

REPORT ON PROCEEDINGS BEFORE

**JOINT SELECT COMMITTEE ON THE NSW
RECONSTRUCTION AUTHORITY**

REVIEW OF THE NSW RECONSTRUCTION AUTHORITY ACT 2022

At Macquarie Room, Parliament House, Sydney, on Friday 16 August 2024

The Committee met at 9:00.

PRESENT

Mr Clayton Barr (Chair)

Ms Liza Butler (Deputy Chair)

Ms Sue Higginson

The Hon. Stephen Lawrence

Ms Tamara Smith

The Hon. Emily Suvaal

PRESENT VIA VIDEOCONFERENCE

The Hon. Sam Faraway

Mr Warren Kirby

* Please note:

[inaudible] is used when audio words cannot be deciphered.

[audio malfunction] is used when words are lost due to a technical malfunction.

[disorder] is used when members or witnesses speak over one another.

The CHAIR: Good morning everyone. Before we start the public hearing, I acknowledge the Gadigal people, who are traditional custodians of the land on which we meet at Parliament. I also acknowledge the traditional custodians of the various lands on which our virtual witnesses are appearing at this hearing. I pay my respects to the elders of the Eora Nation, past and present, and extend that respect to any Aboriginal and Torres Strait Islander peoples who are present or are viewing the proceedings through the public broadcast.

Under section 93, one of the statutory functions of this Committee is to review and report on the *NSW Reconstruction Authority Act 2022*, including whether the policy objectives of the Act remain valid and its terms remain appropriate for securing those objectives. The Committee commenced this review on 14 March this year and must report back to Parliament by Thursday 28 November this year.

Today we are conducting the first of several public hearings for the review of the Act. We thank the witnesses who are appearing before the committee today, both in person and virtually. We also thank the many stakeholders who have made written submissions to the review. Your input is greatly appreciated.

My name is Clayton Barr. I am the Member for Cessnock and Chair of this Committee. With me here today at Parliament House and online are my fellow Committee members: Ms Liza Butler, who is the Deputy Chair and Member for South Coast; the Hon. Stephen Lawrence, MLC; the Hon. Emily Suvaal, MLC; the Hon. Sam Faraway, MLC, online; Ms Sue Higginson, MLC; and Ms Tamara Smith, Member for Ballina. We have apologies from Mr Richie Williamson, Member for Clarence; and Mr Roy Butler, Member for Barwon.

Ms KATE MIRANDA, NSW State Director, Australian Red Cross, affirmed and examined

Mr BRENDAN PEARCE, Senior Adviser, External Engagement, Government, Australian Red Cross, sworn and examined

Mr ANDREW COGHLAN, Head of Humanitarian Diplomacy, Emergencies, Australian Red Cross, before the committee via videoconference, affirmed and examined

Mr CHARLIE CHUBB, Head of Northern and Western NSW, Uniting NSW.ACT, before the committee via videoconference, affirmed and examined

Ms NIKI GILL, Operations Manager, North Coast, Uniting NSW.ACT, before the committee via videoconference, affirmed and examined

Mr CLARK COOLEY, Government Relations Manager, Uniting NSW.ACT, before the committee, via videoconference, sworn and examined

The CHAIR: Before we begin with questions, I inform witnesses that they may wish to take a question on notice. If you do so, we would ask that you provide an answer in writing within 14 days of taking that question on notice. I will move now to questions.

Thank you very much for your submissions. For your information, we're doing two inquiries. The first inquiry is really around the legislative framework under which the Reconstruction Authority works. Next year, we will transition into a second inquiry where we will visit different communities who have been directly involved with the Reconstruction Authority to see how that rolled out for them.

I'll start by pitching my first question to Uniting. Thank you for your submission. In your experiences, and I know that you support people on the ground, but anecdotally, or in real practical terms, have you come across any of the people that you helped who have specifically said that the Reconstruction Authority told them they can't do this or that, and it seems to you to be a massive impediment to the work of the Reconstruction Authority and the successful outcome for the people you work with?

CHARLIE CHUBB: I don't think in so many words it would be what I would say. I think there are certainly people in the community who have been very challenged by their experience from the flooding and are struggling to get back on their feet, and they may see the actions of the New South Wales Government as being unhelpful or an impediment to that. But I don't think they've framed that frustration in the way the question was put, to be honest.

The CHAIR: What about Red Cross?

KATE MIRANDA: I'd say the same thing. We haven't heard on the ground or otherwise of people directly saying anything about the NSW Reconstruction Authority as an impediment.

The CHAIR: It's fair to note that a lot of our submissions are about the way the process rolled out, and people are really frustrated with the performance of government and the RA.

Ms LIZA BUTLER: Thank you all for joining us today. I am really interested in Red Cross's recommendation, too, about how the Reconstruction Authority can move into helping mitigate disasters. Could you just expand on that for me and maybe provide examples?

KATE MIRANDA: Are you referring to recommendation 1, around calling out social resilience?

Ms LIZA BUTLER: No, recommendation 2, how you can develop plans to mitigate and adapt that risk.

KATE MIRANDA: Given that the NSW Reconstruction Authority has the mandate to coordinate preparedness, we feel there's really an opportunity to prioritise this at the local government level and really work constructively with local governments to ensure preparedness. I mean, preparedness takes years and years and years. It's very different in a response situation. If a bridge is broken, you can actually see how to fix the bridge. But in preparing communities, it's very complex and it's usually not top of mind for people unless they've been through a disaster. So for us, we really think the effort and the investment needs to go into preparedness.

What typically happens—we saw it in round one of the Disaster Ready Fund. The funds for New South Wales, \$32.1 million was given for preparedness and only \$2.8 million went into community resilience. So there needs to be more investment and more of a proactive approach at the local government level. It's not something people are sort of sitting there going, "Yes, yes. I want to get my RediPlan. I want to make sure I'm planned. I'm completely and absolutely ready to respond." It's something that we have to walk people through. There are a lot

of barriers to preparedness. People don't know what to do. They don't know how to prepare. There's language barriers, digital literacy. Then, just really that building up of social resilience and those social networks are critical.

