

Joint Committee on
the NSW Reconstruction Authority



PARLIAMENT OF
NEW SOUTH WALES

Review of the *NSW Reconstruction Authority Act 2022*



Report 1/58 – November 2024

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The motto of the coat of arms for the state of New South Wales is "Orta recens quam pura nites". It is written in Latin and means "newly risen, how brightly you shine".

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Membership

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Chair's foreword

The NSW Reconstruction Authority was established by the *NSW Reconstruction Authority Act 2022* ('the Act') to lead the state's disaster preparedness and recovery. Under section 93(3)(a) of the Act, the Committee was required to undertake this review of the Act and report on whether its policy objectives remain valid and whether its provisions are appropriate for achieving these objectives.

In recent years, the people of NSW have been faced with a number of natural disasters, including the devastating bushfires in 2019-20 and catastrophic floods of 2022. Throughout the inquiry, the Committee heard general support from many stakeholders for the Authority's establishment. The importance of having a dedicated agency for disaster resilience and recovery in NSW was made clear to us, given the inevitable reality that the state will face greater and more frequent natural disasters. However, we also heard concerns about the Authority's functions under the Act, unclear aspects of the Act and the lack of reference to important matters relating to disaster preparedness and recovery.

The Authority is still in its early stages, having only been established in November 2022 following recommendations from the 2022 NSW Flood Inquiry. Many of its disaster preparedness functions are in progress and will require time to implement, and the Authority has not yet been tested by a major disaster on the scale of the 2019-2020 summer bushfires or the 2022 floods. We acknowledge the challenges experienced by inquiry participants in the Authority's early operations to date, but more time is needed to properly assess the Act, by allowing the Authority to mature. We strongly recommend that another review of the Act be done after five years from the date of assent.

Stakeholders also raised concerns about the Authority's functions under the Act. The most significant concerns related to the broad powers given to the Minister for Planning and Public Spaces and the Authority under the Act, particularly Parts 5 to 7. While the Queensland Reconstruction Authority provides a useful precedent for the potential application of these powers, we recommend that the Authority should regularly report to the Parliament on any exercise of the powers and functions under Parts 5 to 7 of the Act, in order to ensure greater accountability and oversight of these broad powers. I am confident that any exercise of these powers, including the Minister's power to exclude other laws, will be an important matter considered by this Committee in any relevant review of the Authority's operations.

Some inquiry participants were also worried that more focus would be placed the Authority's reconstruction role over their preparedness role. While the Act gives equal priority to both these functions, the Authority may have had to focus on recovery due to the recent frequent and successive disaster events that have impacted NSW. I also note that a 'NSW Reconstruction Authority Fund' must be established under section 22 of the Act, to provide money for expenditure and funding by the Authority in exercising its functions. This would include funding for preparedness and adaptation activities, to ensure that NSW is not again spending over 97 per cent of disaster-related expenditure on recovery.

We also heard that aspects of the Act were not clear to stakeholders. Some inquiry participants noted certain definitions in the Act were unclear. We felt these definitions may be better considered in a future review of the Act, to better understand how these definitions are put into practice.

Stakeholders also raised concerns about potential overlap between the Authority's broad functions and those of other emergency services and government agencies. The Committee has recommended that the Authority continue to work closely with these agencies to minimise any duplication in their functions, particularly in disaster preparedness and mitigation. However, we also heard that the Authority engages in effective and ongoing collaboration with other emergency services and government agencies. Our attention was also drawn to the potential inconsistency between the Authority's exercise of its planning functions with the state's existing environment and planning framework. We have recommended the Authority issue guidelines which clarify the scope and application of the Authority's planning powers.

Throughout this inquiry, local government stakeholders called for greater clarity about their roles and responsibilities under the legislative framework that regulates the Authority and its functions. We believe that ongoing collaboration and consultation with local government will be important across all areas of the Authority's work. Therefore, the Authority should work with the Office of Local Government to consider issuing guidance on the role and responsibilities of local government.

Finally, inquiry participants also highlighted certain matters important to the Authority's functions which are not mentioned in the Act. Some stakeholders suggested including specific principles in the Act, including provisions that address Aboriginal and Torres Strait Islander self-determination and culturally appropriate emergency management, and the cumulative impacts of disasters. These principles should be revisited in a future review, to consider whether they should be explicitly referred to in the Act. Other matters which stakeholders argued were important to the Authority's functions and should be recognised in the Act include data sharing and consultation guidelines, the role and relationship with community service providers, and the 'betterment' of physical infrastructure and other assets. We have recommended that the NSW Government consider whether there should be explicit recognition of these matters in the Act.

Regarding the betterment of physical infrastructure and other assets, we recognise local councils' significant frustration at delays in getting betterment funding through the joint Disaster Recovery Funding Arrangement. I note that the final reports of the Independent Review of the Commonwealth Disaster Funding (the Colvin Review) and the Independent Review of National Natural Disaster Governance Arrangements (the Glasser Review) were released in late October 2024. As a result, their findings were not available to be considered by this Committee at the time of writing this report.

These reviews provide valuable insights and recommendations to improve disaster funding arrangements and emergency management structures across all levels of government. Their findings complement the evidence we heard in this inquiry, and I am confident that the recommendations from these reviews will inform the Authority's functions moving forward and, therefore, will be considered by this Committee in future reviews of their operations.

We are grateful to the many community members and organisations who took the time to submit their views and appear before the Committee at hearings. Your contributions have been informative and invaluable to this inquiry. This inquiry was also made possible through the efforts of our committee secretariat. I would also like to personally thank my fellow committee members for their focused work and commitment throughout this inquiry.

Clayton Barr MP
Chair

Findings and recommendations

Finding 1 _____ 1

By establishing a permanent agency dedicated to statewide disaster preparedness and recovery, the policy objectives of the *NSW Reconstruction Authority Act 2022* remain valid. This is especially important given the increasing risk of disasters and natural hazards faced by New South Wales.

Finding 2 _____ 1

The NSW Reconstruction Authority was recently established and is still a relatively new agency. As a result, the implementation of the Authority's disaster preparedness functions is still in its early stages. Additionally, most of the Authority's functions and powers have not been thoroughly tested by a natural disaster of a scale like that experienced in the 2019/2020 summer bushfires or the 2022 floods.

Recommendation 1 _____ 1

That the NSW Government consider amending the *NSW Reconstruction Authority Act 2022* to introduce a legislative requirement for exercising the state recovery arrangements as necessary. This should replicate a statewide event, include emergency services, and test the arrangements between the *State Emergency and Rescue Management Act 1989* and the *NSW Reconstruction Authority Act 2022*, including the transition from response to recovery.

Recommendation 2 _____ 1

That the NSW Government amend the *NSW Reconstruction Authority Act 2022* to require a further review of the Act be undertaken once five years have passed from assent of the Act.

Finding 3 _____ 7

The Committee has a broad and ongoing function under section 93(3)(b) of the *NSW Reconstruction Authority Act 2022* to review the operations of the NSW Reconstruction Authority regarding 'any disaster in relation to which the Authority exercises functions'.

Recommendation 3 _____ 7

That section 93 of the *NSW Reconstruction Authority Act 2022* be amended to:

- replace the words 'the disaster to which the review relates' in subsection 93(5)(b) with the words 'the date on which the review commenced',
- replace all references to 'Joint Select Committee' with 'Joint Committee', and
- include that the Committee may review the operations of the NSW Reconstruction Authority regarding the Authority's functions relating to disaster prevention, preparedness and adaptation.

Finding 4 _____ 15

The NSW Reconstruction Authority is conducting effective and ongoing collaboration with other emergency services and NSW Government agencies, both formally and informally.

Recommendation 4 _____ **15**

That the NSW Reconstruction Authority continue to work with the Department of Planning, Housing and Infrastructure, NSW Treasury, the Department of Climate Change, Energy, the Environment and Water and the emergency services organisations under the *State Emergency and Rescue Management Act 1989* to minimise any duplication and improve efficiency between the work of the Authority and these agencies, particularly with respect to disaster preparedness and mitigation activities, data, modelling and information sharing.

Recommendation 5 _____ **19**

That the NSW Reconstruction Authority consider issuing guidelines which clarify the scope of its powers to make planning decisions under the *NSW Reconstruction Authority Act 2022* and how the Authority will consider existing planning controls, environmental standards, and Aboriginal cultural heritage protections under the state's existing planning framework.

Recommendation 6 _____ **22**

That the NSW Government review the functions of the NSW Reconstruction Authority under the *NSW Reconstruction Authority Act 2022* to ensure alignment with and prevent conflicts between the statutory functions and responsibilities of the state's emergency services agencies.

Recommendation 7 _____ **25**

That the NSW Reconstruction Authority, in consultation with the Office of Local Government, consider issuing guidance on the role and responsibilities of local government with regards to the functions of the Authority.

Finding 5 _____ **37**

The broad powers of the Minister for Planning and Public Spaces and the NSW Reconstruction Authority, under Parts 5 to 7 of the *NSW Reconstruction Authority Act 2022*, mirror largely identical powers under the *Queensland Reconstruction Authority Act 2011* (Qld).

Recommendation 8 _____ **38**

That the *NSW Reconstruction Authority Act 2022* be amended to include a requirement that the NSW Reconstruction Authority provide a report to Parliament annually, which lists all instances where the Authority has exercised its functions and powers under Parts 5 to 7 of the Act.

Finding 6 _____ **43**

The terms of the *NSW Reconstruction Authority Act 2022* give equal priority to the two primary objects under section 3, being 'disaster prevention, preparedness and adaptation' and 'recovery and reconstruction following disasters'. However, since establishment, the NSW Reconstruction Authority has been faced with successive disaster events which have required focus on recovery and reconstruction.

Recommendation 9 _____ **49**

That the NSW Government ensure that any future review of the *NSW Reconstruction Authority Act 2022* also consider whether the Act should include explicit references to the following principles:

- Aboriginal and Torres Strait Islander self-determination and culturally appropriate emergency management,
- the cumulative impacts of disasters,
- psychological wellbeing and trauma-informed approaches,
- community-centred/place-based approaches,
- social infrastructure or capital,
- ecologically sustainable development, social justice and intergenerational equity.

Recommendation 10 _____ **58**

That the NSW Government consider whether the *NSW Reconstruction Authority Act 2022* and/or its regulations should explicitly:

- provide for the betterment of physical infrastructure and other assets,
- set out guidelines for data sharing and consultation from the NSW Reconstruction Authority with other government agencies, local councils and community stakeholders, and/or
- recognise the role of and relationship between community service providers and the NSW Reconstruction Authority.

Chapter One – The history and work of the NSW Reconstruction Authority to date

The history of the Authority

Summary

The NSW Reconstruction Authority was only established in late 2022 as a recommendation out of the 2022 Floods Inquiry. Therefore, the implementation of the Authority's disaster preparedness functions is in early stages. There has also not been a catastrophic disaster to test the Authority's functions yet. Another review of the *NSW Reconstruction Authority Act 2022* later in time is needed, once there is more practical experience to draw from.

Finding 1

By establishing a permanent agency dedicated to statewide disaster preparedness and recovery, the policy objectives of the *NSW Reconstruction Authority Act 2022* remain valid. This is especially important given the increasing risk of disasters and natural hazards faced by New South Wales.

Finding 2

The NSW Reconstruction Authority was recently established and is still a relatively new agency. As a result, the implementation of the Authority's disaster preparedness functions is still in its early stages. Additionally, most of the Authority's functions and powers have not been thoroughly tested by a natural disaster of a scale like that experienced in the 2019/2020 summer bushfires or the 2022 floods.

Recommendation 1

That the NSW Government consider amending the *NSW Reconstruction Authority Act 2022* to introduce a legislative requirement for exercising the state recovery arrangements as necessary. This should replicate a statewide event, include emergency services, and test the arrangements between the *State Emergency and Rescue Management Act 1989* and the *NSW Reconstruction Authority Act 2022*, including the transition from response to recovery.

Recommendation 2

That the NSW Government amend the *NSW Reconstruction Authority Act 2022* to require a further review of the Act be undertaken once five years have passed from assent of the Act.

- 1.1 The NSW Reconstruction Authority (the 'Authority') was established in November 2022 by the *NSW Reconstruction Authority Act 2022* (the 'Act')¹ and is still

¹ [NSW Reconstruction Authority Act 2022](#) pt 2, div 1; [Submission 70](#), NSW Reconstruction Authority, p 12.

relatively early into its life as an agency. Section 3 of the Act sets out its primary object, which is to 'promote community resilience' to disasters through:

- prevention, preparedness and adaptation before a disaster occurs, and
- recovery and reconstruction after a disaster.

- 1.2 Throughout this inquiry, a broad number of stakeholders expressed general support for the establishment of the Authority and the primary objects under section 3 of the Act.²
- 1.3 There was also support from witnesses, including from the Authority, for a further review of the Act in the future. The Committee heard that an additional, future review would allow more time to see how the agency might exercise its functions and implement the objectives under the Act.³ We agree that a further review would be valuable, and recommend amending the Act to require another review five years after its assent.
- 1.4 The Authority was established in response to recommendations of the NSW Independent Flood Inquiry (the 'Flood Inquiry').⁴ The Flood Inquiry was established to examine and report on the catastrophic floods that impacted the state in 2022.⁵ A key recommendation from the Flood Inquiry was the establishment of 'a NSW Reconstruction Authority' as a permanent state-wide agency that would be dedicated to disaster recovery, reconstruction and preparedness.⁶
- 1.5 While there was broad support for the establishment of the Authority, some submission makers noted that they have a broad remit.⁷ Healthy North Coast highlighted in their submission that the Authority's scope under the Act is much broader than its predecessor, Resilience NSW. They observed that the Act sets

² [Submission 9](#), Blacktown City Council, pp 2-3; [Submission 14](#), City of Coffs Harbour, pp 1-2; [Submission 16](#), Central Coast Council, p 2; [Submission 20](#), Central NSW Joint Organisation, p 2; [Submission 26](#), Lake Macquarie City Council, p 1; [Submission 27](#), Byron Shire Council, p 1; [Submission 34](#), Community Disaster Action Group, p 1; [Submission 38](#), Local Government NSW, p 7; [Submission 45](#), Western Sydney Regional Organisation of Councils, p 1; [Submission 46](#), Shoalhaven City Council, pp 2-3; [Submission 51](#), Insurance Council of Australia, p 2; [Submission 58](#), Nimbin Neighbourhood and Information Centre Inc, pp 2, 4; [Submission 60](#), Legal Aid NSW, pp 2-3; [Submission 62](#), Riverina Eastern Regional Organisation of Councils, pp 6, 7; [Submission 66](#), Wollongong City Council, p 1; [Submission 67](#), Lismore City Council, p 3; [Submission 68](#), Healthy North Coast, pp 1; [Submission 69](#), BlazeAid, p 1; Mr Tim Mackney, Board Director, Institute of Public Works Engineering Australasia NSW and ACT, [Transcript of evidence](#), 16 August 2024, p 32; Ms Erika Pawley, Director, Projects, Leamac Property Group, and Moore Point Joint Landowners Group, [Transcript of evidence](#), 16 August 2024, p 32; Mr James Davidson, Principal, JDA Architects, [Transcript of evidence](#), 16 August 2024, p 32; Mr Danny Rose, Deputy President, Floodplain Management Australia, [Transcript of evidence](#), 16 August 2024, p 32; Dr Dominic Morgan, Chief Executive, NSW Ambulance, [Transcript of evidence](#), 16 September 2024, p 8; [Opening statement](#), Community Disaster Action Group (CDAG), 14 August 2024, p 1; [Opening statement](#), Central Coast Council, 21 August 2024, p 1; [Opening statement](#), Hawkesbury City Council, 21 August 2024, p 1.

³ Dr Alice Howe, Executive Project Advisor, Central Coast Council, [Transcript of evidence](#), 23 August 2024, p 30; Commissioner Rob Rogers AFSM, Commissioner, NSW Rural Fire Service, [Transcript of evidence](#), 16 September 2024, p 4; Ms Joanna Quilty, Acting Chief Executive Officer, NSW Reconstruction Authority, [Transcript of evidence](#), 16 September 2024, p 15; Ms Catherine Baxter, General Counsel, NSW Reconstruction Authority, [Transcript of evidence](#), 16 September 2024, p 15.

⁴ [Submission 70](#), p 7; [Submission 50](#), Institute of Public Works Engineering Australasia (IPWEA) NSW & ACT, p 2.

⁵ NSW Government, [2022 NSW Flood Inquiry](#), viewed 1 October 2024; [Submission 70](#), p 7.

⁶ NSW Independent Flood Inquiry, [2022 Flood Inquiry – Volume Two: Full report](#), July 2022, pp 241-243.

⁷ [Submission 68](#), p 1; [Submission 31](#), WaterNSW, pp 5-6.

out 19 'diverse and complex functions' of the Authority. Given the complexity of implementing these functions, they raised concerns about 'the ability of a single agency... to effectively lead and deliver across such a broad remit in the face of projected increased natural disasters'.⁸

- 1.6 Ms Joanna Quilty, Acting Chief Executive Officer (CEO), the Authority acknowledged that the primary object under section 3 of the Act is 'very broad', 'challenging' and 'far reaching'. She recognised that it would take 'some years' to achieve the intent of the Authority.⁹ As highlighted in the Authority's submission, these policy objectives and the terms of the Act are intended to reflect the recommendations of the Flood Inquiry.¹⁰
- 1.7 The Committee acknowledges that the Authority was intended to have a far-reaching and significant role as the state's permanent disaster resilience and recovery agency. However, as noted above, we heard broad support for the Authority's establishment and the validity of the primary object under the Act.
- 1.8 By establishing the agency, the Committee finds that the policy objectives of the Act remain valid. The Authority plays a vital role as our state is facing more frequent disasters and the likelihood that the scale of disasters will increase.¹¹
- 1.9 However, as noted by some stakeholders, there has not been a natural disaster or emergency in NSW of a catastrophic scale like the 2022 floods or the 2019/2020 summer bushfires since the establishment of the Authority.¹² While the Minister for Planning and Public Spaces and the Authority have significant powers under the Act to deal with post-disaster recovery and reconstruction, they have only exercised these powers a handful of times in the Northern Rivers region impacted by the 2022 floods.¹³ These significant powers and their exercise are considered in more detail in Chapter Three.
- 1.10 In light of this, the Committee notes that the Authority's arrangements and processes may still be practiced in periods between significant disaster events. We heard from the state's other emergency services organisations that they carry out regular exercising of their arrangements.¹⁴ We believe that the Authority may benefit from carrying out similar practice exercises. The Committee therefore recommends that the NSW Government consider amending the Act to introduce a legislative requirement for exercising the state recovery arrangements as necessary. This should replicate a statewide event, include emergency services,

⁸ [Submission 68](#), pp 1-3.

⁹ Ms Quilty, [Evidence](#), 16 September 2024, pp 14-15.

¹⁰ [Submission 70](#), pp 11-12.

¹¹ [Submission 70](#), p 11; NSW Reconstruction Authority, [State Disaster Mitigation Plan 2024-2026](#), February 2024, p 7.

¹² [Submission 26](#), p 1; Ms Megan Ang, Director, City Planning, Hawkesbury City Council, [Transcript of evidence](#), 23 August 2024, p 13; Mr Paul De Szell, Director, Liveable Communities, [Transcript of evidence](#), 23 August 2024, p 34; Mr Adrian Panuccio, General Manager, MidCoast Council, [Transcript of evidence](#), 23 August 2024, p 34; Commissioner Rogers AFSM, [Evidence](#), 16 September 2024, p 6; [Answer to question on notice](#), City of Newcastle, 16 September 2024; [Opening statement](#), Hawkesbury City Council, p 1; Mr Nathan Vincent, Director, Emergency Management, Policy and Coordination, Premier's Department, [Transcript of evidence](#), 16 September 2024, p 33.

¹³ [Submission 70](#), pp 25-26.

¹⁴ Dr Morgan, [Evidence](#), 16 September 2024, p 8; Acting Commissioner Platz, [Evidence](#), 16 September 2024, p 13.

and test the arrangements between the *NSW Reconstruction Authority Act 2022* and the Act, including the transition from response to recovery.

- 1.11 A number of witnesses commented on the 'infancy' of the Authority.¹⁵ Lismore City Council commented that its negative experiences with the Authority following the 2022 floods may result more from 'an operational issue for a new agency that still lacks clarity in its role and function', rather than because of 'any deficiencies within the terms of the Act'.¹⁶ The Council also referred to 'recent positive developments' with the Authority as time progressed.¹⁷ As a result, several inquiry participants observed that there had not been enough time or experience with the Authority to properly appreciate the intent and consequences of the Act or to comment on its terms.¹⁸
- 1.12 This also applies to the Authority's disaster preparedness, prevention and adaptation functions. Given the long-term timeframes needed to realise and measure the effectiveness of disaster preparation and adaptation, the implementation of these functions is still in its early stages. The Committee notes that the Authority has only recently launched the State Disaster Mitigation Plan (SDMP) and the local Disaster Adaptation Plan (DAP) Guidelines are still being developed.¹⁹ This work is discussed in further detail in Chapter Three.
- 1.13 The Authority itself acknowledged that there has been 'limited opportunity' for the agency to exercise many of the powers under the Act. As a result, their submission contended that there is 'insufficient evidence' to argue that the Act's terms are not appropriate to secure its policy objectives. They also cautioned against amending the Authority's existing statutory powers before any amendment 'can be informed by data and practical experience'.²⁰
- 1.14 The Committee heard from the Authority that a regular review may be appropriate to ensure the Authority is appropriately exercising their powers under the Act.²¹ Similarly, Dr Alice Howe, Executive Project Advisor at Central Coast Council told us that periodic reviews of the Act every five or 10 years may be useful while the Authority is still maturing as an agency.²² Commissioner Rob

¹⁵ Mr Todd Dickinson, Director, Environment and Open Space, Northern Beaches Council, [Transcript of evidence](#), 23 August 2024, p 20; Dr Howe, [Evidence](#), 23 August 2024, p 27; Mr David Clarke, Acting Chief Executive Officer, Newcastle City Council, [Transcript of evidence](#), 23 August 2024, p 27; Mr Andrew Beswick, General Manager, MidCoast Council, [Transcript of evidence](#), 23 August 2024, p 33; Ms Donna Ausling, Director, Planning and Sustainability, Narrabri Shire Council, [Transcript of evidence](#), 23 August 2024, p 39; Mayor Steve Krieg, Lismore City Council, [Transcript of evidence](#), 23 August 2024, pp 45; Ms Esmeralda Davis, Director, Corporate and Community Services, Byron Shire Council, [Transcript of evidence](#), 23 August 2024, p 48.

¹⁶ [Submission 67](#), p 4

¹⁷ [Opening statement](#), Lismore City Council, 21 August 2024, p 1.

¹⁸ [Submission 26](#), p 1; [Submission 50](#), p 1; Mr Mackney, [Evidence](#), 16 August 2024, p 32; Mr Nicholas Scofield, Chief Corporate Affairs Officer, Allianz Australia, [Transcript of evidence](#), 16 August 2024, p 42; Mr Sam Toohey, Executive Director, Emergency Management, Premier's Department, [Transcript of evidence](#), 16 September 2024, p 32.

¹⁹ [Submission 70](#), pp 14-15.

²⁰ [Submission 70](#), pp 28, 30.

²¹ Ms Quilty, [Evidence](#), 16 September 2024, p 15.

²² Dr Howe, [Evidence](#), 23 August 2024, p 30.

Rogers ASM, Commissioner of the NSW Rural Fire Service, also noted that regular reviews at five-year intervals is a standard.²³

- 1.15 Under section 93, the Committee must report on this review of the Act within two years from the date of assent. We acknowledge that there is limited experience to draw from in order to comprehensively assess whether the terms of the Act remain appropriate for securing its policy objectives. We agree that more time is needed to better understand how the Act might be implemented and whether its terms remain appropriate.
- 1.16 The Committee agrees that a further review five years from assent will allow for a review of the Act that is informed by more practical experience and recommend amending the Act to provide for this further review. However, due to this limited experience, it is unclear whether there should be regular, periodic reviews of the Act. We note that this issue could be considered in a future review of the Act.

Stakeholder views on the Authority to date

Summary

Many inquiry participants, including individuals from disaster affected communities, reported negative experiences with the NSW Reconstruction Authority mainly regarding its operations to date. While this evidence did not deal with the terms of the *NSW Reconstruction Authority Act 2022*, the Committee encourages the Authority to meaningfully consider this evidence.

- 1.17 In this inquiry, we heard both positive and negative feedback from participants about their experiences with the Authority. Some consistent areas of concern related to the timeliness of delivering work and the transparency of the Authority's communication. This feedback particularly concerned disaster recovery grants, funding of Community Recovery Officers, and the housing and buyback programs in the Northern Rivers.²⁴
- 1.18 Local government stakeholders raised particular concerns about the issue of delays in delivering disaster recovery funding. These delays place an immediate

²³ Commissioner Rogers AFSM, [Evidence](#), 16 September 2024, p 4.

²⁴ [Submission 1](#), Mr Steve Jasek, p 1; [Submission 2](#), Name suppressed, pp 1-2; [Submission 3](#), Name suppressed, p 1; [Submission 4](#), Mr Nathan Bourne, p 1; [Submission 5](#), Dr Laurence Axtens, p 1; [Supplementary submission 5a](#), Dr Laurence Axtens, p 1; [Submission 6](#), Miss Katia Calisti, p 1; [Submission 7](#), MidCoast Council, p 1; [Submission 8](#), Narrabri Shire Council, p 2; [Submission 14](#), p 2; [Submission 17](#), Name suppressed, pp 1-2, 3; [Submission 22](#), Bega Valley Shire Council, p 2; [Submission 25](#), Mr Martin Musgrave, pp 1-9; [Submission 27](#), pp 2-3; [Submission 28](#), Coolamon Shire Council, pp 1-2; [Submission 29](#), Country Mayors Association of NSW Inc, p 4; [Submission 34](#), pp 4-5; [Submission 37](#), Mr Jesse James; [Submission 38](#), pp 12-13; [Submission 39](#), Ms Megan James, pp 1-2; [Submission 40](#), Mrs Helen Robinson, p 1; [Submission 41](#), Ms Victoria Pitel, pp 1-2; [Submission 43](#), Ms Marnee Wong, p 1; [Submission 47](#), Ms Denise Hutch, p 1; [Submission 48](#), Name suppressed, p 1; [Submission 49](#), the Hon. Kevin Hogan MP, p 1; [Submission 52](#), Mr Lewis King, pp 1-2; [Submission 53](#), Marion Conrow, pp 1-2; [Submission 55](#), Northern Beaches Council, pp 2-3; [Submission 56](#), Wollondilly Shire Council, pp 1-3; [Submission 58](#), p 3; [Submission 61](#), Ms Katie Coughlan, pp 1-2; [Submission 66](#), p 2; [Submission 67](#), pp 7-10, 14-15; Ms Patricia MacFarlane, Lead Solicitor, Disaster Response and Recovery, the Northern Rivers Community Legal Centre, [Transcript of evidence](#), 16 August 2024, p 53; Mr Aran Matkevich, Solicitor, Disaster Response and Recovery, the Northern Rivers Community Legal Centre, [Transcript of evidence](#), 16 August 2024, pp 53-54; [Opening statement](#), Nimbin Neighbourhood and Information Centre Inc, 16 August 2024; [Opening statement](#), CDAG, pp 1-2; [Opening statement](#), Coolamon Shire Council, 21 August 2024; [Opening statement](#), Local Government NSW, 21 August 2024, pp 2-3; [Opening statement](#), Wollongong City Council, 23 August 2024, p 1; [Opening statement](#), Central NSW Joint Organisation, 21 August 2024, pp 1-3, 5-6.

administrative and financial burden for disaster recovery on local councils.²⁵

Some witnesses from local government informed the Committee about recent 'tripartite agreements' for disaster recovery funding, as an effective measure to address these concerns.²⁶

1.19 The Committee acknowledges these experiences and the concerns expressed and strongly encourage the Authority to meaningfully consider the feedback from stakeholders in this inquiry.

1.20 Importantly, Ms Quilty, Acting CEO of the Authority, told us that the evidence from this inquiry was 'very insightful and instructive' to the Authority. She noted that the inquiry was useful for:

...tracking how we are going at this very early stage of our establishment, confirming where we are on the right track, and also where we need to focus our continuous improvement efforts.²⁷

1.21 The Authority informed us that they hope to implement their learnings from each event they respond to, by formalising their systems and processes. They emphasised that the focus should be on these improvements, and that the Act itself provides sufficient flexibility to enable the agency to appropriately provide the support needed by the community.²⁸

1.22 However, the Committee notes that much of this evidence relates to the implementation of the Act and operations of the Authority. Indeed, some inquiry participants recognised that the concerns held by affected community members related to implementation rather than the terms of the Act.²⁹ For this reason, the

²⁵ [Submission 10](#), Blacktown City Council, p 6; [Submission 27](#), pp 2-3; [Submission 28](#), pp 1-2; [Submission 29](#), pp 3-4; [Submission 55](#), p 3; [Submission 56](#), pp 1-2; [Submission 66](#), p 2; [Submission 67](#), pp 14-15; Mr David Reynolds, Chief Executive, Local Government NSW, [Transcript of evidence](#), 23 August 2024, p 2; Mr Anthony McMahon, Chief Executive Officer, Bega Valley Shire Council, [Transcript of evidence](#), 23 August 2024, pp 7, 62; Mr Paul Belz, Director, City Assets, Blacktown City Council, [Transcript of evidence](#), 23 August 2024, p 14; Mr Kerry Robinson OAM, Chief Executive Officer, Blacktown City Council, [Transcript of evidence](#), 23 August 2024, pp 14, 17; Mr Surinder Aneja, Manager, Civil Asset Maintenance, Blacktown City Council, [Transcript of evidence](#), 23 August 2024, p 15; Mr Dickinson, [Evidence](#), 23 August 2024, p 23; Ms Caroline Foley, Chief Financial Officer, Northern Beaches Council, [Transcript of evidence](#), 23 August 2024, p 24; Dr Howe, [Evidence](#), 23 August 2024, p 28; Mr Clarke, [Evidence](#), 23 August 2024, pp 28-29; Mr Sylvester Otieno, Divisional Manager, Engineering Services, Warren Shire Council, [Transcript of evidence](#), 23 August 2024, p 40; Mayor Krieg, [Evidence](#), 23 August 2024, p 44; Mr Nathan McBriarty, Manager, Infrastructure Strategy and Planning, Wollongong City Council, [Transcript of evidence](#), 23 August 2024, pp 51-52; Councillor Matt Gould, Mayor, Wollondilly Shire Council, [Transcript of evidence](#), 23 August 2024, p 52; Mr Peter Buckley, Director, Shire Services, Wollondilly Shire Council, [Transcript of evidence](#), 23 August 2024, p 53; Mr Tony Donoghue, General Manager, Coolamon Shire Council, [Transcript of evidence](#), 23 August 2024, p 55; Mr Carey McIntyre, Director, City Services, Shoalhaven City Council, [Transcript of evidence](#), 23 August 2024, pp 60-61; [Answers to questions on notice](#), Byron Shire Council, 13 September 2024, p 1.

²⁶ Mr Reynolds, [Evidence](#), 23 August 2024, p 3; Mr Brad Byrnes, General Manager, Cabonne Council, and Non-Voting Representative, Central NSW Joint Organisation, [Transcript of evidence](#), 23 August 2024, p 10; Dr Brendan Logan, Chief Operating Officer, Lismore City Council, [Transcript of evidence](#), 23 August 2024, p 43; Mr McIntyre, [Evidence](#), 23 August 2024, p 61; [Answers to questions on notice](#), Byron Shire Council, p 1.

