

Dams Safety Act 1978 No 96

[1978-96]



New South Wales

Status Information

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Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Does not include amendments by**
 - [Miscellaneous Acts \(Local Court\) Amendment Act 2007 No 94](#) (not commenced)
 - [Statute Law \(Miscellaneous Provisions\) Act 2009 No 56](#) (not commenced — to commence on 17.7.2009)

Authorisation

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Dams Safety Act 1978 No 96



New South Wales

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Dams Safety Act 1978 No 96



New South Wales

An Act to constitute the Dams Safety Committee and to confer and impose on the Committee functions relating to the safety of certain dams.

Part 1 Preliminary

1 Name of Act

This Act may be cited as the *Dams Safety Act 1978*.

2 Commencement

- (1) This section and section 1 shall commence on the date of assent to this Act.
- (2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3 (Repealed)

4 Definitions

- (1) In this Act, except in so far as the context or subject-matter otherwise indicates or requires:

chairperson means the chairperson of the Committee appointed under section 9.

Committee means the Dams Safety Committee constituted under section 7.

functions includes powers, authorities and duties.

member means a member of the Committee.

owner, in relation to a dam, means any person or public authority who, whether solely or with some other person or public authority, owns, controls, operates, manages or maintains the dam and includes any person or public authority who, whether solely or with some other person or public authority, proposes to build a dam.

prescribed dam means a dam, or proposed dam, for the time being specified or described in Schedule 1.

public authority means any public or local authority constituted by or under an Act other than this Act.

regulation means a regulation made under this Act.

- (2) A reference in this Act to the exercise of a function includes, where the function is a duty, the performance of that duty.

5 Act binds Crown

This Act, section 30 excepted, binds the Crown not only in right of New South Wales but also, so far as the legislative power of Parliament permits, the Crown in all its other capacities.

6 Liability of certain persons not affected

Nothing in this Act derogates from or affects the liability of any person arising from any act or omission of that person or the person's servants or agents with respect to a prescribed dam.

Part 2 Constitution of the Committee

7 The Committee

- (1) There is hereby constituted a corporation under the corporate name of the "Dams Safety Committee".
- (2) The Committee is, for the purposes of any Act, a statutory body representing the Crown.
- (3) In the exercise of its functions (except in relation to the contents of a report or recommendation made by it to the Minister or any other person), the Committee shall be subject in all respects to the control and direction of the Minister.

8 Members

- (1) The Committee shall consist of 9 part-time members appointed by the Minister.
- (2) The members shall be:
- (a) a person nominated by Snowy Hydro Limited,
 - (a1) a person nominated by the portfolio Minister under the [State Owned Corporations Act 1989](#) for the electricity generators that are State owned corporations under that Act,
 - (b) a person nominated by the Sydney Catchment Authority constituted under the [Sydney Water Catchment Management Act 1998](#),
 - (c) a person nominated by State Water Corporation constituted under the [State Water](#)

Corporation Act 2004,

(d) a person nominated by the Hunter Water Corporation referred to in the *Hunter Water Board (Corporatisation) Act 1991,*

(e) a person nominated by the Minister administering the *Public Works Act 1912,*

(f) 2 persons nominated by the Federal Council of the Institution of Engineers, Australia, and

(g) a person nominated by the Minister administering the *Mining Act 1992.*

(3) A person shall not be nominated for appointment as a member unless the person is, in the opinion of the person making the nomination, experienced in dam engineering.

(4) Where, for the purposes of subsection (2), a nomination of a person for appointment as a member is not made within the time or in the manner specified by the Minister in a notice in writing given to the body or person entitled to make the nomination, the Minister may appoint any person who, in the opinion of the Minister, is experienced in dam engineering to be a member instead of the person required to be appointed on that nomination.

(5) Nothing in subsection (3) or (4) prevents the nomination or appointment of a person who is not, in the opinion of the person making the nomination or appointment, experienced in dam engineering as the member referred to in subsection (2) (g).

9 Chairperson

The Minister shall appoint one of the members as chairperson of the Committee.

10 Provisions relating to the constitution and procedure of the Committee

Schedule 2 has effect.

11 Committee may make use of facilities and employees of Crown etc

For the purpose of exercising its functions, the Committee may, with the approval of the Minister and of the Department or public authority concerned and on such terms as may be arranged, make use of the facilities, or the services of any officers, employees or servants, of any Department of the Government or of any public authority.

12 Sub-committees

(1) The Committee may establish standing or special sub-committees for the purpose of advising the Committee in the exercise of its functions under this Act and may appoint as a member of any such sub-committee any person who, in its opinion, appears to be qualified to be a member of that sub-committee, whether or not the person is a member of the Committee.

- (2) The Committee shall appoint one of the members of a sub-committee established under subsection (1) to be chairperson of the sub-committee and any such sub-committee may, subject to subsection (3) and to any directions of the Committee, regulate its procedure in such manner as it thinks fit.
- (3) The Committee may specify the number of persons who shall constitute a quorum of a sub-committee established under this section.

13 Dams Safety Committee Account

- (1) There shall be established in the Special Deposits Account in the Treasury a Dams Safety Committee Account into which shall be deposited all money received by the Committee and from which shall be paid all amounts required to meet expenditure incurred in accordance with the provisions of this Act.
- (2) The Treasurer may, out of money provided by Parliament, from time to time make such contributions to the funds of the Committee as may be determined by the Treasurer.

Part 3 Functions of the Committee

14 Functions of Committee

The functions of the Committee are:

- (a) to maintain a surveillance of prescribed dams, the environs under, over and surrounding prescribed dams and the waters or other materials impounded by prescribed dams to ensure the safety of prescribed dams,
- (b) to examine and investigate the location, design, construction, reconstruction, extension, modification, operation and maintenance of prescribed dams, the environs under, over and surrounding prescribed dams and the waters or other materials impounded by prescribed dams,
- (c) to obtain information and keep records on matters relating to the safety of dams,
- (d) to formulate measures to ensure the safety of dams,
- (e) to make such reports or recommendations to the Minister or any other person in relation to the safety of prescribed dams as the Committee considers necessary or appropriate,
- (f) to make reports and recommendations with respect to the prescription of dams for the purposes of this Act,
- (g) to exercise such other functions as are conferred or imposed on the Committee by or under this or any other Act or the regulations, and

- (h) to do such supplemental, incidental and consequential acts as may be necessary or expedient for the exercise of its functions.

