Monitoring Systems (1983)*;
 - (e) *Guidelines on Undertaking Consequence Category Assessments for Dams DPIPWE December 2015*, published by the Department of Primary Industries, Parks, Water and Environment.

8. For the activity of undertaking safety reviews which are consequence category assessments, the following guidelines are specified:

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- (a) the ANCOLD guidelines entitled *Guidelines on the Consequence Categories for Dams (October 2012)*;
 - (b) the ANCOLD guidelines entitled *Guidelines on Dam Safety Management (2003)*;
 - (c) *Guidelines on Undertaking Consequence Category Assessments for Dams DPIPWE December 2015*, published by the Department of Primary Industries, Parks, Water and Environment.
- 9.** For the activity of undertaking dam incident investigations and reports, *Guidelines for Undertaking a Dam Incident Investigation DPIPWE December 2015*, published by the Department of Primary Industries, Parks, Water and Environment, is specified.
- 10.** For the activity of undertaking geotechnical and earthquake engineering investigations, in relation to tailings dams, the ANCOLD guidelines entitled *Guidelines on Tailings Dams – Planning, Design, Construction, Operation and Closure (May 2012)* are specified.
- 11.** For the activity of undertaking spillway and decant design, in relation to tailings dams, the following guidelines are specified:
- (a) the ANCOLD guidelines entitled *Guidelines on Tailings Dams – Planning,*

Design, Construction, Operation and Closure (May 2012);

(b) the ANCOLD guidelines entitled *Guidelines on Selection of Acceptable Flood Capacity for Dams (2000)*.

12. For the activity of undertaking third-party review, in relation to tailings dams, the ANCOLD guidelines entitled *Guidelines on Tailings Dams – Planning, Design, Construction, Operation and Closure (May 2012)* are specified.

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SCHEDULE 2 – LEGISLATION RESCINDED

Regulation 19

Water Management (Safety of Dams) Regulations 2011 (No.
84 of 2011)

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Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 23 December 2015.

These regulations are administered in the Department of Primary Industries, Parks, Water and Environment.

NOTES

The foregoing text of the *Water Management (Safety of Dams) Regulations 2015* comprises that instrument as indicated in the following table. Any reprint changes made under any Act, in force before the commencement of the *Legislation Publication Act 1996*, authorising the reprint of Acts and statutory rules or permitted under the *Legislation Publication Act 1996* and made before 1 January 2016 are not specifically referred to in the following table of amendments.

Citation	Serial Number	Date of commencement
<i>¹Water Management (Safety of Dams) Regulations 2015</i>	S.R. 2015, No. 98	1.1.2016

¹Expiry 23 December 2015 - Subordinate Legislation Act 1992