

Meeting 39

Held on: 4 June 2024 – 9.00am to 1.48pm

Held at: Level 11, Room 20 4PSQ, Parramatta

Attended

Members

Mr Paul O'Connor (Chair), Ms Julie Garland McLellan (Deputy Chair), Mr Shane McGrath, Mr Ian Landon-Jones, Dr Lisa Caffery and Mr Chris Salkovic (CEO)

Management

Ms Margaret Hynes, Ms Alison Collaros, Mr Jason Porter (online), Mr Peter Boyd (online), Mr Richard Nevill.

Invitees

Mr Anthony Lean (Secretary, Department of Climate Change, Energy, the Environment and Water), Ms Amanda Jones (Deputy Secretary, Water Group, DCCEEW), and Mr Ashraf El-Sherbini (Executive Director Operations Resilience, Water Group, DCCEEW) for Item 2.1

Staff Observer

Ms Jackie Mardling (Principal Regulatory Officer) as staff observer

Secretariat

Ms Claire Hendley

Agenda item discussion and actions

Item 1. Meeting Administration

1.1 Acknowledgement of country

Members acknowledged meeting on the land of the Burramattagal people, a clan of the Dharug, and paid respect to Elders past, present, and emerging.

1.2 Welcome, apologies and absences

The Chair welcomed attendees.

Ms Amanda Jones (Deputy Secretary, Water Group, DCCEEW), Mr Ashraf El-Sherbini (Executive Director Operations Resilience, Water Group, DCCEEW) were noted as apologies for Item 2.1.

1.3 Declarations

1.3.1 Declarations of interest and disclosures

Dr Lisa Caffery declared she is no longer a board member of the Central Queensland Hospital and Health Service and the Central Queensland Hospital Foundation (CQ Shines). Appointed members confirmed they held no interests in any of the day's agenda papers.

1.3.2 Declarations of members' review of papers

Appointed members declared all papers were reviewed.

1.4 Confirmation of agenda and acceptance of items for noting

The agenda was confirmed by appointed members.

Consent items for noting were taken as read.

Action: 20240406- 01: CEO to provide an updated report on the Governance Review process at the July meeting.

1.5 Confirmation of previous minutes

The minutes were taken as read and accepted by appointed members with minor changes.

1.6 Confirmation of board action items

The minutes and action status updates were accepted by appointed members.

Action 20230610-08 was discussed and the Chair and CEO agreed to defer this meeting and send a briefing note on the outcomes of the board effectiveness review to the Minister rather than update in person.

Action: 20240406- 02: Management to ensure serious WHS incidents are reported to appointed members in real time. All other incidents are to be captured and reported at future meetings.

Item 2. Strategic matters

2.1 DCCEEW portfolio briefing – Secretary Anthony Lean

Mr Anthony Lean, Secretary DCCEEW, presented an overview of the portfolio, insights into strategic planning, a focus on internal and external partnerships to improve outcomes and key focus areas.

Members highlighted key topics and emerging issues such as acceptance of risk, risk assessment, climate change and education.

2.2 Climate change and flood risk

The board paper was taken as read. Members noted the key points highlighted in Professor Rory Nathan's presentation on 'Dams and floods: current and future risks'. Implications for flood mitigation and water security were discussed by appointed members and the impact of new guidelines and other documents to be considered as part of the risk assessment process.

Appointed members noted there are over 200 registrations for Professor Nathan's presentation to NSW declared dam owners and other stakeholders.

2.3 Risk management and SFAIRP position

The board paper was taken as read. The appointed members discussed community consultation requirements around acceptance of risk and suggested amendments to the fact sheet.

Appointed members agreed to review suggested amendments through an out of session circular

resolution.

Appointed members noted that once the fact sheet is approved, management will initiate a consultation process.

Action: 20240406- 03: Secretariat to coordinate a circular resolution to adopt an amended SFAIRP fact sheet.

2.4 Regulatory approach to dams with controlled spillways

The board paper was taken as read. The policy paper presented was discussed by appointed members with some amendments recommended to provide greater clarity around the role of Dams Safety NSW.