15 Keeping and furnishing information

- (1) The Committee may, by notice in writing, require the owner of a prescribed dam specified in the notice to do either or both of the following things:
 - (a) make such observations, take such measurements and keep such records of or in respect of the prescribed dam, the environs over, under and surrounding the prescribed dam and the water or other material impounded by the prescribed dam as may be specified in the notice,
 - (b) furnish to the Committee in respect of the prescribed dam such information and such books, plans, documents or other papers and such films, tapes or other records as may be specified or described in the notice,and the owner shall comply with the requirement.
- (2) Where an owner of a prescribed dam fails to comply with the requirement of a notice under subsection (1), the Committee may exercise the functions referred to in subsection (1) (a) in respect of the prescribed dam and recover the costs and expenses thereof or incidental thereto from the owner as a debt in any court of competent jurisdiction.

16 Entry, inspection, testing etc

- (1) In this section, a reference to land comprising a dam includes a reference to the water or other material impounded by the dam.
- (2) The Committee may authorise a person, in writing, to carry out inspections, for the purposes of this Act, of any dam.
- (3) A person authorised under subsection (2) may enter any land or any place on any land comprising any dam or the environs over, under or surrounding any dam and may thereon or therein carry out such inspections, tests, investigations, surveys, experiments, boring, drilling and exploration, and take such samples and such photographs, as the person considers necessary in connection with the administration of this Act.
- (4) A person authorised under subsection (2) shall not, in relation to any land or any place on any land, exercise any of the functions conferred by subsection (3) unless reasonable notice has been given to the owner or occupier of the land or place of the intention to exercise those functions.
- (5) In addition to the requirements of subsection (4), a person authorised under subsection (2) shall not exercise any of the functions conferred by subsection (3):

- (a) in relation to any land or any place on any land which comprises a mine within the meaning of the *Coal Mine Health and Safety Act 2002* unless:
 - (i) reasonable notice has been given to the Chief Inspector appointed as referred to in that Act of the intention to exercise those functions, and
 - (ii) the person is accompanied by the Chief Inspector or a person nominated by that Chief Inspector in the exercise of those functions, or
- (b) in relation to any land or any place on any land which comprises a mine within the meaning of the *Mining Act 1992* unless:
 - (i) reasonable notice has been given to the Chief Inspector within the Department of Mineral Resources of the intention to exercise those functions, and
 - (ii) the person is accompanied by the Chief Inspector or a person nominated by that Chief Inspector in the exercise of those functions.
- (6) In the exercise of a function conferred by subsection (3), the Committee shall ensure that no more damage than may be necessary in the circumstances is inflicted and shall fully compensate any person who sustains damage in the course of the exercise of that function.
- (7) A person authorised under subsection (2), in exercising a function conferred by subsection (3) in relation to any land or any place on any land, shall, if so required by a person apparently in charge of that land or place produce the instrument of his or her authority to that person.

17 Obstruction of authorised person

A person shall not obstruct, hinder or interfere with a person authorised under section 16 (2) in the exercise of the person's functions under section 16.

18 Giving of notices to ensure safety of prescribed dams

- (1) Where it appears to the Committee that a prescribed dam is unsafe or is in danger of becoming unsafe, the Committee may, by notice in writing, require the owner of the prescribed dam to do such things as are specified or described in the notice as may be reasonably necessary to ensure the safety of the prescribed dam.
- (2) Where it appears to the Committee that anything done or proposed to be done to or in relation to a prescribed dam or in the vicinity of a prescribed dam by the owner of the prescribed dam or any other person may endanger the safety of the prescribed dam, the Committee may, by notice in writing, require the owner or other person, as the case may be, to do such things as are specified or described in the notice as may be reasonably necessary to ensure the safety of the prescribed dam and the owner or other person shall comply with the requirement.

- (3) A notice under subsection (2) requiring the cessation of any work or activity being done or proposed to be done to or in relation to a prescribed dam or in the vicinity of a prescribed dam by a person other than the owner of the prescribed dam shall not be given without the approval of:
- (a) except as provided by paragraph (b), the Minister, or
 - (b) where the work or activity relates to the operation of:
 - (i) a mine within the meaning of the *Coal Mine Health and Safety Act 2002*, or
 - (ii) a mine within the meaning of the *Mining Act 1992*,the Premier.

19 Inquiries

- (1) The Committee may, and if directed to do so by the Minister shall, conduct an inquiry into any matter relating to the safety of a prescribed dam.
- (2) The Committee may, by order in writing, authorise, on such terms and conditions as are specified in the order:
- (a) a sub-committee established under section 12, or
 - (b) with the approval of the Minister, any other person,
- to examine, and report to the Committee on, any matter in connection with an inquiry (including an inquiry that the Minister has directed to be conducted).
- (3) Nothing in this section shall be construed as limiting the power of the Committee to conduct an examination in connection with an inquiry under this section and the Committee may conduct such an examination notwithstanding that it has authorised another body or person to do so.

20 Evidence at inquiry

- (1) A body or person conducting an inquiry or examination under section 19 may require a person, by notice in writing:
- (a) within such reasonable time as may be specified in the notice, to furnish to that body or person such information and to produce to that body or person such books, plans, documents or other papers and such films, tapes or other records in the person's possession or under the person's control as may be required for the purpose of the inquiry or examination, as the case may be, and may be specified in the notice, whether generally or otherwise, or
 - (b) to attend, at a time and place specified in the notice, before that body or person and thereafter from time to time as required by that body or person to give

evidence concerning any matter the subject of the inquiry or examination, as the case may be, and to produce all such books, plans, documents or other papers and such films, tapes or other records in the person's possession or under the person's control as may be required for the purpose of that inquiry or examination, as the case may be, and as may be specified in the notice, whether generally or otherwise.

