

**Submission
No 7**

REVIEW OF THE NSW RECONSTRUCTION AUTHORITY ACT 2022

Organisation: MidCoast Council

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The review asks whether the objects of the NSW Reconstruction Authority Act 2022 (the Act) remain valid, and whether the terms of the Act remain appropriate for securing objectives.

Section 3 sets out the primary object of the Act as:

3 Primary object

The primary object of this Act is to promote community resilience to the impact of disasters in New South Wales through—

- (a) disaster prevention, preparedness and adaptation, and
- (b) recovery and reconstruction following disasters.

While the objects remain valid, the question is whether adequate support is provided to local government to meet the objectives. For MidCoast Council, the promotion of community resilience is undertaken by Council's Community Recovery Officer. This role was established following the 2019 NSW Bushfires and is a co-funded through the State and Federal Governments. With the cessation of the co-funded Community Officer role later this year, adequate support will not be provided to local government to meet this objective to a satisfactory level.

Consistent with the imminent cessation of co-funding, Council's Community Recovery Officer's role will expire in the second quarter of 2024/25. The Community Recovery Officer's transition preparations included an addition to the Council funded Community Development Officer role to include community capacity building for resilience outcomes. The Community Development Officer role has been filled with up to 10% of Resilience work transitioning to that Officer at the end of the Community Recovery Officer's contract.

Council cannot promote community resilience consistent with the objects of the Act without adequate resource. The promotion of community resilience/disaster preparedness is not a function of local government and accordingly must be funded through other levels of government.

With respect to reconstruction activity or development work, the Act allows the Minister may make a 'ministerial authorisation' to authorise the undertaking of development without the need for an approval or assessment under the Environmental Planning and Assessment Act 1979 ('EPA Act') in certain areas during a declared state of emergency/disaster declarations.

Further, the Act provides the Reconstruction Authority and the Minister power to carry out or take over projects, and direct or step in the role of a council in exercising legislative functions – provided that it is disaster related.

While the legislation is relatively new (commenced Dec 2022), the question is whether the Act strikes the right balance between disaster responsiveness/preparedness and the wide powers conferred upon the Reconstruction Authority/Minister. The concern is that the powers conferred are too far reaching and the question to be asked is whether there are adequate governance arrangements in place to ensure transparency, accountability and engagement as appropriate.

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