²⁷ Ms Quilty, [Evidence](#), 16 September 2024, p 14.

²⁸ Ms Quilty, [Evidence](#), 16 September 2024, p 15; Mr Andrew Graham, Chief Financial and Operating Officer, NSW Reconstruction Authority, [Transcript of evidence](#), 16 September 2024, p 16.

²⁹ [Submission 48](#), p 1; Mr Mackney, [Evidence](#), 16 August 2024, p 31, Ms MacFarlane, [Evidence](#), 16 August 2024, p 53.

Committee did not consider these matters in detail as they fell outside of the terms of reference for this inquiry.

- 1.23 This evidence could inform the Committee's other function under section 93(3)(b) to review the Authority's operations relating to a disaster. We note that these reviews into the Authority's operations will consider whether any tripartite agreements were made, and the effectiveness of these agreements. This function is discussed below.

Reviewing the work of the Authority in relation to a disaster

Finding 3

The Committee has a broad and ongoing function under section 93(3)(b) of the *NSW Reconstruction Authority Act 2022* to review the operations of the NSW Reconstruction Authority regarding 'any disaster in relation to which the Authority exercises functions'.

Recommendation 3

That section 93 of the *NSW Reconstruction Authority Act 2022* be amended to:

- **replace the words 'the disaster to which the review relates' in subsection 93(5)(b) with the words 'the date on which the review commenced',**
- **replace all references to 'Joint Select Committee' with 'Joint Committee', and**
- **include that the Committee may review the operations of the NSW Reconstruction Authority regarding the Authority's functions relating to disaster prevention, preparedness and adaptation.**

- 1.24 The Committee is required under section 93(3)(b) of the Act to review 'the operations of the Authority regarding any disaster in relation to which the Authority exercises functions'. Section 93(5)(b) also requires the Committee to report on these reviews 'within 12 months after the disaster to which the review relates'.³⁰

- 1.25 We note that the Authority has a wide range of functions under the Act and section 6 defines 'disaster' broadly.³¹ As a result, the function to review the operations of the Authority places a broad mandate on the Committee. Given the importance of this function, we believe section 93 of the Act should be amended to clarify the nature of the Committee and its responsibilities, and the timeframe of these reviews.

³⁰ [NSW Reconstruction Authority 2022](#) s 93.

³¹ [NSW Reconstruction Authority 2022](#) ss 6, 10.

The scope of the review under subsection 93(3)(b) of the Act

Summary

Section 93(3)(b) of the *NSW Reconstruction Authority Act 2022* is widely worded. That section may require the Committee to review any action taken by the NSW Reconstruction Authority if it relates to a 'disaster', which is broadly defined in the Act. As a result, the Committee will need to clarify the scope of any review under section 93(3)(b) through the terms of reference.

- 1.26 Section 6 gives a meaning for 'disaster' under the Act which is not exhaustive, by providing that it includes 'natural disasters', 'hazards caused by natural disasters', certain 'other emergencies', and 'events, incidents or matters' which are prescribed by the regulations. This definition is also discussed in Chapter Two.
- 1.27 This meaning is not limited to any natural disasters, hazards or emergencies of a certain threshold or scale. The Law Society of NSW observed that the definition is both 'broad' and 'open-ended'.³² The Committee is similarly of the view that section 6 can be broadly interpreted.
- 1.28 The Authority also has a number of different functions under section 10 of the Act. These functions include:
- disaster prevention and preparedness,
 - reconstruction and recovery,
 - community education and coordinating whole-of-government policies on disaster management and responses, and
 - other disaster-related research and assistance functions.

What are the Authority's functions under section 10 of the *NSW Reconstruction Authority Act 2022*?

Section 10 sets out the general functions of the Authority, which can be broadly sorted between functions relevant *before* and *following* a disaster.

General functions before a disaster

Section 10 sets out a number of pre-disaster functions of the Authority which fall into one of the following categories:

- coordinating and planning for disasters on a systemic level,
- broader education and research about disasters and emergencies,
- working within local communities and in conjunction with local councils.

General functions following a disaster

The Authority's functions relevant to after a disaster or emergency set out in section 10 include:

- Reconstruction and recovery after disasters and other emergencies, including:

³² Ms Debra Smith, Deputy Chair, Public Law Committee, the Law Society of NSW, [Transcript of evidence](#), 16 August 2024, p 49; [Answers to questions on notice and supplementary questions](#), the Law Society of NSW, 5 September 2024, p 2.

- assisting the Minister for Emergency Services and the State Emergency Recovery Controller to exercise their recovery functions under the *State Emergency and Rescue Management Act 1989*,
- facilitating, coordinating and directing the recovery, planning and rebuilding of affected communities, including repairing and rebuilding land and infrastructure and other developments, and
- balancing constraints to enable a focused, timely and expedited recovery of affected communities.
- Leading the management and coordination of housing and infrastructure renewal and recovery within affected communities.
- Working closely with affected communities to ensure the needs of each community are recognised in recovery and reconstruction, and to improve their disaster preparedness and resilience.

1.29 The Act also grants the Authority other significant powers, including powers to carry out development, direct 'relevant entities' like local councils, and delegate functions under the Act.³³

1.30 Given the broad definition of 'disaster' and the Authority's wide range of functions, section 93(3)(b) may allow or require the Committee to review any work by the Authority that relates to any disaster or hazard in New South Wales. However, we note that the scope of any review under section 93(3)(b) can be clarified in the terms of reference for that inquiry. This would allow the Committee to meet its mandate to review the operations of the Authority, while also providing clarity to stakeholders about the focus of these inquiries.

The ongoing role of the Committee

Summary

NSW will continue to be impacted by disasters and hazards, and therefore the Committee has an ongoing role under section 93(3)(b) of the *NSW Reconstruction Authority Act 2022*. The title of the Committee under section 93 should be amended to reflect this ongoing role.

1.31 As NSW will continue to be impacted by disasters and hazards, the Committee has an ongoing role to review the Authority's operations. Therefore, section 93 establishing this Committee should reflect this ongoing role.

1.32 In the practice of both Houses of Parliament, 'select committees' are established to look into and report on a specific matter and cease to exist once they have reported to the relevant House(s) of Parliament.³⁴ Establishing this Committee as 'the Joint Select Committee' under section 93 may cause confusion about our ongoing role and term of appointment.

1.33 We recommend amending section 93 of the Act to refer to this Committee as a 'Joint Committee'. This would clarify that the Committee is a statutory committee

³³ See, for example, *NSW Reconstruction Authority Act 2022* pts 2, 6, 7.

³⁴ Legislative Assembly, *Members' Guide to Committees*, April 2023, p 4, viewed 4 November 2024; S Frappell and D Blunt (eds) *New South Wales Legislative Council Practice*, 2nd edn, The Federation Press, 2021, pp 737-738.

appointed for the term of the Parliament. In doing so, we note that the nature of this Committee would be consistent with other parliamentary committees established by legislation.

The timeframe for reviewing the work of the Authority under subsection 93(5)(b) of the Act

Summary

As currently worded, section 93(5)(b) of the *NSW Reconstruction Authority Act 2022* sets a vague timeframe for the Committee's review of the NSW Reconstruction Authority's operations. To provide certainty to stakeholders, section 93(5)(b) should be amended to require the Committee to report within 12 months of commencing the review.

- 1.34 As noted, section 93(5)(b) of the Act also requires the Committee to report on any review of the Authority's operations 'within 12 months after the disaster to which the review relates'. However, it is unclear to us when this timeframe starts, i.e. what is meant by 'after the disaster'. Arguably, this could be interpreted in different ways, for example:
- when the disaster first occurs,
 - when the disaster ends,
 - the date of a relevant declaration by the Minister for Planning and Public Spaces or the NSW Government, or
 - when the Authority begins or stops exercising functions in relation to that disaster.
- 1.35 It is important that there is certainty for the Parliament, the Authority and stakeholders about the timeframe of these reviews. Therefore, we recommend amending subsection 93(5)(b) to require the Committee to report within 12 months after the date on which the review commenced.
- 1.36 We also note that the Committee's review function under subsection 93(3)(b) only concerns operations which relate to 'a disaster'. This may seem to limit the Committee's review function to only the Authority's operations *after* a disaster has occurred. It is not clear from the terms of section 93 whether the Committee's role includes reviewing the functions of the Authority relating to disaster prevention, preparedness, mitigation and adaptation.
- 1.37 The Act's primary object relating to 'disaster prevention, preparedness and adaptation' is equally important to its focus on 'recovery and reconstruction following disasters'.³⁵ This is reflected across many of the Authority's functions under section 10, and is discussed further in Chapter Three.

³⁵ [NSW Reconstruction Authority Act 2022](#) s 3.

- 1.38 Given the central importance of this object, we believe the Committee's scope should be expanded, to allow it to review the Authority's work relating to disaster prevention, preparedness and adaptation. We have also recommended that section 93 of the Act be amended to allow the Committee to review the Authority's work relating to disaster prevention, preparedness and adaptation.

Chapter Two – More clarity in the *NSW Reconstruction Authority Act 2022*

The scope and meaning of terms in the Act

Summary

Inquiry participants argued that certain terms defined in the *NSW Reconstruction Authority Act 2022* were unclear and called for more clarity. However, it is unclear how these definitions are considered in practice and may be better considered in a later review of the Act.

- 2.1 The Dictionary at Schedule 4 ('the Dictionary') and section 6 define certain terms in the *NSW Reconstruction Authority Act 2022* ('the Act'). These definitions apply throughout the Act and should be read into its provisions, including the primary object under section 3 and the Authority's functions under section 10.
- 2.2 Inquiry participants were confused about the meaning and scope of certain terms in the Act. The Committee heard that certain definitions under the Act may not be fit for purpose. However, it is unclear to us how these definitions are considered by the Authority and whether amending their definitions would meaningfully impact implementation of their functions.
- 2.3 The Committee believes that the scope and meaning of these terms could be considered in a later review of the Act, to allow more time to see their practical impacts. As a result, this section makes only brief commentary on the key definitional issues identified by stakeholders.

Definition of 'disaster'

- 2.4 A number of stakeholders referred the Committee to the meaning of 'disaster' under section 6 of the Act.
- 2.5 As discussed in Chapter 1, section 6 defines 'disaster' as including a number of categories, ranging from 'natural disasters' and 'hazards caused by natural disasters' to 'other emergencies'. Again, we agree with the Law Society of NSW that this definition is 'broad' and 'open-ended'.³⁶
- 2.6 However, some inquiry participants wanted clarity about what is captured by this definition. WaterNSW, the Riverina Eastern Regional Organisation of Councils (RERO) and the Central NSW Joint Organisation (CJO) all called for 'drought' to be explicitly included in section 6 as either an example of a 'natural disaster' or 'natural hazard'.³⁷

³⁶ Ms Debra Smith, Deputy Chair, Public Law Committee, the Law Society of New South Wales, [Transcript of evidence](#), 16 August 2024, p 49; [Answers to questions on notice and supplementary questions](#), the Law Society of NSW, 5 September 2024, p 2.

³⁷ [Submission 31](#), WaterNSW, pp 4-5; [Submission 62](#), Riverina Eastern Regional Organisation of Councils, p 4; [Submission 20](#), Central NSW Joint Organisation, p 2;

- 2.7 WaterNSW also raised concerns that it is unclear whether 'disaster' would also include events such as dam failure or fish deaths. While the Act distinguishes between natural disasters and hazards caused by them, events like dam failure and fish deaths are not mentioned in the Act. However, examples of natural hazards under section 6 include 'water insecurity' and 'water and soil contamination', which they note could be read to include dam failures and fish deaths. This may create uncertainty about whether these events fall under the Authority's responsibility.³⁸
- 2.8 Similarly, the Western Sydney Regional Organisation of Councils (WSROC) submission remarked on the uncertainty about 'what constitutes "other emergencies"' under section 6 of the Act with regard to 'non-natural hazards'. They described an occasion when confusion on this term arose in practice, during a 2024 fire that occurred in Surry Hills, Sydney.³⁹
- 2.9 We agree that section 6 does not specifically refer to events like dam failure, drought or fish deaths, and does not specify whether non-natural hazards may be included as 'other emergencies'. However, the definition of 'disaster' is broad and could reasonably include these types of events. Further clarification could remove or reduce potential confusion but may also limit the flexibility of the Authority to respond to a broad range of circumstances. For this reason, we do not recommend amending the definition of 'disaster' at this time.

Definition of 'affected community' and 'community resilience'

- 2.10 The CJO observed that the term 'affected community' in the Act 'implies support only after a disaster'. They were concerned that this might exclude important resilience efforts needed 'in all communities' before disasters occur.⁴⁰
- 2.11 According to the Dictionary, 'affected community' is defined in the Act as 'a community affected by a disaster'.⁴¹ The Act uses the term 'affected community' in several sections. This includes section 4, which states how to achieve the primary object under section 3, and sections 39 and 40, which empower the Minister to declare projects and reconstruction areas.⁴²
- 2.12 The Committee acknowledges concerns that the definition in the Act of 'affected community' is limited only to a community after a disaster. However, we note that 'affected community' is only used in the Act when it specifically concerns reconstruction or recovery after a disaster. Otherwise, the more general term 'community' is used across the legislation. For example, section 41 allows the Minister to declare a 'disaster prevention area...to help prevent, or mitigate against, potential disasters for a community'.⁴³ Therefore, the use of the term

³⁸ [Submission 31](#), pp 4-5.

³⁹ [Submission 45](#), Western Sydney Regional Organisation of Councils, p 4.

⁴⁰ [Submission 20](#), p 2; Mr Kent Boyd, General Manager, Parkes Shire Council, Central NSW Joint Organisation, [Transcript of evidence](#), 23 August 2024, pp 10-11.

⁴¹ [NSW Reconstruction Authority Act 2022](#) sch 4.

⁴² [NSW Reconstruction Authority Act 2022](#) ss 4, 10, 14, 18, 25, 39, 40.

⁴³ [NSW Reconstruction Authority Act 2022](#) ss 3, 4, 10, 41, 52.

'affected community' does not limit the focus of the Authority's support to only post-disaster support.

2.13 The Community Disaster Action Group (CDAG) told us that terms like 'community resilience' are vague and the Act does not provide a definition or measurable outcomes. They expressed concerns that this lack of detail may make it hard to assess the effectiveness of the Authority.⁴⁴

2.14 However, we note that the Dictionary defines 'resilience of a community' as:

the ability of the community and its systems—

(a) to recover from the impact of a disaster, including, for example, the ability to restore essential infrastructure and community functions, and

(b) to accommodate or adapt to the impact of a disaster.⁴⁵

2.15 Ms Joanna Quilty, Acting CEO of the Authority, told us that the Act, including terms like 'resilience', is 'broad enough and covers off on all the relevant issues'. She noted that the specificity which stakeholders have asked for should lie in 'those administrative processes, guidelines and arrangements that sit under the Act'.⁴⁶

2.16 It is clear that the definition of 'resilience' in the Dictionary is intended to reflect the primary object under section 3 of the Act. While we understand that the phrase 'promote community resilience' is subjective and could mean a number of different things, we agree that this subjectivity gives the Authority necessary flexibility to carry out its functions across the state.

Definition of 'betterment'

2.17 The Nimbin Neighbourhood and Information Centre (NNIC) told us that 'betterment' is a 'highly subjective term' which is not defined in the Act. They suggested removing the term from section 4 of the Act, which sets out how the primary object is to be achieved. In the NNIC's view, section 4 should reference support for 'community-led' efforts to strengthen the importance of engaging with local communities.⁴⁷

2.18 The Act does define 'betterment of a community' in the Dictionary at Schedule 4. However, it only clarifies that 'betterment' includes improving a community's infrastructure so it is less likely to be affected by the impacts of a disaster. Although this definition focuses on infrastructure improvements, it is clear that it does not narrow the scope or meaning of the term 'betterment'.

⁴⁴ Mx Chels Hood Withey, Community Disaster Action Group, [Transcript of evidence](#), 16 August 2024, p 13; [Submission 34](#), Community Disaster Action Group (CDAG), p 2.

⁴⁵ *NSW Reconstruction Authority Act 2022* Sch 4.

⁴⁶ Ms Joanna Quilty, Acting Chief Executive Officer, NSW Reconstruction Authority, [Transcript of evidence](#), 16 September 2024, p 20.

⁴⁷ [Submission 58](#), Nimbin Neighbourhood and Information Centre, pp 2-3; Ms Natalie Meyer, Manager, Nimbin Neighbourhood and Information Centre Incorporated, [Transcript of evidence](#), 16 August 2024, p 11; [Answers to supplementary questions](#), Nimbin Neighbourhood and Information Centre, 16 September 2024.

- 2.19 The Committee supports Ms Quilty's view that, much like the definitions discussed above, the use of 'betterment' in the Act is broad enough to address relevant issues. We believe this 'leeway' is necessary to allow the Authority to ensure its work can be tailored to meet each community's specific context and needs. We also agree with the Authority's suggestion that any further specificity could be achieved through supporting administrative processes, guidelines and arrangements.⁴⁸

Scope and alignment of the Authority's functions under the Act with other statutory functions

Interaction and potential duplication with work under other existing regulatory and legislative frameworks

Summary

The *NSW Reconstruction Authority Act 2022* gives broad functions to the NSW Reconstruction Authority. This may lead to duplication between these functions and the functions of other emergency services and NSW Government agencies which could be minimised through effective collaboration between the Authority and these agencies.

Finding 4

The NSW Reconstruction Authority is conducting effective and ongoing collaboration with other emergency services and NSW Government agencies, both formally and informally.

Recommendation 4

That the NSW Reconstruction Authority continue to work with the Department of Planning, Housing and Infrastructure, NSW Treasury, the Department of Climate Change, Energy, the Environment and Water and the emergency services organisations under the *State Emergency and Rescue Management Act 1989* to minimise any duplication and improve efficiency between the work of the Authority and these agencies, particularly with respect to disaster preparedness and mitigation activities, data, modelling and information sharing.

- 2.20 Witnesses from NSW Government departments and emergency services agencies consistently told the Committee about their strong working relationships with the Authority, through formal and informal arrangements.⁴⁹ It is clear that the Authority collaborates effectively with these agencies to carry out its functions under the *NSW Reconstruction Authority Act 2022* ('the Act').

What is the SERM Act and who are the state's emergency services agencies?
The *State Emergency and Rescue Management Act 1989* (the 'SERM Act') sets out the legislative framework for the management of emergencies and

⁴⁸ Ms Quilty, [Transcript of evidence](#), 16 September 2024, p 20.

⁴⁹ Commissioner Rob Rogers AFSM, Commissioner, NSW Rural Fire Service, [Transcript of evidence](#), 16 September 2024, p 2; Acting Commissioner Debbie Platz APM, NSW State Emergency Service, [Transcript of evidence](#), 16 September 2024, pp 7-9; Dr Dominic Morgan, Chief Executive, NSW Ambulance, [Transcript of evidence](#), 16 September 2024, pp 8-9; Mr Steve Hartley, Executive Director, Resilience and Sustainability, Department of Planning, Housing and Infrastructure, [Transcript of evidence](#), 16 September 2024, pp 24, 28.

rescues in NSW.⁵⁰ Section 4 defines 'emergency' as one which requires a significant and coordinated response and, due to its actual or imminent occurrence:

- (a) endangers, or threatens to endanger, the safety or health of persons or animals in the State, or
- (b) destroys or damages, or threatens to destroy or damage, property in the State, or
- (c) causes a failure of, or a significant disruption to, an essential service or infrastructure,

Part 2 regulates the state's 'emergency management' framework, including establishing the State Emergency Management Committee which oversees statewide risk management. Under section 5 of the SERM Act, there are four clearly defined stages of an emergency:

- (a) prevention: identifying hazards, assessing its threat levels and carrying out mitigation and prevention measures,
- (b) preparation: making arrangements and plans to deal with an emergency and its effects,
- (c) response: combating the emergency and providing immediate relief for affected persons, and
- (d) recovery: the process of returning an affected community to its proper level of functioning after the emergency.

The following agencies are included in the definition of 'emergency services organisation' under section 3 of the SERM Act:

- Ambulance Service of NSW,
- Fire and Rescue NSW, and any of its fire brigades,
- NSW Police Force,
- NSW Rural Fire Service (RFS),
- State Emergency Service (SES),
- Surf Life Saving New South Wales,
- New South Wales Volunteer Rescue Association Inc, and
- Volunteer Marine Rescue NSW.

2.21 However, we also heard concerns that the Authority's broad statutory functions might conflict with or lead to duplication of existing frameworks, agencies and programs, especially those that relate to preparedness and adaptation.⁵¹ As REROC noted:

There are many players in the preparedness and recovery phases of a disaster... Without effective collaboration there is a strong possibility of duplication of effort leading to wasted resources and time.⁵²

2.22 WaterNSW raised concerns that the Authority's role in leading disaster resilience, adaptation and mitigation activities, under section 10(1)(a) of the Act, may

⁵⁰ [State Emergency and Rescue Management Act 1989](#).

⁵¹ [Submission 16](#), Central Coast Council, p 3; [Submission 62](#), p 5, [Submission 68](#), Healthy North Coast, pp 4-5, 9-10; Mr Boyd, [Evidence](#), 23 August 2024, p 9; Mr Charles Casuscelli, Chief Executive Officer, Western Sydney Regional Organisation of Councils, [Transcript of evidence](#), 23 August 2024, pp 15-16.

⁵² [Submission 62](#), p 5.

overlap with WaterNSW and Dams Safety NSW's responsibilities to prevent dam failures under the *WaterNSW Act 2024*. Regarding the flood modelling function under subsection 10(1)(o) of the *NSW Reconstruction Authority Act 2022*, WaterNSW also noted that the Commonwealth Bureau of Meteorology is responsible for developing flood modelling, while the NSW State Emergency Service (SES) is the state's lead combat agency.⁵³

What is a combat agency?

Section 3 of the *State Emergency and Rescue Management Act 1989* defines a 'combat agency' as:

... the agency identified in the State Emergency Management Plan as the agency primarily responsible for controlling the response to a particular emergency.⁵⁴

The State Emergency Management Plan ('the State EMPLAN') nominates a 'combat agency' for an identified hazard, e.g. fire, floods. This agency is then required to lead the development of 'sub' emergency management plans and document supporting roles across the prevention, preparation, response and recovery (PPRR) spectrum. The list of combat agencies and their specific control responsibilities is set out in Annexure 4 of the State EMPLAN.⁵⁵

- 2.23 Similarly, Mr Danny Rose, Deputy President, Floodplain Management Australia (FMA), said that there are 'a number of processes already in place in New South Wales for disaster mitigation adaptation', particularly around flood risk management. This might lead to duplication and 'mixed accountability' for decisions on planning and flood modelling.⁵⁶ FMA also highlighted that the draft Disaster Adaptation Plan Guidelines refer to using the existing natural hazards work undertaken by councils and other government agencies across state and federal jurisdictions, but that the Act does not do the same.⁵⁷
- 2.24 Local government stakeholders observed that many regions also have their own local disaster mitigation and management plans in place.⁵⁸ Mr Douglas Walther, Executive Director, Local Government, Office of Local Government (OLG), told us about concerns his office had received from local government about statewide plans, like the State Disaster Mitigation Plan (SDMP). He advised that some councils are concerned about the possible consequences of the SDMP for

⁵³ [Submission 31](#), pp 2-3.

⁵⁴ *State Emergency and Rescue Management Act 1989* s 3

⁵⁵ NSW State Emergency Management Committee, [State Emergency Management Plan \(EMPLAN\)](#), December 2023, pp 10, 75, viewed 23 October 2024.

⁵⁶ Mr Danny Rose, Deputy President, Floodplain Management Australia, [Transcript of evidence](#), 16 August 2024, p 29, 30-31.

⁵⁷ [Answers to supplementary questions](#), Floodplain Management Australia, 5 September 2024, p 2.

⁵⁸ [Submission 19](#), Sydney Coastal Councils Group, p 2; [Opening statement](#), Central Coast Council, 21 August 2024, p 2.

council's existing emergency management and mitigation plans at the local level.⁵⁹

- 2.25 Witnesses also flagged the potential for duplication and overlap between the statutory functions of the Authority, under the Act, and NSW's emergency services agencies under their own establishing legislation.⁶⁰
- 2.26 For example, the NSW Rural Fire Service (RFS) described potential overlaps between the Act and the *Rural Fires Act 1997*, most of which relate to the prevention or preparedness stage.⁶¹ Commissioner Rob Rogers noted that the RFS is responsible for preparing local bushfire risk plans. They are unsure how these plans fit within the SDMP framework, which operates at a statewide level and focuses on multi-hazard risk management.⁶²
- 2.27 Similarly, Mr Bradley Byrnes, General Manager, Cabonne Council, highlighted that the Act does not require, or refer to, alignment with the NSW Recovery Plan (the 'Recovery Plan'). Mr Byrnes called for more clarity about how the Act aligns with the State EMPLAN and the Recovery Plan.⁶³
- 2.28 Given the breadth of the Authority's functions, it is unsurprising that their work may duplicate or overlap with other agencies' existing and future work. However, the Committee heard from emergency services agencies and government departments that strong collaboration between the Authority and these agencies may prevent issues occurring due to these areas of overlap.⁶⁴
- 2.29 There is evidence that these collaborative relationships are already established. Mr Sam Toohey, Executive Director of Emergency Management in the Premier's Department, informed us that the Department worked 'concurrently and hand in glove with the Reconstruction Authority', through the State Emergency Management Committee (SEMC), to review both the State EMPLAN and the Recovery Plan.⁶⁵
- 2.30 Mr Steve Hartley, Executive Director of Resilience and Sustainability in the Department of Planning, Housing and Infrastructure (DPHI), also highlighted that the Authority, the Department of Climate Change, Energy, the Environment and Water (DCCEEW) and DPHI recently worked closely together to manage flooding in land use planning. He said:

⁵⁹ Mr Douglas Walther, Executive Director, Local Government, Office of Local Government, [Transcript of evidence](#), 16 September 2024, p 25.

⁶⁰ Commissioner Rogers, [Evidence](#), 16 September 2024, p 2; Acting Commissioner Platz, [Evidence](#), 16 September 2024, p 9.

⁶¹ Commissioner Rogers, [Evidence](#), 16 September 2024, p 2.

⁶² Commissioner Rogers, [Evidence](#), 16 September 2024, p 2.

⁶³ [Opening statement](#), Central NSW Joint Organisation, 22 August 2024, p 6.

⁶⁴ Commissioner Rogers, [Evidence](#), 16 September 2024, p 4; Mr Hartley, [Evidence](#), 16 September 2024, p 28.

⁶⁵ Mr Sam Toohey, Executive Director, Emergency Management, Premier's Department, [Transcript of evidence](#), 16 September 2024, p 32.

... it is an ongoing piece where we continue to work together, look at where the gaps are from each of the agencies' perspective and then look at who is best placed to remedy a result for those.⁶⁶

- 2.31 Similarly, the NSW State Emergency Service (SES) highlighted the collaboration they have had with the Authority on emergency risk management, particularly around flood risk. Acting Deputy Commissioner Nicole Hogan told us that they worked 'in depth' and regularly with the Authority on the SDMP and through multiple working groups. She then highlighted examples of work delivered through their partnership with the Authority, including the Hawkesbury-Nepean flood risk campaigns.⁶⁷
- 2.32 Section 14 of the Act explicitly allows the Authority to cooperate and consult with 'other government agencies, and other persons and bodies, the Authority thinks appropriate', including those outside of NSW.⁶⁸ The Authority confirmed its intention to 'work in close collaboration' with 'emergency service organisations, other government agencies across all levels of government, community sector organisations, community leaders, local businesses, NGOs, academics, and other key stakeholders relevant to community preparedness' to implement the Act.⁶⁹
- 2.33 The Committee agrees that the strong collaboration between the Authority and other Government and emergency services agencies will be essential to minimise any duplication in their work. We recognise that the Authority is already conducting effective and ongoing collaboration. Therefore, we recommend that the Authority continue to work with DPHI, DCCEEW and the state's emergency services agencies to minimise duplication of work between the Authority and these agencies and departments, particularly around the Authority's disaster preparedness and mitigation work.

Consistency between the Authority's functions and the state's environment and planning framework

Summary

There are concerns about the NSW Reconstruction Authority's powers to make planning decisions under the Act, particularly how their exercise interacts with the existing planning framework. Guidelines on the scope and application of these planning powers may provide clarification for key stakeholders and all layers of government.

Recommendation 5

That the NSW Reconstruction Authority consider issuing guidelines which clarify the scope of its powers to make planning decisions under the *NSW Reconstruction Authority Act 2022* and how the Authority will consider existing planning controls, environmental standards, and Aboriginal cultural heritage protections under the state's existing planning framework.

⁶⁶ Mr Hartley, [Evidence](#), 16 September 2024, p 28.

⁶⁷ Acting Deputy Commissioner Nicole Hogan, NSW State Emergency Service, [Transcript of evidence](#), 16 September 2024, p 9.

⁶⁸ *NSW Reconstruction Authority Act 2022* s 14.

⁶⁹ [Submission 70](#), NSW Reconstruction Authority, p 20.

- 2.34 Stakeholders expressed concerns and confusion about the interaction between the planning functions under the Act and the state's planning framework.⁷⁰ The Committee recommends that the Authority consider developing and publishing guidelines which clarify how existing planning controls, environmental standards and Aboriginal cultural heritage protections will be considered by the agency when exercising planning functions.
- 2.35 As highlighted by Local Government NSW, the Authority may carry out land use planning and rezoning under subsection 10(1)(n) of the Act. This function under subsection 10(1)(n) includes 'exercising the functions of local councils for the purpose of land use planning in relation to disasters'. Some inquiry participants called for more details about how the Authority will carry out this land use planning function.⁷¹
- 2.36 The Authority has indicated its intention to support disaster mitigation and adaptation through land use planning measures via the SDMP and local Disaster Adaptation Plans (DAPs). However, it is not clear to us whether the agency has exercised, or intends to exercise, the land use planning powers outside of the Northern Rivers Resilient Homes and Resilient Lands Programs.⁷²
- 2.37 Central Coast Council and Wollongong City Council told the Committee that more clarity about the power to direct relevant entities under section 13 of the Act would be welcome.⁷³ This section allows the Authority to direct a local council to 'take certain action in the exercise of' the council's functions under the *Environmental Planning and Assessment Act 1979* (the 'EP&A Act').
- 2.38 Ms Michelle Fletcher, Director of Marine, Coast, Estuaries and Flood, DCCEEW, also highlighted section 13 of the Act, in addition to section 12, which allows the Authority to carry out development on certain land. She observed that section 13 does not refer to other planning controls, like existing coastal and flood hazard studies and plans.⁷⁴
- 2.39 Byron Shire Council also emphasised the importance of ensuring that any development actions by the Authority 'occur with appropriate levels of planning rigour'. They called for the Authority to consider 'cultural heritage and Native Title matters' when appropriate and to develop guidelines similar to the list of environmental factors under clause 171(2) of the *Environmental Assessment and Planning Regulation 2021*.⁷⁵

⁷⁰ [Submission 38](#), Local Government NSW, p 8; [Submission 45](#), p 1; [Submission 2](#), Name suppressed, p 1; [Submission 56](#), Wollondilly Shire Council, p 3; [Submission 66](#), Wollongong City Council, p 3; Ms Deborah Stafford, Manager, Social and Cultural Planning, Byron Shire Council, [Transcript of evidence](#), 23 August 2024, pp 44-45; Ms Michelle Fletcher, Director, Marine, Coast, Estuaries and Flood, Department of Climate Change, Energy, the Environment and Water, [Transcript of evidence](#), 16 September 2024, p 24.

