

DAMS SAFETY ACT, 1978, No. 96

New South Wales



ANNO VICESIMO SEPTIMO

ELIZABETHÆ II REGINÆ

Act No. 96, 1978.

An Act to constitute the Dams Safety Committee and to confer and impose on the Committee functions relating to the safety of certain dams. [Assented to, 13th December, 1978.]

Dams Safety.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

PART I.

PRELIMINARY.

1. This Act may be cited as the "Dams Safety Act, 1978". Short title.

2. (1) This section and section 1 shall commence on the Commence-
date of assent to this Act. ment.

(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. This Act is divided as follows :—

Division
of Act.

PART I.—PRELIMINARY—*ss.* 1–6.

PART II.—CONSTITUTION OF THE COMMITTEE—*ss.* 7–13.

PART III.—FUNCTIONS OF THE COMMITTEE—*ss.* 14–26.

PART IV.—GENERAL—*ss.* 27–32.

SCHEDULE 1.—PRESCRIBED DAMS.

SCHEDULE 2.—PROVISIONS RELATING TO THE CONSTITUTION AND PROCEDURE OF THE COMMITTEE.

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

“chairman” means the chairman of the Committee appointed under section 9;

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“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.

Act binds
Crown.

5. 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.

Liability
of certain
persons not
affected.

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

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PART II.

CONSTITUTION OF THE COMMITTEE.

7. (1) There is hereby constituted a corporation under the corporate name of the "Dams Safety Committee". The
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. (1) The Committee shall consist of 8 part-time members appointed by the Minister. Members.

(2) The members shall be—

- (a) a person nominated by the Electricity Commission of New South Wales constituted under the Electricity Commission Act, 1950;
- (b) a person nominated by the Metropolitan Water Sewerage and Drainage Board constituted under the Metropolitan Water, Sewerage, and Drainage Act, 1924;
- (c) a person nominated by the Water Resources Commission constituted under the Water Resources Commission Act, 1976;
- (d) a person nominated by the Hunter District Water Board constituted under the Hunter District Water, Sewerage and Drainage Act, 1938;
- (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, 1973.

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(3) A person shall not be nominated for appointment as a member unless he 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).

Chairman. **9.** The Minister shall appoint one of the members as chairman of the Committee.

Provisions relating to the constitution and procedure of the Committee.

10. Schedule 2 has effect.

Committee may make use of facilities and employees of Crown, etc.

11. 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.

Sub-committees.

12. (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

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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 he 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 chairman 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. (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 III.

FUNCTIONS OF THE COMMITTEE.

14. 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;

Functions
of Com-
mittee.

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- (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.

Keeping
and furnish-
ing infor-
mation.

15. (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.

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16. (1) In this section, a reference to land comprising a dam includes a reference to the water or other material impounded by the dam. Entry, inspection, testing, etc.

(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 he 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 Mines Regulation Act, 1912, or an open cut working within the meaning of that Act unless—
 - (i) reasonable notice has been given to the Chief Inspector of Coal Mines appointed as referred to in that Act of the intention to exercise those functions; and
 - (ii) the person is accompanied by the Chief Inspector of Coal Mines or a person nominated by that Chief Inspector in the exercise of those functions; or

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(b) in relation to any land or any place on any land which comprises a mine within the meaning of the Mining Act, 1973, unless—

- (i) reasonable notice has been given to the Chief Inspector of Mines within the Department of Mines of the intention to exercise those functions; and
- (ii) the person is accompanied by the Chief Inspector of Mines 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 authority to that person.

Obstruction
of
authorised
person.

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

Giving of
notices to
ensure
safety of
prescribed
dams.

18. (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

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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 Mines Regulation Act, 1912, or an open cut working within the meaning of that Act; or
 - (ii) a mine within the meaning of the Mining Act, 1973,
the Premier.

19. (1) The Committee may, and if directed to do so by the **Inquiries** 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).

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(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.

Evidence at
inquiry.

20. (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 his possession or under his control as may be required for the purpose of the inquiry or examination, as the case may be, and as 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 his possession or under his 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

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(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 him under this section.

(4) A person shall not—

- (a) furnish any information referred to in subsection (1) (a) required of him pursuant to a notice served on him 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 believed the truth of the information or evidence given by him and that it was given in good faith.

21. (1) Where—

State of
emergency.

- (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 him 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.

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

Functions of
Committee
in state of
emergency.

22. 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.

Recovery
of costs and
expenses.

23. 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.

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24. (1) The Committee may make and enter into contracts 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. (1) The Committee may enter into an arrangement or agreement with any public authority that— Arrangements with public authorities.

