

Implementation of the *Dams Safety Act 2015* and the *Dams Safety Regulation 2019*

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 requirements 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 the *Dams Safety Regulation 2019*.

Changes under the new legislation

The new Act, regulation, and the standards referenced within it:

- establishes a new regulator, Dams Safety NSW, which comprises independent governing members
- provides declared dam owners with a clear set of minimum requirements
- allows the regulator to audit and enforce these standards
- significantly increases 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 with regulatory requirements, including field-auditing of operations and maintenance activity.
- Owners of declared dams 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 previous *Dams Safety Act 1978*, and are relative to the potential consequences of dam failure.

The future of the Dams Safety Committee

Dams Safety NSW replaces the 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).

Contact

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

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