- (2) A body or person conducting an inquiry or examination under section 19 may, subject to section 13 of the *Oaths Act 1900*, require any evidence referred to in subsection (1) (b) to be given on oath, and either in writing or orally, and for that purpose:
 - (a) where the inquiry or examination is being conducted by a body, the person presiding at the inquiry or examination, or
 - (b) where the inquiry or examination is being conducted by a person, that person, may administer an oath.
- (3) A person shall not neglect or refuse to comply with the requirements of a notice served on the person under this section.
- (4) A person shall not:
 - (a) furnish any information referred to in subsection (1) (a) required of the person pursuant to a notice served on the person under subsection (1) that is false or misleading in a material particular, or
 - (b) give any evidence referred to in subsection (1) (b) that is false or misleading in a material particular.
- (5) It is a sufficient defence to a prosecution arising under subsection (4) if the defendant proves that he or she believed the truth of the information or evidence given by him or her and that it was given in good faith.

21 State of emergency

- (1) Where:
 - (a) a prescribed dam has collapsed or failed, in whole or in part, or
 - (b) the Minister, whether or not any recommendation in that behalf has been made to the Minister by the Committee, is of the opinion that a prescribed dam is liable to collapse or failure, in whole or in part,the Minister may, by order in writing, declare that a state of emergency exists in respect of the prescribed dam.
- (2) An order made under subsection (1) shall take effect from the making thereof or from a later date specified in the order and shall, unless sooner revoked, continue in force

for such period as is specified in the order.

- (3) An order made under subsection (1) shall be published in the Gazette as soon as practicable.

22 Functions of Committee in state of emergency

Without limiting or restricting the functions conferred or imposed on the Committee under the other provisions of this Act, where an order made under section 21 (1) is in force, the Committee shall, at the direction or with the approval of the Minister, do any one or more of the following things in relation to the prescribed dam to which the order applies:

- (a) take full charge and control of the prescribed dam, the environs under, over and surrounding the prescribed dam and the water or other material impounded by the prescribed dam,
- (b) release or discharge the whole or such part as the Committee thinks fit of the water or other material impounded by the prescribed dam,
- (c) carry out all such works and do all such things as, in the opinion of the Committee, are necessary to render the prescribed dam safe,
- (d) demolish or remove the whole or any part of the prescribed dam or any work or structure on the prescribed dam, the water or other material impounded by the prescribed dam or the environs under, over or surrounding the prescribed dam,
- (e) take such other action as the Minister directs or approves.

23 Recovery of costs and expenses

The Committee may recover the costs and expenses incurred by it in the exercise of its functions under section 22 in respect of a prescribed dam from the owner of the prescribed dam as a debt in any court of competent jurisdiction.

24 Contracts

- (1) The Committee may make and enter into contracts with any person for the carrying out of works, the performance of services or the supply of goods or materials in connection with the exercise by the Committee of its functions.
- (2) A contract under this section shall be deemed for the purposes of the [Constitution Act 1902](#) to be a contract for or on account of the Public Service of New South Wales.

25 Arrangements with public authorities

- (1) The Committee may enter into an arrangement or agreement with any public authority that:
 - (a) the public authority shall act as agent of the Committee for the purposes of this

Act, or

(b) the Committee shall act as agent of the public authority for the purposes of this Act,

on such terms and conditions as may be agreed upon between the Committee and the public authority.

(2) Notwithstanding anything in any other Act, any public authority is hereby authorised and empowered to enter into arrangements or agreements referred to in subsection (1) and may do or suffer anything necessary or expedient for carrying out any such arrangements or agreements.

26 Arrangements for investigation and research

The Committee may enter into arrangements with:

- (a) a Minister of the Crown of any State, a Minister of State of the Commonwealth or a Department or instrumentality of the Commonwealth or of any State,
- (b) a university or another tertiary institution, or
- (c) any other body or person,

with respect to the conduct of any investigation, study or research that may be necessary or desirable for the purposes of this Act.

Part 4 General

27 Amendment etc of Schedule 1

(1) The Governor may, by proclamation published in the Gazette, amend Schedule 1:

- (a) by omitting therefrom the name of a prescribed dam and any matter relating to the description or location of the prescribed dam,
- (b) by inserting therein the name of a dam and matter relating to the description or location of that dam, or
- (c) by altering the name of a prescribed dam or any other matter appearing in Schedule 1.

(2) The Governor may, by proclamation published in the Gazette, amend this Act by omitting Schedule 1 and by inserting instead a Schedule containing the names and locations of dams.

28 Delegation

(1) The Committee may, by resolution, delegate to:

(a) a member, or

(b) an officer, employee or servant of a Department of the Government or of a public authority,

the exercise of such of the Committee's functions (other than this power of delegation) as may be specified in the resolution, and may, by resolution, revoke wholly or in part any such delegation.

- (2) A function, the exercise of which has been delegated under this section, may, while the delegation remains unrevoked, be exercised from time to time in accordance with the terms of the delegation.
- (3) A delegation under this section may be made subject to conditions or limitations as to the exercise of any functions delegated, or as to time or circumstance.
- (4) Notwithstanding any delegation under this section, the Committee may continue to exercise all or any of the functions delegated.
- (5) Any act or thing done or suffered by a delegate while acting in the exercise of a delegation under this section shall have the same force and effect as if the act or thing had been done or suffered by the Committee and shall be deemed to have been done or suffered by the Committee.
- (6) An instrument purporting to be signed by a delegate of the Committee in the person's capacity as such a delegate shall in all courts and before all persons acting judicially be received in evidence as if it were an instrument executed by the Committee under seal and, until the contrary is proved, shall be deemed to be an instrument signed by a delegate of the Committee under this section.

29 Authentication of documents

A notice or other document requiring authentication by the Committee may be sufficiently authenticated without the seal of the Committee if signed by the chairperson.

30 Offences

A person who contravenes or fails to comply with any provision of this Act or a notice given by the Committee under this Act shall be guilty of an offence and liable to a penalty not exceeding 10 penalty units.