Ms LIZA BUTLER: Did anyone else have anything to add to that?

ANDREW COGHLAN: If I may, I would just extend on Ms Miranda's answer there and highlight that Red Cross was involved in an entity called the Australian Business Roundtable for Disaster Resilience & Safer Communities quite a few years ago now. One of the pieces of work done by that group was to contract Deloitte to do a piece of research that really highlighted that the economic impacts of the social impacts of disasters were just as significant as the physical reconstruction needs. On a dollar-for-dollar basis, the community and social costs are just as substantial and have as great an impact as the typically reported infrastructure and built impacts that we hear about.

Ms LIZA BUTLER: Moving on from that, the collective trauma—we've had many natural disasters over the last 4½, five years. We seem to bounce from one to the other. Can you just talk about communities' experience? In Shoalhaven we have had 15 in four years—that collective trauma on communities.

KATE MIRANDA: Yes. I think it is very, very complex and you're dealing with people's ability to recover emotionally, psychologically and then that social side as well. Certainly in New South Wales over the past five years, with bushfire and floods, we have seen that compounding impact of disasters. So people's resilience has dropped. Certainly from our work on the ground mental health is really an issue. If you have strong resilience, you feel ready and able to respond to a disaster, and you've got good social networks, you're ability to bounce back from a major shock like a natural disaster is high. But when you've been hit repeatedly and repeatedly and recovery takes—it's a long-term process. It's not done in a year or two years; sometimes it takes up to a decade. People's trauma is re-triggered just by the sound of rain if they've been impacted by a flood. It's not a linear process with recovery. It's up and down, and people are re-triggered. I think there needs to be a lot more strategic planning and investment, particularly in relation to communities who have gone through double or triple disasters in the last few years.

Ms LIZA BUTLER: Does anyone else have anything to add before we move on?

ANDREW COGHLAN: I would just add that there's a body of research just beginning around those, what we would call compounding disasters, where you have disaster after disaster in different communities. From a collective trauma point of view, the reference we were making there is about events such as the tragedy that unfolded at Bondi or the bus crash in the Hunter in recent times. Those events equally impact a community, in slightly different ways, given the nature of what's happened. But they can have just as significant a community impact as a natural disaster or a disaster caused by natural hazard. Certainly from a Red Cross perspective, and I think from a lot of other organisation's perspectives, we're really in the business of trying to support communities that have been impacted by these disruptive events, regardless of cause, whether it be a natural disaster or some other form of tragedy.

KATE MIRANDA: If I can add as well, in relation to one of our recommendations in our submission, with regard to collective trauma, that's what we were talking about—not the natural disasters, but things like a terrorist attack, or the pandemic, or a major transport accident that really impacts the social fabric of the community. We feel that, under the Act, the NSW Reconstruction Authority should be that single point of accountability and coordination in recovery for what the community needs following that. Quite often, as you would have seen in the Greta bus crash or in Bondi, the impacts to the community are similar to those of a natural disaster. It does require the community coming together, supporting each other, having psychosocial supports and having access to the same sort of services they would following a natural disaster. We just want to call that out.

Under the definitions in the Act, there is a section that talks about other emergencies. We feel it's covered in the Act, but we just want to make sure there is the practical application of that in relation to a collective trauma event. Because in our experience it hasn't always been clear who is leading the recovery—whether it's the department of the Premier, whether it's Health, whether it's the local council. But we feel the NSW Reconstruction Authority, given its mandate, is best placed to lead the recovery of a community in relation to a collective trauma event.

Ms TAMARA SMITH: I might start with the Red Cross. I give a big shout out to Bangalow, Alstonville and Wardell Red Cross on their 110-year celebrations. Kate, I noticed in terms of the legislation, the definition of resilience. One of your recommendations is to broaden that because, on its face, it seems to mostly be referring to physical resilience. Do you want to tell us a little bit more about social resilience?

KATE MIRANDA: We think the Act is strengthened if we call out and separate social resilience. Historically, the majority of the investment—the planning, the funds—has gone into physical resilience. We all know mitigation and recovery in relation to infrastructure and property is incredibly important. But so is building

people's resilience, and that social cohesion. All the evidence shows, and our experience on the ground, that if communities have that social cohesion—and by that I mean they're connected. They know their neighbours, they know in their street who has disability, they know who is elderly and isolated and needs help in response to a flood or a fire. They've got really good networks. What happens when those networks are strong, is that people don't just sit back and wait for Government to respond. They're much more proactive and they use their networks to share information, to communicate, to support each other emotionally, and to really be a bit more proactive in the response. But again, typically what happens is all the mitigation, the preparation and the financial investment goes more towards the infrastructure.

If we call out the need for social cohesion, we think that will give the NSW Reconstruction Authority more of a mandate to prioritise that preparedness planning. There's a really great case study in the NSW State Disaster Mitigation Plan on page 115. It talks about a community resilience program that has been running for seven years in the Hawkesbury-Nepean region. It has involved 300 organisations across 14 different sectors. A survey of it found that the number of people who were aware of flood information and had received flood information, went from 25 per cent to 75 per cent. The number of people who were aware they had to plan for a flood doubled from 33 per cent to 66 per cent. But it doesn't go into how many people actually have a plan. That case study is a really good example of how complex it is, how long it takes, and how much time and effort across all sectors is needed to get people to sit down and write a plan, and know their risks.

Ms TAMARA SMITH: I definitely know that's part of the mandate of the RA. But what I am hearing is that as a first principle, having the definition of resilience expanded to include social infrastructure, or a recognition of social resilience. Is that how you'd characterise it?

KATE MIRANDA: Yes. That's right.

Ms TAMARA SMITH: I've got a quick question for Uniting. I'm not sure, through you, Chair, whether there's anything in terms of legislation about funding. Uniting, I'd love to hear from you about the impact of the very complex—you've raised that there's multiple layers. You've got State and Federal but also multiple Ministers. Do you call them RA assessors—your support teams that are doing great work, pod villages et cetera?

