



New South Wales

Dams Safety Amendment Regulation 2020

under the

Dams Safety Act 2015

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Dams Safety Act 2015*.

MELINDA PAVEY, MP
Minister for Water, Property and Housing

Explanatory note

The object of this Regulation is to amend the *Dams Safety Regulation 2019* to—

- (a) amend the definition of **competent person** to clarify the knowledge and skills requirement for a person exercising certain safety and assessment functions in relation to a dam, and
- (b) update the references to methodologies for the assessment of dam failure consequences and the calculation of societal and individual risk to refer to the current published versions, and
- (c) add a further type of dam or proposed dam which may be capable of being declared as a **declared dam** for the purposes of the Act and the regulation, and
- (d) make minor corrections of a consequential or ancillary nature.

This Regulation is made under the *Dams Safety Act 2015*, including sections 5(2), 14, 15(3) and 53 (the general regulation-making power) and clause 1 of Schedule 2.

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1 Name of Regulation

This Regulation is the *Dams Safety Amendment Regulation 2020*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of Dams Safety Regulation 2019

[1] Clause 3 Definitions

Omit paragraph (a) of the definition of *competent person* in clause 3(1). Insert instead—

- (a) has acquired through training, qualification and experience substantial knowledge and skills in dam design or risk analysis in relation to that type of dam, and

[2] Clause 3(1), definition of “Consequence Category Methodology”

Omit “Gazette No 94 of 23 August 2019”.

Insert instead “Gazette No 137 of 8 November 2019”.

[3] Clause 3(1), definition of “contents of a dam”

Omit “detained”. Insert instead “impounded”.

[4] Clause 4 Declared dams

Omit clause 4(1)(b). Insert instead—

- (b) a dam that Dams Safety NSW is reasonably satisfied would, if there were to be a failure of the dam—
 - (i) cause a major or catastrophic level of severity of damage or loss, or
 - (ii) endanger the life of a person,

[5] Clause 4(2)

Omit “result in a major or catastrophic level of severity of damage or loss,”.

Insert instead “cause damage, loss or danger referred to in subclause (1)(b)(i) or (ii),”.

[6] Clause 15 Assessment of societal and individual risk rating

Omit “Gazette No 94 of 23 August 2019” from clause 15(3)(a).

Insert instead “Gazette No 137 of 8 November 2019”.

[7] Clause 27 Records

Omit clause 27(1)(s). Insert instead—

- (s) as-built drawings,

[8] Clause 30 Savings and transitional provisions consequent on commencement of Act

Omit “7(2), 20, 22, 23, 24” from clause 30(3). Insert instead “20, 22, 23”.