

Implementation of the *Dams Safety Act 2015*

In 2013 the NSW Government initiated a review of the Dams Safety Act 1978 and its associated regulatory framework, resulting in the development of new legislation—the Dams Safety Act 2015.

The government-initiated review identified a need to improve safety regulation by providing clear, enforceable safety standards that dam owners must comply with. It also recognised the need for an independent regulator to enforce compliance.

The review resulted in the development of new legislation, the *Dams Safety Act 2015*, and identified the need to establish a new regulator, Dams Safety NSW.

To implement the new regulatory initiatives, the NSW Government established an independent Interim Dams Safety Advisory Committee, which together with government developed Dams Safety Regulation 2019.

Changes under the new legislation

Dams Safety Regulation 2019 will give force to the principles set out in the *Dams Safety Act 2015*. The new regulation, and the standards references within it, will:

- establish a new regulator, Dams Safety NSW, which will be governed by an independent board
- provide declared dam owners with a clear set of minimum standards
- allow the regulator to audit and enforce these standards
- significantly increase the penalties for non-compliance up to \$1.1 million for corporations and \$250,000 for individuals.

What this means for communities

- Important rules are being enforced for the safety of the community.
- Dams Safety NSW will be active in auditing compliance with the regulation and standards, including field-auditing the operations and maintenance activities of declared dams.
- The Dams Safety NSW board will include industry and regulatory experts and be independent of government.
- Penalties will increase significantly from those currently in place, and will align with the potential consequences of dam failure.
- Communities and stakeholders will have an opportunity to comment on the proposed minimum standards.

The introduction of Dams Safety NSW

Once the new regulation is approved and comes into force, Dams Safety NSW will replace the Dams Safety Committee that was set up to administer the previous *Dams Safety Act 1978*.

The new *Dams Safety Act 2015* prescribes that appointed members of Dams Safety NSW have expertise in dam engineering, mine engineering, emergency management, dam operations and management, public safety risk analysis and best-practice regulation (including cost-benefit analysis and business case development). This ensures that Dams Safety NSW has all the expertise it needs to effectively manage the safety of NSW's dams.

Next steps

Once consultation is completed on the draft regulation and standards, the Interim Dams Safety Advisory Committee will review all feedback.

The final, approved regulation and standards are intended to be introduced in September 2019. We will provide notification of exactly when this will happen closer to the time.

There will be a two-year transition period for declared dam owners to make the changes required by the new regulation and standards. However, those declared dams that do not have operations and maintenance plans or emergency management plans must develop and establish them within six months of the introduction of the regulation.

More information

The NSW Dams Safety Reforms website offers information on:

- the changes under the new regulatory framework
- key pieces of legislation
- key dates for public consultations
- online videos of the presentations being made at the public consultations.

Visit damsafety.nsw.gov.au and follow the 'Proposed 2019 Reforms' link.

Have your say

There are a number of ways you can send us your feedback.

Email: reforms@damsafety.nsw.gov.au

Mail: Dams Safety Committee, Locked Bag 5123, Parramatta NSW 2124

Visit the Have Your Say website nsw.gov.au/improving-nsw/have-your-say/ or the Dams Safety Reform website damsafety.nsw.gov.au.

You have until 5 July 2019 to submit your feedback. We will carefully consider your feedback and keep you updated as the reforms progress.

Contact

If you have any questions, contact us via email at reforms@damsafety.nsw.gov.au