Implementation of the *Dams Safety Act 2015*—implications for the industry

In 2013 the NSW Government initiated a review of the *Dams Safety Act 1978* and its associated regulatory framework, which resulted 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

The new regulation, and the standards referenced 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 owners of declared dams

- Dams Safety NSW will be active in auditing compliance to standards, including field-auditing of operations and maintenance activity.
- If you are the owner of a declared dam, you need to implement a safety management system based on internationally recognised asset management system requirements.
- Declared dam owners will have flexibility to explore a broad range of options to deliver the required level of public safety.
- Penalties have been increased significantly from those in the current *Dams Safety Act 1978*, and are relative to the potential consequences of dam failure.

The future of the Dams Safety Committee

Dams Safety NSW will replace the current Dams Safety Committee. The *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).
Next steps

Once consultation has been 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 clarity and notification on the exact timing closer to the date.

There will be a two-year transition period for declared dam owners to make the changes required by the new regulation and standards. However, owners of declared dams that do not have operations and maintenance plans or emergency plans in place must develop and establish these plans within six months of the introduction of Dams Safety Regulation 2019.

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 for industry, and at the public consultations.


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