Dam Safety Advisory Committee  
Terms of Reference

1. Introduction
The purpose of the Dam Safety Advisory Committee (the Committee) is to provide independent expert input and advice to the Department of Environment, Land, Water and Planning (the Department) on the regulation of dam safety in Victoria, including the development of policies, procedures and guidelines. The Committee is currently subject to the general direction of the Executive Director, Partnerships and Sector Performance (PSP) in the Water and Catchments Group of the Department.

2. Overview
The underlying principle of dam safety regulation in Victoria is that ultimate responsibility rests with the dam owner through exercise and demonstration of due diligence. The Water Act 1989 establishes owner liability for dam safety but also provides significant powers to the responsible Minister to intervene and give directions concerning both public and private dam safety.

The Department assists the Minister for Water in the regulation of dam safety, undertaking the main regulatory role for public dam safety. Regulatory tasks for private dam safety are largely delegated by the Minister to five licensing authorities, with the Department providing policy support.

The Department established the Committee in 2011 in response to a recommendation from a review of the Victorian dam safety regulatory framework in 2010.

3. Activities and Outcomes
a) The Committee will not exercise any dam safety statutory functions or responsibilities, or assume any decision-making capacity about either the regulation of dam safety, or about the management and operation of any dam.

b) The Committee’s role is confined to providing advice to the Department. The decision to act on the Committee’s advice will remain the prerogative of the Department.

c) The Committee will provide ongoing advice, guidance and assistance for the continual improvement of the Department’s strategies, policies and regulatory approach to dam safety.

d) The Department may seek advice from the Committee on matters relating to the management and operation of individual dams, including during emergency situations.

e) Other activities to be undertaken by the Committee may include site visits and stakeholder consultation in conjunction with Department.

f) The Committee may suggest that the Department seek specialist Departmental or external advice where it determines that additional technical, policy or legal clarity is required in reviewing various proposals and issues.

g) The Committee will be required to produce an annual report.

h) The appointment of external contractors does not form part of the Committee’s Terms of Reference.
4. Committee Membership  
The Committee will consist of up to six invited members, including the Chair, appointed by the Department on the basis of their individual specialist and technical skills, experience and knowledge of dam safety management, business and economics, regulation, asset and risk management and/or the governance of the water industry. Committee membership will include a water corporation member nominated by VicWater.

All Committee members will serve as individual experts in their specific areas of expertise, not as representatives of their employer or other organisations. However, the advice provided by the Committee will be on a collective basis to the Department.

5. Resignation from Office  
A member may resign from office in writing addressed to the Executive Director, PSP.

6. Termination from Office  
The Department may, without cause or notice, terminate the tenure of a member at any time.

7. Duration  
The Committee will be an ongoing advisory body. Appointments will be made for a term of up to three years. Members must be prepared to commit their time and effort for a minimum period of twelve months.

8. Vacancies  
The office of a member becomes vacant if a:
   a) member completes the three-year period of appointment;
   b) member resigns;
   c) member’s tenure is terminated; or
   d) member becomes incapable of performing his/her duties.

The Department may decide to reappoint a member following the completion of the three-year appointment period.

Upon a vacancy occurring in the office of a member, the vacancy may be filled in accordance with these Terms of Reference.

9. Remuneration  
External Committee members will be remunerated for attendance at meetings, site visits, review and input to reports and documents and for the provision of any other advice requested by the Department within the scope of these Terms of Reference.

The Department will reimburse Committee members for travelling and personal expenses to be paid at the rates that apply to employees of the Department. In regard to this, receipted personal expenses will be reimbursed.
10. Role and responsibilities of the Chair
The duties of the Chair will include:

a) ensure timely completion of required tasks by the Committee;

b) stimulate the Committee by generating ideas and encouraging discussion;

c) facilitate majority position or consensus of the Committee members on key issues;

d) liaise with the Department secretariat to seek specialist Departmental or external advice where the Committee determines that additional investigations or policy or legal clarity is required;

e) liaise with the Department out of session, as required; and

f) prepare the annual report, with input from Committee members, at the end of each calendar year for the period ending 30 September of that year for submission to the Executive Director, PSP, by no later than 31 March of the following year. The report should include a:

- summary of the operations of the Committee;
- summary of the results of its major deliberations and advice; and
- review of the Committee’s effectiveness.

The Chair may appoint a Deputy to fulfil the Chair’s role when he or she is not reasonably able to do so.

11. Operations
The Department will provide secretariat and other operational support to the Committee. Key arrangements will be as follows:

a) Activities: The Department will prepare a forward program of activities in collaboration with the Chair, for the Committee’s deliberations, recognising that this list will be regularly updated.

b) Meeting schedule: The Committee is expected to meet up to four times a year. Additional meetings may be held where the Committee Chair or the Department deems necessary. From time to time field trips may be organised involving all day attendance. All meetings will be scheduled in advance and members will be given adequate notice. A schedule of meetings and events will be maintained by the Department secretariat for the information of members. Members are expected to attend a minimum of 75% of meetings.

c) Meeting procedures: Agendas for the Committee meetings shall be prepared by the Department in consultation with the Chair. The agenda and any supporting agenda papers will be distributed at least five working days prior to each meeting.

The Chair will manage each meeting and determine the pace and length of deliberations on agenda items. The Chair will seek to ensure that every member has adequate opportunity to participate in the discussions on each item. A majority of the members of the Committee will constitute a quorum.

d) Meeting minutes: The Department secretariat is responsible for ensuring that minutes are kept for all meetings and distributed to Committee members before they are formally adopted at the next meeting.

12. Intellectual Property
All information and findings generated through discussions at the Dam Safety Advisory Committee meetings will remain the intellectual property of the Department. The Department may approve the external use of this information by members of the Advisory Committee.
13. Conflict of Interest
A person is deemed to have a direct interest in a matter when he or she has rights/titles/duties, liabilities connected with the matter, whether present or future, ascertained or potential.

A member with a direct interest in a matter must refrain from providing direct advice to the Department on that matter, but may contribute his or her knowledge and skills to the Committee discussion, with the consent of the Committee and the Chair of the Committee.

In keeping with the Committee’s principle of full disclosure, members are advised to take a precautionary approach to any real or potential conflict of interest in the performance of their duties and to inform the Project Manager of any circumstances which may be deemed to be of concern.

14. Confidentiality
Committee members will be required to sign a confidentiality agreement.

The deliberations of the Committee must be treated confidentially in order to provide a forum for frank and fearless advice and debate. Members must not discuss any deliberations of the Committee or circulate any meeting agendas, minutes, papers or other materials publicly without the prior consent of the Department.

15. Reporting Arrangements and Organisational Chart

A forward program of projects, activities and advice will be prepared by the Department in collaboration with the Dam Safety Advisory Committee.