31 Proceedings for offences

Any penalty imposed by this Act or the regulations may be recovered in a summary manner before a Local Court.

32 Regulations

- (1) The Governor may make regulations, not inconsistent with this Act, for or with respect

to any matter that by this Act is required or permitted to be prescribed for carrying out or giving effect to this Act and, in particular, for or with respect to:

- (a) the procedure for the calling of, and for the conduct of business at, meetings of the Committee,
 - (b) the travelling expenses and the compensation to be paid to persons attending or giving evidence at an inquiry or examination as referred to in section 20, and
 - (c) the remuneration, travelling and subsistence allowances to be paid to members, not being members of the Committee, of a sub-committee established under section 12.
- (2) A regulation may authorise any matter or thing to be from time to time determined, applied or regulated by any person specified therein, either generally or for any class of cases or in a particular case.
- (3) A regulation may be made so as to apply differently according to such factors as may be specified in the regulation.
- (4) A regulation may impose a penalty not exceeding 5 penalty units for any offence against the regulation.

Schedule 1 Prescribed dams

(Sections 4 (1), 27)

| Column 1 | Column 2 |
|-------------------------------------|---|
| Name of dam | Location of dam |
| A H Whaling Reserve Detention Basin | Quarry Creek, Baulkham Hills |
| Abbotsbury Park Pond 2 | Unnamed creek, Cecil Hills |
| Aldridges Creek | Aldridges Creek near Ellerstone |
| Antienne Lease Tailings Dam | Off-stream, near Ravensworth |
| Anvil Hill Main Water | Anvil Creek, Muswellbrook |
| Anvil Hill South In-pit Tailings | Anvil Creek, Muswellbrook |
| Anvil Hill Start-up Tailings | Anvil Creek, Muswellbrook |
| Ashton Tailings | Near Singleton |
| Avon | Avon River near Bargo |
| Bagnalls Beach Road Detention Basin | Off-stream, Corlette, Port Stephens |
| Bakers Road Detention Basin | Tributary of Coffs Creek, Coffs Harbour |
| Bamarang | Off-stream storage near Nowra |

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| Banks Road Retarding Basin | Banks Road, Liverpool |
| Barden Ridge Lower Dam | Mill Creek, Lucas Heights |
| Baryulgil Mine Dam | Oaky Creek, Baryulgil |
| Bayswater Ash | Pikes Gully near Jerry's Plains |
| Bayswater Brine Decant | Unnamed watercourse near Muswellbrook |
| Bayswater Cooling Make Up | Unnamed watercourse near Bayswater |
| Bayswater 2 Main Dam | Unnamed watercourse, Muswellbrook |
| Beardy Waters | Beardy Waters near Glen Innes |
| Beargamil | Beargamil Creek near Parkes |
| Ben Boyd | Off-stream storage near Eden |
| Bendeela Pondage | Off-stream storage near Nowra |
| Bengalla Stage Discharge | Unnamed creek, Bengalla, near Muswellbrook |
| Bethungra | Wandalybengle Creek near Bethungra |
| Blackbutt Reserve | Unnamed watercourse at Shellharbour |
| Blowering | Tumut River near Tumut |
| Bobs Dump Tailings Dam | Unnamed watercourse, Howick Coal Mine, Hunter Valley |
| Boorowa Dam | Boorowa River, Boorowa |
| Bootawa | Off-stream storage near Taree |
| Borenore Creek | Borenore Creek near Molong |
| Brennan's Creek | Brennan's Creek near Appin |
| Brogo | Brogo River near Bega |
| Brokers Road Retarding Basin | Cabbage Tree Creek at Wollongong |
| Brooklyn Retarding Basin | Unnamed watercourse near Brooklyn |
| Broughtons Pass Weir | Cataract Weir near Wilton |
| Broula King Gold Mine Tailings | Tyagong Creek, Bumbaldry |
| Bucklands Retarding Basin | Kooloona Avenue, Figtree, Wollongong |
| Bulli Upper Railway Basin | Tributary of Slacky Creek, Bulli |
| Bundanoon | Bundanoon Creek near Moss Vale |
| Burrendong | Macquarie River near Wellington |
| Burrinjuck | Murrumbidgee River near Yass |
| Cadia North Waste Dump Detention Basin | Hoare's Creek, Cadia, near Orange |

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|------------------------------------|---|
| Cadia Southern Tailings Dam | Rodds Creek, Cadia |
| Cadia Tailings Dam | Rodds Creek near Orange |
| Cadiangullong Dam | Cadiangullong Creek near Orange |
| Camberwell Coal D2 | Station Creek near Camberwell |
| Camberwell Tailings 2 | Station Creek, Singleton |
| Campbelltown Link Area Basin 1 | Tributary of Bow Bowing Creek, Campbelltown |
| Campbelltown North Detention Basin | Off-stream, Campbelltown, Sydney |
| Captains Flat | Molonglo River at Captains Flat |
| Carcoar | Belubula River near Carcoar |
| Cascade No 1 | Cascade Creek near Katoomba |
| Cascade No 2 | Cascade Creek near Katoomba |
| Cascade No 3 | Cascade Creek near Katoomba |
| Cataract | Cataract River near Bulli |
| Cecil Hills Retarding Basin | Hinchinbrook Creek, Cecil Hills |
| Cecil Park Basin 3A | Hinchinbrook Creek, Cecil Park |
| Centennial Park Reservoir No 1 | Centennial Park, Sydney |
| Centennial Park Reservoir No 2 | Centennial Park, Sydney |
| Central Garden Detention Basin | Finlaysons Creek, Marylands |
| Chaffey | Peel River near Tamworth |
| Chain of Ponds 13B | Chain of Ponds Creek, Muswellbrook |
| Chichester | Chichester River near Dungog |
| Chifley | Campbells River near Bathurst |
| Clarrie Hall | Doon Doon Creek near Uki |
| Clear Paddock Creek Basin C | Clear Paddock Creek, Bonnyrigg |
| Coalcliff | Stanwell Creek near Stanwell Park |
| Cochrane | Georges Creek near Bemboka |
| Coey Polly Creek No 1 | Coey Polly Creek near Werris Creek |
| Coey Polly Creek No 2 | Coey Polly Creek near Werris Creek |
| Colongra Creek Ash | Colongra Creek near Doyalson |
| Comberton Grange Retarding Basin | Off-stream storage near Nowra |
| Comin Place Detention Basin | Comin Place, Abbotsbury, Fairfield |