CHARLIE CHUBB: I'll start. I think Uniting has extensive experience in providing funding services funded by the New South Wales Government and other governments. It would be fair to comment that the funding mechanisms used by or under contract with the Reconstruction Authority are unusually complex. There are unusually strict requirements in terms of reconciliation. I can think of examples of things like fares to go on the Ballina ferry, where there have been disputes to the level of 10 or 15 cents about expenses in that. It has taken quite a lot of effort to resolve those kind of matters, and that feels pretty inappropriate in the circumstances these services were operating in.

A second layer to that is that the contracts through the Reconstruction Authority are quite short term. The recovery support service contract is currently extended to Valentine's Day next year. We know that is not adequate for the recovery needs of the hundreds of people who are still working with that program, and similarly the contract for the temporary housing villages, the pod villages are quite short term. That feels like a distraction from the work that needs to be undertaken in terms of supporting people to move onto long-term housing solutions. A lot of effort goes into thinking about contract security rather than working to help the people living in those villages to move on with their lives. I don't know, Niki, if you want to say any more about the details?

NIKI GIL: I really agree with that. I think we know there's still a lot of work to be done in this space. The contract agreements that many of us have don't reflect the level of complexity and need that's still existing to achieve a satisfactory level of recovery across the community. I think many of us know that quite well. I know, Tamara, you've been very involved in understanding that space. I think the way the contracts are structured across the layers of Government really limits the capacity or ability to be able to extend into and respond in a way that is really meaningful and helpful in genuine and long-term recovery needs of communities who have experienced incredibly complex disasters.

Ms TAMARA SMITH: Thanks to both organisations for the phenomenal work that you are doing.

Ms SUE HIGGINSON: Uniting, I was curious about your submission. You talked about the Reconstruction Authority and its communication role. You mentioned this tight hold over communication. I note one of the functions of the authority is "express"—increasing the flow of information and enabling community participation. I'm just curious, from a broad sense, do you think there's anything that is required in the legislation to change what actually happens? I don't want to talk too much, but in the context of somebody who was on the front line of the 2022 Northern Rivers flood—not as an MP; somebody who was just prior to becoming an MP—I wasn't somebody who had the benefit of receiving direct communications. Obviously it's pre-Reconstruction Authority. That was, from firsthand experience, one of the most perplexing aspects of the whole thing: the way

we didn't know how to talk to each other. We couldn't. Given your point in your submission that this is a factor you're suggesting is problematic of the RA, can you just talk a little bit about what you think, in terms of the legal structures we have that could be improved to change that? That question is for anyone in Uniting, whoever wants to take that. I just noticed it was in your submission. But I see Red Cross is nodding here as well.

CHARLIE CHUBB: I think those reflections are pretty spot on. It's an observation we've made in the written submission that RA have, at points, really wanted to hold tight communications with people impacted by the disaster. That has meant that people don't get information in a timely way. Whether that's a factor of the legislation, I'm not sure. But it's certainly a concern. We observe the same at the moment with people living in the temporary housing villages, and so on. There's a great deal of uncertainty for those people about what is going to happen with the villages. What is the overall plan for themselves? A lack of information is, I think, something that we observed over the past 2½ years—that it causes people stress and anxiety in a way that is unhelpful and probably avoidable.

Ms SUE HIGGINSON: On that point, do you think there is a trauma-informed approach to the delivery of information and the flow of information? Because I think there is sometimes this genuine fear about communication flow, because of this whole notion that we will keep triggering through the conversations and how we do it. Is there, amongst your organisations, enough understanding about what we would be talking about if there was a legal suggestion around trauma-informed communication as a stream and a particular way of communicating? Perhaps I could throw to the Red Cross around that as well.

KATE MIRANDA: I'm not sure how it would work in the legislation, but I think obviously communication in a disaster and post-disaster is absolutely critical. I would say that, under the Act, again, the NSW Reconstruction Authority has the accountability and the mandate for that, and certainly communication among stakeholders. I guess the practical application of it is that everybody is clear that in a recovery centre, RA has the responsibility for coordinating that communication with all the different sectors of government and the stakeholders, because clarity is key. People are highly distressed. They might need help understanding what financial assistance or psychosocial assistance is available. It's one of the things post every disaster that is always called out, because things are rapidly changing. Obviously, there's a huge number of steps to flow information down and people have very, very different needs—again, language barriers, accessibility issues. As long as there's enough people in recovery centres who are able to offer that support—but it's a really good call out. I think it's something, I don't know—it probably hasn't been tested yet.

Ms SUE HIGGINSON: Thank you. I've got a question as well about the distinction between disasters that are happening more frequently because of climate change, or what we understand to be climate change. I'm just curious about how that fits with your submission around a bus crash or a tragic criminal event in a community correlates with a climate-induced natural disaster. I'm just curious about the difference or the distinction around that, and the similarity, and those boundaries and approaches.

KATE MIRANDA: In the submission, when we referred to the collective trauma event, that's not a natural disaster. It's another emergency or event that is not the result of a natural disaster. It could be a terrorist attack or a major transport accident. It could be a violent attack. It's something that disrupts that social cohesion and the social fabric of the community. It basically shocks the community. But the recovery needs are similar for that community, post that event. So they need access to psychosocial support. They may need more health and wellbeing or psychological support and really bringing the community together to help heal and recover from a major shock.

Ms SUE HIGGINSON: In the preparedness, would you say that they're different or distinct?

KATE MIRANDA: Yes. It's one of those unforeseen events that we hope never happens. I don't think there's a lot you can do to prepare for it. They're quite random, whereas with natural disasters there's a lot of evidence, we've got past experience, and we know where the areas are in New South Wales that are more susceptible to natural disasters, to floods and fires and heatwaves and storm damage.