⁷¹ [Submission 2](#), p 1; [Submission 33](#), Moore Point Joint Landowner Group, p 2; [Submission 38](#), pp 8-9; [NSW Reconstruction Authority Act 2022](#) s 10(1)(n).

⁷² [Submission 70](#), pp 14-15, 17.

⁷³ [Submission 16](#), p 2; [Submission 66](#), p 3.

⁷⁴ Ms Fletcher, [Evidence](#), 16 September 2024, p 24.

⁷⁵ [Submission 27](#), Byron Shire Council, p 4; see also [Answers to questions on notice](#), Byron Shire Council, 13 September 2024, p 1.

- 2.40 Relevantly, Ms Fletcher expressed support for early consultation with her Department when the Authority considers exercising planning functions, in order to communicate 'important information from an environmental values or cultural heritage perspective'.⁷⁶
- 2.41 In their submission, the Authority noted that section 13 of the Act was recently amended in December 2023 with the intention of clarifying 'the scope of the [Authority's] direction power'.⁷⁷ However, we note that the amendment expanded the functions under section 13 which a local council may be directed to take, to include functions prescribed by regulations.⁷⁸ Rather than clarifying the scope of the power to direct relevant entities, the amendment to section 13 appears to allow regulations to broaden the functions which a relevant entity may be required to take.
- 2.42 Wollondilly Shire Council supported the requirement, under section 38 of the Act, that local councils and planning authorities consider any relevant DAPs when carrying out their duties under EP&A Act. However, they queried whether this applied to government agencies such as DPPI, and how the DAPs would be integrated into NSW planning laws and policies. The Council called for the obligation under section 38 to be embedded across 'the NSW planning system through legislative and policy updates'.⁷⁹
- 2.43 Similarly, Dr Alice Howe, Executive Project Advisor, Central Coast Council, supported the Authority having a 'concurrence role' with DPPI in relation to planning decisions. As it is not a planning authority, it was not clear to her whether the Authority has 'that expertise in-house to be able to think about all the consequences of those actions in that immediate moment'. She said that DPPI or the Minister for Planning could ensure the relevant 'checks and balances were applied' and provide the Authority with that necessary guidance.⁸⁰
- 2.44 In light of the feedback the Committee has received from both local government and DCCEE, we accept that there is confusion about the application and implementation of the Authority's planning functions and powers. The provisions in the Act setting out these functions and powers may benefit from further clarification on their intended scope and application.
- 2.45 Ms Quilty supported formalising the Authority's processes and systems to guide their work, with the aim of ensuring greater consistency and providing stakeholders with 'that visibility and that assurance as to how we are going to work with them'. She remarked that this is 'an ongoing process' for the Authority.⁸¹
- 2.46 Inquiry participants communicated their confusion over how the Authority's planning functions sit within the state's broader planning framework. As a result,

⁷⁶ Ms Fletcher, [Evidence](#), 16 September 2024, p 24.

⁷⁷ [Submission 70](#), p 24.

⁷⁸ [Emergency Services Legislation Amendment Act 2023](#) Sch 2, cl 1.

⁷⁹ [Submission 56](#), p 3.

⁸⁰ Dr Alice Howe, Executive Project Advisor, Central Coast Council, [Transcript of evidence](#), 23 August 2024, p 31.

⁸¹ Ms Quilty, [Evidence](#), 16 September 2024, p 15.

the Committee believes that further clarification on these matters may also provide greater certainty to all levels of government. For these reasons, we recommend that the Authority consider providing guidelines that clarify both the scope of its planning powers under the Act, and how it will consider existing planning controls, environmental standards, and aboriginal cultural heritage protections when making planning decisions. The role and responsibility of local government under the *NSW Reconstruction Authority Act 2022* are discussed further below.

Alignment between the statutory functions of the Authority and the state's emergency services agencies

Summary

Although the *NSW Reconstruction Authority Act 2022* was reviewed against the *State Emergency and Rescue Management Act 1989*, the Reconstruction Authority Act was not reviewed against the different statutes which establish the state's emergency services agencies. A further review of the Reconstruction Authority Act against these agencies' establishing statutes may ensure better alignment of the statutory functions and responsibilities across these acts and could identify provisions which may conflict.

Recommendation 6

That the NSW Government review the functions of the NSW Reconstruction Authority under the *NSW Reconstruction Authority Act 2022* to ensure alignment with and prevent conflicts between the statutory functions and responsibilities of the state's emergency services agencies.

- 2.47 The numerous legislation establishing the state's emergency services agencies also set out various statutory functions of these agencies regarding emergency management and mitigation. The Committee heard concerns about possible overlaps between these statutory functions and the Authority's functions under the *NSW Reconstruction Authority Act 2022* ('the Act'). Section 10(2)(a) of the Act clarifies that the Authority's functions do not limit the functions of emergency services agencies under the *State Emergency and Rescue Management Act 1989* (the 'SERM Act'), which may address some of these concerns.
- 2.48 However, emergency services agencies also raised concerns about potential overlap with their functions prescribed by other emergency management legislation outside of the SERM Act. We believe a review by the NSW Government of the statutory functions under the Act, and other laws governing the emergency services agencies, is needed to address possible conflicts and areas in need of greater alignment.
- 2.49 A number of stakeholders noted that the Authority operates within the existing state and national emergency management frameworks. The Act should therefore be aligned with these broader frameworks to clarify the role of the Authority and reduce possible complexity or duplication.⁸² Some local

⁸² [Submission 8](#), Narrabri Shire Council, p 3; [Submission 32](#), Australian Red Cross, p 6; [Submission 68](#), pp 9-10; [Answers to question on notice and supplementary questions](#), the Law Society, p 4.

government representatives also called on the Authority to make use of the existing emergency management structures in NSW.⁸³

- 2.50 We heard that the Act was reviewed against the *State Emergency and Rescue Management Act 1989* (the 'SERM Act'). Mr Toohey from the Premier's Department commented that the *NSW Reconstruction Authority Act 2022* works 'cohesively' with the SERM Act and that the Authority is 'intimately involved in the operations under that [SERM] Act as well'.⁸⁴
- 2.51 However, the RFS Commissioner told us that this might not have been similarly done for the Acts establishing other emergency services agencies, including the *Rural Fires Act 1997* and the *State Emergency Service Act 1989*. As a result, there may be unintended conflicts that could be identified on a further review of these laws.⁸⁵
- 2.52 Despite these concerns, as previously discussed, witnesses from the RFS, SES and NSW Ambulance agreed that the Authority has maintained good, effective and ongoing collaboration with their agencies.⁸⁶ While this collaboration may prevent conflicts happening in practice, it is important that any possible legislative conflicts between the statutes establishing key agencies be identified. We recommend that the NSW Government review the functions under the Act to ensure they align with, and prevent possible conflicts with, the statutory functions and responsibilities of the state's emergency services agencies.

The Authority's coordination function within the existing emergency management framework

Summary

Pre- and post-disaster management requires multiagency collaboration. The *NSW Reconstruction Authority Act 2022* gives the NSW Reconstruction Authority sufficient power to coordinate different agencies in disaster adaptation, preparedness, recovery and reconstruction.

- 2.53 One function of the Authority under section 10 of the Act is to coordinate the development and implementation of whole of government policies for disaster mitigation, preparedness, recovery and reconstruction.⁸⁷ We heard support for the Authority's coordination function under subsection 10(1)(d) of the Act.⁸⁸
- 2.54 A number of inquiry participants argued that the Authority should be the central or sole agency responsible for coordinating for disaster prevention/mitigation, preparedness, recovery and reconstruction.⁸⁹ Some stakeholders supported the

⁸³ [Submission 45](#), p 9; Dr Howe, [Evidence](#), 23 August 2024, p 29.

⁸⁴ Commissioner Rogers, [Evidence](#), 16 September 2024, p 3; Mr Toohey, [Evidence](#), 16 September 2024, p 32.

⁸⁵ Commissioner Rogers, [Evidence](#), 16 September 2024, p 3; see also Mr David Reynolds, Chief Executive, Local Government NSW, [Transcript of evidence](#), 23 August 2024, p 7.

⁸⁶ Commissioner Rogers, [Evidence](#), 16 September 2024, p 2; Acting Commissioner Platz, [Evidence](#), 16 September 2024, pp 7-8; Dr Morgan, [Evidence](#), 16 September 2024, p 8.

⁸⁷ *NSW Reconstruction Authority Act 2022* s 10(1)(d).

⁸⁸ [Submission 9](#), Blacktown City Council, p 4; [Submission 45](#), p 1; Dr Morgan, [Evidence](#), 16 September 2024, p 8.

⁸⁹ [Submission 46](#), Shoalhaven City Council, p 2; [Submission 62](#), p 4; Mr Todd Dickinson, Director, Environment and Open Space, Northern Beaches Council, [Transcript of evidence](#), 23 August 2024, p 22.

Act giving the Authority more power or a leading role to coordinate efforts for adaptation, prevention and resilience.⁹⁰

- 2.55 In contrast, Mr David Reynolds, Chief Executive at Local Government NSW, remarked that better coordination between government agencies could be achieved without changing the Act, such as through regulations or simply better engagement and role clarity between agencies.⁹¹
- 2.56 However, the Committee heard from other emergency services agencies that this coordination role should not include responsibility for coordinating on-ground responses to disasters, hazards and other emergencies.
- 2.57 Dr Dominic Morgan, Chief Executive, NSW Ambulance, told us that the Authority does not need to oversee all phases of disaster management. He believed that the Authority should focus on preparedness and recovery, leaving day-to-day response and rescue to the emergency services agencies. He added that there has been no reason, as yet, to warrant establishing an overarching coordination of emergency services.⁹²
- 2.58 Similar concerns were expressed by the RFS and SES, who questioned the value of the Authority playing a coordinating role in emergency or disaster response. Acting Commissioner Platz highlighted that it would require an 'enormous amount of legislative reform' to several emergency response laws in order to set up the Authority as the lead agency in disaster and emergency response.⁹³
- 2.59 The Authority clarified that their role is to ensure a consistent and integrated approach to pre- and post-disaster management in NSW. The Act provides an overarching legal framework to coordinate the efforts of different statewide agencies in disaster adaptation, preparedness, recovery and reconstruction. They emphasised that the agency does not intend to duplicate the responsibilities of emergency services agencies, which are tasked with managing response phases during disasters.⁹⁴
- 2.60 The Premier's Department also told us that the Authority's role is primarily one of coordination, while the RFS, SES and Fire and Rescue NSW are the major combat agencies for their respective areas of responsibilities.⁹⁵
- 2.61 There is clearly broad agreement across Government and the emergency services agencies that the Authority's coordination role should continue to focus on overseeing the disaster preparedness, mitigation and recovery phases. We agree

⁹⁰ Mr Tim Mackney, Board Director, Institute of Public Works Engineering Australasia NSW & ACT, [Transcript of evidence](#), 16 August 2024, pp 31-32; Mr Rose, [Evidence](#), 16 August 2024, p 32; [Submission 46](#), p 2; Mrs Julie Briggs, Chief Executive Officer, Riverina Eastern Regional Organisation of Councils, [Transcript of evidence](#), 23 August 2024, pp 54, 55-56; Councillor Dave McCann, Mayor, Coolamon Shire Council, Executive, Riverina Eastern Regional Organisation of Councils, [Transcript of evidence](#), 23 August 2024, pp 54, 56.

⁹¹ Mr Reynolds, [Evidence](#), 23 August 2024, pp 6-7.

⁹² Dr Morgan, [Evidence](#), p 10.

⁹³ Commissioner Rogers, [Evidence](#), 16 September 2024, pp 3-4; Acting Commissioner Platz, [Evidence](#), 16 September 2024, p 9.

⁹⁴ [Submission 70](#), pp 7, 12, 13-14; Ms Quilty, [Evidence](#), 16 September 2024, p 19.

⁹⁵ Mr Toohey, [Evidence](#), 16 September 2024, p 33.

that it is too onerous for a single agency to be tasked with leading disaster response efforts statewide, and that pre- and post-disaster management requires multi-agency collaboration.

- 2.62 While we agree that coordinating disaster management before and after a disaster occurs is a critical function of the Authority, the Committee believes that the Act gives the Authority enough power and places enough focus on this role without needing legislative amendments.

The role and responsibility of local government

Summary

Local government is a critical stakeholder in disaster management. However, the role and responsibilities of local government under the *NSW Reconstruction Authority Act 2022* needs to be clarified. Effective collaboration and consultation with local government will be important across the NSW Reconstruction Authority's functions.

Recommendation 7

That the NSW Reconstruction Authority, in consultation with the Office of Local Government, consider issuing guidance on the role and responsibilities of local government with regards to the functions of the Authority.

- 2.63 Local government stakeholders consistently asked for more clarity about the relationship between the roles and responsibilities of the Authority, and those of local government, under the Act. The Committee recommends that the Authority, together with the Office of Local Government, consider providing formalised guidance to clarify these roles and responsibilities in relation to the Authority's functions.
- 2.64 We agree with inquiry participants' observations that local councils are critical stakeholders and partners in disaster management, and are therefore critical partners to the Authority, both before and after a disaster occurs.⁹⁶ Several councils told the Committee that they have had largely positive engagements with the Authority. There was also agreement that the Authority plays an important role in coordinating support and working with local government.⁹⁷
- 2.65 Some inquiry participants called for the Act to be reviewed to have greater recognition and clarification of the role of local government. Regarding the nature of local government's role, Newcastle City Council expressed concerns that a direction from the Authority to local councils under section 13 of the Act could exceed the scope of local government functions. They worried that this may require councils to take action that they do not have capacity to undertake, or to take on costs that they cannot carry.⁹⁸

⁹⁶ [Submission 27](#), p 4; [Submission 29](#), Country Mayors Association of NSW, p 3; [Submission 38](#), pp 4, 10; [Submission 45](#), p 5.

⁹⁷ Mr Walther, [Evidence](#), 16 September 2024, p 25; [Submission 10](#), p 5; [Submission 22](#), Bega Valley Shire Council, p 1; [Submission 38](#), p 11; [Submission 56](#), p 1; Mr Boyd, [Evidence](#), 23 August 2024, p 9.

⁹⁸ [Submission 13](#), Newcastle City Council, pp 1-3.

- 2.66 Under section 13(3) of the Act, a 'relevant entity' like a local council which fails to comply with a direction from the Authority can be fined unless the entity has a reasonable excuse. However, neither the Act or the *NSW Reconstruction Authority Regulation 2023* defines what counts as a 'reasonable excuse'. While a 'reasonable excuse' might arguably include a council's lack of capacity or resources to follow the direction, the Committee acknowledges that this would have to be determined by a court .
- 2.67 Concerns were also expressed that the Act fails to properly recognise the role of local government and that the Authority's work could place additional work burden on local government, such as the implementation of the SDMP and DAPs. This may have unintended consequences for different councils, because their capacity varies at different times and many face financial constraints.⁹⁹ The Committee notes, however, that support for improving resourcing and building the capacity of local government was included as a priority action in the SDMP.¹⁰⁰
- 2.68 Mr Todd Dickinson, Director, Environment and Open Space, Northern Beaches Council, Northern Beaches Council emphasised the importance of including local community perspectives in the course of the Authority's work, especially in developing DAPs. He reiterated the importance of embedding the partnership between councils and the Authority in the practice of the agency or in law, to ensure that work is appropriate for the local context.¹⁰¹
- 2.69 The Western Sydney Regional Organisation of Councils (WSROC) also raised concerns that there were limited formal pathways for local councils to engage in hazard and emergency management processes. They recommended the Authority should provide a structural link between strategic planning and incident response to ensure regular consultation with OLG.¹⁰²
- 2.70 We heard calls from local government for more clarification on how they will consult and engage with local government. Local government stakeholders spoke positively about the increased engagement and cooperation they have experienced with the Authority. However, several councils also expressed interest in greater early engagement with them in the decision-making process, and witnesses welcomed 'formal arrangements' for the interaction between local government and the Authority, to enshrine these existing good working relationships.¹⁰³
- 2.71 Councils participating in this inquiry were uncertain about their roles and responsibilities under the Act, especially around developing local DAPs. They

⁹⁹ [Submission 38](#), p 7; [Submission 19](#), pp 2-3; Mr Walther, [Evidence](#), 16 September 2024, p 25; [Submission 22](#), pp 1-2; [Submission 29](#), p 3; Mr Greg Hill, General Manager, Central Darling Shire Council, [Transcript of evidence](#), 23 August 2024, p 9; Mr Casuscelli, [Evidence](#), 23 August 2024, p 13; Mr Sylvester Otieno, Divisional Manager, Engineering Services, Warren Shire Council, [Transcript of evidence](#), 23 August 2024, p 40; Ms Donna Ausling, Director, Planning and Sustainability, Narrabri Shire Council, [Transcript of evidence](#), 23 August 2024, p 40.

¹⁰⁰ [Submission 38](#), p 7.

¹⁰¹ Mr Dickinson, [Evidence](#), 23 August 2024, p 26.

¹⁰² [Submission 45](#), p 7.

¹⁰³ [Submission 38](#), pp 10, 13; [Submission 10](#), p 5; [Submission 16](#), pp 2-3; [Submission 23](#), Floodplain Management Australia, p 6; Dr Howe, [Evidence](#), 23 August 2024, p 27; Mr David Clarke, Acting Chief Executive Officer, Newcastle City Council, [Transcript of evidence](#), 23 August 2024, pp 27, 31;.

supported the publication of guidance on how the Authority will support 'collaboration and coordination' of local government, and to specify that the onus to prepare DAPs should not be placed on local councils.¹⁰⁴ Rather, DAPs should be spearheaded by the Government, Authority or Local Emergency Management Committees (LEMCs).¹⁰⁵

- 2.72 The Authority told us that they are in the early stages of the DAP process, with a focus on regional planning for the Northern Rivers and the Hawkesbury-Nepean Valley. They are also conducting education and outreach work with local councils on the new State Recovery Plan, which will clarify roles and responsibilities across the disaster management system. Ms Quilty also highlighted that the Community Leaders Forum provides ground-up information and expertise to support recovery programs.¹⁰⁶
- 2.73 We note that the Authority has recently published draft DAP guidelines for public consultation, which clarifies that these plans will be prepared at regional scales and will be 'multi-hazard' in their approach. The consultation draft guidelines state that the Authority will 'coordinate the co-design, development, and implementation of regional DAPs', while also emphasising that the proposed guidelines will take a 'collaborative' and 'regional' approach.¹⁰⁷
- 2.74 Mr Dickinson expressed some concerns about Northern Beaches Council's ability to provide input into the development of the guidelines.¹⁰⁸ In particular, Mr Clarke observed that there were no 'clear mechanisms' in the 'current architecture through the legislation or the guidelines' to have funding and financial capacity of the local council factored into the development of a DAP.¹⁰⁹
- 2.75 We note that the Authority is working to incorporate local knowledge into some decision-making processes. Ms Quilty told us that they recently proposed to include their regional delivery staff as members of the LEMCs, which are responsible for preparing and reviewing emergency management plans at a local government area (LGA) level. This proposal was endorsed by the SEMC and would provide a 'more embedded and formalised set-up'.¹¹⁰
- 2.76 The Committee acknowledges the work that has been highlighted by the Authority to engage with councils and factor in the context and capacity of different local government stakeholders. In particular, we look forward to the

¹⁰⁴ [Submission 27](#), p 4; [Submission 38](#), p 11; Mr Reynolds, [Evidence](#), 23 August 2024, p 6; Mr Clarke, [Evidence](#), 23 August 2024, p 28; Ms Stafford, [Evidence](#), 23 August 2024, p 48; Ms Esmeralda Davis, Director, Corporate and Community Services, Byron Shire Council, [Transcript of evidence](#), 23 August 2024, p 48.

¹⁰⁵ [Submission 38](#), p 7; Mr Walther, [Evidence](#), 16 September 2024, p 28; [Submission 36](#), Warren Shire Council; [Submission 45](#), pp 5-7; [Submission 56](#), p 2; Mr Reynolds, [Evidence](#), 23 August 2024, p 6; Mr Andrew Beswick, Director, City Infrastructure, City of Coffs Harbour, [Transcript of evidence](#), 23 August 2024, p 36; Mr Otieno, [Evidence](#), 23 August 2024, p 39; Ms Ausling, [Evidence](#), 23 August 2024, p 39.

¹⁰⁶ [Submission 70](#), pp 15, 18-19; Ms Quilty, [Evidence](#), 16 September 2024, pp 14-16.

¹⁰⁷ Ms Sarah Joyce, Executive Director, Sydney Coastal Councils Group, [Transcript of evidence](#), 23 August 2024, p 25; NSW Reconstruction Authority, [NSW Disaster Adaptation Plan Guidelines \(draft for consultation\)](#), July 2024, p 16, viewed 16 October 2024.

¹⁰⁸ Mr Dickinson, [Evidence](#), 23 August 2024, p 20.

¹⁰⁹ Mr Clarke, [Evidence](#), 23 August 2024, p 29.

¹¹⁰ Ms Quilty, [Evidence](#), 16 September 2024, p 20; [State Emergency and Rescue Management Act 1989](#) ss 28-29.

publication of the finalised DAP guidelines and note that open consultation on the draft closed in August 2024.

2.77

However, stakeholders' uncertainty about local government's role and responsibilities within the broader disaster preparedness and recovery framework led by the Authority was a consistent theme that emerged during the inquiry. Given the significance of their role in this space, we recommend that the Authority consider working with OLG to provide formal guidance on the role and responsibilities of local government under the Act.

Chapter Three – The functions, powers and responsibilities under the Act

Broad powers of the Minister and the Authority

The broad powers of the Minister and the Authority under the Act, particularly Parts 5 to 7

Summary

The powers given to the Minister for Planning and Public Spaces and the NSW Reconstruction Authority under the *NSW Reconstruction Authority Act 2022*, particularly Parts 5 to 7, are broad. These powers are largely modelled off similar powers of the Queensland Reconstruction Authority, which provides a good precedent for their exercise. However, as they have been rarely used in both NSW and Queensland, the Authority should report to Parliament about any exercises of those provisions under Parts 5 to 7 of the Act, to ensure greater accountability and oversight over these broad powers.

- 3.1 Significant concerns were raised by inquiry participants about the broad powers given to the Minister for Planning and Public Spaces and the NSW Reconstruction Authority under the *NSW Reconstruction Authority Act 2022* ('the Act'). A lot of these concerns related to the powers under Parts 5 to 7 of the Act, dealing with ministerial declarations of 'declared projects', 'reconstruction areas' and 'disaster prevention areas'.¹¹¹
- 3.2 The Committee acknowledges that the powers set out in the Act are very broad, especially Parts 5 to 7. However, these powers mirror largely identical powers under the *Queensland Reconstruction Authority Act 2011* (Qld) (the 'QRA Act'), which established the Queensland Reconstruction Authority (QRA).¹¹² We believe that the QRA provides a good model for how these powers may be exercised in practice, particularly in response to a catastrophic disaster.
- 3.3 The Committee believes the concerns expressed in this inquiry could be eased through transparent accounting of how these significant statutory powers are exercised. We recommend amending the Act to require the Authority provide an annual report to Parliament which lists all exercises of the functions and powers under Parts 5 to 7 of the Act.

Background: the powers under Parts 5 to 7 of the *NSW Reconstruction Authority Act 2022*

- 3.4 The *NSW Reconstruction Authority Act 2022* is jointly administered by the Minister for Planning and Public Spaces and Minister for Emergency Services. However, Parts 5 to 7 are *solely* administered by the Minister for Planning and

¹¹¹ [Submission 15](#), the Law Society of NSW, pp 1-3; [Submission 38](#), Local Government NSW, pp 8-9; [Submission 58](#), Nimbin Neighbourhood and Information Centre Incorporated, p 3; [Submission 7](#), MidCoast Council, p 1; [Submission 31](#), WaterNSW, p 6; [Submission 62](#), Riverina Eastern Regional Organisation of Councils, p 7.

¹¹² [Queensland Reconstruction Authority Act 2011](#) (Qld). See, particularly, Parts 4 and 5.

Public Spaces.¹¹³ In this chapter, a reference to 'the Minister' is a reference to the Minister for Planning and Public Spaces unless stated otherwise.

The Minister's declaration powers under Part 5

- 3.5 Under Part 5, the Minister may declare the following, on the recommendation of the NSW Reconstruction Authority:
- 'declared project' (section 39): a proposed development will be carried out in a part of NSW that has been directly or indirectly affected by a disaster,
 - 'reconstruction area' (section 40): a part of NSW that has been directly or indirectly affected by a disaster, or
 - 'disaster prevention area' (section 41): a part of NSW that is likely to be directly or indirectly affected by a disaster.
- 3.6 The Minister can only declare a 'declared project' or 'reconstruction area' if they are satisfied that it is necessary to help:
- facilitate the protection, rebuilding and recovery of an affected community,
 - mitigate against potential disasters for an affected community, or
 - improve the resilience of an affected community for potential disasters.¹¹⁴
- 3.7 Similarly, the Minister can only declare a disaster prevention area if they are satisfied that it is necessary to help prevent, or mitigate against, potential disasters for a community.¹¹⁵

The Authority's powers under Parts 6 and 7

- 3.8 Once a ministerial declaration is made under Part 5, the Authority may issue the following notices to decision-makers:
- 'notice to decide' (section 50): requires the decision-maker to make a 'prescribed decision', within the stated time period.
 - 'progression notice' (section 51): requires the decision-maker to undertake the administrative processes needed to complete a 'prescribed process', within the stated time period.
 - 'step-in notice' (sections 52 to 53): advises the decision-maker and an applicant that the Authority will assess or decide a matter which was subject of a notice to decide or progression notice. A step-in notice is only issued with the approval of the Minister. Once given, the Authority can effectively take the decision-maker's place (sections 55 to 58).

¹¹³ [Administrative Arrangements \(Minns Ministry—Administration of Acts\) Order 2023](#) sch 1.

¹¹⁴ [NSW Reconstruction Authority Act 2022](#) ss 39(2)(c), 40(2)(c).

¹¹⁵ [NSW Reconstruction Authority Act 2022](#) s 41(2)(c).

- 3.9 For a 'declared project', the Minister may make a 'project authorisation order' which authorises the Authority to carry out the project or give the Authority responsibility over the project.¹¹⁶

Ministerial authorisations for developments under Part 7

- 3.10 Under section 68, the Minister can also make a 'ministerial authorisation order'. This order would allow development to be carried out without:
- any approval or assessment that would be required under the *Environmental Planning and Assessment Act 1979* (EP&A Act), or
 - the consent of any person.
- 3.11 This 'ministerial authorisation order' can only be made in the circumstances under either subsection 68(3) or subsection 68(4).

Other powers and functions under Part 6

- 3.12 The Authority also has a number of powers and functions after a ministerial declaration made under Part 5. Some of these powers and functions may require prior approval by the Minister.¹¹⁷ This includes:
- the power to compulsorily acquire land (section 45),
 - manage and carry out work on land (section 46), and
 - lease, sell and deal with land vested in the Authority (section 47).

Concerns about the scope and exercise of the powers under Parts 5 to 7

- 3.13 A range of stakeholders expressed concerns that the Act includes significant powers which are broad reaching and lack clarity, particularly the powers of the Authority and the Minister in Parts 5 to 7 of the Act. Some questioned whether the Act strikes the right balance between disaster responsiveness and flexibility, and the wide reach of these powers.¹¹⁸
- 3.14 Notably, the Law Society of NSW highlighted that aspects of Part 5 were drafted in a way that is 'unnecessarily and disproportionately broad'.¹¹⁹ They flagged the Minister for Planning and Public Space's power to make declarations, describing sections 39(2), 40(2) and 41(2) – which set out the circumstances when these declarations can be made – as 'weak and uncertain'.¹²⁰
- 3.15 The Law Society highlighted that the Act does not include a definition of the terms 'declared project', 'reconstruction area' or 'disaster prevention area'. They

¹¹⁶ [NSW Reconstruction Authority Act 2022](#) ss 62, 63.

¹¹⁷ [NSW Reconstruction Authority Act 2022](#) ss 45-48.

¹¹⁸ [Submission 15](#), pp 1-2; [Submission 38](#), pp 8-9; [Submission 58](#), p 3; [Submission 7](#), p 1; [Submission 31](#), p 6; [Opening statement](#), Local Government NSW (LGNSW), 21 August 2024, pp 1-2; [Answers to supplementary questions](#), Nimbin Neighbourhood and Information Centre Incorporated (NNIC), 6 September 2024, p 1.

¹¹⁹ [Submission 15](#), p 1.

¹²⁰ [Submission 15](#), pp 1-2; [Answers to questions on notice and supplementary questions](#), the Law Society of NSW, 5 September 2024, pp 2-3.

warned that the Minister's power to declare a 'disaster prevention area' under section 41(2) may therefore permit the Minister to make declarations 'over vast parts of NSW'.¹²¹

- 3.16 As discussed in Chapter Two, a common issue voiced by local government stakeholders was the absence of any requirement to consult with local government, before or when the Authority exercises the powers under Parts 5 to 7 of the Act. Particular concerns were raised about the power of the Minister or the Authority to carry out development without the planning approvals or assessments under the EP&A Act, as well as the Authority's powers to 'step in' for a decision-makers such as a local council.¹²²
- 3.17 Local Government NSW also highlighted section 68 of the Act, which allows the Minister to issue an order authorising a development be carried out, without going through the usual approvals process.¹²³ While they recognised the intended benefits of allowing fast and flexible planning actions in disaster response, some local government stakeholders questioned whether there were adequate transparency and accountability measures around their exercise.¹²⁴
- 3.18 The Law Society noted that the exercise of the ministerial powers under Part 5 could potentially have 'serious and lasting consequences for potentially large numbers of NSW residents and businesses', and referred to section 92 of the Act.¹²⁵ That section states:
- To avoid doubt, a decision made by the Minister or Authority under this Act is not an administratively reviewable decision for the *Administrative Decisions Review Act 1997*.¹²⁶
- 3.19 This means that individuals cannot apply to the NSW Civil and Administrative Tribunal to reconsider, and potentially change or refer back, any decisions that could be made by the Minister or Authority under the Act.¹²⁷
- 3.20 The Northern Rivers Community Legal Centre (NRCLC) told the Committee about the difficulties they have experienced providing legal advice and services to residents, in light of the inconsistency between decisions made under the Resilient Homes Program. Mr Aran Matkevich, Solicitor in the NRCLC's Disaster Response and Recovery service, told us that 'there was no real appeal process set

¹²¹ [Submission 15](#), pp 1-2; [Answers to questions on notice and supplementary questions](#), Law Society, pp 2-3.

¹²² [Submission 38](#), pp 8-9; [Submission 7](#), p 1; Mr David Reynolds, Chief Executive, Local Government NSW, [Transcript of evidence](#), 23 August 2024, pp 4-5; [Submission 62](#), p 7; Mr Adrian Panuccio, General Manager, MidCoast Council, [Transcript of evidence](#), 23 August 2024, p 35; Dr Alice Howe, Executive Project Advisor, Central Coast Council, [Transcript of evidence](#), 23 August 2024, p 31; [Opening statement](#), LGNSW, p 2. See also [NSW Reconstruction Authority Act 2022](#) pt 6 div 5, pt 7 divs 1-2.

