

**Submission
No 46**

REVIEW OF THE NSW RECONSTRUCTION AUTHORITY ACT 2022

Organisation: Shoalhaven City Council

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Shoalhaven City Council

Submission to the 2024 Review of NSW Reconstruction Authority

16 June 2024

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Introduction

Shoalhaven City Council (Council) welcomes the opportunity to make a submission in respect of the Review of the NSW Reconstruction Authority Act 2022.

Council's experience of the NSW Reconstruction Authority (RA), has been most positive. Council has found the responsiveness of RA and its staff to be commensurate with the urgency inevitably associated with responding to natural disasters.

RA has been found to be collaborative and to have a good understanding of the resource and capacity constraints upon local government in NSW.

In making this submission, Council has had regard to the Terms of Reference (ToR) for this review, being to determine whether:

- (a) the policy objectives of the Act **remain valid**, and
- (b) the terms of the Act **remain appropriate** for securing the objectives.

The ToR have been addressed here, by making reference to

1. The Primary object of the Act (Division 1, section 3)
2. How the primary object is to be achieved (Division 1, section 4)
3. The Functions of Authority (Division 2, section 10).

Each of these will be addressed in turn.

Body of Submission

1. The Primary object of the Act

Disaster prevention, preparedness and adaptation:

It is considered this objective remains valid and is critical to the success of RA and other agencies (including local government) in NSW. It is also critical to the success of individuals in preparing for and being ultimately resilient to natural disaster.

To this end, RA is considered to be the most appropriate lead agency in delivering these outcomes in NSW and requires the full support of other state agencies in doing so.

Recovery and reconstruction following disasters

This is considered by Council to be the most valid and indeed, critical objective of RA and needs to be resourced accordingly. Moreover, homogeneous policy frameworks, that are implementable at a local government level are needed to enable the successful achievement of the outcome.

Other Possible Primary Objects.

Council believes a further primary object of RA could be the centralised coordination of all non-emergency agencies in the recovery and reconstruction role, with significant powers to set aside internal requirements of other agencies, where necessary.

For example, it is considered RA needs to be able to directly provide funding to local government without having to work through (in the case of road damage), Transport for NSW.

2. How the primary object is to be achieved

It is considered the method by which the primary object is to be achieved remains appropriate.

Notwithstanding the Function of the Authority, set out in Division 2, section 10, it is considered the way in which the primary object is to be achieved could be strengthened by articulating further, the key elements of disaster prevention, preparedness and adaptation. Whilst this is referenced in Division 1, section 4, part (b), sub-part (iii), further direction could be provided here.

Further, it is considered the ability for RA to achieve the primary object through emergency powers with respect to other state agencies should be added to this section.

Finally, the ability for RA to allow for the direct approval of funding of betterment of infrastructure where that betterment is manifestly in the best interest of the community the local government and the state and federal government (where federal funding is included), is considered essential in part (b).

3. The Functions of Authority

The functions in this section are considered to remain relevant, subject to the commentary provided in Parts 1. and 2. of this submission prevailing to the extent of any inconsistencies. In this respect, the following commentary is provided:

- i. Section 10, part (1), sub-part (c). There is an opportunity here for RA to be the single point of truth with respect to its functions (as opposed to response authority's functions), by having a more centralised media outlet arm that

provides a hub for all other information. This would obviously require resourcing.

- ii. Section 10, part (1), sub-part (m). Here, the ability for RA to direct available funding, directly and without prior reference to other agencies, in the delivery of its functions would benefit stakeholders. This may require a further explanatory note in Section 10, part (2), sub-part (b).

Further, the ability to include betterment in that direct funding or at the very least approve betterment is considered essential to enable the RA to fulfill its functions.

- iii. A general comment would be the funding model of RA may need to be reviewed in order to ensure it has the personnel and funds necessary to fulfill the functions described in this section.

Conclusion

RA represents a significant evolution in the preparation for and the recovery from natural disasters as it relates to the state and hence local government (and the community it serves).

The object and functions of the RA are considered to remain valid and appropriate. There are some elements of them that would benefit from additional detail or expansion and these suggestions are set out in this submission.

Once again, Council would like to highlight the criticality of betterment funding being available through RA (for and on behalf of other agencies).

Council is able to cite an example of a bridge which has been damaged three times and reconstructed twice because it is not able to fund the increased deck level or improved approach roads as that would be considered betterment.

Thank you again for the opportunity to make a submission at this time.