CHARLIE CHUBB: Can I just comment? At Uniting, one of the things we're very concerned about is that the people who are most disadvantaged, who are marginalised in society, are those who are most vulnerable to natural disasters. We can certainly view there's a climate change aspect to what happened in the Northern Rivers and its people who have the least, who are going to have the impacts that are going to be most enduring, and also are least able to mitigate against the impacts of a changing climate. I think that is something we are certainly very concerned about. I think it certainly warrants attention. How can we help people who are living in caravan parks beside a river to prepare for a very significant flood event that will destroy that caravan park? This is a significant challenge, I believe.

Ms SUE HIGGINSON: Although I think in Lismore our caravan parks are no longer there. They're gone.

CHARLIE CHUBB: Yes, unfortunately so.

ANDREW COGHLAN: Chair, if I might also add, just picking up on a couple of those points, I think the reference that Ms Miranda made earlier to the work in the Hawkesbury-Nepean and the resilience building program there—whilst it may have been focused on natural disaster and, in that setting, flooding in particular, the benefit of those community-focused initiatives is that you are really building the resilience of the communities and the individuals within those communities at large to deal with various different things. You're never going to never plan for the bus crash or think that the siege situation is going to happen in your neighbourhood. But if you have done good community building through a resilience program, I would suggest it puts you in a good position to deal with all sorts of disruptions, not those just caused by natural hazards.

The Hon. EMILY SUVAAL: My question is to both of you. Does the Act provide an appropriate level of power to the NSW Reconstruction Authority to work with the community sector?

KATE MIRANDA: I might let Uniting go first.

CHARLIE CHUBB: I think so. I think in terms of engagement with the community sector, thinking about our organisation specifically, we have had good engagement with the Reconstruction Authority. I don't think there's been any impediment to doing so through the Act.

KATE MIRANDA: That has been our experience as well. We found the staff at all levels, from the CEO to the recovery officers on the ground, to always be responsive and accessible. We've got a couple of projects running with RA at the moment. It really does feel like a partnership.

The Hon. EMILY SUVAAL: Can you provide examples of where Red Cross has worked effectively with governments to embed social resilience in disaster planning and recovery? I invite you in answering to also comment on whether you think that is a function of the legislative power, or a function and result of your organisation's experience, knowledge and culture?

KATE MIRANDA: I'll give the examples of two projects at the moment. We are doing a community resilience project in the Northern Rivers. It's a significant project running for two years. We're working in seven different LGAs across the Northern Rivers region. We've worked really constructively, and at every point that we've reported back to RA, it does feel like there's constant feedback. They are holding us accountable to delivering what we said we would deliver. They funded a project that we had put to them that had been proven to build community resilience. Then also, we've worked in the Central West in Parkes, Forbes, Cabonne and Lachlan, building community resilience programs there at all levels of the community.

We do what are called RediCommunities workshops. They can be either in the local library where we advertise, and 20 people might turn up, and they do a disaster-ready plan. We work a lot with local councils, running a program about communicating in a disaster. We are also helping them, like a train-the-trainer approach, and upskilling them, so they know how to communicate and prepare community. We've been doing a lot of work recently with childcare centres. That might sound a bit strange, but we do that with the parents because if you think about it, if there's a sudden flood or a sudden disaster, think about a childcare centre. That is children under four. If their parents can't get to them, who is looking after them? What are their needs? What are the emergency plans? We find we're getting called on more and more by childcare centres to help prepare. We try and do it at all levels of the community. I have to say the biggest demand comes from local government.

The Hon. EMILY SUVAAL: Did you have any comments on the second part of that question in terms of it being a function of legislative power or result of organisational experience?

KATE MIRANDA: Well, the legislation created RA. I guess that was the first step, but, yes, I think all across Government, everyone is acutely aware of the need to prepare, the massive effort it takes to respond and then the long-term recovery needs. I think there's huge awareness and huge commitment to trying to prepare communities. It's just how you prioritise. And the resources are finite.

The Hon. EMILY SUVAAL: I might move to Uniting now. What has Uniting's experience been in providing temporary housing in the Northern Rivers?

CHARLIE CHUBB: As outlined in our submission, Uniting provides two of the pod villages, which are also run by Uniting. So the pod village in Brunswick Heads, which is operated across two sites. We also manage the Wardell site, which is specific for the Cabbage Tree Island community. In terms of our experience, we were involved or engaged early with RA in the development of the Wardell site and worked closely with them and the Jali Local Aboriginal Land Council to establish that site and bring it on board. We were involved a bit further down the track in terms of the construction of the Brunswick Heads site. It was nearly complete when we started working with RA in preparation with bringing that site on board. But, yes, we operate both those sites now. Niki, do you want to say more about the specific of the operations there?

The Hon. EMILY SUVAAL: Can I ask a further question also on the specifics in terms of communication for both the temporary housing residents and the wider community, and if you have any suggestions on how that can be improved?

CHARLIE CHUBB: Sure. I think there is a degree of uncertainty for people. There are the villages that we are the community housing provider for. We also, through recovery support services, are working in all of the temporary housing villages, the ones that are operated by other community housing providers as well. I think there is definitely uncertainty for people living in the villages about what the future holds for them. People who are living in those villages are not on a residential tenancy agreement. They're living on a licence which is short-term by nature. People don't have housing security.

The Hon. EMILY SUVAAL: Is that something that could be improved, in terms of the communication?

CHARLIE CHUBB: I think there is certainly a question about whether it's desirable or not to have that. The intention of the villages is for them to be short-term in nature. But a very significant amount of investment has gone into the construction of the villages. I think people going to the villages would be surprised to think they might be decommissioned and returned to some greenfield sites in a fairly short-term time frame. For the people living in the villages, they're all working on plans to transition to living elsewhere. But the housing crisis in the Northern Rivers area is very acute. There are many other people on housing waiting lists. There is a shortage of private rental accommodation. A lot of homes were lost in the flood disaster. So all of these things are barriers to people being able to move out from the temporary housing villages, as well as the fact that these are traumatised people, who, predominantly, have very little in terms of resources and capacity themselves to secure alternative housing.

The Hon. EMILY SUVAAL: One thing that's evident in the submissions that we have received is the focus on floods and, to a lesser extent, bushfires, in the submissions and the opening statements. I'd be really keen to understand, because community preparedness also relates to other hazards like heatwaves, and that preparedness is different. I'd be interested in your views on whether the Act empowers the RA to respond to these other types of disasters.