¹²³ [Submission 38](#), p 8; [Opening statement](#), LGNSW, p 2.

¹²⁴ Mr Reynolds, [Evidence](#), 23 August 2024, p 5; Mr Anthony McMahon, Chief Executive Officer, Bega Valley Shire Council, [Transcript of evidence](#), 23 August 2024, p 5; Dr Howe, [Evidence](#), 23 August 2024, p 29; Mr Panuccio, [Evidence](#), 23 August 2024, p 35; [Submission 38](#), p 9; [Submission 7](#), p 1; [Opening statement](#), LGNSW, p 2.

¹²⁵ [Answers to questions on notice and supplementary questions](#), Law Society, p 2.

¹²⁶ [NSW Reconstruction Authority Act 2022](#) s 92.

¹²⁷ [Administrative Decisions Review Act 1997](#) s 7, pt 3 div 3.

out for us to follow' to challenge Disaster Recovery Grant decisions.¹²⁸ Witnesses from the Community Disaster Action Group and Financial Counselling Australia also recounted challenges faced by residents trying to appeal decisions by the Authority.¹²⁹

3.21 Several inquiry participants argued that additional safeguards were needed, to clarify and introduce appropriate boundaries to the exercise of the powers in Part 5 to 7 of the Act.¹³⁰ In particular, they suggested amendments which would:

- narrow or strictly define the circumstances for making ministerial declarations, and clarify the meaning of certain terms in Parts 5 to 7 of the Act, particularly 'declared project', 'reconstruction area' and 'disaster prevention area',¹³¹
- require the Authority to consult with key stakeholders, particularly local governments and/or affected communities, before or at the time of powers or functions under the Parts 5 to 7 of the Act being exercised,¹³²
- set out guiding principles that need to be considered when making planning decisions, like those under clause 171(2) of the *Environmental Planning and Assessment Regulation 2021*,¹³³ and/or
- set clear time limits on how long the ministerial declaration can apply, with the option to extend this time period if necessary.¹³⁴

3.22 In contrast, some stakeholders based in the Northern Rivers region expressed concerns about the Authority's perceived reluctance to use their broad powers.¹³⁵ This feedback is notable because the Northern Rivers region is subject to the only ministerial declaration made under Part 5 to date.¹³⁶

¹²⁸ Ms Patricia Macfarlane, Lead Solicitor, Disaster Response and Recovery, the Northern Rivers Community Legal Centre, [Transcript of evidence](#), 16 August 2024, p 53; Mr Aran Matkevich, Solicitor, Disaster Response and Recovery, the Northern Rivers Community Legal Centre, [Transcript of evidence](#), 16 August 2024, p 53.

¹²⁹ Mx Chels Hood Withey, Community Disaster Action Group, [Transcript of evidence](#), 16 August 2024, pp 14, 15; Ms Vicki Staff, Coordinator, Disaster Recovery, Financial Counselling Australia, [Transcript of evidence](#), 16 August 2024, p 23.

¹³⁰ [Submission 15](#), p 2; [Submission 38](#), p 9; [Submission 58](#), p 3; [Submission 62](#), p 7; [Opening statement](#), the Northern Rivers Community Legal Centre (NRCLC), 16 August 2024, p 1; Ms Debra Smith, Deputy Chair, Public Law Committee, the Law Society of New South Wales, [Transcript of evidence](#), 16 August 2024, p 48; Mr Reynolds, [Evidence](#), 23 August 2024, p 6; Dr Howe, [Evidence](#), 23 August 2024, pp 31; Ms Deb Stafford, Manager, Social and Cultural Planning, Byron Shire Council, [Transcript of evidence](#), 23 August 2024, pp 44-45; Dr Brendan Logan, Chief Operating Officer, Lismore City Council, [Transcript of evidence](#), 23 August 2024, p 45; [Answers to supplementary questions](#), NNIC, p 1.

¹³¹ [Submission 15](#), pp 2-3; [Answers to question on notice and supplementary questions](#), Law Society, pp 2-3; [Submission 31](#), p 6; [Submission 38](#), pp 9-10; [Opening statement](#), LGNSW, pp 2, 4;

¹³² [Submission 58](#), p 3; [Submission 62](#), p 7; [Opening statement](#), NRCLC, p 1; [Answer to question on notice](#), Warren Shire Council, 9 September 2024, p 1; Mr Reynolds, [Evidence](#), 23 August 2024, p 8; Dr Howe, [Evidence](#), 23 August 2024, p 31; Mr Panuccio, [Evidence](#), 23 August 2024, p 35.

¹³³ [Submission 58](#), p 3; Mr Reynolds, [Evidence](#), 23 August 2024, p 6.

¹³⁴ [Submission 58](#), p 3; [Submission 15](#), p 3; [Answers to supplementary questions](#), NNIC, p 1.

¹³⁵ [Submission 2](#), Name Suppressed, p 1; [Submission 67](#), Lismore City Council, pp 4-5.

¹³⁶ Ms Catherine Baxter, General Counsel, NSW Reconstruction Authority, [Transcript of evidence](#), 16 September 2024, p 18.

- 3.23 Lismore City Council told us their 'most significant criticism' of the Act and the Authority was the Authority's 'discernible reluctance' to use their powers after a ministerial declaration under Part 5 of the Act. Dr Brendan Logan, Chief Operating Officer, Lismore City Council, said that, while he understood the purpose of these powers was to force an outcome following discussions, this had not been achieved in his experience.¹³⁷ Lismore City Council recommended that the *NSW Reconstruction Authority Regulation 2023* be amended to clarify the Authority's obligations and to require them to act in certain circumstances, to give the Authority certainty and assurance when using their powers.¹³⁸
- 3.24 The Committee notes that this perceived reluctance to exercise the powers under Parts 5 to 7 of the Act reflects the evidence given by Ms Debra Smith, Deputy Chair of the Public Law Committee, the Law Society of New South Wales. Ms Smith told us that:
- ... the breadth of discretion could actually contribute to other unintended consequences, such as a reluctance to use the provisions due to lack of confidence in their wide support, suggestions of overreach, or potential challenging of an order, which would undermine the purpose of the Act to deliver speedy support and assistance.¹³⁹
- 3.25 The Committee agrees that the Act gives the Minister and the Authority many broad discretionary powers, particularly under Parts 5 to 7 of the Act. We acknowledge the concerns expressed by stakeholders regarding these powers, and note that the Legislation Review Committee also flagged similar concerns about those provisions in the *NSW Reconstruction Authority Bill 2022* ('the Bill'), which became the Act upon assent.¹⁴⁰
- 3.26 However, the Committee believes it is important to consider the terms of the Act that provide these powers within the context of their practical implementation. This is considered below.

Limited exercises of the broad powers under the Act

- 3.27 As discussed in Chapter One, the primary object under section 3 of the Act is broad and far-reaching. Given 'the breadth and complexity of this primary object', the Authority argued that the wide range of powers and functions available under the Act, including Parts 5 to 7, are 'necessary and appropriate to effectively achieve these goals'.¹⁴¹ The Authority told us that the broad powers give them the necessary 'tools and authority' to navigate disaster management through a 'holistic approach', and 'ensures that we can deliver on what the Act sets out to deliver'.¹⁴²

¹³⁷ [Submission 67](#), p 5; Dr Logan, [Evidence](#), 23 August 2024, p 45.

¹³⁸ [Submission 67](#), p 11.

¹³⁹ Ms Smith, [Evidence](#), 16 August 2024, p 48.

¹⁴⁰ Parliament of New South Wales, Legislation Review Committee, [Legislation Review Digest No. 51/57](#), 15 November 2022, pp 39-41, 44-46.

¹⁴¹ [Submission 70](#), NSW Reconstruction Authority, p 13.

¹⁴² Ms Joanna Quilty, Acting Chief Executive Officer, NSW Reconstruction Authority, [Transcript of evidence](#), 16 September 2024, p 14; [Submission 70](#), p 13.

3.28 At the time of writing, the powers under Parts 5 to 7 of the Act have only been exercised twice since the Authority was established.¹⁴³ This includes:

- In June 2023, seven local government areas (LGAs) in the Northern Rivers region impacted by the catastrophic floods in 2022 were declared a 'reconstruction area' under section 40 of the Act.¹⁴⁴
- In July 2024, the Minister for Planning and Public Spaces made a ministerial authorisation order under section 68, to authorise the reconstruction of the Broadwater Public School in the Northern Rivers reconstruction area without needing to follow the approval process under the *Environmental Planning and Assessment Act 1979* (the 'EP&A Act').¹⁴⁵ This is discussed in the case study below.

Case study: Broadwater Public School ministerial authorisation order¹⁴⁶

Broadwater Public School was significantly damaged by the catastrophic floods that impacted the Northern Rivers region in 2022. This meant local students were not able to attend the school and had to travel out of their area for their schooling.

On 11 July 2024, the Authority and the Minister for Planning and Public Spaces made a ministerial authorisation order under section 68 of the *NSW Reconstruction Authority Act 2022*. This order authorised the reconstruction of the Broadwater Public School in the Northern Rivers ahead of the 2025 school year, under the conditions specified in Schedule 2 of the order.

Under section 68 of the Act, the Minister can only make an authorisation order in certain circumstances. In the case of Broadwater Public School, the authorisation could be ordered because the school was located in one of the local government areas within the Northern Rivers Reconstruction Area, which was declared by the Minister under Part 5 of the Act in 2023. The Authority argued the enhanced planning powers needed to be exercised because the necessary planning approvals under the state's planning framework could not be secured in time for the 2025 school year.

3.29 We heard that these significant powers ensure the Authority and relevant stakeholders can act quickly when required. The Authority referred the Committee to the recent Broadwater Public School ministerial authorisation order power under Part 7, as an example.¹⁴⁷ In the case of the Broadwater Public School reconstruction, using the ministerial authorisation powers allowed the Authority to undertake the development without undergoing the approval process under the EP&A Act.¹⁴⁸

¹⁴³ Ms Quilty, [Evidence](#), 16 September 2024, p 18; Ms Baxter, [Evidence](#), 16 September 2024, p 18.

¹⁴⁴ [Submission 70](#), pp 25-26; [Reconstruction Area \(Northern Rivers\) Order 2023](#).

¹⁴⁵ [Submission 70](#), p 26; [Ministerial Authorisation \(Broadwater Public School\) Order 2024](#).

¹⁴⁶ [Submission 70](#), p 26; [NSW Reconstruction Authority Act 2022](#) s 68; [Ministerial Authorisation \(Broadwater Public School\) Order 2024](#).

¹⁴⁷ Ms Quilty, [Evidence](#), 16 September 2024, pp 18-19; Ms Baxter, [Evidence](#), 16 September 2024, pp 18-19.

¹⁴⁸ [Submission 70](#), p 26.

- 3.30 Ms Kristie Chan, Acting Executive Director, Strategic Planning and Policy, Department of Planning, Housing and Infrastructure (DPHI), explained that getting a development approval under the EP&A Act takes time because it involves 'lots of steps that need to be followed', even when an approval outcome is known. She noted that the use of a ministerial authorisation order for Broadwater Public School was 'for expediency'. Ms Chan also highlighted that this order was made with the agreement of stakeholders involved in the process, not to 'overrule any agencies' opinions in that space'.¹⁴⁹
- 3.31 The Committee agrees that the recent case of Broadwater Public School provides an example of how the exercise of the broad powers under Parts 5 to 7 may help implement the objects of the Act. However, we note that the concerns that stakeholders expressed about these powers were primarily concerned with ensuring that the Authority's quick decisions did not lead to long-term complications.
- 3.32 In considering the appropriateness of the provisions in Parts 5 to 7, the Committee also acknowledges that there have only been two practical examples of the use of these powers to draw from.
- 3.33 This may reflect the evidence we heard from DPHI and the Authority, which stressed that the powers are treated as a 'last resort'.¹⁵⁰ Ms Catherine Baxter, General Counsel for the Authority, told us that where there is an alternative statutory power or government process, they will follow that alternative process first.¹⁵¹ Similarly, Mr Steve Hartley, Executive Director, Resilience and Sustainability, DPHI, said that, when engaging with the Authority, the department works on the principle that the powers under the Act are a 'last resort'.¹⁵²
- 3.34 Relevantly, Mr Nathan Vincent, Director, Emergency Management, Policy and Coordination, Premier's Department, said that the powers of the Act 'were established after a catastrophic event'. He noted that it is difficult to confirm the necessity of the powers because 'it's difficult to make assumptions about when and whether that will happen again'.¹⁵³
- 3.35 Given the infrequent use of these powers to date and the fact NSW has not been impacted by a catastrophic disaster since 2022, we do not think there has been enough time and experience with these provisions to adequately assess their appropriateness. For this reason, the Committee does not recommend any substantive amendments to Parts 5 to 7 of the Act at this point in time. However, we note that these provisions may still be considered in any later review of the

¹⁴⁹ Ms Kristie Chan, Acting Executive Director, Strategic Planning and Policy, Department of Planning, Housing and Infrastructure, [Transcript of evidence](#), 16 September 2024, p 27.

¹⁵⁰ Ms Quilty, [Evidence](#), 16 September 2024, p 14; Ms Baxter, [Evidence](#), 16 September 2024, p 14; Mr Steve Hartley, Executive Director, Resilience and Sustainability, Department of Planning, Housing and Infrastructure, [Transcript of evidence](#), p 27.

¹⁵¹ Ms Baxter, [Evidence](#), 16 September 2024, pp 18-19.

¹⁵² Mr Hartley, [Evidence](#), p 27.

¹⁵³ Mr Nathan Vincent, Director, Emergency Management, Policy and Coordination, Premier's Department, [Transcript of evidence](#), 16 September 2024, p 33.

Act, and in any review of the operations of the Authority conducted by this Committee.

The powers under Parts 5 to 7 were modelled off the Queensland Reconstruction Authority

Finding 5

The broad powers of the Minister for Planning and Public Spaces and the NSW Reconstruction Authority, under Parts 5 to 7 of the *NSW Reconstruction Authority Act 2022*, mirror largely identical powers under the *Queensland Reconstruction Authority Act 2011* (Qld).

- 3.36 In line with the recommendations of the NSW Independent Flood Inquiry (the 'Flood Inquiry') report, the Act was modelled on the *Queensland Reconstruction Authority Act 2011* (Qld) (the 'QRA Act'), which established the Queensland Reconstruction Authority (QRA). The Flood Inquiry specifically recommended that the NSW Government 'use the QRA Act as a model for any cognate NSW legislation'.¹⁵⁴
- 3.37 The Minister stated in their second reading speech for the Bill that, while the provisions of the Act were 'guided by the experiences of our Queensland counterparts', they had been 'tailored' to the regulatory and planning law framework in NSW.¹⁵⁵ The Committee notes that the powers to make ministerial declarations and issue progression notices, notices to decide and step-in notices are almost identical between the *NSW Reconstruction Authority Act 2022* and the QRA Act, with two key differences.¹⁵⁶
- 3.38 Unlike the NSW Act, the QRA Act includes explicit provisions dealing with the impact of ministerial declarations on local government in Queensland and requirements around involving local government.¹⁵⁷ The QRA Act also does not give the Minister any power to suspend other legislation, which is provided in the NSW Act and is considered in more detail later in this Chapter.¹⁵⁸
- 3.39 Both the Flood Inquiry and the then Minister for Planning and Public Spaces acknowledged that the QRA Act gives the QRA broad powers. However, the Flood Inquiry highlighted that adopting these powers in the QRA Act did not involve an 'unprecedented expansion of government powers' because these powers already had a precedent or equivalent in past and current NSW laws.¹⁵⁹
- 3.40 Although Parts 5 to 7 of the Act provide the Minister and the Authority with broad powers which could have far-reaching impacts, the Committee believes

¹⁵⁴ NSW Independent Flood Inquiry, [2022 Flood Inquiry – Volume Two: Full report](#), July 2022, pp 241-249, viewed 24 October 2024; New South Wales, Legislative Assembly, [Parliamentary Debates](#), 9 November 2022 (Anthony Roberts, Minister for Planning, and Minister for Homes); [Queensland Reconstruction Authority Act 2011](#) (Qld).

¹⁵⁵ New South Wales, Legislative Assembly, [Parliamentary Debates](#), 9 November 2022 (Anthony Roberts, Minister for Planning, and Minister for Homes).

¹⁵⁶ [Queensland Reconstruction Authority Act 2011](#) (Qld) ss 42-44, pt 5.

¹⁵⁷ [Submission 15](#), p 2; [Queensland Reconstruction Authority Act 2011](#) (Qld) ss 42-44, 46.

¹⁵⁸ [Queensland Reconstruction Authority Act 2011](#) (Qld) pt 4.

¹⁵⁹ NSW Independent Flood Inquiry, [2022 Flood Inquiry – Volume Two: Full report](#), July 2022, pp 243-244, viewed 24 October 2024; New South Wales, Legislative Assembly, [Parliamentary Debates](#), 9 November 2022 (Anthony Roberts, Minister for Planning, and Minister for Homes).

that the experience of the QRA may provide a good precedent for how these powers may work in practice. We agree that the QRA Act, including its identical powers, is a good model because of the QRA's success in its role as Queensland's disaster preparedness and recovery agency.¹⁶⁰

More transparency in the exercise of the powers and functions under Parts 5 to 7

Recommendation 8

That the *NSW Reconstruction Authority Act 2022* be amended to include a requirement that the NSW Reconstruction Authority provide a report to Parliament annually, which lists all instances where the Authority has exercised its functions and powers under Parts 5 to 7 of the Act.

- 3.41 While we agree the QRA provides a good model for the broad powers under Parts 5 to 7 of the Act, the Committee also notes that, like the NSW Reconstruction Authority ('the Authority'), the QRA has rarely used these broad powers. With limited practical experience to draw from, we agree more transparency around the exercise of these powers is needed.
- 3.42 The Committee notes that the QRA Act includes a mandatory reporting requirement around any actual exercise of the QRA's significant step-in powers. We believe a similar reporting mechanism should be included in the *NSW Reconstruction Authority Act 2022* ('the Act') regarding the powers and functions under Parts 5 to 7.
- 3.43 Mr Sam Toohey, Executive Director, Emergency Management, Premier's Department, observed that the QRA 'has very rarely used its extraordinary powers'.¹⁶¹ As noted in the Bill's second reading speech, the QRA had only exercised its step-in powers three times in the 11-year period from its establishment until 2022.¹⁶²
- 3.44 With limited experience to draw from, we appreciate stakeholders' calls for more clarity on the exercise of these powers. The Authority told us that they issued protocols in August 2023, to guide how they will exercise their statutory powers and functions ('the Protocols').¹⁶³ The Protocols were issued after stakeholders consistently asked for assurance that the Authority will consult and collaborate wherever possible when using their powers.¹⁶⁴
- 3.45 The Protocols set out requirements for staff members of the Authority when exercising any of the statutory powers and functions under the Act. These include requirements for consultation, transparency and engagement, and ensuring that certain factors, existing plans and other emergency management frameworks are

¹⁶⁰ NSW Independent Flood Inquiry, [2022 Flood Inquiry – Volume Two: Full report](#), July 2022, p 243, viewed 24 October 2024

¹⁶¹ Mr Sam Toohey, Executive Director, Emergency Management, Premier's Department, [Transcript of evidence](#), 16 September 2024, p 33.

¹⁶² New South Wales, Legislative Assembly, [Parliamentary Debates](#), 9 November 2022 (Anthony Roberts, Minister for Planning, and Minister for Homes).

¹⁶³ [Submission 70](#), p 24; NSW Reconstruction Authority, [Protocols – exercise of powers and functions under the NSW Reconstruction Authority Act 2022](#) ('Protocols'), August 2023.

¹⁶⁴ [Submission 70](#), p 24.

considered. The Protocols also direct the Authority, if 'reasonably practical', to ensure that directions and notices are as specific as possible and time-limited.¹⁶⁵

- 3.46 However, the Law Society noted that the Protocols were not made under a provision of the Act. The Law Society told the Committee that, while the Protocols may be a 'valuable administrative tool', they are 'merely guidelines'. As a result, the Protocols are not binding and can be overridden by the Act.¹⁶⁶
- 3.47 The Law Society further highlighted that the Protocols do not apply to the Minister, whose control and direction the Authority is subject to in exercising their functions under the Act. They concluded that the Protocols offered 'very limited additional safeguards' around the broad powers under the Act.¹⁶⁷
- 3.48 Few stakeholders mentioned the Protocols in the course of the inquiry. Only Central Coast Council referred to the Protocols, to call for a legislative requirement to follow the objectives of cooperation and transparency.¹⁶⁸ In the Committee's view, this suggests stakeholders may not be aware of the Protocols. For example, Dr Dominic Morgan, Chief Executive, NSW Ambulance, told us he was not 'personally aware' of the Protocols.¹⁶⁹
- 3.49 The Committee acknowledges that the Protocols provide some guidance on how the Authority will approach the exercise of their broad powers under the Act. However, the Protocols set out only high-level guidance and do not deal with stakeholders' concerns about the consequences from exercising the powers under Parts 5 to 7 of the Act.
- 3.50 Given the limited exercise of the significant powers in the short period of time since the Authority's establishment, the Committee is not in a position to properly assess substantive amendments to the provisions in Parts 5 to 7 of the Act. However, we recognise that these broad powers may have significant and far-reaching impacts for affected communities. We also acknowledge stakeholders' uncertainty about the use of these powers.
- 3.51 The Committee believes that this uncertainty may be eased by ensuring greater oversight of the broad powers given to the Minister and the Authority. We support introducing mechanisms to strengthen accountability around the exercise of the powers and functions in Parts 5 to 7 of the Act.
- 3.52 We note that section 58 of the QRA Act requires the QRA to prepare a report about each step-in notice they issue. This report must also be tabled by the Minister for State Development, Manufacturing, Infrastructure and Planning in the Queensland Legislative Assembly.¹⁷⁰
- 3.53 The Committee believes that a similar reporting mechanism should be introduced in the *NSW Reconstruction Authority Act 2022* ('the Act'). We recommend

¹⁶⁵ NSW Reconstruction Authority, [Protocols](#), August 2023, p 6.

¹⁶⁶ [Answers to questions on notice and supplementary questions](#), Law Society, p 4.

¹⁶⁷ [Answers to questions on notice and supplementary questions](#), Law Society, p 4.

¹⁶⁸ [Submission 16](#), Central Coast Council, p 3.

¹⁶⁹ Dr Dominic Morgan, Chief Executive, NSW Ambulance, [Transcript of evidence](#), 16 September 2024, p 11.

¹⁷⁰ [Queensland Reconstruction Authority Act 2011](#) (Qld) s 58.

amending the Act to require the Authority provide a report to the Parliament annually, listing all instances where a power or function under Parts 5 to 7 has been exercised.

The Minister's power to exclude the application of other laws

Summary

The Law Society of NSW expressed concerns about the Minister for Planning and Public Space's power to exclude the application of other laws under Part 5 of the *NSW Reconstruction Authority Act 2022*. As this power has not been exercised yet, these concerns should be considered in any further review of the Act and any review of the Authority's operations where the Minister has exercised this power.

- 3.54 In addition to the general concerns discussed above, the Law Society of NSW expressed alarm about provisions under Part 5 of the Act, which provide for the Minister's declaration powers.¹⁷¹ These specific concerns related to subsections 39(4), 40(3) and 41(4), which state that a ministerial declaration under Part 5:
- ...may also specify that an Act or a statutory instrument does not apply in relation to the declared project, including the circumstances in which the Act or statutory instrument does not apply.¹⁷²
- 3.55 This would effectively allow the Minister, through a declaration under Part 5 of the Act, to exclude specific laws from applying to that 'declared project', 'reconstruction area' or 'disaster prevention area'.¹⁷³
- 3.56 The Law Society argued that the wording of subsections 39(4), 40(3) and 41(4) of the Act 'is unnecessarily broad, and, from the perspective of sound legislative drafting practices, requires clearer definition'.¹⁷⁴ They highlighted that the Act does not define what laws or statutory instruments may be suspended, or the circumstances in which they may be suspended.¹⁷⁵
- 3.57 We heard that this power to exclude laws may raise a number of legal and practical issues. Ms Debra Smith, Deputy Chair of the Public Law Committee, the Law Society of NSW, told us that this power 'is essentially giving the Minister what sometimes is referred to as Henry VIII powers' and described them as 'ministerial power to usurp some of the legislation'.¹⁷⁶

What are 'Henry VIII clauses'?

The UK Parliament defines 'Henry VIII clauses' as 'clauses in a bill that enable ministers to amend or repeal provisions in an Act of Parliament using secondary legislation, which is subject to varying degrees of parliamentary

¹⁷¹ [Submission 15](#), pp 2-3; Ms Smith, [Evidence](#), 16 August 2024, pp 48-50; [Answers to question on notice and supplementary questions](#), Law Society, pp 2, 3-4.

¹⁷² [NSW Reconstruction Authority Act 2022](#) ss 39(4), 40(3), 41(4).

¹⁷³ [NSW Reconstruction Authority Act 2022](#) ss 39-41.

¹⁷⁴ [Submission 15](#), p 2.

¹⁷⁵ [Answers to Questions on Notice and Supplementary Questions](#), Law Society, p 2; Ms Smith, [Evidence](#), 16 August 2024, p 48.

¹⁷⁶ Ms Smith, [Evidence](#), 16 August 2024, p 48.

scrutiny'.¹⁷⁷ These clauses have the potential to allow a Minister to change how laws passed by the Parliament actually operate in practice.

- 3.58 The Law Society also noted that, under constitutional law, there may be Commonwealth laws which have overriding application, even if the Minister exercises this exclusion power. As Ms Smith highlighted, this presents a risk of conflict between the actions taken under a Part 5 ministerial declaration and the overriding Commonwealth laws.¹⁷⁸
- 3.59 The Committee notes that these concerns regarding subsections 39(4), 40(3) and 41(3) of the Act were also raised by the Legislation Review Committee in its report on the *NSW Reconstruction Authority Bill 2022* ('the Bill'), which became the Act upon assent. The Legislation Review Committee also noted that it was unclear if the ministerial declarations made under Part 5 could be disallowed by the Parliament under section 41 of the *Interpretation Act 1987* (the 'Interpretation Act').¹⁷⁹
- 3.60 In their submission, the Law Society recognised that the *NSW Reconstruction Authority Act 2022* was modelled off the *Queensland Reconstruction Authority Act 20211* (Qld), but tailored for the NSW context. However, they highlighted that there was no counterpart power in the Queensland Act which would allow the Minister to suspend the operation of other laws.¹⁸⁰
- 3.61 The Law Society's primary recommendation to the Committee was to remove subsections 39(4), 40(3) and 41(3) from the Act. They also recommended a number of alternative provisions and additional safeguards, if it was anticipated that existing laws might hinder the Authority's work. Notably, the Law Society argued that, if these subsections were to be kept, there should be amendments which would require any ministerial declaration excluding an act or statutory instrument to be subject to disallowance under the Interpretation Act.¹⁸¹
- 3.62 Responding to the concerns raised about the Minister's power to exclude certain acts and statutory instruments, Ms Catherine Baxter, General Counsel for the Authority, told the Committee that the Authority has 'published protocols regarding the exercise of our powers'.¹⁸² However, as highlighted by the Law Society and discussed above, these Protocols do not apply to the Minister and only serve as an administrative tool for Authority staff.¹⁸³
- 3.63 Ms Baxter also told us that the exercise of any statutory power under the Act, including the power to exclude other laws, are still governed by 'administrative

¹⁷⁷ UK Parliament, [Henry VIII clauses](#), viewed 28 October 2024.

¹⁷⁸ [Submission 15](#), pp 2-3; Ms Smith, [Evidence](#), 16 August 2024, p 49.

¹⁷⁹ Parliament of New South Wales, Legislation Review Committee, [Legislation Review Digest No. 51/57](#), 15 November 2022, pp 39-41, 44-46.

¹⁸⁰ [Submission 15](#), p 2.

¹⁸¹ [Submission 15](#), pp 2-3; [Answers to question on notice and supplementary questions](#), pp 3-4.

¹⁸² Ms Baxter, [Evidence](#), 16 September 2024, p 14.

¹⁸³ [Answers to question on notice and supplementary questions](#), Law Society, p 4.

law'. She noted that 'there are rules and processes that must be followed in exercising statutory powers', to which the Authority must also have regard.¹⁸⁴

- 3.64 The Committee accepts that the exercise of any statutory powers, including the Minister's power to exclude other laws, is subject to existing rules established under common law. However, we note that section 92 of the Act specifically excludes administrative review of the Minister's decisions under the Act. This may mean that any exercise of the power to exclude laws could only be challenged and reviewed on the basis of its legality, through judicial review guaranteed by the Australian Constitution,¹⁸⁵ or on its constitutional validity.
- 3.65 As currently worded, the Committee agrees that subsections 39(4), 40(3) and 41(3) of the Act give the Minister a significant power to suspend existing laws that have been made or approved by the Parliament. This could allow for significant overreach by the Executive of the Parliament's legislating role.
- 3.66 However, as highlighted above, we note that the ministerial declaration power under Part 5 has only been exercised once, to declare the 'Northern Rivers reconstruction area'. That declaration did not exclude any specified acts or statutory instruments from applying. Without practical experience, the Committee does not believe it can properly assess the proportionality of the power under subsections 39(4), 40(3) and 41(3) of the Act. For this reason, we cannot recommend repealing these provisions from the Act.
- 3.67 However, the Committee has recommended that a further review of the Act be carried out later, once five years have passed from the date of assent (Recommendation 1 in Chapter One). We believe that the issues raised regarding subsections 39(4), 40(3) and 41(3) should be considered in that subsequent review of the Act. The Committee will also consider these issues in any review of the Authority's work regarding a disaster which has been subject to a ministerial declaration that excludes other laws.

¹⁸⁴ Ms Baxter, [Evidence](#), 16 September 2024, p 14.

¹⁸⁵ For more about judicial review, see Australian Law Reform Commission, [Traditional Rights and Freedoms – Encroachments by Commonwealth Laws](#), report 129, December 2015, ch 15, pp 414-417.

Disaster preparedness, adaptation and mitigation

Summary

Stakeholders raised concerns that the NSW Reconstruction Authority's objective of disaster prevention, preparedness and adaptation may receive less focus than their objective of disaster recovery and reconstruction. The *NSW Reconstruction Authority Act 2022* gives equal priority to both these primary objects, and there is ongoing preparedness work particularly around the Disaster Adaptation Plans. However, the Authority has been required to focus on responding to frequent and successive disaster events.

Finding 6

The terms of the *NSW Reconstruction Authority Act 2022* give equal priority to the two primary objects under section 3, being 'disaster prevention, preparedness and adaptation' and 'recovery and reconstruction following disasters'. However, since establishment, the NSW Reconstruction Authority has been faced with successive disaster events which have required focus on recovery and reconstruction.

