

Talked to Tudehope
16/11/22

NSW RECONSTRUCTION AUTHORITY BILL 2022

STATEMENT OF PUBLIC INTEREST

Need: Why is the policy needed based on factual evidence and stakeholder input?

On 21 March 2022, the NSW Government commissioned an independent expert inquiry (**the Inquiry**) into the preparation for, causes of, responses to and recovery from the major flooding events that occurred across the New South Wales in 2021/2022.

On 29 July 2022, the Inquiry published its final 2022 Flood Inquiry Report. The Report included 28 recommendations across a range of areas including emergency management arrangements, land management and planning, equipment and technology, capacity and capability building and research.

Recommendation 15 was for the establishment of a permanent state-wide agency dedicated to disaster recovery, reconstruction and preparedness. The Inquiry recommended that the Authority be established under dedicated legislation that is introduced, considered and passed as soon as possible, and modelled on the *Queensland Reconstruction Authority Act 2011* (Qld).

The Bill implements the recommendation of the Inquiry to establish a permanent state-wide government agency, the NSW Reconstruction Authority (**the Authority**) dedicated to disaster recovery, reconstruction and preparedness. The Bill also implements several other recommendations of the Inquiry relating to emergency management arrangements, land management and planning, capacity and capability building and research.

Objectives: What is the policy's objective couched in terms of the public interest?

The 2021/22 floods in New South Wales severely tested the State's preparedness for major natural disasters, which are predicted to increase in both frequency and severity in the future.

The primary objective of the Bill is to promote community resilience to the impact of disasters in New South Wales through better prevention, preparedness and adaptation efforts, and improved recovery and reconstruction initiatives following disasters.

The Bill will improve public safety and community welfare by better preparing local communities for future disasters. The Bill does this by providing the Authority with a range of powers and functions including:

- identifying, assessing and managing the risks from disasters,
- leading disaster resilience, risk reduction, adaptation and mitigation activities,
- building community capacity and resilience to the impact of disasters,
- developing and implementing methodologies for disaster resilience, adaptation and mitigation activities,
- facilitating, coordinating and directing the recovery, planning and rebuilding of affected communities, including the repair and rebuilding of land, infrastructure and other development
- balancing constraints to enable a focused, timely and expedited recovery of affected communities,

- supporting collaboration and coordination between Government agencies, local councils, service providers and non-government bodies to improve disaster prevention, preparedness and adaptation, and recovery and reconstruction efforts,
- increasing information flows to enable community participation to support the development of strategies for disaster prevention, preparedness and adaptation, and recovery and reconstruction efforts,
- entering into joint ventures, project delivery agreements and other arrangements with landowners, developers, State and Commonwealth Government agencies and local councils in NSW,
- carrying out research, and providing advice, reports, proposals and recommendations to the Minister for Planning in relation to disaster prevention, preparedness and adaptation, and recovery and reconstruction,
- assisting local councils by providing advice and support to maximise the effectiveness of strategies for disaster prevention, preparedness and adaptation, and recovery and reconstruction.

Options: What alternative policies and mechanisms were considered in advance of the bill?

The proposed reforms arose out of the recommendations made by the Inquiry. The Inquiry considered alternative policies and mechanisms as it investigated the preparation for, causes of, responses to and recovery from the major flooding events that occurred in New South Wales in 2021/22. The Inquiry concluded that a legislative response was required to establish the Authority and improve community resilience to the impact of disasters in New South Wales.

The alternative option of maintaining the status quo is not appropriate as it will not give effect to the recommendations of the Inquiry. Nor will maintaining the status quo achieve the intended objective of improving the ability of disaster prevention, preparedness and adaptation, and recovery and reconstruction in New South Wales. The Bill is the most preferred option because it responds to the recommendations of the Inquiry by establishing a single state-wide government agency responsible for disaster prevention and recovery.

Analysis: What were the pros/cons and benefits/costs of each option considered?

The Bill provides the Authority with a range of powers and functions that will improve the ability of New South Wales to prepare for, and respond to the impact of disasters. Existing emergency management measures, including those relating to disaster prevention, preparedness and adaptation, and reconstruction and recovery are currently exercised by several different emergency combat agencies, each capable of exercising different powers. By establishing a permanent state-wide government agency responsible for leading and coordinating disaster prevention and recovery, the Bill will centralise the function of disaster prevention and recovery and improve ability of NSW to prepare for, and respond to the impact of disasters with improved flexibility, reduced red-tape and more efficiency. The Bill is reasonable and appropriate as effective outcomes will be delivered through a central state-wide government agency – the Authority. Accordingly, if the Bill is not made, the State will be required to rely on existing emergency response measures that have, to date, proven ineffective in preparing for, and responding to, the impact of disasters.

Pathway: What are the timetable and steps for the policy's rollout and who will administer it?

It is proposed to commence on assent only those provisions of the Bill that establish the Authority and its Advisory Board, enable the chief executive officer of the Authority and staff to be appointed along with some limited planning powers. This is to ensure that the Authority does not take a lead role in disaster prevention and recovery, until such time that the Authority is fully resourced. The remaining provisions of the Bill will commence on a day or days to be appointed by proclamation.

Consultation: Were the views of affected stakeholders sought and considered in making the policy?

In developing the Bill, a number of key government agencies were consulted through the Project Management Office within the Department of Premier and Cabinet. These include, the Department of Communities and Justice, the Department of Regional NSW, the NSW Treasury, the NSW Police Force, the State Emergency Service, Resilience NSW, Fire and Rescue NSW, the NSW Rural Fire Service, the Northern Rivers Reconstruction Corporation and Infrastructure NSW.