CHARLIE CHUBB: From Uniting's end, we would need to come back to you with a response on that.

The Hon. EMILY SUVAAL: Sure.

KATE MIRANDA: Sorry, do you mean in relation to heatwaves?

The Hon. EMILY SUVAAL: Hazard, heat waves. There's a specific focus in the submissions around floods and bushfires, in terms of that being the typical kind of natural disasters that we've seen. We know there's going to be—and there is already—an increase in the number of heatwaves that we're experiencing. There are obviously significant health implications of those. Do you think the Act empowers the RA to respond to these different hazards? Heatwaves is just one example.

KATE MIRANDA: Yes, it does. In the definitions of disasters and natural hazards it does call it out. It's there in the Act. Again, I think it's the practical application. With finite resources, where do you put those, and how do you determine the priorities? Is the priority putting more money into the Northern Rivers? Is the priority dealing with heatwaves in Western Sydney? It's that constant balance. I think really, the New South Wales State Disaster Mitigation Plan touches on recommendations around preparedness, and it is obviously prioritising that Act, but then what is the next step? What is the statewide, joined up, integrated plan that prioritises particular LGAs and then puts the investment behind that to make sure that those communities are preparing?

The Hon. STEPHEN LAWRENCE: Ms Miranda, in your evidence you talk about social resilience and the need to amend the Act. I am just wondering what you think the RA could be doing more of in that space? I note you talked in your evidence about the positive effects of community members knowing each other, and things like that. I was interested in a bit of an expansion on that.

KATE MIRANDA: I think it requires RA working more closely and empowering local councils to be able to do more in their communities. It shouldn't all fall to local councils either. There are other organisations like Red Cross, like Uniting. There's a lot of community organisations on the ground who have those networks. But I think there needs to be more prioritisation of that work, so that those preparedness plans are happening. At the end of the day, utopia is having every single household with a preparedness plan. That is what we're all going for so that they know how to respond and people are able to recover better. But it does require a lot of investment.

The Hon. STEPHEN LAWRENCE: In terms of the collective trauma events and their role in the Act and the operations of the RA, do you think the Act needs any amendment in that respect, or do you think the definition of disaster is sufficient?

KATE MIRANDA: The definition in there of disasters—I think it's under section 4—does say, I think in section (d), "other emergencies", where the Minister can activate RA to respond. We think it's covered in the Act. It's just, again, calling out that practical application so that when a collective trauma event happens, everybody knows there's a clear accountability—that RA is leading the recovery of that community and that they are coordinating that recovery. So it's sitting there; it's just calling it out. In relation to the Greta bus crash, my understanding is the Premier's Department was leading that. Then in Bondi it was Health. Then the councils get involved, and Red Cross was helping out with psychosocial support in Bondi and we were part of a sector-wide meeting run by Waverley council. It's just who has got the resources, the accountability and the coordination to run those sorts of events. I believe it sits in the Act. It's just about providing everyone in government and local councils with the clarity that in a situation like a major collective trauma event RA would lead the community recovery.

The Hon. STEPHEN LAWRENCE: In light of the scope of all of this, do you think we've got the name of the authority and the name of the Act right? It is probably not the most important thing, but it does matter.

ANDREW COGHLAN: If I may jump in there, as a Victorian who is somewhat outside these arrangements, it is a little bit perplexing, the name Reconstruction. It straightaway takes you to that rebuild of something after a disaster and a physical structure in particular.

The Hon. STEPHEN LAWRENCE: Have you got a suggestion for a different name?

The CHAIR: Resilience.

Ms SUE HIGGINSON: Don't take us back there.

The Hon. STEPHEN LAWRENCE: Do you have a suggestion for a different name, Mr Coghlan?

ANDREW COGHLAN: Not specifically. But I certainly think that you are trying to cover recovery, resilience and renewal in many ways, post-disaster. It's a broad catchment we're trying to capture.

KATE MIRANDA: The preparedness and recovery authority?

The Hon. STEPHEN LAWRENCE: The three Rs. Thank you.

The Hon. SAM FARRAWAY: I want to ask both organisations about resilience. I'm talking about resilience built into infrastructure when we rebuild infrastructure in communities. I wanted to find out if you had any thoughts on how betterment or resilience in infrastructure or social outcomes could be better prioritised through the Act?

The CHAIR: I might go to Red Cross first.

KATE MIRANDA: Andrew, do you want to answer that one?

ANDREW COGHLAN: I think it's an interesting question. It really ought to be an underpinning goal of any recovery work—as I said, some of the theories moving from the concept of recovery to renewal. Because you're not going to go back to where it was before. You actually want to take the opportunity to improve things where you can in the aftermath of events such as we're talking about. I think there's a really strong argument that improvement ought to be the basis of all the work you do in recovery. I suspect that's what the agency is doing and focuses its work on.

CHARLIE CHUBB: I think that's a very nice, optimistic frame for moving beyond disaster—that there is an opportunity for improvement and doing better. I think what we would draw attention to is the Melbourne University study from the 2009 bushfires—that, a decade on, most people will say that they've recovered and communities have recovered and the landscape has recovered, but there are still people who haven't and there are still people who struggle. I think there's not a simple journey for people to go on beyond a very significant disaster like this. One of the things that was said when we first started working in the Northern Rivers was that no people would be left behind. I think that's a concern. Once the majority of people have moved on, is that good enough? I'd like to think not.

The Hon. SAM FARRAWAY: I totally agree with you about people not being left behind. But I think for the Reconstruction Authority to really serve its purpose in light of the communities that are impacted by these events, they want good decisions made around rebuilding their communities. I think the rigid nature of how we rebuild these communities with our arrangement with the Commonwealth goes to that point about how the authority and the Act in particular can better prioritise betterment or resilience in the infrastructure we build, but also to the other point that you made around, probably, social outcomes as well.