- 3.68 One of the two primary objects of the *NSW Reconstruction Authority Act 2022* ('the Act') is to promote community resilience to the impact of disasters through disaster prevention, preparedness and adaptation measures.¹⁸⁶ There is nothing in the Act that suggests disaster prevention, preparedness and adaptation is not an equal and core focus of the NSW Reconstruction Authority ('the Authority').
- 3.69 Despite this, the Committee heard concerns that the Authority's prevention, preparedness and adaptation role would receive less focus than their responsibilities for disaster recovery and reconstruction. Given the urgent nature of disaster recovery, we acknowledge that achieving a balance between the Act's two primary objects is a difficult and ongoing challenge for the Authority.
- 3.70 The Committee agrees that the Authority's role to prepare, mitigate and adapt to disasters is critical. However, there does not appear to be anything in the Act that prevents or deprioritises the Authority from focusing on disaster prevention, preparedness or adaptation.
- 3.71 The NSW Government is able to issue 'natural disaster declarations' for severe events such as bushfires, floods, storms and severe weather, which is also recognised by the National Emergency Management Authority. We also acknowledge that a significant number of disasters have been declared since the Authority's establishment. As a result, the Authority may have had to pay particular focus on responding to these events.

¹⁸⁶ [NSW Reconstruction Authority Act 2022](#) s 3.

- 3.72 Stakeholders consistently expressed support for the inclusion of 'disaster prevention, preparedness and adaptation' as a primary object of the Act. However, the Committee heard concerns that the Authority needs to make this object a greater priority, when compared to their recovery and reconstruction work.¹⁸⁷ Some inquiry participants commented that the Authority's title might imply that their focus is on post-disaster reconstruction.¹⁸⁸
- 3.73 Inquiry participants called on the Authority to do more to prepare communities for future disasters.¹⁸⁹ Both Sydney Coastal Councils Group and the Community Disaster Action Group (CDAG) told us that the parts of the Act which concern disaster prevention, preparedness and adaptation do not appear to be functioning as intended.¹⁹⁰ Many of the specific concerns raised about the Authority's preparedness, adaptation and mitigation work were operational, such as the different levels of funding committed to disaster recovery compared to disaster preparation and mitigation.¹⁹¹
- 3.74 Some stakeholders expressed concerns that the management of heatwaves in the Authority's mitigation work could be strengthened in the Act. However, the Committee notes that heatwaves are explicitly included as an example of 'natural disaster' under section 6 of the Act.¹⁹²
- 3.75 The Committee also heard concerns that 'droughts' are not included in the definition of 'disaster' under section 6 of the Act.¹⁹³ Witnesses told us that including 'droughts' in the Act would clarify the Authority's responsibility and

¹⁸⁷ [Submission 8](#), Narrabri Shire Council, p 2; [Submission 22](#), Bega Valley Shire Council, p 1; [Submission 26](#), Lake Macquarie City Council, p 1; [Submission 45](#), Western Sydney Regional Organisation of Councils, p 1; [Submission 51](#), Insurance Council of Australia, p 2; [Submission 60](#), Legal Aid NSW, p 2; [Submission 67](#), pp 3-4; Dr Cris Townley, Research Fellow, TeEACH Strategic Research Institute, Western Sydney University Building Resilient Australian Communities project, [Transcript of evidence](#), 16 August 2024, p 18; Ms Kylie MacFarlane, CEO, Insurance Council of Australia, [Transcript of evidence](#), 16 August 2024, p 37; [Submission 19](#), Sydney Coastal Councils Group, p 2; Ms Sarah Joyce, Executive Director, Sydney Coastal Councils Group, [Transcript of evidence](#), 23 August 2024, p 24; [Submission 66](#), Wollongong City Council, p 1; [Opening Statement](#), Wollongong City Council, 22 August 2024, p 1; [Opening statement](#), Central NSW Joint Organisation, 22 August 2024, p 1; [Opening statement](#), Western Sydney Regional Organisation of Councils (WSROC), 21 August 2024, p 2; Mr James Davidson, Principal, JDA Architects, [Transcript of evidence](#), 16 August 2024, pp 33-34; Mr Kerry Robinson OAM, Chief Executive Officer, Blacktown City Council, [Transcript of evidence](#), 23 August 2024, p 15.

¹⁸⁸ Ms Elly Bird, Executive Director, Resilient Lismore, [Transcript of evidence](#), 16 August 2024, p 14; Ms Smith, [Evidence](#), 16 August 2024, p 51; Mr Todd Dickinson, Director, Environment and Open Space, Northern Beaches Council, [Transcript of evidence](#), 23 August 2024, p 24.

¹⁸⁹ [Submission 19](#), p 2; [Submission 34](#), Community Disaster Action Group (CDAG), p 3; [Submission 66](#), p 1; [Submission 49](#), the Hon. Kevin Hogan MP, pp 1-2; [Opening statement](#), Central NSW Joint Organisation, p 1; Ms Joyce, [Evidence](#), 23 August 2024, p 24; [Opening Statement](#), Wollongong City Council, p 1.

¹⁹⁰ [Submission 19](#), p 2; [Submission 34](#), p 3.

¹⁹¹ [Submission 45](#), p 3; [Opening statement](#), Central NSW Joint Organisation, p 1; [Submission 19](#), p 2; Ms Cara Varian, CEO, NSW Council of Social Service, [Transcript of evidence](#), 16 August 2024, p 27; Mr Dickinson, [Evidence](#), 23 August 2024, p 24; Ms Joyce, [Evidence](#), 23 August 2024, p 24.

¹⁹² [Submission 45](#), pp 2-3; Mr Charles Casuscelli, Chief Executive Officer, Western Sydney Regional Organisation of Councils, [Transcript of evidence](#), 23 August 2024, p 18; Mr Kerry Robinson OAM, Chief Executive Officer, Blacktown City Council, [Transcript of evidence](#), 23 August 2024, pp 18-19; .

¹⁹³ [Submission 20](#), Central NSW Joint Organisation, p 2; [Submission 62](#), p 4; [Opening Statement](#), Central NSW Joint Organisation, p 1.

allow communities to consolidate their preparation, planning and response measures.¹⁹⁴

- 3.76 However, the State Disaster Mitigation Plan (SDMP) notes that risks from 'slow-onset disasters such as drought' were deliberately not included in the SDMP.¹⁹⁵ The Committee also notes that drought is not recognised as a 'natural disaster' under the Disaster Recovery Funding Arrangements (DRFA), which provides disaster relief grants jointly funded by the Commonwealth and state.¹⁹⁶ The SDMP highlighted that there are already 'various drought preparedness measures [which] are being progressed across NSW government agencies'.¹⁹⁷
- 3.77 A number of inquiry participants emphasised the importance of flood mitigation and adaptation work, calling on the Authority to prioritise this part of their role and provide more support to councils and communities for flood mitigation.¹⁹⁸ To minimise the risk of flood damage to new homes, Allianz Australia recommended that the SDMP require flood-risk information for new parcels of urban-zoned land be publicly available.¹⁹⁹
- 3.78 Stakeholders supported a 'whole of government' response to mitigation, preparation and adaptation. In particular, the Committee heard this should include collaboration with and support for councils to undertake mitigation and preparedness work at a local level.²⁰⁰ Allianz Australia and Floodplain Management Australia also drew attention to the need for coordination on critical planning decisions across all levels of government levels to protect communities from natural disasters particularly in relation to flood risks.²⁰¹
- 3.79 Ms Catherine Baxter, General Counsel at the Authority, highlighted that the Act 'does speak to preparedness and prevention' and gives the Authority 'substantial powers' to support this work. She explained that disaster preparedness and prevention is a core part of the Authority's primary object under section 3, and of many functions as listed in section 10 of the Act. As discussed above, Ms Baxter

¹⁹⁴ Mr Kent Boyd, General Manager, Parkes Shire Council, and Non-Voting Representative, Central NSW Joint Organisation, [Transcript of evidence](#), 23 August 2024, p 12; Mrs Julie Briggs, Chief Executive Officer, Riverina Eastern Regional Organisation of Councils, [Transcript of evidence](#), 23 August 2024, pp 55-56.

¹⁹⁵ NSW Reconstruction Authority, [State Disaster Mitigation Plan 2024-2026](#), February 2024, p 25, viewed 25 October 2024.

¹⁹⁶ National Emergency Management Authority, [Disaster Recovery Funding Arrangements 2018](#), 2018, p 7, viewed 8 November 2024.

¹⁹⁷ NSW Reconstruction Authority, [State Disaster Mitigation Plan 2024-2026](#), February 2024, p 25, viewed 25 October 2024.

¹⁹⁸ [Submission 49](#), pp 1-2; [Submission 51](#), pp 3-4; [Submission 55](#), Northern Beaches Council, pp 3-4; [Submission 23](#), Floodplain Management Australia, pp 1-2; [Submission 24](#), Allianz Australia, p 3.

¹⁹⁹ [Answers to supplementary questions](#), Allianz Australia, 3 September 2024, p 1.

²⁰⁰ Ms Kate Miranda, NSW State Director, Australian Red Cross, [Transcript of evidence](#), 16 August 2024, p 2; [Submission 22](#), pp 2-3; [Submission 57](#), Mr Charles Casuscelli RFD, pp 1-2; [Opening Statement](#), WSROC, p 3; [Submission 24](#), p 3; Mr Michael Were, Executive Director—Fundraising, Marketing and Stakeholder Relations, Lifeline Direct, [Transcript of evidence](#), 16 August 2024, p 19; Dr Townley, [Evidence](#), 16 August 2024, pp 19-20; Ms Erika Pawley, Director, Projects, Leamac Property Group, and Moore Point Joint Landowners Group, [Transcript of evidence](#), 16 August 2024, p 32; [Answer to supplementary questions](#), Floodplain Management Australia, 5 September 2024, p 1.

²⁰¹ [Submission 23](#), p 6; [Submission 24](#), p 3; [Answers to supplementary questions](#), Allianz Australia, p 1.

also noted that Parts 5 to 7 of the Act include broad powers in relation to 'disaster prevention areas'.²⁰²

- 3.80 Ms Baxter told us that it is not necessarily productive to compare the number of sections dedicated to 'preparedness' and 'prevention' or to count the times each are mentioned in the Act. She noted that the primary objects of the Act make it 'clear' that 'mitigation, adaptation and prevention of disasters is very much a primary object'.²⁰³
- 3.81 Other witnesses similarly observed that the Act does provide for the necessary focus on this object, but the Authority needs time to implement that work. Ms Erika Pawley, Director, Projects, Leamac Property Group and Moore Point Joint Landowners Group, told us that 'the legislation is there' regarding 'resilience, adaptation and coordination of whole-of-government responses'. Rather, these areas just need to be 'focused on' and that it was 'all in the implementation now'.²⁰⁴
- 3.82 Regarding implementation, the Authority highlighted a number of significant preparedness and mitigation projects and initiatives that they have recently undertaken. This includes the recent release of the SDMP in February 2024, followed by the draft Disaster Adaptation Plan (DAP) Guidelines in July 2024.²⁰⁵
- 3.83 The SDMP identifies areas at higher risk of significant natural disasters, and sets out options and actions to mitigate risk, increased preparedness and address policy gaps. The SDMP will be supported by DAPs, which will provide place-based planning for local areas across the state.²⁰⁶ The Authority confirmed they are developing regional DAPs for the Northern Rivers and Hawkesbury-Nepean Valley regions.²⁰⁷
- 3.84 Stakeholders were broadly supportive of the SDMP and upcoming DAPs as key actions towards disaster mitigation and preparation.²⁰⁸ To ensure the success of these plans, stakeholders recommended that the Authority:
- ensure that the implementation of the SDMP and DAPs are adequately funded, particularly for local governments,²⁰⁹

²⁰² Ms Baxter, [Evidence](#), 16 September 2024, p 22.

²⁰³ Ms Baxter, [Evidence](#), 16 September 2024, p 22.

²⁰⁴ Mr Tim Mackney, Board Director, Institute of Public Works Engineering Australasia NSW and ACT, [Transcript of evidence](#), 16 August 2024, p 32; Ms Pawley, [Evidence](#), 16 August 2024, p 32; Mr Davidson, [Evidence](#), 16 August 2024, p 32.

²⁰⁵ [Submission 70](#), pp 14-15; Ms Quilty, [Evidence](#), 16 September 2024, p 21.

²⁰⁶ [State Disaster Mitigation Plan 2024-2026](#), p 17.

²⁰⁷ [Submission 70](#), p 15.

²⁰⁸ [Submission 19](#), p 2; [Submission 26](#), p 1; [Submission 51](#), p 2; [Submission 55](#), p 3; [Submission 67](#), p 15; Mr Danny Rose, Deputy President, Floodplain Management Australia, [Transcript of evidence](#), 16 August 2024, p 32.

²⁰⁹ Ms Joyce, [Evidence](#), 23 August 2024, p 21; Mr Ben Fallowfield, Co-ordinator, Resilience and Emergency Management, Northern Beaches Council, [Transcript of evidence](#), 23 August 2024, p 21; Mr David Clarke, Acting Chief Executive Officer, Newcastle City Council, [Transcript of evidence](#), 23 August 2024, p 29; Ms Donna Ausling, Director, Planning and Sustainability, Narrabri Shire Council, [Transcript of evidence](#), 23 August 2024, p 40; Mr Nathan McBriarty, Manager, Infrastructure Strategy and Planning, Wollongong City Council, [Transcript of evidence](#),

- ensure that DAPs are locally led and/or delivered at an appropriate scale,²¹⁰
 - consider existing disaster plans and preparation work, particularly those prepared by local governments and emergency management organisations, to prevent duplication.²¹¹
- 3.85 The Authority also told us that their dedicated preparedness division commenced in February 2024. As Ms Joanna Quilty, Acting CEO of the Authority, remarked, they are 'at the early stage of just having put out a State Disaster Mitigation Plan' and that the DAP process 'is also in its infancy'.²¹² The Authority argued that:
- At this early stage, the preparedness functions in the Act appear sufficient to effectively enhance community preparedness in NSW.²¹³
- 3.86 The Committee recognises that the Authority has recently taken important steps to implement its planning and preparation functions. It is clear that preparedness and prevention is, and will remain, essential to the Authority's role in disaster management across NSW. The Committee agrees that the Act, through the primary object under section 3, gives equal priority to this role alongside the Authority's disaster recovery and reconstruction role.
- 3.87 Additionally, the Committee recognises that the SDMP was recently released in February 2024, and that the DAP process is still ongoing at the time of writing. Under section 34 of the Act, the Authority is required to report to the Minister on the SDMP's implementation by 2027.
- 3.88 However, we acknowledge stakeholders' concerns about the Authority's focus on disaster response and recovery. We agree with Narrabri Shire Council, who noted that the focus of the Authority may have 'shifted following a series of recent natural disasters'.²¹⁴ The Authority has been faced with successive disaster events that they have had to respond to, according to their statutory functions. At the time of writing, NSW has been the subject of 45 natural disaster declarations since 2023.²¹⁵
- 3.89 The Authority explained that they have funding responsibility for disaster recovery measures, which is automatically activated by a natural disaster declaration. As the Authority highlighted, they far exceeded their annual

23 August 2024, p 51; [Submission 19](#), p 2; [Submission 22](#), p 2; [Submission 27](#), Byron Shire Council, p 4; [Submission 55](#), p 3; [Submission 56](#), Wollondilly Shire Council, p 2.

²¹⁰ Mr McMahon, [Evidence](#), 23 August 2024, p 5; Mr Dickinson, [Evidence](#), 23 August 2024, p 26; Ms Ausling, [Evidence](#), 23 August 2024, p 39; Mr McBriarty, [Evidence](#), 23 August 2024, p 51; [Submission 27](#), p 4.

²¹¹ Mr McMahon, [Evidence](#), 23 August 2024, p 5; Mr McBriarty, [Evidence](#), 23 August 2024, p 51; [Submission 19](#), pp 2-3.

²¹² [Submission 70](#), p 19; Ms Quilty, [Evidence](#), 16 September 2024, p 21.

²¹³ [Submission 70](#), p 19.

²¹⁴ [Submission 8](#), p 2.

²¹⁵ NSW Government, [Natural disaster declarations from financial year 2022-23](#), 18 April 2024, viewed 28 October 2024; NSW Government, [Natural disaster declarations from financial year 2023-24](#), 26 July 2024, viewed 28 October 2024; NSW Government, [Natural disaster declarations from financial year 2024-25](#), viewed 28 October 2024.

provisional budget allocation for NSW disaster relief funding in the 2023-2024 financial year, 'due to the unprecedented number of natural disaster events'.²¹⁶

- 3.90 The Committee expects that stakeholders' concerns about the Authority's planning and mitigation work might be addressed as the SDMP is implemented and DAPs are prepared for regions across NSW. We also expect that any concerns arising from these processes can be raised by stakeholders during the review of the SDMP under section 34 of the Act.
- 3.91 However, as discussed in Chapter 1, the Committee's functions under section 93 of the Act do not explicitly include a review of the Authority's prevention, preparedness and adaptation functions. If the Committee's scope was broadened to include reviewing disaster prevention and preparedness work, we believe this could provide appropriate oversight of the implementation of these functions. Therefore, we have recommended that section 93 be amended to allow the Committee to review the Authority's work relating to disaster prevention, preparedness and adaptation (Recommendation 2 in Chapter One).

²¹⁶ [Submission 70](#), p 70.

Chapter Four – Matters not explicitly recognised in the Act

Principles relating to disaster mitigation, preparedness, reconstruction and recovery

Summary

Inquiry participants recommended a number of principles which related to disaster mitigation, preparedness, reconstruction and recovery be included in the *NSW Reconstruction Authority Act 2022*. However, there is insufficient evidence to assess how legislating these principles would meaningfully impact the Act's implementation. These principles should be considered in any future review of the Act.

Recommendation 9

That the NSW Government ensure that any future review of the *NSW Reconstruction Authority Act 2022* also consider whether the Act should include explicit references to the following principles:

- **Aboriginal and Torres Strait Islander self-determination and culturally appropriate emergency management,**
- **the cumulative impacts of disasters,**
- **psychological wellbeing and trauma-informed approaches,**
- **community-centred/place-based approaches,**
- **social infrastructure or capital,**
- **ecologically sustainable development, social justice and intergenerational equity.**

4.1 A number of stakeholders recommended amending the *NSW Reconstruction Authority Act 2022* ('the Act') to include or refer to certain principles that must guide the functions of the NSW Reconstruction Authority ('the Authority'). Inquiry participants drew the Committee's attention to the following principles:

- Aboriginal and Torres Strait Islander self-determination and culturally appropriate emergency management,
- the cumulative impacts of disasters,
- psychological wellbeing and trauma-informed responses,
- community-centred/place-based approaches,
- social infrastructure or capital, and

- ecologically sustainable development, social justice and intergenerational equity.
- 4.2 Each of the principles listed above are outlined and considered in this chapter.
- 4.3 The Committee notes that the terms of the Act do not limit the Authority from considering these principles in the administration of their functions. It is not clear whether including these principles in the Act will have meaningful impact on the Authority's functions.
- 4.4 However, as discussed in Chapter One, the Committee acknowledges that the Authority was only recently established. Therefore, there is limited experience to draw from to assess whether explicit recognition of certain principles will have practical benefits. We also recognise that many of these principles highlighted by stakeholders may already be incorporated in other NSW laws.
- 4.5 The Committee has recommended that another review of the Act be done after five years have passed from the date of assent (Recommendation 1 in Chapter One). We also recommend that any further review of the Act consider whether it should be amended to include explicit references to the above-listed principles.

Aboriginal and Torres Strait Islander self-determination and culturally appropriate disaster management

- 4.6 Some stakeholders expressed concerns about the absence of references to First Nations by the Authority.²¹⁷ The NSW Council of Social Service (NCOSS) highlighted that the Act did not include any specific consideration of 'First Nations people and organisations, including Local Aboriginal Land Councils'.²¹⁸
- 4.7 Ms Cara Varian, CEO, NCOSS, observed that First Nations people are 'many of our most vulnerable' to disasters.²¹⁹ This was echoed by other witnesses, who also noted that the locations in NSW which have been impacted by disasters have often had a significant population of Aboriginal communities.²²⁰
- 4.8 Many inquiry participants recognised the correlation between existing social vulnerabilities and greater disaster impacts. This is discussed in further detail below. Ms Varian called on the Act to include 'an explicit requirement to put special provisions for people experiencing vulnerability, both First Nations people and non-First Nations people'.²²¹

²¹⁷ [Submission 59](#), NSW Council of Social Service, p 8; Ms Jenny Lovric, Senior Manager, Aboriginal Legal Service NSW/ACT, [Transcript of evidence](#), 16 August 2024, p 52.

²¹⁸ [Submission 59](#), p 8.

²¹⁹ Ms Cara Varian, CEO, NSW Council of Social Service, [Transcript of evidence](#), 16 August 2024, p 25.

²²⁰ Ms Ma'ata Solofoni, Senior Solicitor, Disaster Recovery and Insurance, Legal Aid NSW, [Transcript of evidence](#), 16 August 2024, p 52; Ms Lovric, [Evidence](#), 16 August 2024, p 54; Ms Patricia MacFarlane, Lead Solicitor, Disaster Response and Recovery, the Northern Rivers Community Legal Centre, [Transcript of evidence](#), 16 August 2024, p 54; Mr Greg Hill, General Manager, Central Darling Shire Council, [Transcript of evidence](#), 23 August 2024, p 11; Mr Sylvester Otieno, Divisional Manager, Engineering Services, Warren Shire Council, [Transcript of evidence](#), 23 August 2024, p 41.

²²¹ Ms Varian, [Evidence](#), 16 August 2024, p 25.

- 4.9 The Black Dog Institute's report on the mental health impacts of floods found that Aboriginal and Torres Strait Islander people were more likely to be evacuated or displaced from their homes. Additionally, Aboriginal and Torres Strait Islander people 'were more likely to report probable depression and anxiety compared to non-Indigenous Australians'.²²²
- 4.10 A number of inquiry participants called for greater inclusion of First Nations people and knowledge in disaster management.²²³ In their submission, NCOSS suggested Aboriginal communities and non-government organisations (NGOs) should be consulted, to consider how emergency management legislation and plans could:
- ...better reflect the priorities and issues of concern to First Nations people and support culturally appropriate and inclusive practice across all phases of disaster management.²²⁴
- 4.11 Both NCOSS and the Aboriginal Legal Service NSW/ACT (ALS) referred to the commitments to Aboriginal and Torres Strait Islander self-determination under the National Agreement on Closing the Gap (the 'National Agreement on CTG'). They highlighted the need to better reflect these commitments in government decision-making.²²⁵ The ALS suggested that there is opportunity for greater consistency between the Act and the National Agreement on CTG by acknowledging that Aboriginal and Torres Strait Islander people are best placed to make decisions about matters that impact them, including disaster preparedness and recovery.²²⁶
- 4.12 While she acknowledged that the NSW Reconstruction Advisory Board does include an Aboriginal or Torres Strait Islander member, Ms Jenny Lovric, Senior Manager, ALS, noted that the Authority's functions under section 10 of the Act are silent on supporting self-determination by Aboriginal communities. She proposed 'inserting something specific into the objects' of the Act that would demonstrate commitment to the principles under the National Agreement on CTG.²²⁷
- 4.13 The ALS highlighted that there is the opportunity for Aboriginal community-controlled organisations (ACCOs) to lead disaster preparedness and recovery for First Nations people. They recommended that the Authority provide culturally safe support to Aboriginal communities impacted by disaster through engagement with and funding for ACCOs.²²⁸

²²² Black Dog Institute, [Mental health impact of floods](#), March 2021, p 2, viewed 9 October 2024.

²²³ [Opening statement](#), Community Disaster Action Group (CDAG), 14 August 2024, pp 2-3; [Submission 59](#), p 8; Ms Donna Ausling, Director, Planning and Sustainability, Narrabri Shire Council, [Transcript of evidence](#), 23 August 2024, p 40; Mrs Julie Briggs, Chief Executive Officer, Riverina Eastern Regional Organisation of Councils, [Transcript of evidence](#), 23 August 2024, p 57.

²²⁴ [Submission 59](#), p 8.

²²⁵ Ms Varian, [Evidence](#), 16 August 2024, p 25; [Opening statement](#), Aboriginal Legal Service (ALS) NSW/ACT, 15 August 2024, p 3; Ms Lovric, [Evidence](#), 16 August 2024, p 52.

²²⁶ [Opening statement](#), ALS NSW/ACT, p 3; Ms Lovric, [Evidence](#), 16 August 2024, p 52.

²²⁷ Ms Lovric, [Evidence](#), 16 August 2024, p 52.

²²⁸ [Opening statement](#), ALS NSW/ACT, pp 2, 3-4; Ms Lovric, [Evidence](#), 16 August 2024, p 55.

- 4.14 Ms Lovric emphasised that a key element of self-determination for Aboriginal and Torres Strait Islander people is 'the right to access culturally safe services from an [ACCO]'. The ALS emphasised Priority Reform 2 of the National Agreement on CTG, which acknowledges that Aboriginal and Torres Strait Islander community-controlled services achieve better results for Aboriginal and Torres Strait Islander people.²²⁹

The cumulative impacts of disasters

- 4.15 Professor Ann Dadich, Western Sydney University, Building Resilient Australian Communities project, highlighted the finding from the Royal Commission into National Natural Disaster Arrangements that:
- Concurrent and consecutive hazard events increase the pressure on exposed and vulnerable communities. Each subsequent hazard event can add to the scale of the damage caused by a previous hazard event.²³⁰
- 4.16 The Committee notes that the National Disaster Risk Reduction Framework also highlights that disasters can have 'long term, complex, and intangible' impacts. The Framework states that 'we are only now beginning to fully understand indirect, flow on and cumulative effects of disasters'.²³¹
- 4.17 Stakeholders highlighted that already vulnerable individuals and communities are disproportionately affected by disasters.²³² Professor Dadich noted that the impacts of a disaster can be exacerbated by 'ongoing hardship'.²³³
- 4.18 The National Resilience Taskforce reported that new vulnerabilities can be created when catastrophic natural disasters happen. This can place additional pressure on individuals and communities already experiencing hardship. The Taskforce also noted that, where regulatory authorities and formal controls are inadequate to address the needs of individuals and communities, it can make people more vulnerable.²³⁴
- 4.19 Healthy North Coast highlighted that the increased frequency and severity of disasters will have cumulative effects, particularly on people already experience vulnerability.²³⁵ The NSW Council of Social Service (NCOSS) told us that the Act:
- ... fails to address the intersection of social disadvantage and disaster vulnerability and ascribe functions to explore and mitigate the compounding impacts [on] social vulnerabilities.²³⁶

²²⁹ Ms Lovric, [Evidence](#), 16 August 2024, p 55; [Opening statement](#), ALS NSW/ACT, p 2.

²³⁰ [Submission 9](#), Professor Ann Dadich, p 3; quoting Royal Commission into National Natural Disaster Arrangements, [Report](#), 28 October 2020, p 55.

²³¹ Commonwealth of Australia, [National Disaster Risk Reduction Framework](#), 2018, p 5, viewed 31 October 2024.

²³² [Submission 59](#), p 8; [Submission 9](#), pp 2-3; [Submission 12](#), Lifeline Australia, p 4; [Submission 68](#), Healthy North Coast, p 2.

²³³ [Submission 9](#), p 2.

²³⁴ National Resilience Taskforce, [Profiling Australia's Vulnerability: The interconnected causes and cascading effects of systemic disaster risk](#), 2018, pp 13, 19.

²³⁵ [Submission 68](#), pp 1-2.

²³⁶ [Submission 59](#), p 8.

- 4.20 Wollongong City Council also called for cumulative physical impacts of disasters to be taken into account during emergency and reconstruction efforts. The Council highlighted the risk of landslip as one example of a 'cumulative impact' of a disaster event. Using the example of a recent storm, they stated that subsequent rain events have extended landslip risk in their region even after the initial 'storm event'.²³⁷

Psychological wellbeing and trauma-informed approach

- 4.21 Inquiry participants highlighted the non-physical impacts of traumatic events like natural disasters. In particular, many emphasised the serious impacts of disasters on the mental health and psychological wellbeing of affected communities.²³⁸
- 4.22 A report by the Black Dog Institute into the mental health impacts of floods noted that short-term psychological distress is expected for affected people, and that mental health problems 'will persist for a significant minority' of those individuals. Communities facing multiple disasters in a short time are more vulnerable to long-term mental health impacts.²³⁹
- 4.23 Lifeline Australia highlighted past research that disasters can have long-term mental health impacts and 'the risk of suicide increases in the aftermath'.²⁴⁰ Ms Kate Miranda, NSW State Director, Australian Red Cross, told the Committee that disaster recovery can be complex due to the psychological distress faced by people impacted by a disaster.²⁴¹
- 4.24 The Committee acknowledges the submissions received from several individuals who were impacted by the 2022 catastrophic floods in the Northern Rivers. Their submissions outlined the floods' serious impacts on their mental health and how that trauma negatively affected their ability to make decisions in the aftermath of the floods.²⁴²
- 4.25 Lifeline Australia emphasised that mental health and psychological wellbeing need to be prioritised across the Authority's functions.²⁴³ Some inquiry participants recommended amending the Act to reflect the fundamental importance of supporting and promoting the psychological wellbeing of individuals and communities after a disaster.²⁴⁴
- 4.26 The Community Disaster Action Group (CDAG) called for changes to section 10 of the Act, which would require 'consideration and mitigation of long-term social

²³⁷ [Submission 66](#), Wollongong City Council, p 3; Mr Nathan McBriarty, Manager, Infrastructure Strategy and Planning, Wollongong City Council, [Transcript of evidence](#), 23 August 2024, pp 51-52.

²³⁸ [Opening statement](#), Lifeline Australia, 16 August 2024, p 1; [Submission 12](#), p 4; [Submission 59](#), pp 3-4; [Submission 68](#), pp 8; [Opening statement](#), Local Government NSW, 21 August 2024, p 3; Ms Kate Miranda, NSW State Director, Australian Red Cross, [Transcript of evidence](#), 16 August 2024, p 3.

²³⁹ Black Dog Institute, [Mental health impact of floods](#), March 2021, p 2.

²⁴⁰ [Submission 12](#), p 4; [Opening statement](#), Lifeline Australia, p 1.

²⁴¹ Ms Miranda, [Evidence](#), 16 August 2024, p 5.

²⁴² [Submission 3](#), Name suppressed, p 1; [Submission 43](#), Ms Marnee Wong, p 1; [Submission 53](#), Marion Conrow, p 2.

²⁴³ [Opening statement](#), Lifeline Australia, p 1; [Submission 12](#), p 3.

²⁴⁴ [Submission 12](#), p 3; [Opening statement](#), Lifeline Australia, p 1; [Submission 68](#), p 1; [Opening statement](#), CDAG, p 3.

and economic impacts in all disaster recovery planning'.²⁴⁵ Lifeline Australia proposed inserting terms relating to 'supporting the psychological wellbeing of disaster affected communities' in a number of different sections of the Act.²⁴⁶

- 4.27 Dr Anna Brooks, Chief Research Officer, Lifeline Australia, also suggested the Authority should have a greater role in providing access to mental health support programs and agencies for people impacted by disasters.²⁴⁷ CDAG also recommended adding 'comprehensive provisions' to section 10 of the Act:

... for long-term mental health support and community resilience building, extending beyond immediate disaster response to address ongoing trauma and community needs.²⁴⁸

- 4.28 Some witnesses suggested that the Authority have a role in coordinating a whole-of-government response to handle the mental health needs of disaster affected communities.²⁴⁹ Mr Michael Were, Executive Director, Fundraising, Marketing and Stakeholder Relations, Lifeline Direct, observed that there may be confusion about whether the Authority or NSW Health was responsible for providing support for the psychological wellbeing of communities. He stated that the Act does not allow the Authority 'to understand their place', particularly in relation to long-term mental health and wellbeing issues in long-term recovery.²⁵⁰

- 4.29 Healthy North Coast drew attention to the recovery services delivered in the Northern Rivers region following the 2022 catastrophic floods. They were concerned that the engagement by the Authority's frontline staff did not have 'trauma-informed' processes or approaches, resulting in reports of distress from some community members.²⁵¹

What is trauma informed practice?²⁵²

Mental Health Australia defines 'trauma informed practice' as a 'strengths-based framework'. They note that it is based on five principles:

- safety,
- trustworthiness,
- choice,
- collaboration and empowerment, and
- respect for diversity.