Action: 20240406- 04: Management to update the policy 'DSNSW's regulatory approach to dams with controlled spillways' with members' recommended amendments and circulate for out of session approval

2.5 CEO and executive team report on strategic priorities

The board paper was taken as read. Appointed members discussed the update on progress reports, strategic priorities, audits and stakeholder engagement activity and noted the information contained in the report.

2.6 Changes to strategic environment'

The board paper was taken as read. The appointed members noted the issues raised in the paper and discussed budgetary process raised in Item 2.1, community consultation on risk and how to engage with first nations people around dam safety.

Item 3. Operational matters for noting

3.1 IPART review into dam safety levy

The board paper provided members with recent updates on IPART's implementation progress of the levy a planned release of a draft report in July 2024. Appointed members noted the information contained in the report under Item 1.4.

3.2 Water NSW board briefing

The board paper summarised a recent presentation by the Chair and CEO to a Water NSW board meeting and discussions arising regarding community engagement and the acceptability of risk. Appointed members noted the information contained in the report under Item 1.4.

3.3 Operations update FY 2023-24

The board paper provided information about operational affairs of DSNSW. Appointed members noted the information contained in the report under Item 1.4.

3.4 Organisational health update

The board paper provided insights into the current state of the agency's organisational health including key WHS indicators and a finance summary. Appointed members noted the information contained in the report under Item 1.4.

3.5 Dams Safety NSW operational plan for FY2024-25

The board paper included the draft annual operations plan, a key management tool for providing clarity of direction and allocating resources within DSNSW. Appointed members noted the information contained in the report under Item 1.4.

Item 4. General business

4.1 Other business

No other business was reported.

4.2 Topics and issues of interest for future agendas

The following topics were identified for future agendas:

- Audit program overview.
- Earthquakes – similar approach to climate change, i.e., engaging with an industry expert.
- The five-year scheduled review of the dams safety legislation.
- Approaches of dam safety regulators in other states.
- Insights to international research and use of the notion of 'community acceptance of risk'.
- Lobbyists' approach to community consultation in campaigns.
- The opportunity to refresh the strategic plan
- Review of the Board charter.

4.3 Forward plan of board meetings in 2024

The forward plan was taken as read. Some appointed members declared they were unable to attend individual meetings in person but could attend virtually.

Action: 20240406- 05: CEO to invite Ms Amanda Jones, Deputy Secretary Water to the July 2024 meeting.

4.4 Disclosure

Appointed members discussed the developing area of communicating risks to give greater clarity of issues and levels of assurance. The communications plan will need to ensure DCCEEW and the Minister are further engaged and briefed on community acceptance of risk.

Item 5. Governance matters

5.1 Governance effectiveness review and next steps

Appointed members discussed the annual review, with an update due at the next meeting.

5.2 Professional development needs for FY2024-25

Appointed members discussed the opportunities for professional development within the agency's budget.

Action: 20240406- 06: Appointed members to inform the Chair out of session of any professional development needs.

5.3 Meeting evaluation

Mr Shane McGrath provided an evaluation of the meeting.

5.4 Feedback from other members

Appointed members endorsed the change in the agenda to reflect a more strategic approach.

5.5 Work health and safety briefing

The paper was taken as read. The CEO and appointed members were scheduled to undertake due diligence training provided by Ms Carolyn Walsh. Ms Nicole Boyce (Director Work Health and Safety – Water Group, DCCEEW) will also be in attendance to support the discussions.

Item 6. Appointed member – in camera

6.1 Preparation for annual evaluation of effectiveness

Appointed members discussed options for annual effectiveness review and agreed to conduct an internal review. They also discussed insights from the DCCEEW Secretary's briefing.

6.2 Other matters

No other matters were raised.

Item 7. Next meeting

7.1 Next meeting 29 July 2024

The next meeting is scheduled for 29 July 2024 in Parramatta, NSW.

Item 8. Meeting close

The meeting closed at 1.48pm.