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| Company | Grenfell |
| Copeton | Gwydir River near Inverell |
| Cordeaux | Cordeaux River near Wilton |
| Cowal Tailings Storage Facility | Near Lake Cowal |
| Cowarra | King's Creek Tributary, near Port Macquarie |
| Cowarra Creek Tailings | Cowarra Creek near Bredbo |
| Crookwell | Kentgrove Creek near Crookwell |
| CSA Tailings Dam | Off-stream, near Cobar |
| CSIRO Retarding Basin | Great Western Highway, Girraween |
| Danjerra | Danjerra Creek near Nowra |
| Dapto Heights Retarding Basin | Brooks Creek at Dapto |
| Dartbrook Mine Water Dam | Unnamed Creek, Muswellbrook |
| Daruk Park Detention Basin | Daruk Park, Casula, Liverpool |
| Deep Creek | Off-stream storage near Batemans Bay |
| Deep Creek Snowy Dam | Deep Creek, Khancoban |
| Delegate Retarding Basin | Delegate |
| D.E.P. Retarding Basin | Quarry Road, Prospect |
| Dover Heights Reservoir | Portland Street, Dover Heights |
| Drayton Coal 1690 | Tributary of Bayswater Creek near Muswellbrook |
| Drayton Water Supply | Tributary of Bayswater Creek near Muswellbrook |
| Dumaresq | Dumaresq Creek near Armidale |
| Dungowan | Dungowan Creek near Nundle |
| Duralie Coal Mine Water | Cheer Up Gully, Muswellbrook |
| Duralie Coal Shaft Creek | Coal Shaft Creek, Muswellbrook |
| Edgewood Detention Basin | Hollymount Creek, Woonona |
| Edgeworth Detention Basin | Cocked Hat Creek, Edgeworth, Wallsend |
| El Klaros | Tributary of Cedar Creek near Maitland |
| Elanora | Tributary of Bakers Creek, Hillgrove |
| Emigrant Creek | Emigrant Creek near Ballina |
| Eraring Ash | Crooked Creek near Wangi Wangi |
| Eraring Attemperating Cooling Water | Dora Creek, Eraring |

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| Eucumbene Dam | Eucumbene River, Eucumbene |
| Fitzroy Falls | Yarrunga Creek near Moss Vale |
| Floraville Road Basin | Floraville Road, Belmont North |
| Foothills Estate 1 | Tributary of Towradgi Creek at Wollongong |
| Foothills Estate Retarding Basin 3 | Foothills Estate, Tarrawanna |
| Foothills Road Retarding Basin | Foothills Road, Mount Ousley |
| Fountaindale | Fountaindale Creek near Jamberoo |
| Fox Hills Retarding Basin | Fox Hill Golf Course, Prospect |
| Galambine | Near Mudgee |
| Gannet Place Retarding Basin | Gannet Avenue, Berkeley |
| Garden Suburb Detention Basin | Upper branch of Winding Creek, Garden Suburb, Lake Macquarie |
| Geehi Dam | Geehi River, Kosciusko National Park |
| George Bass Drive Detention Basin | Off-stream, Batemans Bay |
| Georgia Terrace Detention Basin | Cattai Creek, Glenhaven |
| Glenbawn | Hunter River near Scone |
| Glenlee Tailings | Near Menangle Park |
| Glenmore Park Retarding Basin | Surveyor Creek, Penrith |
| Glennies Creek | Glennies Creek near Singleton |
| Glennies Creek Colliery Pit Water | Tributary of Glennies Creek, Oak Park |
| Glenquarry Cut | Off-stream storage near Moss Vale |
| Gooden Reserve Retaining Basin | Model Farm Creek, Baulkham Hills |
| Googong | Queanbeyan River near Queanbeyan |
| Gosling Creek | Gosling Creek, Orange |
| Grahamstown | Off-stream storage near Raymond Terrace |
| Greaves Creek | Greaves Creek near Blackheath |
| Green Meadows Retarding Basin | Green Meadows Estate, Albion Park Rail |
| Greenway Drive Retarding Basin 10A-B | Tributary of Cabramatta Creek, Leppington |
| Gunyah Park Retarding Basin | Dempster Street, West Wollongong |
| Guthega Dam | Snowy River, Guthega |
| Hamilton Valley Retention Basin 5A | Hamilton Valley Creek near Albury (Lavington) |

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| Hamilton Valley Retention Basin 5B | Hamilton Valley Creek near Albury |
| Hillgrove Tailings Dam No 1 | Bakers Creek near Armidale |
| Hillgrove Tailings Dam No 2 | Off-stream, Hillgrove |
| Honeysuckle Creek | Honeysuckle Creek at Killara |
| Horningsea Park Detention Basin | Tributary of Cabramatta Creek, Horningsea Park |
| Howell Close Retarding Basin | McMahons Creek, Newport |
| Hume | Murray River near Albury-Wodonga |
| Humphreys Creek | Humphreys Creek near Drake |
| Humphreys Creek Tailings | Humphreys Creek near Drake |
| Hungerford Hill Vineyards | First Creek, Pokolbin |
| Hunter Valley North Pit Tailings | Singleton |
| Hunter Valley Operations Nth Pit Tailings | Near Singleton |
| Hunter Valley Operations 6 Tailings | Parnells Creek, Jerrys Plains |
| Huntley Colliery Washery Refuse No 2 | Unnamed Creek, Huntley Colliery, Avondale |
| Imperial Lake | Willa-Willyong Creek near Broken Hill |
| Inverell | Macintyre River near Inverell |
| Island Bend Dam | Snowy River, Island Bend |
| Jerrara Creek | Jerrara Creek, Kiama |
| Jindabyne Dam | Snowy River, Jindabyne |
| Jounama Dam | Tumut River, Talbingo |
| Junction Reef | Belubula River near Mandurama |
| Kalingo Dam | Congewai Creek, Ellalong |
| Kanahooka Retention Basin | Off Mullet Creek near Kanahooka, Wollongong |
| Kangaroo Pipeline Control Structure | Off-stream storage at Morton National Park near Fitzroy Falls |
| Karangi | Off-stream storage near Coffs Harbour |
| Keepit | Namoi River near Gunnedah |
| Kentucky Creek | Kentucky Creek near Uralla |
| Khancoban Dam | Swampy Plain River, Khancoban |
| Killara Reservoir | Pacific Highway, Killara |
| Lake Canobolas | Molong Creek near Orange |