Trauma informed services are designed to 'do no harm'—that is, the delivery of those services do not re-traumatise or blame survivors for their

²⁴⁵ [Opening statement](#), CDAG, p 3.

²⁴⁶ [Opening statement](#), Lifeline Australia, p 1; [Submission 12](#), p 3.

²⁴⁷ Dr Anna Brooks, Chief Research Officer, Lifeline Australia, [Transcript of evidence](#), 16 August 2024, p 17.

²⁴⁸ [Opening statement](#), CDAG, p 3.

²⁴⁹ Mr Michael Were, Executive Director—Fundraising, Marketing and Stakeholder Relations, Lifeline Direct, [Transcript of evidence](#), 16 August 2024, p. 19; Dr Cris Townley, Research Fellow, TeEACH Strategic Research Institute, Western Sydney University Building Resilient Australian Communities project, [Transcript of evidence](#), 16 August 2024, p 19.

²⁵⁰ Mr Were, [Evidence](#), 16 August 2024, p. 19

²⁵¹ [Submission 68](#), p 8.

²⁵² Mental Health Australia, [Trauma informed practice](#), 4 February 2021, viewed 1 November 2024.

management of their traumatic reactions. These services also recognise the uniqueness of each individual.

Implementing trauma informed practice requires an understanding of 'the dynamics of traumatic stress, survivors in the context of their lives and the role of coping strategies.'

- 4.30 Ms Miranda agreed that it was 'absolutely critical' that the Authority undertake communication through a trauma-informed approach. She observed that, during disaster recovery, impacted people are 'highly distressed' and 'might need help understanding what financial assistance or psychosocial assistance is available'.²⁵³
- 4.31 Mrs Iliada Bolton, Director, Business and Governance, Bega Valley Shire Council, also described their region's experience following the 2019-2020 bushfires. They told us that affected community members 'who had gone through some trauma were dealing with a lot of different agencies and they were having to resubmit information all of the time'.²⁵⁴
- 4.32 Witnesses from the NSW State Emergency Service (SES) and NSW Ambulance confirmed that both agencies have a trauma-informed approach to their communications and responses. They supported the Authority taking a similar approach.²⁵⁵
- 4.33 Ms Joanna Quilty, Acting CEO, the Authority, acknowledged that psychological wellbeing impacts, particularly from cumulative disasters, 'need to be front and centre for the Reconstruction Authority' and this is an area where the Authority could improve. However, Ms Quilty questioned whether 'that needs to be more reflected in the Act, or whether it is again about those guiding policies, systems and processes that sit under the Act'.²⁵⁶
- 4.34 Acting Deputy Commissioner Nicole Hogan, SES, stated that she did not have a preference whether a trauma informed approach should be required under the Act or set out in protocols and procedures about how the Authority collaborates.²⁵⁷ Ms Miranda also observed that it was not clear to her how a trauma-informed approach to communication would be included in legislation.²⁵⁸

²⁵³ Ms Miranda, [Evidence](#), 16 August 2024, p 5.

²⁵⁴ Mrs Iliada Bolton, Director, Business and Governance, Bega Valley Shire Council, [Transcript of evidence](#), 23 August 2024, p 60.

²⁵⁵ Acting Deputy Commissioner Nicole Hogan, NSW State Emergency Service, [Transcript of evidence](#), 16 September 2024, p 11; Dr Dominic Morgan, Chief Executive, NSW Ambulance, [Transcript of evidence](#), 16 September 2024, p 11.

²⁵⁶ Ms Joanna Quilty, Acting Chief Executive Officer, NSW Reconstruction Authority, [Transcript of evidence](#), 16 September 2024, p 21.

²⁵⁷ Acting Deputy Commissioner Hogan, [Evidence](#), 16 September 2024, p 11.

²⁵⁸ Ms Miranda, [Evidence](#), 16 August 2024, p 5.

Social infrastructure or capital, and community-centred/place-based approaches

- 4.35 Many inquiry participants emphasised the importance of 'social infrastructure', also referred to as 'social capital', for strengthening and maintaining 'community resilience' to disasters.²⁵⁹
- 4.36 Both the Australian Red Cross and Professor Ann Dadich, Building Resilient Australian Communities project, Western Sydney University, highlighted past research that suggests that social resilience is a key part of community resilience. Their submissions noted the connection between social infrastructure and social resilience, by building local networks of trust and therefore social cohesion.²⁶⁰
- 4.37 Ms Joanna Quilty, Acting CEO, the Authority, noted that the State Disaster Mitigation Plan (SDMP) is investigating options for promoting community resilience that included measures relating to 'community preparedness' and 'social cohesion'.²⁶¹ However, a number of stakeholders called for explicit acknowledgement or greater prioritisation in the Act of the relationship between community resilience and social infrastructure.²⁶²
- 4.38 Professor Dadich also recommended that the Act should include a definition of the term 'social infrastructure'. She proposed the following definition for social infrastructure:
- ... social capital networks and community hubs that foster connection and reciprocity in and between communities, sustained through ongoing community development work that is equitable, builds social licence, and supports healing from trauma.²⁶³
- 4.39 Dr Cris Townley told the Committee about how physical and social community hubs can be an effective example of social infrastructure which promotes community resilience to disasters.²⁶⁴
- 4.40 In addition to recognising the importance of social infrastructure, several inquiry participants also emphasised the importance of a community-driven approach to disaster reconstruction and recovery.²⁶⁵ Professor Dadich emphasised the

²⁵⁹ [Submission 9](#), p 2; [Opening statement](#), Western Sydney University, 'Building resilient communities' project, 16 August 2024, pp 1-2; Dr Townley, [Evidence](#), 16 August 2024, p 18; [Submission 32](#), Australian Red Cross, p 4; Ms Miranda, [Evidence](#), 16 August 2024, pp 3-4; [Submission 8](#), Narrabri Shire Council, p 2; Ms Melina Morrison, CEO, Business Council of Co-operatives and Mutuals, [Transcript of evidence](#), 16 August 2024, p 12; Ms Elly Bird, Executive Director, Resilient Lismore, [Transcript of evidence](#), 16 August 2024, p 13; Mr Nicholas Scofield, Chief Corporate Affairs Officer, Allianz Australia, [Transcript of evidence](#), 16 August 2024, p 44; Mr Anthony McMahon, Chief Executive Officer, Bega Valley Shire Council, [Transcript of evidence](#), 23 August 2024, p 4.

²⁶⁰ [Submission 9](#), p 2; [Submission 32](#), p 4.

²⁶¹ Ms Quilty, [Evidence](#), 16 September 2024, p 21.

²⁶² [Submission 9](#), pp 1-2; [Opening statement](#), Western Sydney University, 'Building resilient communities' project, p 1; [Submission 32](#), pp 3, 5; Ms Miranda, [Evidence](#), 16 August 2024, pp 3-4; [Submission 59](#), p 7; [Submission 8](#), p 2; Ms Ausling, [Evidence](#), 23 August 2024, p 40; Ms Morrison, [Evidence](#), 16 August 2024, pp 12, 15-16; Ms Bird, [Evidence](#), 16 August 2024, p 13.

²⁶³ [Opening statement](#), Western Sydney University, 'Building resilient communities' project, p 1.

²⁶⁴ Dr Townley, [Evidence](#), 16 August 2024, pp 19-20, 20-21.

²⁶⁵ [Submission 58](#), Nimbin Neighbourhood and Information Centre Incorporated, pp 2-3, 4; [Opening statement](#), Business Council of Cooperatives and Mutuals (BCCM), p 1; [Submission 63](#), Resilient Lismore, p 2; Ms Staff, [Evidence](#), 16 August 2024, p 22; Ms Natalie Meyer, Manager, Nimbin Neighbourhood and Information Centre,

benefits of letting affected communities 'drive and deliver their own recovery journeys following disasters'. She argued that locally driven recovery ensures resources will be mobilised more efficiently and effectively.²⁶⁶

- 4.41 Local government and NGO stakeholders called for a more holistic approach to disaster preparedness and management with a greater focus on community-centred and place-based approaches.²⁶⁷ Some inquiry participants expressed concerns that the Act does not refer to or require the Authority to take a community-centred or place-based approach in implementing their statutory functions. The Committee heard calls for amendments to the Act to incorporate references to this approach.²⁶⁸

'Ecologically sustainable development', 'social justice' and 'intergenerational equity'

- 4.42 Both Local Government NSW (LGNSW) and Central Coast Council recommended principles already incorporated in planning laws, particularly the *Local Government Act 1993* (the 'LG Act'), should be included in the *NSW Reconstruction Authority Act 2022* ('the Act'). They drew particular attention to the principles of 'ecological sustainable development', 'social justice' and 'intergenerational equity' under section 8A of the LG Act, which applies these principles to local government decision-making.²⁶⁹
- 4.43 Mr David Reynolds, Chief Executive, LGNSW, noted that these principles could provide valuable guidance for the Act and could help the Authority make informed planning decisions for specific areas²⁷⁰.
- 4.44 Dr Alice Howe, Executive Project Advisor, Central Coast Council, suggested that the incorporation of these principles in the Act would encourage the Authority to consider the implications of their decisions more broadly. Wider consideration of the Authority's decisions may lessen the risk of their decisions leading to 'unexpected adverse outcomes'.²⁷¹

[Transcript of evidence](#), 16 August 2024, p 12; Ms Deborah Stafford, Manager, Social and Cultural Planning, Byron Shire Council, [Transcript of evidence](#), 23 August 2024, p 48.

²⁶⁶ [Submission 9](#), p 4.

²⁶⁷ [Submission 59](#), p 10; [Opening statement](#), Western Sydney Regional Organisation of Councils, 21 August 2024, p 3; Ms Morrison, [Evidence](#), 16 August 2024, pp 15-16.

²⁶⁸ [Submission 14](#), City of Coffs Harbour, p 1; [Submission 58](#), pp 2-3; Professor Ann Dadich, Professor, School of Business, Western Sydney University, Building Resilient Australian Communities project, [Transcript of evidence](#), 16 August 2024, p 19; Ms Meyer, [Evidence](#), 16 August 2024, p 11; Mx Chels Hood Withey, Community Disaster Action Group, [Transcript of evidence](#), 16 August 2024, p 13; Ms Bird, [Evidence](#), 16 August 2024, p 13.

²⁶⁹ Mr David Reynolds, Chief Executive, Local Government NSW, [Transcript of evidence](#), 23 August 2024, pp 4-5; Dr Alice Howe, Executive Project Advisor, Central Coast Council, [Transcript of evidence](#), 23 August 2024, p 29; [Submission 16](#), Central Coast Council, p 2; [Local Government Act 1993](#) s 8A.

²⁷⁰ Mr Reynolds, [Evidence](#), 23 August 2024, p 5.

²⁷¹ Dr Howe, [Evidence](#), 23 August 2024, p 30.

Matters relevant to the functions and role of the Authority

Summary

Stakeholders highlighted that a number of matters relevant to the NSW Reconstruction Authority's functions are not explicitly set out in the *NSW Reconstruction Authority Act 2022*. In particular, the Act does not have provisions concerning infrastructure betterment, data sharing and consultation with communities, and the role of community service providers.

Recommendation 10

That the NSW Government consider whether the *NSW Reconstruction Authority Act 2022* and/or its regulations should explicitly:

- **provide for the betterment of physical infrastructure and other assets,**
- **set out guidelines for data sharing and consultation from the NSW Reconstruction Authority with other government agencies, local councils and community stakeholders, and/or**
- **recognise the role of and relationship between community service providers and the NSW Reconstruction Authority.**

4.45 Inquiry participants drew attention to certain matters which are not explicitly recognised in the *NSW Reconstruction Authority Act 2022* ('the Act'), but are important to the NSW Reconstruction Authority's ('the Authority') role. These matters include support for the 'betterment' of physical assets, consultation and data sharing guidelines, and explicit recognition of community service providers.

4.46 As acknowledged by some stakeholders, the terms of the Act do not appear to limit or prevent the Authority from acting on these matters. However, the Committee agrees that these matters are significant to the Authority's functions. Their explicit inclusion in the Act may provide greater clarity to stakeholders about the Authority's responsibilities regarding these matters.

4.47 This section considers the 'betterment' of physical assets, consultation and data sharing guidelines, and recognition of community service providers. We recommend that the NSW Government consider whether these matters should be provided for explicitly in the Act and/or its regulations.

Support for "betterment" works of infrastructure and other assets

4.48 Stakeholders called for greater support for the 'betterment' of infrastructure and other assets, which could also help reduce the impact of future disasters. In particular, local government raised this issue consistently. Some inquiry participants also recommended that the Act be amended to reflect the perceived need for more support towards 'betterment funding'.²⁷²

²⁷² [Submission 8](#), p 2; [Submission 22](#), Bega Valley Shire Council, p 2; [Submission 29](#), Country Mayors Association of NSW, p 5; [Submission 38](#), Local Government NSW, p 5; [Submission 46](#), Shoalhaven City Council, pp 2-3; [Submission 50](#), Institute of Public Works Engineering Australasia (NSW & ACT), p 2; [Submission 55](#), Northern Beaches Council, p 3; Mr Joshua Devitt, Board Director, Institute of Public Works Engineering Australasia NSW and ACT, [Transcript of evidence](#), 16 August 2024, p 31; Mr Carey McIntyre, Director, City Services, Shoalhaven City Council, [Transcript of](#)

What is 'betterment' of infrastructure and other physical assets?

The NSW Government describes 'infrastructure betterment' as 'repairing or building-back directly damaged assets that can better withstand future natural disasters'.²⁷³ The Queensland Reconstruction Authority (QRA) argues that funding betterment of infrastructure and other public assets has the following benefits:

- increasing community resilience to natural disasters,
- reducing future costs of natural disasters for asset restoration,
- reducing incidents, injuries and fatalities from natural disasters, and
- improving the utility and connectivity of assets during and after natural disasters.²⁷⁴

- 4.49 Ms Kylie Macfarlane, CEO, Insurance Council of Australia, emphasised the importance of rebuilding damaged infrastructure 'in a way that betters the sustainability, longevity and applicability of that infrastructure going forward'. She told us that government should look beyond a 'like for like' rebuilding standard.²⁷⁵ Similarly, the Country Mayors Association of NSW stated that 'where disaster impacts have shown that infrastructure and thus, resilience to be inadequate, it is a reconstruction fail to restore to pre-disaster condition'.²⁷⁶
- 4.50 Northern Beaches Council and Wollongong City Council both described examples of councils' betterment projects which carried significant costs. We heard that these works are expected to, or already have, generated returns on council's investment, by ensuring this public infrastructure is less impacted by future natural disasters and will therefore require less reconstruction costs.²⁷⁷
- 4.51 The Act does recognise that part of the Authority's role in supporting the betterment of affected communities includes the betterment of infrastructure. The Committee notes that the Dictionary at Schedule 4 of the Act does define 'betterment of a community' to include 'improving the community's infrastructure so that the infrastructure is less likely to be damaged or otherwise affected by the impact of a disaster'.²⁷⁸
- 4.52 Mr Nicholas Scofield, Corporate Affairs Officer, Allianz Australia, noted this definition of 'betterment' is 'fine in principle'. However, he suggested that including a definition of 'infrastructure' would add further clarity. Mr Scofield also told us that any definition of 'infrastructure' should be broad, so that it is not limited to just physical infrastructure. This would ensure that the betterment process could address all elements of community resilience.²⁷⁹

[evidence](#), 23 August 2024, pp 61-62; Mr Douglas Walther, Executive Director, Local Government, Office of Local Government, [Transcript of evidence](#), 16 September 2024, p 26.

²⁷³ NSW Government, [Infrastructure Betterment Fund](#), viewed 28 October 2024.

²⁷⁴ Queensland Reconstruction Authority, [About betterment](#), viewed 28 October 2024.

²⁷⁵ Ms Kylie Macfarlane, CEO, Insurance Council of Australia, [Transcript of evidence](#), 16 August 2024, p 41.

²⁷⁶ [Submission 29](#), p 5.

²⁷⁷ [Answer to question on notice](#), Northern Beaches Council, 10 September 2024, pp 2-3; Mr McBriarty, [Evidence](#), 23 August 2024, p 52; [Answer to question on notice](#), Wollongong City Council, 14 September 2023, p 1.

²⁷⁸ [NSW Reconstruction Authority Act 2022](#) sch 4.

²⁷⁹ Mr Scofield, [Evidence](#), 16 August 2024, pp 44, 47.

- 4.53 However, Mr Steve Hartley, Executive Director, Resilience and Sustainability, Department of Planning, Housing and Infrastructure (DPHI), argued that it was too early to judge 'whether a strengthening of definitions... is needed' to include non-physical infrastructure within the term 'betterment' under the Act.²⁸⁰
- 4.54 Local councils consistently told us about the limitations with obtaining disaster recovery funding for infrastructure betterment. Several councils criticised the limitations of the funding through the joint Disaster Recovery Funding Arrangements (DRFA), for the reconstruction of disaster affected assets.²⁸¹

What are the Disaster Recovery Funding Arrangements (DRFA)?

The National Emergency Management Agency (NEMA) describes the DRFA as 'a cost-sharing arrangement between the Commonwealth and the states and territories' where the Commonwealth Government reimburses states and territories for disaster financial assistance, of up to 75 per cent.²⁸²

There are four categories of assistance measures that a state or territory can seek reimbursement for under the DRFA:

- Category A: disaster relief assistance to individuals impacted by a declared natural disaster,
- Category B: assistance to state and/or local governments for 'the restoration of essential public assets and certain counter-disaster operations',
- Category C: disaster relief assistance for severely affected communities, regions or sectors, including small businesses and primary producers, and
- Category D: assistance for exceptional circumstances.²⁸³

The Authority is responsible for both:

- managing the bilateral arrangement with the Commonwealth through the DRFA, including submitting annual claims for reimbursement, and
- overseeing delivery of funded recovery programs.²⁸⁴

- 4.55 Mr Kerry Robinson OAM, CEO, Blacktown City Council, suggested that a 'broader range of tools' are needed to deal with the funding of betterment. He described the current arrangements as not fit for purpose due to the 'very, very tight limit' on these arrangements. However, Mr Robinson also acknowledged that any standards for betterment will have impacts on public budgets over time.²⁸⁵

²⁸⁰ Mr Steve Hartley, Executive Director, Resilience and Sustainability, Department of Planning, Housing and Infrastructure, [Transcript of evidence](#), 16 September 2024, p 26.

²⁸¹ [Submission 22](#), p 2; [Submission 29](#), p 4; [Submission 38](#), pp 12-13; [Submission 55](#), pp 2-3; [Submission 67](#), Lismore City Council, pp 14-15; Mr Ben Fallowfield, Co-ordinator, Resilience and Emergency Management, Northern Beaches Council, [Transcript of evidence](#), 23 August 2024, p 23.

²⁸² National Emergency Management Agency (NEMA), [Disaster Recovery Funding Arrangements](#), 24 August 2024, viewed 29 October 2024.

²⁸³ NEMA, [Disaster Recovery Funding Arrangements](#), viewed 29 October 2024.

²⁸⁴ [Submission 70](#), NSW Reconstruction Authority, p 21.

²⁸⁵ Mr Kerry Robinson OAM, Chief Executive Officer, Blacktown City Council, [Transcript of evidence](#), 23 August 2024, p 17.

- 4.56 Mr Andrew Graham, Chief Financial and Operating Officer, the Authority, told us that the focus under the DRFA is on restoring assets to their functional state and existing standards. However, he acknowledged that the Authority needs to 'work through' how they will utilise the DRFA and other arrangements.²⁸⁶ The Authority also emphasised that the first major commonwealth review of the DRFA is currently in progress.²⁸⁷
- 4.57 The Authority also noted that they have developed projects and programs for the betterment of infrastructure. Witnesses from the Authority told us that they are looking to identify mechanisms to build the resilience of infrastructure, community preparedness and social cohesion through the State Disaster Mitigation Plan (SDMP) process.²⁸⁸
- 4.58 Mr Hartley observed that, while the disaster adaptation plans (DAPs) will be critical for identifying specific infrastructure in need of resilience improvements, it is still too early to evaluate their effectiveness at this stage.²⁸⁹
- 4.59 The Committee agrees that the betterment of infrastructure and other public assets will be critical to improving communities' resilience to the impacts of future disasters. We accept that local councils have faced significant challenges in receiving support for this work through existing disaster relief and recovery funding arrangements and programs.
- 4.60 We acknowledge that there is ongoing work through the DAPs and the review of the DRFA, which may address some concerns expressed by stakeholders. However, neither the Act or the *NSW Reconstruction Authority Regulation 2023* have provisions which explicitly empowers or requires the Authority to provide support for the betterment of infrastructure and other assets. Therefore, the Committee recommends that the NSW Government consider whether this should be explicitly included in the Authority's legislative framework.

Data sharing and consultation guidelines

- 4.61 Stakeholders emphasised the importance of data-sharing and clear consultation with community and other stakeholders to the Authority's role under the Act.²⁹⁰ The Committee agrees that effective communication, engagement and data sharing is vital to the Authority's role.
- 4.62 We note that the Act appears to appropriately empower the Authority to share information and consult stakeholders. However, we believe clarifying the Authority's approach to consultation, communication and data sharing through

²⁸⁶ Mr Andrew Graham, Chief Financial and Operating Officer, NSW Reconstruction Authority, [Transcript of evidence](#), 16 September 2024, p 20.

²⁸⁷ Ms Quilty, [Evidence](#), 16 September 2024, p 16; Mr Graham, [Evidence](#), 16 September 2024, p 21.

²⁸⁸ Mr Graham, [Evidence](#), 16 September 2024, p 21; Ms Quilty, [Evidence](#), 16 September 2024, p 21; [Submission 70](#), pp 22-23.

²⁸⁹ Mr Hartley, [Evidence](#), 16 September 2024, pp 26-27.

²⁹⁰ [Submission 20](#), Central NSW Joint Organisation, p 2; [Submission 22](#), pp 1-2; [Submission 23](#), Floodplain Management Australia, p 6; [Submission 34](#), Community Disaster Action Group, pp 3-4; [Submission 38](#), p 10; [Submission 45](#), Western Sydney Regional Organisation of Councils, pp 6-7; [Submission 51](#), Insurance Council of Australia, p 3; [Submission 59](#), p 8; [Submission 62](#), Riverina Eastern Regional Organisation of Councils, p 6; [Submission 63](#), p 2; Mx Hood Withey, [Evidence](#), 16 August 2024, p 10.

the Act or its regulations may provide important assurance for affected communities.

- 4.63 Witnesses reported positive engagement with the Authority in the past.²⁹¹ However, the Committee also heard that the Authority's engagement and communication with communities has been inconsistent. Throughout the inquiry, we heard frustration from disaster-affected individuals and on-the-ground service providers about the Authority's communications after a disaster.²⁹²
- 4.64 As noted in Chapter One, stakeholders based in the Northern Rivers region were critical about the lack of transparency around the Resilient Homes program and the temporary pod villages.²⁹³ Uniting NSW.ACT observed that the Authority tended to 'tightly control any form of public communication' after a disaster. While acknowledging that this might have been to ensure consistent messaging, Uniting NSW.ACT were concerned that this tight control of communication was increasing anxiety for disaster-impacted communities.²⁹⁴
- 4.65 The Nimbin Neighbourhood and Information Centre also highlighted that improved communications between affected communities and response and recovery agencies 'is needed to maximise the efficiency of resource application'.²⁹⁵
- 4.66 Resilient Lismore told us there had been an 'abject failure' to include Northern Rivers residents in recovery efforts.²⁹⁶ The Community Disaster Action Group (CDAG) and Resilient Lismore both highlighted that there were limited opportunities for engagement between the Authority and affected communities.²⁹⁷
- 4.67 We note that the Act does recognise that the Authority has a role to share information and consult with communities. CDAG highlighted that 'information provision and exchange and community engagement' is one of the Authority's functions under section 10 of the Act.²⁹⁸
- 4.68 The Authority highlighted their four organisational aims, each of which emphasises collaboration with communities, government agencies and other stakeholders. Their submission also illustrated recent significant projects and programs, including the development of Disaster Adaptation Plans (DAPs), that involved significant community consultation.²⁹⁹

²⁹¹ Ms Miranda, [Evidence](#), 16 August 2024, p 6; Mr Charlie Chubb, Head of Northern and Western NSW, Uniting NSW.ACT, [Transcript of evidence](#), 16 August 2024, pp 6, 9; Ms Patricia MacFarlane, [Evidence](#), 16 August 2024, p 53.

²⁹² [Submission 53](#), p 1; [Submission 61](#), Ms Katie Coughlan, p 2; [Submission 67](#), pp 7-8; [Submission 5](#), Dr Laurence Axtens, p 1; [Submission 52](#), Mr Lewis King, p 2; [Submission 21](#), Uniting NSW.ACT, p 2; [Submission 34](#), p 2.

²⁹³ [Submission 53](#), p 1; [Submission 67](#), pp 7-8; [Submission 52](#), p 2; [Submission 58](#), p 3; Mr Chubb, [Evidence](#), 16 August 2024, pp 5, 7.

²⁹⁴ [Submission 21](#), p 2.

²⁹⁵ [Opening statement](#), Nimbin Neighbourhood and Information Centre (NNIC), 16 August 2024, p 1.

²⁹⁶ [Submission 63](#), p 2.

²⁹⁷ Mx Hood Withey, [Evidence](#), 16 August 2024, p 10; [Submission 34](#), pp 3-4; [Submission 63](#), p 2.

²⁹⁸ [Submission 34](#), p 3; *NSW Reconstruction Authority Act 2022* s 10(1)(c).

²⁹⁹ [Submission 70](#), pp 12, 15.

- 4.69 The Authority also highlighted their establishment of the 'Community Leaders Forums' in the Northern Rivers and Central West regions, which are a key avenue for community engagement and help to 'facilitate community led recovery'. Ms Joanna Quilty, Acting CEO, the Authority, described the forums as 'a very useful oversight and advisory mechanism'.³⁰⁰
- 4.70 However, community service providers with on-the-ground experience in the Northern Rivers advocated for more meaningful engagement between communities and the Authority.³⁰¹ CDAG and Resilient Lismore called for the inclusion of a disaster-impacted member of the community in the Northern Rivers' Community Leaders Forum.³⁰²
- 4.71 Some inquiry participants recommended that the Authority or the NSW Government develop formal consultation guidelines or framework, to ensure meaningful engagement with communities, councils and others.³⁰³ For example, the Central NSW Joint Organisation recommended amending the Act to better align it with the SDMP. They noted that the Act could be 'incorporate guidelines for community engagement as suggested in the SDMP'.³⁰⁴
- 4.72 CDAG supported this being built into the Act itself and recommended amending the Act to 'mandate' processes that formally require 'democratic community empowerment' in the Authority's decision making.³⁰⁵ Similarly, the Riverina Eastern Regional Organisation of Councils (REROC) suggested that section 4 of the Act, which provides how the primary object under section 3 is to be achieved, should set a clear expectation that the Act's objects will be achieved through collaboration.³⁰⁶
- 4.73 Several inquiry participants told us that the Authority should be responsible for coordinating information relating to disaster management, particularly after a disaster has occurred. Stakeholders highlighted the importance of communities and key agencies having access to information from a single 'source of truth', to avoid confusion or anxiety.³⁰⁷
- 4.74 Mr Carey McIntyre, Director, City Services, Shoalhaven City Council told us that the Authority could, as 'a single point of truth', be 'fed' information from emergency services agencies and other government agencies, for distribution to impacted communities.³⁰⁸

³⁰⁰ [Submission 70](#), pp 17-18; Ms Quilty, [Evidence](#), 16 September 2024, p 14.

³⁰¹ Mx Withey, [Evidence](#), 16 August 2024, p 10; [Submission 34](#), pp 3-4; [Submission 59](#), pp 7-8; [Submission 63](#), pp 4-5.

³⁰² [Submission 63](#), p 2; [Submission 34](#), p 4.

³⁰³ [Submission 20](#), p 2; Ms Bird, [Evidence](#), 16 August 2024, p 13.

³⁰⁴ [Submission 20](#), p 2.

³⁰⁵ [Submission 34](#), p 4; [Opening statement](#), CDAG, 14 August 2024, p 3.

³⁰⁶ [Submission 62](#), p 5.

³⁰⁷ Councillor Matt Gould, Mayor, Wollondilly Shire Council, [Transcript of evidence](#), 23 August 2024, p 53; Mr McIntyre, [Evidence](#), 23 August 2024, p 60-61; Mrs Bolton, [Evidence](#), 23 August 2024, p 60; Ms Miranda, [Evidence](#), 16 August 2024, p 5; [Opening statement](#), Central NSW Joint Organisation, 16 August 2024, p 2.

³⁰⁸ Mr McIntyre, [Evidence](#), 23 August 2024, p 61.

4.75 Stakeholders, particularly from local government, also advocated for formalised data-sharing arrangements to support the Authority's functions.³⁰⁹ A number of submissions emphasised the importance of having consistent and comprehensive data when making decisions about disaster planning and recovery.³¹⁰ The need for information sharing with community service providers is discussed further below.

4.76 Hawkesbury City Council told the Committee that 'issues related to data collection and information sharing' remain an ongoing concern, particularly the lack of any 'protocols that enable information to be readily shared between response and recovery agencies'. The council stated that:

The lack of information sharing between agencies hinders the timeliness of access to recovery support services and re-traumatises residents, often in the immediate aftermath of a disaster event.³¹¹

4.77 In particular, stakeholders suggested that a formal data-sharing arrangement should provide for:

- inter-agency sharing of property data from disaster-impacted individuals³¹²
- coordinated impact assessments and/or sharing of damage assessment data, to help inform funding and priorities for recovery³¹³
- public access to historic flood information and other hazard and risk data collected through the implementation of the SDMP and any DAPs, particularly in a format that is easy to interpret for non-experts³¹⁴
- resourcing for data and information systems.³¹⁵

4.78 The Committee agrees that consultation and collaboration with stakeholders, including through formal data-sharing arrangements, will be fundamental for the successful delivery of the Authority's projects and programs. As previously mentioned, section 10 of the Act states that the Authority's functions include:

...information provision and exchange and community engagement, including—

- (i) supporting collaboration and coordination between government agencies, local councils, service providers and communities to improve disaster prevention, preparedness, recovery, reconstruction and adaptation, and

³⁰⁹ [Submission 62](#), p 6; [Submission 22](#), p 1; Mrs Bolton, [Evidence](#), 23 August 2024, p 60; [Submission 51](#), p 3.

³¹⁰ [Submission 51](#), p 3; [Submission 38](#), p 10.

³¹¹ [Opening statement](#), Hawkesbury City Council, 21 August 2024, pp 1-2.

³¹² [Opening statement](#), Hawkesbury City Council, p 2.

³¹³ [Opening statement](#), Hawkesbury City Council, pp 1-2; [Submission 51](#), p 3; Mrs Bolton, [Evidence](#), 23 August 2024, p 60.

