

**Submission  
No 58**

## **REVIEW OF THE NSW RECONSTRUCTION AUTHORITY ACT 2022**

**Organisation:** Nimbin Neighbourhood and Information Centre Incorporated  
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## Nimbin Neighbourhood & Information Centre Incorporated

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Mr Clayton Barr MP  
Chair  
Joint Select Committee on the NSW Reconstruction Authority  
NSW Parliament House  
Sydney NSW 2000

Dear Mr Barr

### **Review of the NSW Reconstruction Authority Act 2022**

Thank you for the opportunity to contribute to the review of the *NSW Reconstruction Authority Act 2022*.

Nimbin Neighbourhood and Information Centre (NNIC) serves as the primary hub for community-based support within the rural town of Nimbin in Northern NSW. We offer a comprehensive range of services tailored to meet the needs of disadvantaged individuals and families, as well as transient and homeless individuals in need. NNIC operates as a one-stop-shop on a 'no wrong door' service model basis, addressing various welfare needs under one roof. From community information and referrals to crisis support and advocacy, we strive to support clients by providing solutions to systemic socio-economic issues and empowering them to take steps towards living their best lives within their community.

### **NNIC's role in disaster resilience response and recovery**

Nimbin is located on the northern boundary of the Lismore LGA and consequently NNIC services a catchment area that includes parts of the Kyogle and Tweed LGAs as well as the Northern Lismore area.

Following the 2019 Mt Nardi Bushfires a Community Disaster Plan was developed. The first version focused on resilience/preparedness but the revised version, produced after the 2022 floods, incorporates a community-led response and recovery plan. A local grassroots group was established to oversee the implementation of the Nimbin Community Disaster Plan (NCDP). NNIC plays a major role in this (unincorporated) group by providing scaffolding such as insurance and volunteer support, auspicing and managing funding for projects and activities under the NCDP.

In the initial response phase in the 2022 flood events, NNIC swiftly mobilised to assist impacted individuals.

We worked together with other community groups on the ground, spontaneous volunteers and the Rural Fire Service (RFS) to assist RFS members in coordinating welfare checks on the ground, coordinating the efforts of the Australian Defence Force when they arrived, coordinating information updates to the community and providing essentials such as food and clothing. Additional emergency funding was obtained through local donations and various funders to provide vouchers for fuel and materials essential for emergency home repairs. Between March and August 2022, our occasions of service increased by more than five times the average and almost 200 flood impacted community members sought our support as they grappled with

severe damage to their homes and access roads due to landslides and significant disruption to their lives and livelihoods.

We secured funding from the NSW Reconstruction Authority (the RA, previously called Resilience NSW) to establish the Nimbin and District Recovery Support Service (RSS) in August 2022. Flood impacted cases were then transferred across to our new RSS team to provide the specialist support which was beyond the long-term capacity of our existing team who had been overwhelmed by the demand for help. The RSS commenced operations in September 2022 and has since assisted over 260 community members. The RSS has a current caseload of 59 clients. Many of these are more complex cases where the damage to their homes or infrastructure is also the most severe.

The path to recovery has been arduous for many in our community, with some still in a state of uncertainty as they await key policy decisions. This ongoing limbo presents significant challenges, both practical and emotional, for those affected. Many of these individuals are awaiting policy decisions, particularly regarding the Landslip Policy, crucial for progressing their applications for Disaster Relief Grants (DRG) and/or the Resilient Homes Program (RHP). Others are only now moving back onto their properties into Emergency Pods generously provided by Ballina-on-Richmond Rotary Club.

## **Terms of Reference**

### **Question 1: Do the policy objectives of the Act remain valid?**

The Act states as follows:

*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.*

#### *4 How primary object is to be achieved*

*The primary object is to be achieved by—*

- (a) establishing the NSW Reconstruction Authority to facilitate community resilience to the impact of disasters in New South Wales through prevention, preparedness and adaptation, and*
- (b) providing for the functions and powers of the NSW Reconstruction Authority, including functions and powers to—*
  - (i) facilitate the protection, recovery and reconstruction of affected communities, and*
  - (ii) mitigate against the impact of potential disasters on communities, and*
  - (iii) improve the resilience and adaptability of affected communities in relation to potential disasters, including, for example, by the betterment of affected communities, and*
- (c) providing for the exercise of functions by the chief executive officer of the NSW Reconstruction Authority, subject to the Minister's control and direction, including ensuring the Authority exercises its functions effectively and efficiently.*

## **Comments:**

The overall primary object remains valid in our view.