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| Lake Endeavour | Billabong Creek near Parkes |
| Lake Ettamogah Winter Storage Dam | Nine Mile Creek, Ettamogah, near Albury |
| Lake Medlow | Wall's Creek near Medlow Bath |
| Lake Pambulong Detention Basin | Unnamed watercourse, West Wallsend |
| Lake Parramatta | Hunt's Creek near Parramatta |
| Lake Rowlands | Coombing Rivulet near Carcoar |
| Lake Tullimba | Head Station Creek near Armidale |
| Lemington Mine Tailings | Off-stream Storage near Warkworth |
| Lemington Mine Tailings Dam No 5 | Off-stream, Singleton |
| Lidcombe Basin No 6 | Tributary of Haslams Creek, Lidcombe |
| Liddell Ash Disposal | Saltwater Creek near Muswellbrook |
| Liddell Ash Levee | Bayswater Creek, Muswellbrook |
| Liddell Cooling Water | Gardiners Creek near Muswellbrook |
| Liddell Water Supply | Tinkers Creek near Muswellbrook |
| Lithgow No 1 | Farmer's Creek near Lithgow |
| Lithgow No 2 | Farmer's Creek near Lithgow |
| Lostock | Paterson River near Gresford |
| Loyalty Road Retarding Basin | Darling Mills Creek near Parramatta |
| Lyell (Lilyvale) | Cox's River near Hartley |
| Mahogany Ridge | Dunns Creek, Patterson |
| Malpas | Gara River near Armidale |
| Mangrove Creek | Mangrove Creek near Gosford |
| Manly | Curl Curl Creek near Manly Vale |
| Mannering Creek Ash | Mannering Creek near Wyee |
| Mannus Lake | Mannus Creek, Tumbarumba |
| Mardi | Off-stream storage near Wyong |
| Maroubra Reservoir | Vanny Place, Maroubra |
| McCoy Park Retarding Basin | Mimosa Avenue, Toongabbie |
| McKinnon's Gold Project Tailings | Burdekin Resources, Cobar |
| Medway | Medway River near Berrima |
| Menindee Storages | Darling River and adjacent lakes near Menindee |

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| Minmi Road Retarding Basin | Minmi Road, Fletcher, Newcastle |
| Molong Creek | Molong Creek, Molong |
| Moolarben Creek | Moolarben Creek near Ulan |
| Mooney Lower Dam | Mooney Mooney Creek near Gosford |
| Mooney Upper Dam | Mooney Mooney Creek near Gosford |
| Moores Creek | Moores Creek near Tamworth |
| Mount View Detention Basin | Lavender Creek, Cessnock |
| Mt Annan Wetland No 1 | Narellan Creek, Camden |
| Mt Arthur North Environmental Dam | Unnamed watercourse, South Muswellbrook |
| Mt Owen North Void Tailings | Hebden |
| Mt Owen Rail Loop Tailings | Hebden |
| Mt Owen Stage 5 Tailings | Near Singleton |
| Mt Thorley Abbey Green South Tailings | Mt Thorley, Singleton |
| Mt Thorley Central Ramp Tailings Dam | Unnamed watercourse, Mt Thorley Mine, Hunter Valley |
| Mt Thorley 24 Ministrip | Near Singleton |
| Muirfield Golf Club Dam | Barclay Road, North Rocks |
| Muirfield Golf Course Retarding Basin | Muirfield Golf Course at North Rocks |
| Murray 2 Dam | Khancoban Back Creek, Khancoban |
| Murrurundi | Off-stream storage at Murrurundi |
| Narara Horticultural | Tributary of Narara Creek, Gosford |
| Narranbulla | Narambulla Creek near Marulan |
| Nepean | Nepean River near Bargo |
| Newstan Southern REA Main Tailings | Fassifern, Lake Macquarie |
| Nixon | Oakey Creek near Barraba |
| North Parkes Tailings | Cookopie Creek at North Parkes |
| North Parkes Tailings Dam No 2 | Cookopie Creek, North Parkes |
| North Turrumurra Golf Course Dam | Cowan Creek, North Turrumurra |
| Northmead Reserve Retarding Basin | Darling Mills Creek at Northmead |
| Northparkes Project Tailings | Cookopie Creek near North Parkes |
| Nyrang Park Retention Basin | Fairy Creek at Keiraville near Wollongong |
| Oak Flats Reservoir | Off-stream storage near Oak Flats |