³¹⁴ [Submission 23](#), p 8; [Answers to question on notice and supplementary questions](#), Insurance Council of Australia, 6 September 2024, p 3.

³¹⁵ [Submission 22](#), p 1; [Submission 38](#), p 10.

- (ii) increasing the flow of information and enabling community participation to support the development of strategies for disaster prevention, preparedness, recovery, reconstruction and adaptation...³¹⁶

- 4.79 Therefore, the Authority is duly tasked under section 10 of the Act to engage with community stakeholders and governments, and to share information in order to achieve their primary object.
- 4.80 However, the Committee acknowledges the frustration and concerns expressed by inquiry participants about the Authority's previous processes for engaging affected community members. We believe that formal guidelines setting out how the Authority will engage with community members, organisations, local councils and other stakeholders could address these concerns by providing greater clarity about who and how stakeholders can have their views considered.
- 4.81 The Committee also agrees that, during a disaster, data which may be particularly important to assist the Authority and affected communities may be difficult to obtain. We believe formal data-sharing arrangements could provide much needed certainty for the flow of information, particularly during the difficult period when and shortly after a disaster occurs.
- 4.82 The Insurance Council of Australia believed that if the Authority had formalised arrangements with many sectors, this could 'ensure an integrated and efficient recovery for communities following disasters'. They noted that, while legislating a requirement to establish these arrangements may be beneficial, any legislative amendments need to be drafted in a way that allows for flexibility and adaptability.³¹⁷
- 4.83 The Committee recommends that the NSW Government consider whether the Authority's legislative framework should explicitly set out guidelines for data sharing and consultation with other government agencies, local councils and community stakeholders. We agree with stakeholders that there may be benefit to establishing a legislative requirement for formal guidelines around data sharing and consultation, but the terms of any requirement need to be carefully drafted.

The role of and relationship with community service providers

The role of community service providers in disaster management

- 4.84 The Committee heard that community-based organisations and service providers play a key role in the on-the-ground response and recovery to disasters, as well as in emergency preparedness. However, there is no formal recognition of their role within the disaster management framework established by the *NSW Reconstruction Authority Act 2022* ('the Act') or its regulations.
- 4.85 As discussed above, people with existing social vulnerabilities face more challenges recovering from disasters. As a result, a number of inquiry participants, including the NSW Council of Social Service (NCOSS), emphasised

³¹⁶ [NSW Reconstruction Authority Act 2022](#) s 10(1)(c).

³¹⁷ [Answers to question on notice and supplementary questions](#), Insurance Council of Australia, pp 2-3.

the importance of support from the community sector and non-government organisations (NGOs).³¹⁸ For example, Healthy North Coast expressed concerns that 'people experiencing vulnerability continue to fall through the cracks at evacuation centres'.³¹⁹

- 4.86 Stakeholders from the social services sector and community organisations highlighted the important role they play in the disaster recovery process. Service providers also described past services and programs they have delivered for disaster recovery and preparedness.³²⁰
- 4.87 For example, Uniting NSW.ACT highlighted their work operating three temporary pod villages in the Northern Rivers region, including the Wardell temporary village established to provide housing to the Aboriginal community displaced from Cabbage Tree Island, as well as providing other flood Recovery Support Services in the region.³²¹ The Australian Red Cross also told us that they had delivered 52 'EmergencyRedi Workshops' in NSW communities in the 2023-2024 financial year. These workshops help participants complete a 'RediPlan', which is a disaster preparedness plan at a household level.³²²
- 4.88 Both the Business Council of Co-operatives and Mutuals (BCCM) and NCOSS highlighted that community-based NGOs might be able to leverage existing local networks and relationships of trust to deliver services.³²³ Professor Ann Dadich, Building Resilient Australian Communities project, Western Sydney University, told us that, in the course of her research, disaster-impacted people reported that 'some of the most invaluable support was not through structured, formalised service structures, but indeed from their local community'.³²⁴
- 4.89 Ms Joanna Quilty, Acting CEO, Authority, acknowledged that 'place-based organisations' play a vital role in disaster recovery since they 'know their communities' and 'are very connected to the more vulnerable members of communities'. She informed the Committee that the Authority partners with these organisations 'from very early on in the recovery phase'.³²⁵

Past experiences of the community services sector engaging with the Authority

- 4.90 The Committee notes that section 14 of the Act recognises wider collaboration with the Authority in exercising its functions. That section states that:

³¹⁸ [Submission 59](#), pp 3-4; [Submission 9](#), pp 2-3; [Submission 8](#), p 2; [Submission 12](#), p 4; [Submission 68](#), p 5.

³¹⁹ [Submission 68](#), p 5.

³²⁰ [Submission 21](#), pp 1-2; [Submission 32](#), p 3; [Submission 58](#), pp 1-2; [Submission 59](#), pp 4, 6; [Submission 65](#), Financial Counselling Australia, p 3; [Opening statement](#), Financial Counselling Australia, 16 August 2024, p 1; [Submission 68](#), pp 4, 7; [Submission 60](#), Legal Aid NSW, pp 1-2; [Submission 63](#), p 1; [Submission 69](#), BlazeAid, p 1; [Opening statement](#), BlazeAid, August 2024, p 1; [Opening statement](#), Northern Rivers Community Legal Centre, 16 August 2024, p 1; [Opening statement](#), BCCM, 16 August 2024, p 1.

³²¹ [Submission 21](#), pp 1-2.

³²² [Submission 32](#), p 6.

³²³ [Opening statement](#), BCCM, p 1; [Submission 59](#), p 6; Ms Varian, [Evidence](#), 16 August 2024, p 22.

³²⁴ Professor Dadich, [Evidence](#), 16 August 2024, p 18.

³²⁵ Ms Quilty, [Evidence](#), 16 September 2024, pp 16-17.

In exercising its functions, the Authority may work in cooperation with other government agencies, and other persons and bodies, the Authority thinks appropriate, whether or not the agencies, persons or bodies are in or of the State.³²⁶

- 4.91 Red Cross and Uniting NSW.ACT reported positive relationships with the Authority and commented on their direct and open engagement with representatives at all levels.³²⁷ This was reflected in the evidence from some community service providers, who told us about the positive experiences and outcomes they had in their engagements with the Authority.³²⁸
- 4.92 The Nimbin Neighbourhood and Information Centre told us they received funding to set up a Recovery Support Service which 'definitely helped people to access support'. Since September 2022, the Centre has worked with over 260 community members.³²⁹
- 4.93 BlazeAid noted that the Authority's financial support could be streamlined by allowing organisations to directly apply to the Authority for grants. While they acknowledged the financial assistance for disaster recovery provided by the Authority has been a 'cornerstone in the recovery process', they noted that local councils currently act as intermediaries, forming a bureaucratic layer between the Authority and the community service providers.³³⁰
- 4.94 Financial Counselling Australia acknowledged that engagement has improved since the establishment of the Authority, particularly as the agency matures.³³¹ However, NCOSS highlighted evidence from their Community Sector Disaster Capability Project, which suggested that emergency management bodies' engagement and collaboration with community organisations and NGOs 'is highly variable and locally determined'.³³²
- 4.95 Both Financial Counselling Australia (FCA) and the Northern Rivers Community Legal Centre (NRCLC) recounted past experiences where their organisations struggled to access information from emergency management agencies that would assist their service delivery to affected communities. Despite providing frontline advisory services, both organisations experienced issues with receiving information from government agencies which was necessary for their service delivery. This required them to continually advocate for their role in local disaster recovery efforts.³³³ Ms Patricia MacFarlane, Lead Solicitor, Disaster Response and Recovery, NRCLC told us that:

³²⁶ [NSW Reconstruction Authority Act 2022](#) s 14.

³²⁷ Ms Miranda, [Evidence](#), 16 August 2024, p 9; Mr Chubb, [Evidence](#), 16 August 2024, p 9; [Submission 59](#), p 8.

³²⁸ [Submission 21](#), p 2; [Submission 32](#), p 9; [Submission 58](#), pp 1-2; [Submission 69](#), p 2; [Opening statement](#), NNIC, 16 August 2024, p 1; Mr Chubb, [Evidence](#), 16 August 2024, pp 6, 9; Ms Miranda, [Evidence](#), 16 August 2024, pp 6, 9; Ms Carole Shennan, Financial Counselling Australia, [Transcript of evidence](#), 16 August 2024, p 24.

³²⁹ [Submission 58](#), p 2.

³³⁰ [Submission 69](#), p 2.

³³¹ [Opening statement](#), Financial Counselling Australia, p 1.

³³² [Submission 59](#), p 8.

³³³ Ms Lisa Gage, Financial Counselling Australia, [Transcript of evidence](#), 16 August 2024, pp 23-24; Ms Patricia MacFarlane, [Evidence](#), 16 August 2024, p 58.

You're asking to be involved, asking to be put on mailing lists and asking to be able to be at the meetings. For legal services, to be able to provide what the community needs, we have to be aware of what's going on, and we have to be kept up to date. Having to ask repeatedly for a seat at the table... was frustrating.³³⁴

Formal recognition in the Act of the role and relationship with community services providers

- 4.96 As NCOSS highlighted in their submission, the Act itself does not acknowledge the role of the social service or NGO sector which is largely absent from the legislation. They observed that the inconsistent experiences engaging with the Authority highlighted by stakeholders reflects this absence.³³⁵
- 4.97 NCOSS further identified the following functional gaps in the Act, relating to this lack of recognition of their sector:
- there is no clear record of which organisations are on the ground, and
 - how social service organisations can be engaged in the preparedness and recovery process.³³⁶
- 4.98 The Committee heard that explicit inclusion of a framework for engagement with communities in the Act would ensure that community services providers were involved in a 'meaningful way'.³³⁷ Ms Melina Morrison, CEO, BCCM, told us that explicit recognition of these organisations in the Act would encourage more than 'lip-service' community engagement.³³⁸
- 4.99 Ms Ma'ata Solofoni, Senior Solicitor, Disaster Recovery and Insurance, Legal Aid NSW supported legislative recognition of the role of community services providers in the Act. However, she cautioned that it should be accompanied with the financial funding needed to support the work that these organisations would be expected to deliver.³³⁹
- 4.100 The Committee heard a range of suggestions about how the Act could formally recognise the role and relationship of community service providers within the disaster preparedness and recovery cycle.
- 4.101 Some stakeholders supported amending the Act to require the Authority to create and maintain a register of relevant community service providers across NSW. By identifying organisations already on-the-ground, several organisations argued that the Authority would be better placed to share information and meaningfully engage with individuals at a community level.³⁴⁰ Ms Cara Varian,

³³⁴ Ms Patricia MacFarlane, [Evidence](#), 16 August 2024, p 58.

³³⁵ [Submission 59](#), pp 7-8

³³⁶ [Submission 59](#), p 7.

³³⁷ Ms Patricia MacFarlane, [Evidence](#), 16 August 2024, p 58.

³³⁸ Ms Morrison, [Evidence](#), 16 August 2024, p 11.

³³⁹ Ms Solofoni, [Evidence](#), 16 August 2024, p 55.

³⁴⁰ [Submission 59](#), p 7; Ms Varian, [Evidence](#), 16 August 2024, pp 22, 24-25; Ms Melissa Jones, CEO, BlazeAid, [Transcript of evidence](#), 16 August 2024, p 24; Ms Vicki Staff, Coordinator, Disaster Recovery, Financial Counselling Australia, [Transcript of evidence](#), 16 August 2024, p 25; Ms Patricia MacFarlane, [Evidence](#), 16 August 2024, p 58; Ms Solofoni, [Evidence](#), 16 August 2024, p 58.

CEO, NCOSS, argued that this 'map' of local community organisations could start to be created from the register of contractors held by other departments.³⁴¹

- 4.102 Professor Ann Dadich and Dr Cris Townley, Building Resilient Australian Communities project, Western Sydney University, advocated for the Authority to establish or support 'community hubs'.³⁴² Dr Townley observed that these hubs create 'a more reciprocal relationship with social support'.³⁴³
- 4.103 Both NCOSS and Resilient Lismore also suggested that the composition of the NSW Reconstruction Authority Advisory Board ('the Board') under Part 3 of the Act should be amended. NCOSS suggested that the Act explicitly require a representative from the social services sector be a Board member,³⁴⁴ while Resilient Lismore advocated for the inclusion of a 'disaster-affected' individual on the Board.³⁴⁵
- 4.104 Community organisations and NGOs provide important services to individuals and communities impacted by disasters. While the Act does not prevent or limit the Authority from engaging with this sector, the Committee acknowledges that the manner in which the Authority engages with organisations could be more consistent.
- 4.105 Given the significant role of community service providers in disaster response and recovery, the Committee believes that their role could be given greater emphasis within the disaster management framework under the Act and its regulations. We recommend that the NSW Government consider whether the Act or its regulations should explicitly recognise the role and relationship between the Authority and community service providers under the Act.

³⁴¹ Ms Varian, [Evidence](#), 16 August 2024, p 22.

³⁴² [Submission 9](#), p 3; Professor Dadich, [Evidence](#), 16 August 2024, pp 18-19; Dr Townley, [Evidence](#), 16 August 2024, pp 19-20, 20-21.

³⁴³ Dr Townley, [Evidence](#), 16 August 2024, p 21.

³⁴⁴ [Submission 59](#), p. 9.

³⁴⁵ Ms Bird, [Evidence](#), 16 August 2024, p 11.

Appendix One – Functions of the Committee

The functions of the Joint Select Committee on the NSW Reconstruction Authority under section 93 of the *NSW Reconstruction Authority Act 2022* (the 'Act') is to review—

- (a) the Act to determine whether:
 - (i) the policy objectives of the Act remain valid, and
 - (ii) the terms of the Act remain appropriate for securing the objectives.
- (b) the operations of the NSW Reconstruction Authority regarding any disaster in relation to which the Authority exercises functions.

Appendix Two – Conduct of review

This report fulfils one of the Committee's obligations under its establishing legislation, the *NSW Reconstruction Authority Act 2022* ('the Act'). Under section 93(3)(a) of the Act, the Committee must review the Act and determine whether its policy objectives remain valid and its terms remain appropriate for securing those objectives. The Act primarily establishes the NSW Reconstruction Authority ('the Authority'), as a permanent state agency for disaster preparedness and recovery.

A resolution establishing the Committee was passed in the Legislative Assembly on 29 November 2023. The Committee commenced the review of the Act on 14 March 2024. On 21 March 2024, the Committee received a private briefing from the Authority as part of the review.

The Committee called for submissions from the public, with an initial deadline of 17 May, which was extended until submissions closed on 17 June 2024.

A total of 70 submissions were received for this review from various stakeholders. This included social services providers, community groups, mental health advocacy groups, insurance and other professional bodies, legal experts, local councils, emergency services agencies and government departments. The list of submissions makers is available at Appendix Three, and the submissions are available on the inquiry [webpage](#).

The Committee held three public hearings at Parliament House on 16 August, 23 August, and 16 September 2024. The Committee heard from a range of witnesses ranging from non-government and community-based organisations, local government, academic and legal experts, insurance bodies, professional bodies, government departments, and emergency services agencies. A list of witnesses who appeared at the hearings is provided at Appendix Four. The transcripts from the hearings are available on the inquiry [webpage](#).

Appendix Three – List of submissions

No.	Author
1	Mr Steve Jasek
2	Name suppressed
3	Name suppressed
4	Mr Nathan Bourne
5	Dr Laurence Axtens
5a	Dr Laurence Axtens
6	Miss Katia Calisti
7	MidCoast Council
8	Narrabri Shire Council
9	Professor Ann Dadich
10	Blacktown City Council
11	Curraweela Community Group
12	Lifeline Australia
13	Newcastle City Council
14	City of Coffs Harbour
15	The Law Society of NSW
16	Central Coast Council
17	Name suppressed
18	Confidential
19	Sydney Coastal Councils Group
20	Central NSW Joint Organisation
21	Uniting NSW.ACT
22	Bega Valley Shire Council
23	Floodplain Management Australia
24	Allianz Australia
25	Mr Martin Musgrave
26	Lake Macquarie City Council
27	Byron Shire Council
28	Coolamon Shire Council
29	Country Mayors of NSW
30	Business Council of Co-operative and Mutuals and Northern Rivers Co-operatives Alliance
31	WaterNSW

No.	Author
32	Australian Red Cross
33	Moore Point Joint Landowners Group
34	Community Disaster Action Group (CDAG)
35	Confidential
36	Warren Shire Council
37	Mr Shamsi Jesse James
38	Local Government NSW (LGNSW)
39	Ms Megan James
40	Mrs Helen Robinson
41	Ms Victoria Pitel
42	Confidential
43	Ms Marnee Wong
44	Confidential
45	Western Sydney Regional Organisation of Councils Ltd
46	Shoalhaven City Council
47	Ms Denise Hutch
48	Name suppressed
49	The Hon. Kevin Hogan
50	Institute of Public Works Engineering Australasia (IPWEA) NSW & ACT
51	Insurance Council of Australia
52	Mr Lewis King
53	Marion Conrow
54	Confidential
55	Northern Beaches Council
56	Wollondilly Shire Council
57	Mr Charles Casuscelli RFD
58	Nimbin Neighbourhood and Information Centre Incorporated
59	NSW Council of Social Service (NCOSS)
60	Legal Aid NSW
61	Ms Katie Coughlan
62	Riverina Eastern Regional Organisation of Councils
63	Resilient Lismore
64	Confidential
65	Financial Counselling Australia
66	Wollongong City Council

No.	Author
67	Lismore City Council
68	Healthy North Coast
69	BlazeAid
70	NSW Reconstruction Authority

Appendix Four – Witnesses

16 August 2024

Parliament House, Macquarie Room, Sydney, NSW

Witness	Position and Organisation
Mx Chels Hood Withey	Community Disaster Action Group (CDAG)
Ms Miriam Torzillo	Community Disaster Action Group (CDAG)
Ms Natalie Meyer	Manager, Nimbin Neighbourhood and Information Centre Incorporated
Ms Elly Bird	Executive Director, Resilient Lismore
Ms Ma'ata Solofoni	Senior Solicitor - Disaster Recovery and Insurance, Legal Aid NSW
Ms Debra Smith	Deputy Chair, Public Law Committee, Law Society of New South Wales
Mr Danny Rose	Deputy President , Floodplain Management Australia
Professor Ann Dadich	School of Business, Western Sydney University
Mr Nicholas Scofield	Chief Corporate Affairs Officer, Allianz Australia
Ms Kylie Macfarlane	Chief Operating Officer, Insurance Council of Australia
Ms Melissa Jones	Chief Executive Officer, BlazeAid
Ms Vicki Staff	Coordinator, Disaster Recovery Project Lead - Practice Standards, Financial Counselling Australia
Ms Kate Miranda	NSW State Director, Red Cross Emergency Services
Ms Erika Pawley	Director, Projects, Moore Point Joint Landowners Group
Dr James Davidson	Principal, JDA Architects, Moore Point Joint Landowners Group
Mr Brendan Pearce	Senior Adviser, External Engagement (Government), Australian Red Cross
Mr Andrew Coghlan	Head of Humanitarian Diplomacy (Emergencies), Australian Red Cross
Mr Clark Cooley	Government Relations Manager, Uniting NSW.ACT
Ms Niki Gill	Operations Manager North Coast, Uniting NSW.ACT
Mr Charlie Chubb	Head of Northern & Western NSW, Uniting NSW.ACT
Ms Melina Morrison	CEO, Business Council of Co-Operatives and Mutuals
Dr Anna Brooks	Chief Research Officer, Lifeline Australia
Ms Cara Varian	Chief Executive Officer, NSW Council of Social Service (NCOSS)
Mr Tim Mackney	Board Director, Institute of Public Works Engineering Australasia (IPWEA) NSW & ACT

Mr Joshua Devitt	Acting Chief Executive Officer, Institute of Public Works Engineering Australasia (IPWEA) NSW & ACT
Mr Michael Were	Executive Director – Fundraising, Marketing and Stakeholder Relations, Lifeline Direct, Lifeline Australia
Ms Jenny Lovric	Senior Manager, Aboriginal Legal Service (NSW/ACT)
Ms Lisa Gage	Financial Counselling Australia
Ms Carole Shennan	Financial Counselling Australia
Dr Cris Townley	Research Fellow, TeEACH Strategic Research Institute, Western Sydney University
Ms Patricia MacFarlane	Lead Solicitor, Disaster Response & Recovery, Northern Rivers Community Legal Centre
Mr Aran Matkevich	Solicitor, Disaster Response & Recovery, Northern Rivers Community Legal Centre

23 August 2024**Parliament House, Macquarie Room, Sydney, NSW**

Witness	Position and Organisation
Cr David McCann OAM, OAM(Mil)	Mayor, Coolamon Shire Council
Mr Tony Donoghue PSM	General Manager, Coolamon Shire Council
Cr Russell Fitzpatrick	Chair & Mayor of Bega Valley Shire Council, Country Mayors Association of NSW
Mr Anthony McMahon	Chief Executive Officer, Country Mayors Association of NSW
Ms Meagan Ang	Director City Planning, Hawkesbury City Council
Mr Brendan Logan	Chief Operating Officer, Lismore City Council
Mr Adrian Panuccio	General Manager, MidCoast Council
Mr Paul De Szell	Director Liveable Communities, MidCoast Council
Ms Donna Ausling	Manager Strategic Planning, Narrabri Shire Council
Mr David Clarke	Acting Chief Executive Officer, Newcastle City Council
Mr Todd Dickinson	Director, Environment & Open Space, Northern Beaches Council
Ms Caroline Foley	Chief Financial Officer, Northern Beaches Council
Mr Ben Fallowfield	Co-ordinator, Resilience and Emergency Management, Northern Beaches Council
Mrs Julie Briggs	CEO, Riverina Eastern Regional Organisation of Councils
Mr Carey McIntyre	Director City Services, Shoalhaven City Council
Mr Sylvester Otieno	Divisional Manager Engineering Services, Warren Shire Council

Ms Iliada Bolton	Director Business and Governance, Bega Valley Shire Council
Mr Surinder Aneja	Manager, Civil Asset Maintenance, Blacktown City Council
Mr Kerry Robinson OAM	Chief Executive Officer, Blacktown City Council
Mr Paul Belz	Director City Assets, Blacktown City Council
Dr Alice Howe	Executive Project Advisor, Central Coast Council
Mr Nathan McBriarty	Manager Infrastructure Strategy & Planning, Wollongong City Council
Cr Darriea Turley AM	President, Local Government NSW (LGNSW)
Mr David Reynolds	Chief Executive, Local Government NSW (LGNSW)
Mr Greg Hill	General Manager, Central Darling Shire Council
Mr Charles Casuscelli RFD	Chief Executive Officer, Western Sydney Regional Organisation of Councils Ltd
Mr Kent Boyd	General Manager, Parkes Shire Council, Central NSW Joint Organisation
Mr Brad Byrnes	General Manager, Cabonne Council, Central NSW Joint Organisation
Ms Sarah Joyce	Executive Director, Sydney Coastal Councils Group
Mr Andrew Beswick	Director, City Infrastructure, City of Coffs Harbour
Ms Esmeralda Davis	Director Corporate & Community Services, Byron Shire Council
Ms Sarah Boule	Recovery Coordinator, Byron Shire Council
Mayor Steve Krieg	Mayor, Lismore City Council
Mayor Matt Gould	Mayor, Wollondilly Shire Council
Mr Corey McArdle	Manager, Waste and Environmental Services, Wollondilly Shire Council
Mr Peter Buckley	Director, Shire Services, Wollondilly Shire Council
Mr Tim Butcher	Enterprise Risk Manager, Newcastle City Council

16 September 2024**Jubilee Room, Parliament House, Macquarie Room, Sydney, NSW**

Witness	Position and Organisation
Commissioner Rob Rogers AFSM	Commissioner, NSW Rural Fire Service
Commissioner Debbie Platz APM	Acting Commissioner, NSW State Emergency Service (NSW SES)
Ms Nicole Hogan	Acting Deputy Commissioner, NSW State Emergency Service (NSW SES)
Dr Dominic Morgan	Chief Executive, NSW Ambulance

Ms Joanna Quilty	Acting Chief Executive Officer, NSW Reconstruction Authority
Ms Catherine Baxter	General Counsel, NSW Reconstruction Authority
Mr Andrew Graham	Chief Financial and Operating Officer, NSW Reconstruction Authority
Mr Steve Hartley	Executive Director, Resilience and Sustainability, Department of Planning, Housing and Infrastructure
Mr Douglas Walther	Executive Director, Local Government, Office of Local Government NSW
Ms Michelle Fletcher	Director Marine, Coast, Estuary Flood, NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW)
Mr Sam Toohey	Executive Director, Delivery & Coordination Group, Premier's Department
Mr Nathan Vincent	Director, Emergency Management and Coordination, Premier's Department
Ms Kristy Chan	Acting Executive Director, Strategic Planning & Policy, Department of Planning, Housing and Infrastructure
Mr Peter Elliott	A/Executive Director, Finance and Corporate Services, NSW Ambulance

Appendix Five – Extracts from minutes

MINUTES OF MEETING NO 1

1.34 PM, 14 March 2024

Room 1254

Members present

Clayton Barr (**Chair**), Liza Butler (**Deputy Chair**), Sam Farraway, Sue Higginson, Stephen Lawrence, Tamara Smith, Emily Suvaal, Richie Williamson.

Apologies

Roy Butler, Warren Kirby.

Officers present

Stephanie Mulvey, Anna Tran, Jennifer Gallagher, Nicolle Gill.

1 ***

2 ***

3 ***

4 ***

5 ***

6 Briefing with the NSW Reconstruction Authority

Resolved, on the motion of Ms Suvaal, seconded by Ms Butler: That the Committee meet and receive a private briefing with the NSW Reconstruction Authority on 21 March 2024 at 1.00pm.

7 Review of the *NSW Reconstruction Authority Act 2022*

7.1. Conduct of inquiry

Resolved, on the motion of Ms Suvaal, seconded by Ms Butler: That the Committee conduct a review of the *NSW Reconstruction Authority Act 2022* in accordance with section 93 of the Act.

7.2. Submissions

Resolved, on the motion of Mr Farraway, seconded by Mr Williamson: That the Committee call for submissions to be received by 17 May 2024.

8 Next Meeting

The meeting adjourned at 1.55pm until 21 March 2024 at 1.00pm.

MINUTES OF MEETING NO 2

1.04 PM, 21 March 2024

McKell Room

Members present

Clayton Barr (**Chair**), Liza Butler (**Deputy Chair**), Roy Butler, Warren Kirby, Sam Farraway, Sue Higginson, Tamara Smith, Emily Suvaal, Richie Williamson

Apologies

Stephen Lawrence.

Officers present

Leon Last, Anna Tran, Jennifer Gallagher, Nicolle Gill.

1 Confirmation of Minutes – Meeting no. 1

Resolved, on the motion of Ms Smith, seconded by Ms Butler: That the minutes of the meeting of 14 March 2024 be confirmed.

2 Briefing with the NSW Reconstruction Authority

Resolved, on the motion of Mr Williamson, seconded by Ms Smith: That the Committee admit the following representatives from the NSW Reconstruction Authority to conduct a private briefing:

- Simone Walker, Deputy Chief Executive Officer
- Joanna Quilty, Head, Preparedness and Recovery
- Amanda Leck, Head, Adaptation, Mitigation and Reconstruction
- Catherine Baxter, General Counsel
- Matt Conrow, Chief Finance and Operating Officer
- Samuel Peake, Acting Director, Ministerial Coordination

The representatives from the NSW Reconstruction Authority were admitted to the meeting at 1.06pm.

The representatives from the NSW Reconstruction Authority agreed to answer any further questions emailed by the Committee.

The representatives left the meeting at 1.48pm.

3 Review of the NSW Reconstruction Authority Act 2022

3.1 Submissions

The Committee agreed to propose any additional stakeholders by email to the secretariat by 4.00pm on Wednesday, 27 March 2024.

Resolved, on the motion of Mr Farlow, seconded by Ms Suvaal: That the Committee invite the listed stakeholders, and any other stakeholders nominated by members, to make a written submission.

3.2 Media Release

The Committee noted the draft media release announcing the appointment of Committee, launch of the inquiry and call for submissions.

4 ***

5 **Next Meeting**

The meeting adjourned at 1.53pm until a date to be confirmed.

MINUTES OF MEETING NO 3

3.01 PM, 21 May 2024

Room 1254 and via Webex

Members present

Clayton Barr (**Chair**), Liza Butler (**Deputy Chair**) (via Webex), Roy Butler (via Webex), Warren Kirby (via Webex), Sam Farraway (via Webex), Sue Higginson, Tamara Smith (via Webex), Emily Suvaal (via Webex), Richie Williamson (via Webex), Stephen Lawrence (via Webex)

Apologies

None.

Officers present

Stephanie Mulvey, Anna Tran, Jennifer Gallagher, Nicolle Gill, Mengyuan Chen.

1. **Confirmation of Minutes**

Resolved, on the motion of Ms Smith, seconded by Mr Kirby: That the minutes of the meeting of 21 March 2024 be confirmed.

2. ***

3. **Review of the *NSW Reconstruction Authority Act 2022***

3.1. **Submission deadline extension**

Resolved, on the motion of Mr Butler, seconded by Ms Higginson: As agreed by email, that the Committee extend the deadline to receive written submissions to Monday, 17 June 2024.

3.2. **Submissions**

Resolved, on the motion of Mr Farraway, seconded by Ms Butler:

- That the Committee accept and publish submissions 1, 4-10, 12-16 and 19-24.
- That the Committee accept and publish submissions 2, 3 and 17 as partially confidential with name suppressed.
- That the Committee accept and publish submission 11 as partially confidential with redactions of names on page 3 and paragraph 8 on page 4.
- That the Committee accept submission 18 and keep it confidential.

3.3. **Public hearing**

Resolved, on the motion of Ms Suvaal, seconded by Mr Williamson: That the Committee conduct two public hearings.

3.4. **Private briefing with the Queensland Reconstruction Authority**

Resolved, on the motion of Mr Farraway, seconded by Ms Butler: That the Committee invite the Queensland Reconstruction Authority to provide a private briefing on Friday, 21 June 2024.

4. Next Meeting

The meeting adjourned at 3:18pm until 21 June 2024 at 8.30am.

MINUTES OF MEETING NO 4

9.01 am, 21 June 2024

Room 1254 and via Webex

Members present

Clayton Barr (**Chair**), Liza Butler (**Deputy Chair**), Roy Butler, Warren Kirby, Sam Farraway, Emily Suvaal (via Webex).

Apologies

Sue Higginson, Tamara Smith, Richie Williamson and Stephen Lawrence.

Officers present

Stephanie Mulvey, Anna Tran, Jennifer Gallagher, Elizabeth Hawken, Mengyuan Chen.

1. Confirmation of Minutes

Resolved, on the motion of Ms Butler, seconded by Mr Butler: That the minutes of the meeting of 21 May 2024 be confirmed.

2. ***

3. Review of the *NSW Reconstruction Authority Act 2022*

3.1. Submissions

The Committee considered the extension request of the NSW Reconstruction Authority to provide a written submission after the submission deadline.

Resolved, on the motion of Mr Kirby, seconded by Ms Butler: That the NSW Reconstruction Authority may provide a written submission to the statutory review of the Act by 25 July 2024.

The Committee considered the submissions made to the statutory review of the NSW Reconstruction Authority Act 2022.