(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. The Committee may enter into arrangements with— Arrangements for investigation and research.

(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.

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PART IV.

GENERAL.

Amend-
ment of
Schedule 1.

27. (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.

Delegation.

28. (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 of the functions delegated, or as to time or circumstance.

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(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 his 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. A notice or other document requiring authentication by the Committee may be sufficiently authenticated without the seal of the Committee if signed by the chairman. Authenti-
cation of
documents.

30. 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 \$1,000. Offences.

31. Any penalty imposed by this Act or the regulations may be recovered in a summary manner before a court of petty sessions constituted by a stipendiary magistrate sitting alone. Proceed-
ings for
offences.

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Regulations.

32. (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 \$500 for any offence against the regulation.

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SCHEDULE 1.

PRESCRIBED DAMS.

PART 1.

DAMS OTHER THAN CERTAIN LICENSED DAMS.

Secs. 4 (1),
definition
of
"prescribed
dam", 27.

Name of Dam	Location of Dam
Aberdare South	Deep Creek near Cessnock.
Abermain No. 2	Deep Creek near Cessnock.
Avon	Avon River near Bargo.
Back Creek	Back Creek near Crookwell.
Bamarang	Off-stream storage near Nowra.
Bargo Weir	Bargo River near Bargo.
Barraba	Connors Creek near Barraba.
Beardy Waters	Beardy Waters near Glen Innes.
Beargamil	Beargamil Creek near Parkes.
Ben Boyd	Off-stream storage near Eden.
Ben Chifley	Campbells River near Bathurst.
Bendeela Pondage	Off-stream storage near Nowra.
Bethungra	Wandalybengle Creek near Bethungra.
Binalong	Off-stream storage near Binalong.
Blowering	Tumut River near Tumut.
Blue Creek	Blue Creek near Wauchope.
Bogan River Weir	Bogan River near Nyngan.
Bogolong	Bogolong Creek near Grenfell.
Bonalbo	Off-stream storage near Bonalbo.
Bootawa	Off-stream storage near Taree.
Borenore Creek	Borenore Creek near Molong.
Brogo	Brogo River near Bega.
Bumberry	Goobang Creek near Parkes.
Bundanoon	Bundanoon Creek near Moss Vale.
Burrendong	Macquarie River near Wellington.
Burrinjuck	Murrumbidgee River near Yass.
Captains Flat	Molonglo River near 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.
Centennial Park Reservoir No. 1.	Centennial Park.
Cessnock No. 1	Wollombi Creek near Cessnock.
Chaffey	Peel River near Tamworth.
C. H. Hall	Doon Doon Creek near Uki.
Chichester	Chichester River near Dungog.
Cobar	Off-stream storage near Cobar.
Cochrane	Bemboka River near Bemboka.
Coepolly Creek No. 1	Coepolly Creek near Werris Creek.
Coepolly Creek No. 2	Coepolly Creek near Quirindi.
Colongra Creek Ash	Colongra Creek near Doyalson.
Cootamundra	Off-stream storage near Cootamundra.
Copeton	Gwydir River near Inverell.
Cordeaux	Cordeaux River near Wilton.
Cullen Bullen	Delhuntys Creek near Cullen Bullen.