ANDREW COGHLAN: I'd take Charlie's point around the community side of things. Clearly, there are people who are going to be more advanced than others in their recovery. You're quite right: In terms of the

rebuilding of the physical infrastructure, there are opportunities to specify within funding agreements with different levels of government and organisations that things be built back in a way that provides betterment to what they were before, at least from the physical point of view.

The Hon. SAM FARRAWAY: One very quick question around your relationship with the Reconstruction Authority. What has it been like, and is directly engaging with the authority working?

CHARLIE CHUBB: For Uniting, as we outlined in our submission, our relationship with the Reconstruction Authority—people at all levels in the Reconstruction Authority—has been very positive. They've been very engaged. We are in daily contact with officials from RA and, yes, I think that, in terms of the New South Wales public officials workforce, they've really been a credit to the State, I would reflect.

KATE MIRANDA: I agree. That's also been Red Cross's experience. If there were two words to describe our relationship and our interactions with RA, it would be "positive" and "proactive"—and consistently positive and proactive. Very early on when Simon Draper was appointed, we met with him. We met Mel Lanyon. We have relationships with deputy secretaries and then all the way to project officers. We've just found them to be incredibly responsive and really, really dedicated to making whatever project we're working on for that community work.

The CHAIR: Thank you, everyone, for appearing before the Committee today. You will each be provided with a copy of the transcript of today's proceedings for corrections, if you would like to make any. The Committee staff will also email any questions taken on notice today. I think there was one. Any supplementary questions that the Committee might put together over the coming days will be forwarded to you as well. We kindly ask that you do return those within 14 days, if that's possible. Please speak to us if it is not.

(The witnesses withdrew.)

Ms ELLY BIRD, Executive Director, Resilient Lismore, before the Committee via videoconference, sworn and examined

Ms MIRIAM TORZILLO, Community Disaster Action Group, before the Committee via videoconference, sworn and examined

Mx CHELS HOOD WITHEY, Community Disaster Action Group, affirmed and examined

Ms MELINA MORRISON, CEO, Business Council of Co-operatives and Mutuals, affirmed and examined

Ms NATALIE MEYER, Manager, Nimbin Neighbourhood and Information Centre Incorporated, before the Committee via videoconference, affirmed and examined

The CHAIR: Thank you very much to our second panel of witnesses for joining us. Do any of you have any questions about the hearing proceedings? Thank you for emailing through your opening statements.¹ Normally, at the start of a Committee hearing, we would give you the chance to give your opening statement. Given the size of the panel of witnesses and the size of the Committee panel, we thought we'd skip through that and get straight on to questions. I wanted to clarify that in our first inquiry we're specifically looking at the legislation that describes and allows for the function of the Reconstruction Authority.

We will have a second inquiry next year, which will be looking at how that rolls out on the ground, and probably about policy and the practices of the Reconstruction Authority. Again, thank you all for your submissions. With that in mind, I'm going to ask a very specific question about whether or not there are legislative changes that you would suggest. In your experience, have there been problems or barriers where you were told by the Reconstruction Authority or an entity, "No, we can't do that because we don't have the power," and you thought to yourself, "That's silly; you should have the power to do that"? I'll start with Resilient Lismore. Do you have any thoughts on that?

ELLY BIRD: I think I would reflect back that, no, there haven't necessarily been any moments where we've been told they can't do things because they don't have the powers. The reflection I would make is based around governance and that the Act could have stronger inclusion of governance structures that include community representatives and the requirements in the State Disaster Mitigation Plan. I was just reviewing that this morning before I came on. We would like to see stronger and clearer opportunities for community inclusion in the processes that are outlined in the Act.

The CHAIR: Thank you. CDAG, am I allowed to call you that? Would you prefer Community Disaster Action Group?

CHELS HOOD WITHEY: We're CDAG. That's fine.

The CHAIR: Are there any particular legislative suggestions or problems that you've encountered?

CHELS HOOD WITHEY: Miriam, do you want to go first?

MIRIAM TORZILLO: Yes. In conversations, in meetings and in correspondence with the Reconstruction Authority and, prior to that, the corporation, it appeared that decisions about communication were often made—this is on people's own admission—based on the risk management or risk aversion. I wondered if something needs to be clarified there. There needs to be some principles and guidelines in regard to communication. That has been revealed by a number of other inquiries—this aversion to clear communication and explanations because of the fear that the Reconstruction Authority would have to explain its actions to the community. That seemed to be a real problem, particularly where I live, in Lismore.

CHELS HOOD WITHEY: I'd like to echo that. I think that it's a one-way communication stream at this point. We want to see the community empowered in the decision-making that involves their own recovery. Obviously, this affects people's lives. It affects their households, their livelihoods, their homes. They absolutely need to be included in a democratic process with the RA. We've got this Community Leaders Forum, but we've only got mayors who are mandated to sit on that panel. I think that's where community is not included, and it's important that they are included, as they are on the ground and have that expertise and the lived experience that we want to hear from.

The CHAIR: What about you, Melina, for the co-ops?

¹ Opening statements from [Community Disaster Action Group](#), [Business Council of Cooperative and Mutuals](#) and [the Nimbin Neighbourhood and Information Centre](#).

MELINA MORRISON: In strongly concurring with my colleagues on this panel, I might preface our recommendation for amendments to the Act by talking about what the cooperative and mutual movement actually represents in terms of a community stakeholder base. I represent around 750 cooperative and mutual enterprises across the whole of the New South Wales economy. They have a collective 11.8 million memberships. I say "memberships" because people often hold dual memberships of cooperatives and mutuals, which is why there are more memberships than New South Wales citizens. In the flood-affected areas of Lismore, there is a very strong cooperative and mutual base. There's some 30 cooperatives and mutuals of a substantial size that represent anchor businesses and community organisations. They have a collective 28,000 members. Just the top four of those turned over \$1 billion worth of turnover, and they employ around 3,000 people. These are community-owned organisations, just as our colleagues on the panel here represent other forms of member-owned organisations.