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| Oaky River | Oaky River near Armidale |
| Oberon | Fish River near Oberon |
| Pacific Palms | Unnamed creek, Pacific Palms, Forster |
| Palmtree Grove Retention Basin | Unnamed watercourse, Palmtree Grove, Umina |
| Pasminco Broken Hill Site D Tailings | Pasminco Broken Hill Mine, Broken Hill |
| Peak Gold Mine Tailings Dam | Off-stream, near Cobar |
| Pecan Close Retarding Basin | Wingello Creek, Wyoming |
| Pejar | Wollondilly River near Goulburn |
| Petrochilos | Off-stream storage, Bonalbo |
| Pindari | Severn River near Ashford |
| Piper's Flat | Piper's Flat Creek near Wallerawang |
| Plashett | Saltwater Creek, Jerry's Plains |
| Port Macquarie | Off-stream storage near Port Macquarie |
| Port Waratah Fines Disposal Dam | Off-stream, Newcastle |
| Porters Creek | Porters Creek near Milton |
| Potts Hill Reservoir No 2 | Off-stream storage near Lidcombe |
| Prospect | Prospect Creek, Prospect |
| Puddledock Creek | Puddledock Creek near Armidale |
| Ravensworth Mine Inpit Storage | Off-stream storage at Ravensworth |
| Ravensworth Void 3 Tailings Dam | Unnamed watercourse, Ravensworth |
| Ravensworth Void 4 East Tailings | Ravensworth, Muswellbrook |
| Ravensworth Void 5 Ash | Ravensworth, Muswellbrook |
| Redbank Creek | Redbank Creek near Mudgee |
| Research Station | Rifle Range Creek at Orange |
| Rocky Creek | Rocky Creek near Lismore |
| Rouse Hill Detention Basin 9B | Smalls Creek, Kellyville |
| Rouse Hill Detention Basin 16 | Smalls Creek, Rouse Hill, Sydney |
| Rouse Hill Infrastructure Retarding Basin No 5 | Caddies Creek at Parklea |
| Rouse Hill Infrastructure Retarding Basin No 9 | Smalls Creek at Kellyville |
| Rouse Hill Infrastructure Retarding Basin No 13 | Caddies Creek at Parklea |
| Rydal | Off-stream storage near Rydal |

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| Rylstone | Cudgegong River near Rylstone |
| Sawyers Swamp Creek Ash | Sawyers Swamp Creek near Wallerawang |
| School House Creek Basin | School House Creek near Regentville, Penrith |
| SE Tailings Dam | Unnamed watercourse, Lemington, Hunter Valley |
| Seladon Avenue Retention Basin | At Seladon Avenue—Wallsend near Newcastle |
| Shellcove Estate Dention Basin 1 | Watercourse No 1, Shellharbour |
| Sierra Place Retarding Basin | Sierra Place, Toongabbie |
| Smiths Creek Retarding Basin 1 | Smiths Creek near Campbelltown |
| Smiths Creek Retarding Basin 2 | Smiths Creek near Campbelltown |
| Smiths Creek Retarding Basin 3 | Smiths Creek near Campbelltown |
| Sooley | Sooley Creek near Goulburn |
| South Bulli Basin 1 | Bellambi Creek, Russell Vale |
| South Bulli Stormwater Dam | Tributary of Bellambi Creek, Russell Vale |
| Split Rock | Manilla River near Manilla |
| Spring Creek | Spring Creek near Orange |
| St Josephs School Retarding Basin | St Josephs School, Albion Park |
| Stephens Creek | Stephens Creek near Broken Hill |
| Steuart McIntyre Dam | Fattorini Creek, Kempsey |
| Stockton Colliery Tailings | Near Boolaroo |
| Suma Park | Summerhill Creek near Orange |
| Talbingo Dam | Tumut River, Talbingo |
| Tallong Railway | Barbers Creek, Tallong |
| Tallowa | Shoalhaven River near Nowra |
| Tantangra Dam | Murrumbidgee River, Tantangra |
| Tenterfield Creek | Tenterfield Creek near Tenterfield |
| The Cove | Old Sydney Town near Gosford |
| Thompsons Creek | Thompsons Creek near Wallerawang |
| Thornleigh Reservoir | Off-stream storage near Thornleigh |
| Tilba | Tilba Creek near Tilba Tilba |
| Tillegra | Williams River, Dungog |
| Timor | Castlereagh River near Coonabarabran |

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| Tooma Dam | Tooma River, Kosciusko National Park |
| Toonumbar | Iron Pot Creek near Kyogle |
| Triako Tailings | Yarra Yarra Creek near Mineral Hill |
| Tritton Tailings | Near Nyngan |
| Tumbarumba | Off-stream storage near Tumbarumba |
| Tumut 2 Dam | Tumut River, Cabramurra |
| Tumut 3 Inlet Structure | Tumut River, Talbingo |
| Tumut Paper Mill Fresh Water Dam | Off Sandy Creek, Tumut |
| Tumut Paper Mill Waste Water Dam | Off Sandy Creek, Tumut |
| Tumut Pond Dam | Tumut River, Cabramurra |
| Umberumberka | Umberumberka Creek near Silverton |
| United Colliery Tailings 2 | Redbank Creek, Singleton |
| Upper Cordeaux No 2 | Cordeaux River near Wollongong |
| Upper Rodds Creek Dam | Rodds Creek, Cadia |
| Vales Point Ash No 2 | Mannering Creek near Wyee |
| Valley View Detention Basin | Unnamed watercourse, Cowra |
| Wallerawang | Cox's River near Wallerawang |
| Wambo Tailings Dam | Unnamed watercourse, Warkworth via Singleton |
| Warkworth Mine Tailings | Off-stream storage near Mount Thorley (Singleton) |
| Warkworth North Pit Tailings | Near Singleton |
| Warragamba | Warragamba River near Warragamba |
| Warringah Reservoir | Mills Place, Beacon Hill |
| Waverley Reservoir—WS133 | Waverley, Sydney |
| Wentworth Falls Lake | Jamieson Creek near Wentworth Falls |
| Whitford Road Retarding Basin | Whitford Road, Liverpool |
| Wilpinjong TD1 East | Wilpinjong Creek, Mudgee |
| Wilpinjong TD1 West | Wilpinjong Creek, Mudgee |
| Wilpinjong TD2 | Wilpinjong Creek, Mudgee |
| Winburndale | Winburndale Rivulet near Bathurst |
| Windamere | Cudgegong River near Mudgee |
| Winding Creek Retention Basin No 5 | Winding Creek at Charlestown near Newcastle |