The Committee noted the draft submission provided by Local Government NSW.

Resolved, on the motion of Mr Butler, seconded by Mr Kirby:

- That the Committee accept and publish submissions 5a, 26-34, 36-37, 39-41, 43, 45-47, 49-53, 55-63 and 65.
- That the Committee accept and publish submission 25 as partially confidential with redactions of all names in the submission.
- That the Committee accept and publish submission 48 as partially confidential with name suppressed.

- That the Committee accept and keep confidential submissions 35, 42, 44, 54 and 64.

3.2. Public hearings

The Committee discussed potential witnesses to be invited to give evidence at two public hearings and the process for giving evidence.

Resolved, on the motion of Mr Faraway, seconded by Mr Butler:

- That the Committee invite the listed and additional named stakeholders and any additional stakeholders as agreed by email to appear at a public hearing.
- That witnesses provide written opening statements to the secretariat before the public hearing, in lieu of making an oral opening statement.

4. ***

5. Next Meeting

The meeting adjourned at 9.11 am until a time and date to be determined.

MINUTES OF MEETING NO 5

8.35 am, 16 August 2024

Macquarie Room and via Webex

Members present

Clayton Barr (**Chair**), Liza Butler (**Deputy Chair**), Sue Higginson, Stephen Lawrence, Tamara Smith, Emily Suvaal, Sam Faraway (via Webex) and Warren Kirby (via Webex).

Apologies

Roy Butler and Richie Williamson.

Officers present

Stephanie Mulvey, Anna Tran, Mengyuan Chen, Jennifer Gallagher and Elizabeth Hawken.

1. Confirmation of minutes

Resolved, on the motion of Ms Suvaal, seconded by Mr Lawrence: That the minutes of the meeting of 21 June 2024 be confirmed.

2. ***

3. Review of the *NSW Reconstruction Authority Act 2022*

Pre-hearing deliberative meeting

3.1. Submissions

The Committee considered accepting and publishing submissions received.

Resolved, on the motion of Ms Smith, seconded by Ms Higginson: That the Committee accept and publish submissions 38 and 66-70.

3.2. Public hearing witnesses

The Committee noted the notice of hearing and witnesses who have agreed to appear at the public hearing. The Committee noted, in accordance with the resolution of 21 June 2024, the written opening statements provided by witnesses.

Resolved, on the motion of Ms Higginson, seconded by Ms Butler: That the Committee publish the written opening statements provided by witnesses alongside the transcript of evidence of the public hearing.

3.3. Media orders for public hearing

Resolved, on the motion of Mr Lawrence, seconded by Ms Suvaal: That the Committee authorises the audio-visual recording, photography and broadcasting of the public hearing on 16 August 2024, in accordance with the Legislative Assembly's resolution of 9 May 2023; and the Assembly's guidelines for coverage of proceedings for parliamentary committees administered by the Legislative Assembly.

3.4. Answers to questions taken on notice and supplementary questions

The Committee considered the timeframe for questions taken on notice and the process for supplementary questions.

Resolved, on the motion of Ms Butler, seconded by Ms Higginson:

- That the Committee adopt the following process in relation to supplementary questions:
 - Members to email any proposed supplementary questions for witnesses to the secretariat by Thursday 22 August 2024 at 4pm,
 - Secretariat to then circulate all proposed supplementary questions to Committee, for consideration on Friday 23 August 2024.
- That witnesses be requested to return answers to questions taken on notice and any supplementary questions within 14 days of the date on which the questions are forwarded to witnesses.

3.5. Public hearing

The Chair opened the public hearing at 8.56am and made a short opening statement.

The following witnesses were admitted:

- Kate Miranda, NSW State Director, Australian Red Cross, affirmed and examined.
- Brendan Pearce, Senior Adviser, External Engagement (Government), Australian Red Cross, sworn and examined.
- Andrew Coghlan, Head of Humanitarian Diplomacy (Emergencies), Australian Red Cross, affirmed and examined by videoconference.
- Mr Charlie Chubb, Head of Northern & Western NSW, Uniting NSW/ACT, affirmed and examined by videoconference.
- Ms Niki Gill, Operations Manager North Coast, Uniting NSW/ACT, affirmed and examined by videoconference.
- Mr Clark Cooley, Government Relations Manager, Uniting NSW/ACT, sworn and examined by videoconference.

Evidence concluded and the witnesses withdrew.

The following witnesses were admitted:

- Chels Hood Withey, Community Disaster Action Group, affirmed and examined.

- Miriam Torzillo, Community Disaster Action Group, sworn and examined by videoconference.
- Elly Bird, Executive Director, Resilient Lismore, sworn and examined by videoconference.
- Melina Morrison, CEO, Business Council of Cooperative and Mutuals, affirmed and examined.
- Natalie Meyer, Manager, Nimbin Neighbourhood and Information Centre Incorporated, affirmed and examined by videoconference.

Evidence concluded and the witnesses withdrew.

The hearing adjourned at 10.35am and resumed at 10.48am.

The following witnesses were admitted:

- Professor Ann Dadich, Senior Lecturer, School of Business, Western Sydney University 'Building resilient communities' project, sworn and examined.
- Dr Cris Townley, Research Fellow, TeEACH Strategic Research Institute, Western Sydney University 'Building resilient communities' project, affirmed and examined.
- Dr Anna Brooks, Chief Research Officer, Lifeline Australia, affirmed and examined.
- Michael Were, Executive Director – Fundraising, Marketing and Stakeholder Relations, Lifeline Direct, Lifeline Australia, sworn and examined.

Evidence concluded and the witnesses withdrew.

The following witnesses were admitted:

- Ms Melissa Jones, CEO, BlazeAid, affirmed and examined.
- Ms Cara Varian, CEO, NSW Council of Social Service (NCOSS), affirmed and examined.
- Ms Vicki Staff, Coordinator, Disaster Recovery Project Lead - Practice Standards, Financial Counselling Australia, affirmed and examined.
- Ms Lisa Gage, Financial Counselling Australia, affirmed and examined.
- Ms Carole Shennan, Financial Counselling Australia, affirmed and examined.

Evidence concluded and the witnesses withdrew.

The following witnesses were admitted:

- Mr Danny Rose, Deputy President, Floodplain Management Australia, affirmed and examined by videoconference.
- Mr Tim Mackney, Board Director, Institute of Public Works Engineering Australasia NSW & ACT, sworn and examined.
- Mr Joshua Devitt, Acting CEO, Institute of Public Works Engineering Australasia NSW & ACT, sworn and examined.
- Ms Erika Pawley, Director, Projects, Moore Point Landowners Group, sworn and examined.

- Mr James Davidson, Principal, JDA Architects, Moore Point Landowners Group, sworn and examined.

Ms Pawley, Moore Point Landowners Group, tendered a document.

Evidence concluded and the witnesses withdrew.

The hearing adjourned at 1.02pm and resumed at 2.04pm.

The following witness was admitted:

- Ms Kylie Macfarlane, CEO, Insurance Council of Australia, affirmed and examined by videoconference.

Evidence concluded and the witness withdrew.

The following witness was admitted:

- Mr Nicholas Scofield, Chief Corporate Affairs Officer, Allianz Australia, affirmed and examined.

Evidence concluded and the witness withdrew.

The hearing adjourned at 3.23pm and resumed at 3.35pm.

The following witness was admitted:

- Debra Smith, Deputy Chair, Public Law Committee, The Law Society of NSW, affirmed and examined.

Evidence concluded and the witness withdrew.

The following witnesses were admitted:

- Ma'ata Solofoni, Senior Solicitor – Disaster Recovery and Insurance, Legal Aid NSW, sworn and examined.
- Ms Jenny Lovric, Senior Manager, Aboriginal Legal Service NSW/ACT, affirmed and examined.
- Ms Patricia MacFarlane, Lead Solicitor, Disaster Response & Recovery, the Northern Rivers Community Legal Centre, affirmed and examined by videoconference.
- Mr Aran Matkevich, Solicitor, Disaster Response & Recovery, the Northern Rivers Community Legal Centre, affirmed and examined by videoconference.

Evidence concluded and the witnesses withdrew.

The public hearing concluded at 4.58pm.

4. Next Meeting

The meeting adjourned at 4.58pm until Friday 23 August 2024.

MINUTES OF MEETING NO 6

9.00 am, 23 August 2024

Macquarie Room and via Webex

Members present

Clayton Barr (**Chair**), Liza Butler (**Deputy Chair**) (via Webex), Roy Butler, Warren Kirby, Sue Higginson, Emily Suvaal (via Webex), Richie Williamson (via Webex) and Stephen Lawrence (via Webex).

Apologies

Sam Farraway and Tamara Smith.

Officers present

Stephanie Mulvey, Anna Tran, Mengyuan Chen, Jennifer Gallagher, and Rhea Maggs.

1. Confirmation of minutes

Resolved, on the motion of Ms Suvaal: That the minutes of the meeting of 16 August 2024 be confirmed.

2. ***

3. Review of the *NSW Reconstruction Authority Act 2022*

Pre-hearing deliberative meeting

3.1. Publication orders

Resolved, on the motion of Mr Butler: That the corrected transcript of public evidence given on 16 August 2024 be authorised for publication and uploaded on the Committee's webpage.

3.2. Acceptance and publication of tendered documents

Resolved, on the motion of Ms Higginson: That the Committee accept and keep confidential the documents tendered by Ms Erika Pawley on behalf of Moore Point Landowners Group on 16 August 2024.

3.3. Supplementary questions

The Committee considered proposed supplementary questions to witnesses who appeared at the public hearing on 16 August 2024, and noted no objections raised.

3.4. Public hearing witnesses

The Committee noted the notice of hearing and witnesses who have agreed to appear at the public hearing.

The Committee noted, in accordance with the resolution of 21 June 2024, the written opening statements provided by witnesses.

Resolved, on the motion of Mr Kirby: That the Committee publish the written opening statements provided by witnesses alongside the transcript of evidence of the public hearing.

3.5. Media orders for public hearing

Resolved, on the motion of Ms Higginson: That the Committee authorises the audio-visual recording, photography and broadcasting of the public hearing on 23 August 2024, in accordance with the Legislative Assembly's resolution of 9 May 2023; and the Assembly's guidelines for coverage of proceedings for parliamentary committees administered by the Legislative Assembly.

3.6. Answers to questions taken on notice and supplementary questions

Resolved, on the motion of Mr Butler:

- That the Committee adopt the following process in relation to supplementary questions:
 - Members to email any proposed supplementary questions for witnesses to the secretariat by 4pm, Thursday 29 August 2024,
 - Secretariat to then circulate all proposed supplementary questions to the Committee, with members to lodge any objections to questions by 4pm, Friday 30 August 2024.
- That witnesses be requested to return answers to questions taken on notice and any supplementary questions within 14 days of the date on which the questions are forwarded to witnesses.

3.7. Further public hearing

The Committee considered a further half-day public hearing on Monday, 16 September 2024.

Resolved, on the motion of Ms Suvaal: That the Committee conduct a public hearing on 16 September 2024.

3.8. Public hearing

The Chair opened the public hearing at 9.03am and made a short opening statement.

The following witnesses were admitted:

- Cr Darriea Turley AM, President, Local Government NSW, affirmed and examined by videoconference.
- Mr David Reynolds, Chief Executive, Local Government NSW, sworn and examined by videoconference.
- Cr Russell Fitzpatrick, Mayor, Bega Valley Shire Council and Executive, Country Mayors Association of NSW, sworn and examined by videoconference.
- Mr Anthony McMahon, CEO, Bega Valley Shire Council, Country Mayors Association of NSW, affirmed and examined by videoconference.

Evidence concluded and the witnesses withdrew.

The following witnesses were admitted:

- Mr Greg Hill, General Manager, Central Darling Council, affirmed and examined by videoconference.
- Mr Kent Boyd, General Manager, Parkes Shire Council, Central NSW Joint Organisation, affirmed and examined by videoconference.
- Mr Brad Byrnes, General Manager, Cabonne Council, Central NSW Joint Organisation, affirmed and examined.

Evidence concluded and the witnesses withdrew.

The following witnesses were admitted:

- Mr Charles Casuscelli, Chief Executive Officer, Western Sydney Regional Organisation of Councils, sworn and examined.
- Ms Meagan Ang, Director, City Planning, Hawkesbury City Council, affirmed and examined.
- Mr Kerry Robinson OAM, Chief Executive Officer, Blacktown City Council, affirmed and examined.
- Mr Paul Belz, Director, City Assets, Blacktown City Council, sworn and examined.
- Mr Surinder Aneja, Manager, Civil Asset Maintenance, Blacktown City Council, affirmed and examined.

Evidence concluded and the witnesses withdrew.

The hearing adjourned at 11.00am and resumed at 11.16am.

The following witnesses were admitted:

- Ms Sarah Joyce, Executive Director, Sydney Coastal Councils Group, affirmed and examined.
- Mr Todd Dickinson, Director, Environment & Open Space, Northern Beaches Council, affirmed and examined.
- Ms Caroline Foley, Chief Financial Officer, Northern Beaches Council, affirmed and examined.
- Mr Ben Fallowfield, Co-ordinator, Resilience and Emergency Management, Northern Beaches Council, sworn and examined.

Evidence concluded and the witnesses withdrew.

The following witnesses were admitted:

- Mr David Clarke, Acting Chief Executive Officer, Newcastle City Council, affirmed and examined.
- Mr Tim Butcher, Enterprise Risk Manager, Newcastle City Council, affirmed and examined.
- Dr Alice Howe, Executive Project Advisor, Central Coast Council, affirmed and examined by videoconference.

Evidence concluded and the witnesses withdrew.

The hearing adjourned at 12.32pm and resumed at 1.34pm.

The following witnesses were admitted:

- Mr Adrian Panuccio, General Manager, MidCoast Council, affirmed and examined by videoconference.
- Mr Paul De Szell, Director, Liveable Communities, MidCoast Council, affirmed and examined by videoconference.
- Mr Andrew Beswick, Director, City Infrastructure, City of Coffs Harbour, sworn and examined by videoconference.

Evidence concluded and the witnesses withdrew.

The following witnesses were admitted:

- Ms Donna Ausling, Director of Planning and Sustainability, Narrabri Shire Council, affirmed and examined.
- Mr Sylvester Otieno, Divisional Manager, Engineering Services, Warren Shire Council, affirmed and examined.

Evidence concluded and the witnesses withdrew.

The following witnesses were admitted:

- Cr Steve Krieg, Mayor, Lismore City Council, sworn and examined.
- Dr Brendan Logan, Chief Operating Officer, Lismore City Council, affirmed and examined.
- Ms Esmeralda Davis, Director, Corporate and Community Services, Byron Shire Council, affirmed and examined by videoconference.
- Ms Sarah Boulle, Recovery Coordinator, Byron Shire Council, affirmed and examined by videoconference.
- Ms Deb Stafford, Manager, Social and Cultural Planning, Byron Shire Council, affirmed and examined by videoconference.

Evidence concluded and the witnesses withdrew.

The hearing adjourned at 3.17pm and resumed at 3.30pm.

The following witnesses were admitted:

- Mr Nathan McBriarty, Manager, Infrastructure Strategy & Planning, Wollongong City Council, sworn and examined.
- Cr Matt Gould, Mayor, Wollondilly Shire Council, affirmed and examined by videoconference.
- Peter Buckley, Director, Shire Services, Wollondilly Shire Council, sworn and examined by videoconference.
- Corey McArdle, Manager, Waste and Environmental Services, Wollondilly Shire Council, affirmed and examined by videoconference.

Evidence concluded and the witnesses withdrew.

The following witnesses were admitted:

- Cr Dave McCann, Mayor, Coolamon Shire Council and Executive, Riverina Eastern Regional Organisation of Councils, sworn and examined.
- Mr Tony Donoghue, General Manager, Coolamon Shire Council, affirmed and examined.
- Ms Julie Briggs, CEO, Riverina Eastern Regional Organisation of Councils, affirmed and examined by videoconference.

Evidence concluded and the witnesses withdrew.

The following witnesses were admitted:

- Mr Anthony McMahan, Chief Executive Officer, Bega Valley Shire Council, previously affirmed, examined by videoconference.
- Mrs Iliada Bolton, Director, Business and Governance, Bega Valley Shire Council, affirmed and examined by videoconference.
- Mr Carey McIntyre, Director, City Futures, Shoalhaven City Council, affirmed and examined by videoconference.

The public hearing concluded at 5.02pm.

Post-hearing deliberative meeting

3.9. Publication orders

Resolved, on the motion of Ms Higginson: That the corrected transcript of public evidence given today be authorised for publication and uploaded on the Committee's webpage.

4. Next Meeting

The meeting adjourned at 5.06pm until Monday 16 September 2024.

MINUTES OF MEETING NO 7

9.02 am, 16 September 2024

Jubilee Room and via Webex

Members present

Clayton Barr (**Chair**), Liza Butler (**Deputy Chair**) (via Webex), Roy Butler, Warren Kirby, Sue Higginson, Emily Suvaal, Richie Williamson and Sam Farraway.

Apologies

Tamara Smith and Stephen Lawrence

Officers present

Matt Johnson, Anna Tran, Mengyuan Chen, Naomi Parkinson, Elizabeth Hawken and Rhea Maggs.

1. Confirmation of minutes

Resolved, on the motion of Ms Suvaal: That the minutes of the meeting of 23 August 2024 be confirmed.

2. ***

3. Review of the *NSW Reconstruction Authority Act 2022*

Pre-hearing deliberative meeting

3.1. Answers to questions taken on notice and supplementary questions

The Committee considered the responses to supplementary questions and answers to questions on notice taken at the public hearings held on 16 and 23 August 2024, received from the following organisations:

- Institute of Public Works Engineering Australasia NSW & ACT, received 28 August 2024
- City of Newcastle, received 2 September 2024
- Allianz Australia, received 3 September 2024
- Floodplain Management Australia, received 5 September 2024
- Central West Joint Organisation, received 5 September 2024
- Moore Point Joint Landowners Group, received 5 September 2024
- The Law Society of New South Wales, received 5 September 2024
- City of Coffs Harbour, received 6 September 2024

- Nimbin Neighbourhood & Information Centre, received 6 September 2024
- Warren Shire Council, received 9 September 2024
- Northern Beaches Council, received 10 September 2024
- Insurance Council of Australia, received 10 September 2024.

Resolved, on the motion of Mr Kirby: That the Committee accept and publish the answers to supplementary questions and questions taken on notice at the public hearings held on 16 and 23 August 2024, as listed in the agenda.

3.2. Public hearing witnesses

The Committee noted the attached notice of hearing and witnesses who have agreed to appear at today's public hearing.

3.3. Media orders for public hearing

Resolved, on the motion of Mr Butler: That the Committee authorises the audio-visual recording, photography and broadcasting of the public hearing on 16 September 2024, in accordance with the Legislative Assembly's resolution of 9 May 2023; and the Assembly's guidelines for coverage of proceedings for parliamentary committees administered by the Legislative Assembly.

3.4. Answers to questions taken on notice and supplementary questions

Resolved, on the motion of Ms Higginson:

- That the Committee adopt the following process in relation to supplementary questions:
 - Members to email any proposed supplementary questions for witnesses to the secretariat by 4pm, Friday 20 September 2024,
 - Secretariat to then circulate all proposed supplementary questions to the Committee, with members to lodge any objections to questions by 4pm, Monday 23 September 2024.
- That witnesses be requested to return answers to questions taken on notice and any supplementary questions within 14 days of the date on which the questions are forwarded to witnesses.

The Chair adjourned the meeting at 9.06am.

3.5. Public hearing

The Chair opened the public hearing at 9.11am and made a short opening statement.

The following witness was admitted:

- Commissioner Rob Rogers AFSM, NSW Rural Fire Service, sworn and examined.

Evidence concluded and the witness withdrew.

The following witnesses were admitted:

- Dr Dominic Morgan, Chief Executive, NSW Ambulance, affirmed and examined.
- Mr Peter Elliott, A/Executive Director, Finance and Corporate Services, NSW Ambulance, affirmed and examined.

- Acting Commissioner Debbie Platz APM, NSW State Emergency Service, sworn and examined.
- Acting Deputy Commissioner Nicole Hogan, NSW State Emergency Service, affirmed and examined.

Acting Commissioner Platz APM and Dr Morgan each made a short opening statement. Evidence concluded and the witnesses withdrew.

The following witnesses were admitted:

- Ms Joanna Quilty, Acting Chief Executive Officer, NSW Reconstruction Authority, affirmed and examined.
- Ms Catherine Baxter, General Counsel, NSW Reconstruction Authority, affirmed and examined.
- Mr Andrew Graham, Chief Financial and Operating Officer, NSW Reconstruction Authority, affirmed and examined.

Ms Quilty made a short opening statement. Evidence concluded and the witnesses withdrew.

The hearing adjourned at 11.32am and resumed at 11.45am.

The following witnesses were admitted:

- Ms Kristy Chan, Acting Executive Director, Strategic Planning & Policy, Department of Planning, Housing and Infrastructure, affirmed and examined.
- Mr Steve Hartley, Executive Director, Resilience and Sustainability, Department of Planning, Housing and Infrastructure, affirmed and examined.
- Mr Douglas Walther, Executive Director, Office of Local Government, sworn and examined.
- Ms Michelle Fletcher, Director, Marine, Coast, Estuary Flood, Department of Climate Change, Energy, the Environment and Water, affirmed and examined.

Ms Fletcher, Mr Walther and Mr Hartley each made a short opening statement. Evidence concluded and the witnesses withdrew.

The following witnesses were admitted:

- Mr Sam Toohey, Executive Director, Emergency Management, Premier's Department, affirmed and examined.
- Mr Nathan Vincent, Director, Emergency Management Policy and Coordination, Premier's Department, affirmed and examined.

Evidence concluded and the witnesses withdrew.

The public hearing concluded at 12.54pm.

4. Post-hearing deliberative meeting

The Committee commenced a deliberative meeting at 12.55pm.

4.1. Publication orders

Resolved, on the motion of Mr Williamson: That the corrected transcript of public evidence given today be authorised for publication and uploaded on the Committee's webpage.

5. Next Meeting

The meeting adjourned at 12.56pm until a time and date to be determined.

UNCONFIRMED MINUTES OF MEETING NO 8

1.35 pm, 15 November 2024

Meeting Room 1254 and via Webex

Members present

Clayton Barr (**Chair**), Liza Butler (**Deputy Chair**), Roy Butler, Sue Higginson, Stephen Lawrence, Emily Suvaal and Richie Williamson.

Apologies

Warren Kirby, Tamara Smith and Sam Faraway.

Officers present

Matt Johnson, Anna Tran, Mengyuan Chen, Elizabeth Hawken and Rhea Maggs.

1. Confirmation of minutes

Resolved, on the motion of Mr Lawrence, seconded by Mr Butler: That the minutes of the meeting of 16 September 2024 be confirmed.

2. ***

3. Review of the *NSW Reconstruction Authority Act 2022*

3.1. Answers to questions taken on notice

Resolved, on the motion of Ms Higginson: That the Committee accept and publish the following answers to questions taken on notice at the public hearings held on 16 and 23 August, and 16 September 2024:

- Ms Deborah Stafford, Byron Shire Council received 13 September 2024
- Mr Nathan McBriarty, Wollongong City Council received 14 September 2024
- Ms Megan Ang, Hawkesbury City Council received 16 September 2024
- Ms Erika Pawley, Moore Point Joint Landowners Group received 24 September 2024
- Ms Belinda Holl, NSW State Emergency Service received 30 September 2024
- Ms Kristy Chan, Department of Planning, Housing and Infrastructure received 17 October 2024.

3.2. Consideration of Chair's draft report

Resolved, on the motion of Ms Higginson: That the Committee authorise the audio-visual recording of the draft report consideration to be accessed by the secretariat only and to be deleted following the tabling of the report.

Resolved, on the motion of Ms Suvaal: That the Committee consider the report chapter by chapter.

The Committee considered Chapter One of the report.

Resolved, on the motion of Ms Suvaal: That the following new recommendation be inserted on page 1 that reads:

'That the NSW Government consider amending the *NSW Reconstruction Authority Act 2022* to introduce a legislative requirement for exercising the state recovery arrangements as necessary. This should replicate a statewide event, include emergency services, and test the arrangements between the *State Emergency and Rescue Management Act 1989* and the *NSW Reconstruction Authority Act 2022*, including the transition from response to recovery.'

Resolved, on the motion of Ms Suvaal: That a new paragraph 1.10 be inserted after paragraph 1.9 that reads:

'In light of this, the Committee notes that the Authority's arrangements and processes may still be practiced in periods between significant disaster events. We heard from the state's other emergency services organisations that they carry out regular exercising of their arrangements. [Insert footnote: Dr Morgan, Evidence, 16 September 2024, p 8; Acting Commissioner Platz, Evidence, 16 September 2024, p 13.] We believe that the Authority may benefit from carrying out similar practice exercises. The Committee therefore recommends that the NSW Government consider amending the Act to introduce a legislative requirement for exercising the state recovery arrangements as necessary. This should replicate a statewide event, include emergency services, and test the arrangements between the *NSW Reconstruction Authority Act 2022* and the Act, including the transition from response to recovery.'

Resolved, on the motion of Ms Suvaal: That a new paragraph 1.18 be inserted after paragraph 1.17 that reads:

'Local government stakeholders raised particular concerns about the issue of delays in delivering disaster recovery funding. These delays place an immediate administrative and financial burden for disaster recovery on local councils. [Insert footnote: Submission 10, Blacktown City Council, p 6; Submission 27, pp 2-3; Submission 28, pp 1-2; Submission 29, pp 3-4; Submission 55, p 3; Submission 56, pp 1-2; Submission 66, p 2; Submission 67, pp 14-15; Mr David Reynolds, Chief Executive, Local Government NSW, Transcript of evidence, 23 August 2024, p 2; Mr Anthony McMahon, Chief Executive Officer, Bega Valley Shire Council, Transcript of evidence, 23 August 2024, pp 7, 62; Mr Paul Belz, Director, City Assets, Blacktown City Council, Transcript of evidence, 23 August 2024, p 14; Mr Kerry Robinson OAM, Chief Executive Officer, Blacktown City Council, Transcript of evidence, 23 August 2024, pp 14, 17; Mr Surinder Aneja, Manager, Civil Asset Maintenance, Blacktown City Council, Transcript of evidence, 23 August 2024, p 15; Mr Dickinson, Evidence, 23 August 2024, p 23; Ms Caroline Foley, Chief Financial Officer, Northern Beaches Council, Transcript of evidence, 23 August 2024, p 24; Dr Howe, Evidence, 23 August 2024, p 28; Mr Clarke, Evidence, 23 August 2024, pp 28-29; Mr Sylvester Otieno, Divisional Manager, Engineering Services, Warren Shire Council, Transcript of evidence, 23 August 2024, p 40; Mayor Krieg, Evidence, 23 August 2024, p 44; Mr Nathan McBriarty, Manager, Infrastructure Strategy and Planning, Wollongong City Council, Transcript of evidence, 23 August 2024, pp 51-52; Councillor Matt Gould, Mayor, Wollondilly Shire Council, Transcript of evidence, 23 August 2024, p 52; Mr Peter Buckley, Director, Shire Services, Wollondilly Shire Council, Transcript of evidence, 23 August 2024, p 53; Mr Tony Donoghue, General Manager, Coolamon Shire Council, Transcript of evidence, 23 August 2024, p 55; Mr Carey McIntyre, Director, City

Services, Shoalhaven City Council, Transcript of evidence, 23 August 2024, pp 60-61; Answers to questions on notice, Byron Shire Council, 13 September 2024, p 1.] Some witnesses from local government informed the Committee about recent 'tripartite agreements' for disaster recovery funding, as an effective measure to address these concerns. [Insert footnote: Mr Reynolds, Evidence, 23 August 2024, p 3; Mr Brad Byrnes, General Manager, Cabonne Council, and Non-Voting Representative, Central NSW Joint Organisation, Transcript of evidence, 23 August 2024, p 10; Dr Brendan Logan, Chief Operating Officer, Lismore City Council, Transcript of evidence, 23 August 2024, p 43; Mr McIntyre, Evidence, 23 August 2024, p 61; Answers to questions on notice, Byron Shire Council, p 1.]

Resolved, on the motion of Ms Suvaal: That a new sentence be inserted into paragraph 1.23 after the words 'relating to a disaster.' that reads as follows: 'We note that these reviews into the Authority's operations will consider whether any tripartite agreements were made, and the effectiveness of these agreements.'

Resolved, on the motion of Ms Suvaal: That Chapter One, as amended, stand part of the report.

The Committee considered Chapter Two of the report.

Resolved, on the motion of Ms Suvaal: That Recommendation 4 be amended as follows:

- The words 'NSW Treasury,' be inserted after the words 'the Department of Planning, Housing and Infrastructure'.
- The words 'and improve efficiency' be inserted after the words 'minimise any duplication'.
- The words 'activities, data, modelling and information sharing' be inserted after the words 'with respect to disaster preparedness and mitigation'.

Resolved, on the motion of Ms Suvaal: That Chapter Two, as amended, stand part of the report.

The Committee considered Chapter Three of the report.

Resolved, on the motion of Ms Butler: That Chapter Three stand part of the report.

The Committee considered Chapter Four of the report.

Resolved, on the motion of Mr Butler: That Chapter Four stand part of the report .

Resolved, on the motion of Mr Williamson:

- That the draft report as amended be the report of the Committee and that it be signed by the Chair and presented to the House.
- That the Chair and committee staff be permitted to correct stylistic, typographical and grammatical errors.
- That, once tabled, the report be posted on the Committee's webpage.

3.3. Proposed report cover

Resolved, on the motion of Ms Suvaal: That the attached proposed report cover be the cover of the Committee's report.

4. ***

5. Next Meeting

The meeting adjourned at 2.25 pm until a time and date to be determined.

Appendix Six – Glossary

The Act	<i>NSW Reconstruction Authority Act 2022</i>
ACCO	Aboriginal community-controlled organisations
ALS	Aboriginal Legal Service NSW/ACT
BCCM	Business Council of Co-operatives and Mutuals
CDAG	Community Disaster Action Group
CJO	Central NSW Joint Organisation
CTG	Closing the Gap
DAP	Disaster Adaptation Plan
DCCEEW	Department of Climate Change, Energy, the Environment and Water
DPHI	Department of Planning, Housing and Infrastructure
DRFA	Disaster Recovery Funding Arrangements
EMPLAN	Emergency Management Plan
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
FCA	Financial Counselling Australia
FMA	Floodplain Management Australia
IPWEA	Institute of Public Works Engineering Australasia
LEMC	Local Emergency Management Committees
LGA	Local government area
LGNSW	Local Government NSW
NCOSS	NSW Council of Social Service
NEMA	National Emergency Management Agency
NNIC	Nimbin Neighbourhood and Information Centre
NRCLC	Northern Rivers Community Legal Centre
OLG	The Office of Local Government
PPRR	The four phases of disaster management: prevention/mitigation, preparedness, response and recovery
QRA	Queensland Reconstruction Authority
QRA Act	<i>Queensland Reconstruction Authority Act 2011 (Qld)</i>
REROC	Riverina Eastern Regional Organisation of Councils
RFS	Rural Fire Service
SDMP	State Disaster Mitigation Plan
SEMC	State Emergency Management Committee

SERM Act	<i>State Emergency and Rescue Management Act 1989</i>
SES	NSW State Emergency Service
WSROC	Western Sydney Regional Organisation of Councils