We implicitly agree with the Act, which has as its objective to engage communities and empower them for the common purpose. I noted—this is flowing from the Act—that it's really to achieve impactful, informed recovery and disaster mitigation outcomes. I think we all agree with that. It's how to give meaning to that. We believe that objective in particular could be strengthened in the Act by explicitly referencing cooperative and mutual organisations and other forms of community-owned enterprises as organisations that are stakeholders that should be engaged explicitly in recovery efforts.

I think the explicit reference to these organisations is required to move this from lip-service of community engagement to something where there's an actual protocol for following through. New South Wales has one fantastic tool at its disposal to address the governance issues that have been raised by the panel here—that is, you've got carriage of the co-operatives national law Act, which is the harmonised Act you use to regulate State-registered cooperatives. In that Act are the democratic constitutional mechanisms for ensuring that you have the community membership engagement that's implicit in the governance of any kind of organisation that wants to be community informed.

The CHAIR: Thank you. I will go to Natalie, from the Nimbin Neighbourhood and Information Centre.

NATALIE MEYER: Well, I did have a go at this!

The CHAIR: That's okay.

NATALIE MEYER: Drafting legislation is not necessarily what I do. Nevertheless, I did think that the primary object of the Act could be amended to bring in a stronger statement around community-led initiatives. I did recommend amending subclause 4, in particular:

4 How primary object is to be achieved

It currently states:

(iii) improve the resilience and adaptability of affected communities ... for example, by the betterment of affected communities—

I kind of railed against the terminology of "betterment". Betterment according to who? It seems to be a rather subjective term. There's no definition of it in the legislation. I think it would be better to be taking the opportunity in that clause to add in that that's where you're going to be consulting with communities. I do recommend an amendment in my submission to change that from the statement of "betterment" to "by supporting community-led initiatives and efforts", for example. But far be it from me to recommend specific drafting; however, that's what I'm recommending in terms of capturing that essence of community-led in that initial section of the Act around the primary object of the Act. It's just not strong enough on the community consultation.

From an overall perspective, disasters on this kind of scale involve a lot of people to sort it out. It's not just government that needs to be involved in sorting it out; it's way beyond the capacity of government on its own to sort out this kind of disaster impact. It takes hundreds of people on the ground—and most of us are already here on the ground, and already have that expertise, a lot of know-how and, most importantly, a lot of connections with the impacted community members themselves. There's a lot of opportunity there to grow stronger communication relationships, such as what we're trialling up here with the CRN in relation to the local emergency management plan.

The CHAIR: Thank you, Natalie. Elly, is there something you quickly wanted to add? I see your hand is up.

ELLY BIRD: Just very briefly, I think there's an opportunity in the advisory group there as well to bring some voices of disaster-affected community members to sit on that panel.

The CHAIR: Absolutely. I will go to the Deputy Chair, Ms Liza Butler from the South Coast.

Ms LIZA BUTLER: It probably follows on from what we've just been talking about, but how could the Act better support isolated communities not just in recovery but during the actual disaster?

The CHAIR: Who is your question to?

Ms LIZA BUTLER: That was in Lifeline's submission, but I'm happy for anyone to take that question on board after Lifeline.

ELLY BIRD: I'd be happy to have a go. Forgive me for not being able to point especially to the provision where it would be required, but the ability to distribute funds rapidly and effectively into communities that are mobilising to support themselves or to respond to the disaster. The experience that we saw here in the Northern Rivers was that it was just so widespread that communities had to play a role in response. Often they were doing so by putting their hand into their own pockets. Many people clocked up a lot of expenditure. If government could somehow find a way to identify community initiatives that are effective, safe and risk appropriate, and give them the provisioning that they require to support their own communities, I think that would be a really great benefit to communities who are looking after themselves in that immediate response phase.

Ms LIZA BUTLER: During the floods, when people were needing assistance, how did they communicate that to the agencies for getting what you actually needed into the community at the time of the disaster? Was it difficult?

ELLY BIRD: Yes, it was very difficult because there were so many players. I'll echo what Nat was saying about the community resilience networks and the importance of the establishment of that structure so there are predetermined pathways for communities to engage with emergency management. That said, I think it's very important to always keep an eye out for emergent groups who may not be part of a formalised structure prior to the disaster. Communication will always be a challenge in a disaster of the scale of the one that we had. But if the Reconstruction Authority and the relevant agencies have pre-established relationships into communities, such as those being formed through the community resilience networks, we think that will go a long way.

MELINA MORRISON: Thank you, Deputy Chair. I think your question really strengthens certainly our statements about the need to really understand and engage with those locally embedded networks and organisations that are able to respond so rapidly. They are literally based in that place. They have strong trust networks. That social cohesion is a real thing—it's called social capital—and it pre-exists a disaster. Before the devastating floods in the Northern Rivers we had the devastating bushfires. We commissioned a report to look at how cooperatives had responded on behalf of their communities in many of those areas affected by the bushfires across New South Wales. You might remember Cobargo had a cooperative in the middle of town, which literally stood up the disaster response as the fires were still licking the edges of the town. Professor Mary O'Kane wrote the foreword; if I could briefly quote a very short quote from her foreword:

I see the role of co-operatives in rural communities being a major catalyst for the retrofitting of our vulnerable regional communities as they adapt to face bushfires, floods, storms and other disasters.

They are already embedded. Government needs to genuinely have a deep curiosity and genuinely trust that these embedded networks can be activated and are going to respond, because they're literally there when the disaster hits. But in the immediate aftermath they're also a great network system to work through. Just as a very simple idea, I think it would be fantastic if an audit was taken across the State of disaster-prone areas. Where are the pre-existing community-owned organisations, cooperatives and mutuals based? Do we have the mobile number of the CEO and the chair ready to ring, so that when those disasters hit you're already tapping into a local network where the trust network is already established and local informed responses are probably already being activated on the ground?

Ms LIZA BUTLER: I agree 110 per cent. I have lived experience of that and I agree with every word.

The Hon. SAM FARRAWAY: Natalie, I have just one question. It's going back to that point you made about your amendment to the Act around betterment. Could you just touch on that again? Your point was that "betterment" is not defined enough. That's why you wanted it amended in the Act, is that right?