In relation to (b)(iii) we question the use of the term 'betterment' – betterment according to who? This is not defined in the Act and is a highly subjective term. We recommend an alternative statement such as:

*improve the resilience and adaptability of affected communities in relation to potential disasters, including, for example, by **supporting community-led efforts and initiatives.***

## **Question 2: Do the terms of the Act remain appropriate for securing the objectives?**

We refer to **Part Two Division 2 of the Act** which sets out the functions of the RA, and **Part Five of the Act** which sets out the powers of the RA in relation to declared projects, reconstruction areas and disaster prevention areas.

We acknowledge the importance of the RA having considerable flexibility and power to respond to disaster situations. However, the powers conferred on the RA under Part Two and Part Five in particular, appear overly broad and could be potentially misdirected or misused without adequate guidance provided under the legislation to inform the RA in the implementation of its powers under the Act.

We recognise such powers are required to enable e.g. the installation of temporary housing pods or give effect to programs such as the RHP.

As you are no doubt well aware there has been considerable angst around the operation of the RHP in the Northern Rivers, the main reasons being:

- Lack of clarity around eligibility and perceived inequity between neighbours;
- Oversubscription to the program from the start and a lack of effective expectation management;
- Announcements made regarding recovery options without consistent funding allocations;
- High levels of concern around buy back homes made of high-quality old growth timbers being scrapped and sent to landfill when those timbers could be recycled – for example many homes in the region need replacement weatherboards for repairs;
- High demand for home relocation options but issues with lack of land availability;
- Empty homes in an area with significant housing stressors existent prior to the 2022 floods, while so many are homeless and living on the streets.

These are not all matters for the legislation however some guiding principles included in Part Five of the Act in particular could be useful, as follows;

- Inclusion of the concept of relocation of homes;
- Inclusion of a commitment to sustainable outcomes, such as recycling of building materials, and not only the most economical ones;
- Inclusion of a commitment to minimising displacement of people from their communities where possible;
- Inclusion of a strong commitment to ascertain community needs and aspirations from the community itself;
- Inclusion of time limitations around the application of powers conferred under the Act.

Whilst there is considerable pressure to act quickly immediately following a disaster, it has been observed that due to this pressurised initial response, mistakes are made resulting in poorly targeted application of resources occurring and many people left behind along the way. There is merit in undertaking a more considered and staged response even from the outset.

Hopefully the impacts of landslips and rural infrastructure will be recognised in future disasters. At the time of writing this submission we are still waiting for a policy on landslips to clarify eligibility for the DRG and the RHP.

## Summary of Submissions and Recommendations

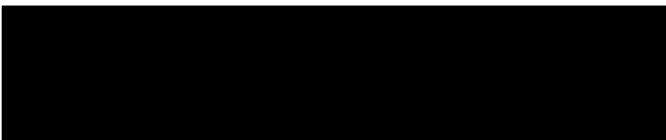
In summary we submit as follows:

1. The primary object stated in the Act remains valid in our view.
2. The meaning of the term 'betterment' used in Clause 4(b)(iii) of the Act is vague and subjective and we recommend an amended clause such as: *improve the resilience and adaptability of affected communities in relation to potential disasters, including, for example, by **supporting community-led efforts and initiatives.***
3. Part Two and Part Five confer very broad powers on the RA and we recommend the Act be amended to include guiding principles around matters such as environmental sustainability, the inclusion of such concepts as community consultation, home relocation, and a commitment to minimising displacement of people from their communities wherever possible.
4. We urgently require resolution of the Landslips Policy – the absence of this policy is preventing the objects of the Act from being achieved for numerous impacted community members.

As we continue to navigate the aftermath of the 2022 floods in the Northern Rivers, NNIC remains committed to supporting those affected and implementing measures to build a more resilient and prepared community for the future.

Please do not hesitate to contact me with any questions you may have.

Yours Sincerely



Natalie Meyer, Manager

Nimbin Neighbourhood and Information Centre Inc