

**Submission
No 34**

REVIEW OF THE NSW RECONSTRUCTION AUTHORITY ACT 2022

Organisation: Community Disaster Action Group (CDAG)

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NSW RA Act 2022 INQUIRY SUBMISSION

17 May 2024

Submission to the Joint Select Committee on the NSW Reconstruction Authority Review of the NSW Reconstruction Authority Act 2022 By the Community Disaster Action Group (CDAG).

Dear Members of the Joint Select Committee,

The Community Disaster Action Group (CDAG) appreciates the opportunity to make a submission regarding the statutory review of the NSW Reconstruction Authority Act 2022. CDAG formed in response to inadequacies in the government's recovery efforts following the devastating 2022 Northern Rivers floods. We represent a united voice for the seven impacted LGAs calling for a fully-funded, community-led flood recovery and adaptation process.

Having carefully reviewed the Act, it is our position that while the policy objectives outlined in Section 3¹ remain valid, the terms of the Act i.e. the functions and powers, are not appropriate for securing those objectives based on our first hand experience. We assert that there is an obvious conflict between the primary purpose of the act, "to promote community resilience", and the failure to engage with the community, which has had implications for communication, transparency and fairness.

According to the State Emergency Management Plan (EMPLAN).

¹ 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.

“Disaster resilience is an outcome derived from sharing responsibility between all levels of government, business, the non-government sector and the community, who then act on this basis prior to, during and after a disaster. Disaster resilience is significantly increased by active planning and preparation. A shared understanding of disaster risks at a community level is a vital precursor.”²

Our key concerns and related recommendations are as follows and are largely a commentary on this failure of function, a failure of the act to achieve its purpose.

1. Lack of specificity and clear definitions

- The Act uses vague terms like “promote community resilience” without providing clear definitions or measurable outcomes. This lack of specificity makes it difficult to evaluate the Authority’s effectiveness in achieving its objectives.³ The lack of clear and overarching policies, at least as a starting point, has been a failure.
- Front office staff, section heads and managers have resorted to explaining the lack of progress or apparently conflicting information with the mantra that they always operate on a “case by case basis”. The functions of the act have been constrained by the Corporation’s (NRRC) and now Authority’s ‘risk aversion’ or avoidance of giving clear and detailed information for fear they will have to defend their decisions and actions.⁴
- There has been a failure to communicate clear guidelines, timelines and criteria, thus gossip and confusion abound. This, of necessity, contributes further to social division and impedes the development of resilience.

Recommendation: That terms in the act be defined, in particular as regards the specific functions of

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<https://www.nsw.gov.au/rescue-and-emergency-management/state-emergency-management-plan-emplan>

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<https://lsj.com.au/articles/calls-for-clarity-and-safeguards-on-ministerial-powers-during-disasters/#:~:text=>

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<https://lismoreapp.com.au/NewsStory/flood-mapping-independent-peer-review-report-is-release-d-with-25-recommendations/6608f30ff88814002900bef7#top>

(ii) facilitating, coordinating and directing the recovery, planning and rebuilding of affected communities, including repairing and rebuilding land and infrastructure and other development, and

(iii) balancing constraints to enable a focused, timely and expedited recovery of affected communities.

The community needs to know where they stand.

2. Failure to achieve disaster prevention, preparedness and adaptation

- A core function of the Authority under Section 10 is disaster prevention, preparedness and adaptation. However, programs central to this function, namely the Resilient Homes Program (RHP) and Resilient Land Program (RLP), have not been successful in helping communities adequately prepare for future disasters.⁵ Many in the community feel they have been an object failure. Criteria must be clarified and communicated, they should be broadened to cover more households.

Recommendation: That the act be implemented or if necessary strengthened so that the functions⁶ actually operate as stated i.e. that the NSWRA actually lead, work closely with communities, recognise communities needs and work to improve resilience. That the act be amended to ensure that data relating specifically to the material conditions and situations of residents pre and post flood is collected, including impact on renters and tenants, causes and reasons for relocation, statistics relating to ownership of properties including investment properties and average offers for buyback by suburb.

3. Inadequate community engagement and empowerment

- While Section 10(c) calls for information sharing and community engagement to enable participation in developing prevention and recovery strategies, in practice engagement has been more about one-way

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<https://www.theguardian.com/australia-news/2024/apr/22/resilient-homes-program-northern-rivers-house-raising>

⁶ (i) to work closely with affected communities to ensure the needs of each community are recognised in the recovery and reconstruction of the community, and to improve the disaster preparedness and resilience of communities. (h) to lead the management and coordination of housing and infrastructure renewal and recovery within affected communities,

information sessions rather than true collaboration.⁷ While there has been some attempt at information sharing prior to the Act, and some, albeit flawed attempts at letterbox drops; actual consultation and engagement has been limited.

Recommendation: The Act should mandate robust processes for democratic community empowerment in decision-making to better deliver the functions

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

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

- By changing the composition of the Community Leaders Forum to include community members not just Mayors of local governments in the NR for example those with expertise in flood management, those with lived experience and expertise in flood rescue and recovery, public intellectuals, members of the most flood impacted communities etc. There are rigorous ways to ensure this is equitable and fair such as by ballot, sortition etc.
- By delivering the promised neighbourhood outreach, opening up regular meetings for homeowners planning to relocate to all those eligible and publishing the minutes. By improving transparency and consistency of information provided at the NSWRA offices and online.

4. Insufficient funding and slow delivery

- The full \$1.5 billion promised for recovery has not been provided and rollout of buybacks, house raising, retrofitting and relocation has been too slow, leaving communities vulnerable.⁸ The Act should compel swifter allocation of sufficient funding, especially for pre-disaster mitigation. Despite the claims of the heads of the RHP and RLP these are still confusing and difficult. Some commercial interests appear to be given preference in

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<https://www.parliament.nsw.gov.au/Hansard/Pages/HansardResult.aspx#/docid/HANSARD-1820781676-93344>

⁸ <https://www.echo.net.au/2024/03/pm-nr-disaster-recovery/>

particular the corporations given tenders for property assessment and demolition. In some cases those are the same companies given the tenders to demolish buildings they have repaired or to rebuild properties they have just demolished.

Recommendation: That Act should clarify and make public the guidelines and supports available for homeowners seeking to relocate, raise or retrofit their houses to ensure that the RHP can begin to demonstrate progress and to ensure

(ii) communities can recover, reconstruct and adapt effectively and efficiently following disasters, and

And furthermore that the Authority actually

(h) lead the management and coordination of housing and infrastructure renewal and recovery within affected communities,

In summary, CDAG asserts that the NSW Reconstruction Authority has thus far fallen short in promoting genuine community resilience and enabling communities to drive their own recoveries. We believe this stems from shortcomings in the Act itself - namely its lack of clear mandates around community-led approaches, funding provision, and urgent pre-disaster mitigation.

The Committee's review provides an important opportunity to strengthen the Act so it can serve as a more effective blueprint for disaster recovery, both for the 2022 floods and future disasters. CDAG would welcome the chance to elaborate on our concerns and provide suggestions at a hearing.

Thank you for your consideration of our perspective as a community organisation at the frontlines of disaster recovery. We look forward to the outcomes of this critical review process.

Sincerely,

The Community Disaster Action Group (CDAG)

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ENDS