*Dams Safety.*SCHEDULE 1—*continued.*PRESCRIBED DAMS—*continued.*

Name of Dam	Location of Dam
Curringham	Harden.
Danjerra	Danjerra Creek near Nowra.
Dumaresq	Dumaresq Creek near Armidale.
Dungowan	Dungowan Creek near Nundle.
Emigrant Creek	Emigrant Creek near Ballina.
Fitzroy Falls	Yarrunga Creek near Moss Vale.
Flat Rock Creek	Flat Rock Creek near Nowra.
Foybrook Open Cut	Singleton.
Gara	Gara River near Armidale.
Glenbawn	Hunter River near Scone.
Glenquarry Cut	Off-stream storage near Moss Vale.
Grahamstown	Off-stream storage near Raymond Terrace.
Greaves Creek	Greaves Creek near Blackheath.
Guyra	Gara River near Guyra.
Illalong Creek	Illalong Creek near Binalong.
Imperial	Willa-Willyong Creek near Broken Hill.
Ingleburn	Off-stream storage near Ingleburn.
Inverell	Macintyre River near Inverell.
Jerrara Creek	Jerrara Creek near Kiama.
Junction Reef	Belubula River near Mandurama.
Karangi	Off-stream storage near Coff's Harbour.
Keepit	Namoi River near Gunnedah.
Kentucky Creek	Kentucky Creek near Uralla.
Koorawatha	Bang Bang Creek near Koorawatha.
Lake Canobolas	Molong Creek near Orange.
Lake Endeavour	Billabong Creek near Parkes.
Lake Medlow	Wall's Creek near Medlow Bath.
Lake Parramatta	Hunt's Creek near Parramatta.
Lake Rowlands	Coombing Rivulet near Carcoar.
Liddell Ash Disposal	Saltwater Creek near 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.
Liverpool	Off-stream storage near Liverpool.
Lostock	Paterson River near Gresford.
Maldon Weir	Nepean River near Picton.
Malpas	Gara River near Armidale.
Mangrove Creek	Mangrove Creek near Gosford.
Manly	Curl Curl Creek near Manly Vale.
Mannering Creek Ash	Mannering Creek near Wyce.
Mardi	Off-stream storage near Wyong.
Medway	Medway River near Berrima.
Menindee Storages	Darling River and adjacent lakes near Menindee.
Mooney No. 2	Mooney Mooney Creek near Gosford.
Moores Creek	Moores Creek near Tamworth.
Narrara	Gosford.
Nattai Creek	Nattai Creek near Mittagong.
Nepean	Nepean River near Bargo.
Newston Washery	Wakefield.
Oak Flats Reservoir	Off-stream storage near Oak Flats.

*Dams Safety.*SCHEDULE 1—*continued.*PRESCRIBED DAMS—*continued.*

Name of Dam	Location of Dam
Oaky River	Oaky River near Armidale.
Oberon	Fish River near Oberon.
Pejar	Wollondilly River near Goulburn.
Pindari	Severn River near Ashford.
Port Macquarie	Off-stream storage near Port Macquarie.
Porters Creek	Porters Creek near Milton.
Potts Hill Reservoir No. 1	Off-stream storage near Lidcombe.
Potts Hill Reservoir No. 2	Off-stream storage near Lidcombe.
Pressure No. 1	Emmaville.
Prospect	Prospect Creek at Prospect.
Puddledock Creek	Puddledock Creek near Armidale.
Redbank Creek	Redbank Creek near Mudgee.
Rocky Creek	Rocky Creek near Lismore.
Rydal	Off-stream storage near Rydal.
Rylstone	Cudgegong River near Rylstone.
Seaham	Williams River near Raymond Terrace.
Sooley	Sooley Creek near Goulburn.
Spring Creek	Spring Creek near Orange.
Stanwell No. 2	Stanwell Creek near Stanwell Park.
Stephens Creek	Stephens Creek near Broken Hill.
Suma Park	Summerhill Creek near Orange.
Tallawarra Ash No. 1	Dapto.
Tallawarra Ash No. 2	Dapto.
Tallowa	Shoalhaven River near Nowra.
Tenterfield Creek	Tenterfield Creek near Tenterfield.
Thornleigh Reservoir	Off-stream storage at Thornleigh.
Three Mile	Three Mile Creek near Kiandra.
Timor	Castlereagh River near Coonabarabran.
Toonumbar	Iron Pot Creek near Kyogle.
Tumbarumba	Off-stream storage near Tumbarumba.
Umberumberka	Umberumberka Creek near Silverton.
Upper Cordeaux No. 1	Cordeaux River near Wollongong.
Upper Cordeaux No. 2	Cordeaux River near Wollongong.
Upper Mooney	Mooney Mooney Creek near Gosford.
Wallerawang Ash	Wallerawang.
Wangi Ash	Crooked Creek near Wangi.
Warragamba	Warragamba River near Warragamba.
Warragamba Balance Reservoir.	Off-stream storage near Warragamba.
Warragamba Weir	Warragamba River near Wallacia.
Welcome Reef	Shoalhaven River near Braidwood.
Wilson River Weir	Wilson River near Mullumbimby.
Winburndale	Winburndale Rivulet near Bathurst.
Windamere	Cudgegong River near Mudgee.
Wingecarribee	Wingecarribee River near Moss Vale.
Woodford	Woodford Creek near Woodford.
Woolgoolga	Off-stream storage near Woolgoolga.
Woronora	Woronora River near Waterfall.
Wyangala	Lachlan River near Cowra.
Wyee	Mannering Creek near Wyee.
Yass	Yass River near Yass.
(Unnamed)	Quart Pot Creek near Thornton.

Dams Safety.

PART 2.

DAMS CONSTRUCTED OR USED PURSUANT TO A LICENSE ISSUED UNDER
PART II OF THE WATER ACT, 1912.