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| Wingecarribee | Wingecarribee River near Moss Vale |
| Wollondilly Washery Dam | Unnamed Creek near Nattai |
| Wollongong High School Detention Basin | Fairy Creek, Wollongong |
| Woodford | Woodford Creek near Woodford |
| Woodlawn Mine Evaporation | Off-stream near Tarago |
| Woodlawn Mine No 2 Evaporation | Off-stream near Tarago |
| Woodlawn North Tailings | Off-stream near Tarago |
| Woodlawn South Tailings | Off-stream near Tarago |
| Woodlawn West Tailings | Off-stream near Tarago |
| Woolgoolga | Off-stream storage near Woolgoolga |
| Woronora | Woronora River near Waterfall |
| Wyangala | Lachlan River near Cowra |
| Wyong Road Detention Basin | Tumbi Creek, Wyong Road, Killarney Vale |
| Yarrowonga Weir | Murray River near Yarrowonga |
| Yass | Yass River near Yass |
| Yellow Pinch | Yellow Pinch Creek near Wolumla |

Schedule 2 Provisions relating to the constitution and procedure of the Committee

(Section 10)

1 (Repealed)

2 Term of office of member

- (1) A member shall, subject to this Act, be appointed for such term, not exceeding 4 years, as is specified in the instrument of the member's appointment.
- (2) A member shall, if otherwise qualified, be eligible for re-appointment from time to time for such term, not exceeding 4 years, as is specified in the instrument of the member's re-appointment.

3 Member holding office under other Acts

- (1) Where, by or under any Act, provision is made requiring the holder of an office specified therein to devote the whole of the person's time to the duties of the person's office, that provision shall not operate to disqualify the person from holding that office and also the office of a member or from accepting and retaining any remuneration, travelling or subsistence allowance payable to a member under clause 4.

- (2) The office of a member shall not, for the purposes of any Act, be deemed to be an office or place of profit under the Crown.

4 Remuneration of and allowances for members

Each member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the member.

5 Appointment of substitutes to act during period of absence of member

- (1) The Minister may appoint any person to act in the office of a member while the member is absent from the member's office through illness or any other cause, and that person while so acting:
 - (a) shall have and may exercise the functions of the member in whose office the person is appointed to act, and
 - (b) shall be deemed to be the member.
- (2) A member is, for the purposes of subclause (1) of this clause, deemed to be absent from the member's office if there is a vacancy in that office which has not been filled in accordance with clause 8.
- (3) No person shall be concerned to inquire whether or not any occasion has arisen requiring or authorising a person to act in the office of a member, and all things done or omitted to be done by that person while so acting shall be as valid and effectual and shall have the same consequences as if they had been done or omitted to be done by that member.

6 Deputy chairperson

- (1) A deputy chairperson of the Committee shall be elected by the members at the first meeting held after 1 January in each year, or whenever there is a vacancy in the office of the deputy chairperson, and the deputy chairperson shall hold office until the first meeting in the year following that in which the deputy chairperson was elected.
- (2) A deputy chairperson is eligible for re-election from time to time.
- (3) Where the chairperson is absent from office through illness or any other cause the deputy chairperson shall act as the chairperson.
- (4) Where a member who is deputy chairperson is absent from office through illness or any other cause the Minister may appoint some other member to act as deputy chairperson during that absence.

7 Vacation of office

- (1) A member shall be deemed to have vacated the office of member:

- (a) if the member dies,
 - (b) if the member becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with the member's creditors or makes an assignment of the member's remuneration, allowances or estate for their benefit,
 - (c) if the member is absent from 4 consecutive ordinary meetings of the Committee of which reasonable notice has been given to the member, either personally or in the ordinary course of post, unless on leave granted by the Minister or, unless before the expiration of 4 weeks after the last of those meetings, the member is excused by the Minister for the member's absence from those meetings,
 - (d) if the member becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the [Mental Health Act 1958](#) or a person under detention under Part 7 of that Act,
 - (e) if he or she is convicted in New South Wales of an indictable offence that is punishable by imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable,
 - (f) if the member resigns the member's office by writing under the member's hand addressed to the Minister,
 - (g) if the member declines office, or
 - (h) if the member is removed from office by the Minister.
 - (i) (Repealed)
- (2) The Minister may, for any cause which to the Minister seems sufficient, remove any member from office.

8 Filling of casual vacancies

- (1) On the occurrence of a vacancy in the office of a member, the Minister may appoint a person to the vacant office for the balance of the member's predecessor's term of office.
- (2) A person appointed under subclause (1) of this clause shall be a person who holds the same qualifications, and is nominated in the same manner, if any, as the member whose office has become vacant was qualified and nominated.

9 Quorum

The number of members which shall constitute a quorum at any meeting of the Committee is 5, of whom one shall be the chairperson or the deputy chairperson.

10 Meetings

- (1) Any duly convened meeting of the Committee at which a quorum is present shall be competent to transact any business of the Committee.
- (2) Questions arising at a meeting of the Committee shall be determined by a majority of votes of the members present and voting.
- (3) The chairperson shall preside at all meetings of the Committee at which the chairperson is present.
- (4) If the chairperson is not present at a meeting of the Committee, the deputy chairperson shall preside.
- (5) The person presiding at a meeting of the Committee has a deliberative vote and, in the event of an equality of votes, also has a casting vote.

11 Minutes

The Committee shall cause full and accurate minutes to be kept of its proceedings at meetings, and submit to the Minister a copy of the minutes of each meeting within 14 days after the date on which the meeting is held.

12 General procedure

The procedure for the calling of, and for the conduct of business at, meetings of the Committee shall, subject to any procedure that is specified in this Act or is prescribed, be as determined by the Committee.

13 Protection from liability

- (1) No matter or thing done, and no contract entered into, by the Committee, and no matter or thing done by a member or by any other person acting under the direction or as delegate of the Committee shall, if the matter or thing was done, or the contract was entered into, in good faith for the purposes of executing this Act, subject the member or person personally to any action, liability, claim or demand.
- (2) Nothing in subclause (1) of this clause exempts any member or other person from liability to be surcharged with the amount of any payment which is disallowed by the Auditor-General in the accounts of or relating to the Committee and which the member or other person authorised or joined in authorising.

14 Presumptions

In proceedings by or against the Committee no proof shall be required (until evidence is given to the contrary) of:

- (a) the constitution of the Committee,

- (b) any resolution of the Committee,
- (c) the appointment of any member, or
- (d) the presence of a quorum at any meeting of the Committee.