License No.	Licensee	Location of Dam
30400	Red Gable Pty. Limited	Cataract Creek near Oakville via Windsor.
36940	Ranges Valley Cattle Station Pty. Limited.	Cam Creek near Deepwater via Glen Innes.
37572	The New Zealand Australian Land Co. Limited.	Unnamed watercourse near Bethungra.
38404	Coal Cliff Colliery Pty. Limited ..	Brennan's Creek near Appin.
38780	No. 2 Fleurs Pty. Limited ..	Kemps Creek near St. Marys.

Sec. 10.

SCHEDULE 2.

PROVISIONS RELATING TO THE CONSTITUTION AND PROCEDURE OF THE
COMMITTEE.

- Age of member. 1. A person who is of or above the age of 70 years shall not be appointed as a member or to act in the office of a member under clause 5.
- Term of office of member. 2. (1) A member shall, subject to this Act, be appointed for such term, not exceeding 4 years, as is specified in the instrument of his 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 his re-appointment.
- Member holding office under other Acts. 3. (1) Where, by or under any Act, provision is made requiring the holder of an office specified therein to devote the whole of his time to the duties of his office, that provision shall not operate to disqualify him 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.

*Dams Safety.*SCHEDULE 2—*continued.*PROVISIONS RELATING TO THE CONSTITUTION AND PROCEDURE OF THE
COMMITTEE—*continued.*

4. 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 him.

Remuneration of and allowances for members.

5. (1) The Minister may appoint any person to act in the office of a member while the member is absent from his office through illness or any other cause, and that person while so acting—

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

(a) shall have and may exercise the functions of the member in whose office he 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 his 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. (1) A deputy chairman of the Committee shall be elected by the members at the first meeting held after 1st January in each year, or whenever there is a vacancy in the office of the deputy chairman, and the deputy chairman shall hold office until the first meeting in the year following that in which he was elected.

Deputy chairman.

(2) A deputy chairman is eligible for re-election from time to time.

(3) Where the chairman is absent from his office through illness or any other cause the deputy chairman shall act as the chairman.

(4) Where a member who is deputy chairman is absent from his office through illness or any other cause the Minister may appoint some other member to act as deputy chairman during that absence.

7. (1) A member shall be deemed to have vacated his office—

Vacation of office.

(a) if he dies;

(b) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration, allowances or estate for their benefit;

Dams Safety.

SCHEDULE 2—*continued.*PROVISIONS RELATING TO THE CONSTITUTION AND PROCEDURE OF THE COMMITTEE—*continued.*

- (c) if he is absent from 4 consecutive ordinary meetings of the Committee of which reasonable notice has been given to him, 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, he is excused by the Minister for his absence from those meetings;
- (d) if he 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 VII of that Act;
- (e) if he is convicted in New South Wales of a felony or misdemeanour which is punishable by imprisonment for 12 months or upwards, or if he is convicted elsewhere than in New South Wales of an offence which, if committed in New South Wales, would be a felony or misdemeanour so punishable;
- (f) if he resigns his office by writing under his hand addressed to the Minister;
- (g) if he declines office;
- (h) if he is removed from office by the Minister; or
- (i) upon his attaining the age of 70 years.

(2) The Minister may, for any cause which to him seems sufficient, remove any member from office.

Filling
of casual
vacancies.

8. (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 his 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.

Quorum.

9. The number of members which shall constitute a quorum at any meeting of the Committee is 4, of whom one shall be the chairman or the deputy chairman.

Dams Safety.

SCHEDULE 2—*continued.*

PROVISIONS RELATING TO THE CONSTITUTION AND PROCEDURE OF THE
COMMITTEE—*continued.*

10. (1) Any duly convened meeting of the Committee at which a Meetings.
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 chairman shall preside at all meetings of the Committee
at which he is present.

(4) If the chairman is not present at a meeting of the Committee,
the deputy chairman 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. The Committee shall cause full and accurate minutes to be kept of Minutes.
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. The procedure for the calling of, and for the conduct of business General
at, meetings of the Committee shall, subject to any procedure that is procedure.
specified in this Act or is prescribed, be as determined by the Committee.

13. (1) No matter or thing done, and no contract entered into, by the Protection
Committee, and no matter or thing done by a member or by any other ^{from} liability.
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.

Dams Safety.

SCHEDULE 2—*continued.*PROVISIONS RELATING TO THE CONSTITUTION AND PROCEDURE OF THE
COMMITTEE—*continued.*

- Presump-
tions.
14. 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.
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