NATALIE MEYER: Yes, I feel like it doesn't really mean anything. It's a purely subjective term. What does "betterment" mean, and according to who? That's why I think it's really important. Communities should be the main drivers of what they think would be better for them. I railed against that term in particular when I read the legislation. I just think it's highly subjective. It's not defined at all in the Act, what that means. If you really want to find out what would be better for communities, you need to tap into the aspirations of communities—what's actually going on, on the ground. It's a decision that needs to involve communities really heavily in deciding what would be better for the community. I just do not necessarily trust that people external to our community would really be able to judge what would be better for us without our input.

The Hon. SAM FARRAWAY: No, I accept that. That's a fair point to make around social return and social infrastructure. But what about a view—and I'm happy for Lifeline and others to come in—from a practical sense about rebuilding infrastructure? Betterment doesn't exist because it's not part of the criteria that is determined

from the Commonwealth through Disaster Recovery Funding Arrangements. The reason I raise it, and from your local input from the ground, is that if we are rebuilding timber bridges that keep getting washed down the Richmond River, for instance, that doesn't meet community expectations. I suppose my angle, in asking the question about betterment, isn't so much about the social aspect, because I actually agree with you. It's about the nuts and bolts and bricks and mortar around how we rebuild the infrastructure for the community, that we should be building it back better to withstand more weather events more often into the future. Would you agree with that summary that I've made around infrastructure versus the social return for the community?

NATALIE MEYER: Yes, possibly. But I think there needs to be a definition in the Act describing what we're talking about when we're using the term "betterment". I just think that it could be construed in all sorts of different ways. It isn't limited to infrastructure. It doesn't state that it's specifically about infrastructure. But I take your point. I get what you're saying. We don't want to build back worse. That would be silly.

The Hon. SAM FARRAWAY: Or the same, in some aspects. That's the point I make. I think you've agreed with me that "betterment" should be defined around the infrastructure we're building. Every community will have different social outcomes and aims and goals, but around infrastructure it should be defined—and I'm agreeing with you now, and it's good we're on the same—

The CHAIR: Mr Faraway, if I could just interrupt, there are a few hands up from witnesses who also want to a comment as well. I will start with Chels here in the room, and then we'll quickly flick across to Elly and Miriam. We're mindful of time, too, if we could please keep it short.

CHELS HOOD WITHEY: As Natalie has pointed out, the Act uses vague terms like "promote community resilience" without providing any clear definitions or measurable outcomes. For us, our organisation has identified that is the key lacking in this Act. It doesn't mandate them to have accountability and actually achieve the outcomes that people want to see. It's not about even a definition; I think it's actually around the objectives. What are we talking about when we say "community resilience"? How do we know that we're going to get community resilience? What is the measurable outcome? Does that make sense? I think that we need to be looking at the shortcomings in the Act itself, namely the lack of clear mandates around community-led approaches, funding provision and the urgent pre-disaster mitigation, which is obviously what we'll probably speak on later, which is the preparedness section, which is super important.

ELLY BIRD: I think I would echo that. If "betterment" refers to infrastructure, we would really like to see uplifted the community development of communities. Mitigation and infrastructure is not always the only protective factor that we should be investing in. Social capital and community self-determination should be equally prioritised, in my opinion.

MIRIAM TORZILLO: Going back to isolated communities, I think it's important when doing some kind of audit of those communities that communities that aren't formalised, while they may not be formally recognised. I'm thinking of the incredible work of Tuntable community during the bushfires, and other, as Elly's saying, emergent groups. What might be done to support now for next time? In regard to the whole betterment being about infrastructure, it's really important that we're not just thinking about building back better so we'll have a bridge for next week. We really need to think of the potential for maladaptation if the decisions we make about reconstruction don't take into account, in particular, changing climate. We need to make sure that we're not just building back what we had before but maybe with stronger materials—making good decisions about that.

The Hon. STEPHEN LAWRENCE: Ms Bird, you talk in your submission about a citizen assembly-type model of consultation. Could you briefly explain what that is to us and perhaps talk about whether you think that should be embedded in the Act?

ELLY BIRD: CDAG might be very well positioned to comment on this as well. They have a lot of expertise in this area. It was proposed here in Lismore to establish a citizens' assembly structure as a governance model. Essentially, the challenge we have is, how do we get an accurate representation of community members? Often community panels are self-selective or put forward by people who put in their submissions. A citizens' assembly is essentially a type of random allotment of community members in affected communities who can give their perspectives. Therefore you're getting a deeper engagement with a select group of people.

I guess what we would point to is that a more comprehensive community engagement framework is required. Often community engagement is through functions such as "Your Say", where community members have to engage with very complex documentation. A citizens' assembly or a citizens' jury is a way to work through those processes with everyday people so that they understand their risk and potential mitigation solutions. But I would defer to CDAG to give their perspectives as well.

MIRIAM TORZILLO: Just to let everybody know, there are some conversations that are about to happen with the Reconstruction Authority. What people may not understand about citizens' assemblies is it can be a very

rigorous process using sortition, so that the people who are selected actually represent the population and population break-up of those communities and deliberation is not a simple thing. The idea is that once that selection is done, people get informed about that. We are suggesting, and did suggest in our submission, that that comes under section 10 anyway.

CHELS HOOD WITHEY: It is 10 (c).

MIRIAM TORZILLO: It's the aspect of communication—that a mechanism for community engagement and co-design could be built into the communications section, knowing that these are available now and widely used around the world and around Australia.

The Hon. STEPHEN LAWRENCE: Lastly, this is a question for anyone who wants to answer. Do you think we've got the name of the authority and the name of the Act right, in terms of the focus, obviously, on reconstruction?

ELLY BIRD: That's a tricky one. Obviously the previous iteration of the Reconstruction Authority was Resilience NSW. "Resilience" was a highly contested term, but "reconstruction" doesn't point to that preparedness element or the strength-building element or the community element. Reconstruction really clearly points to infrastructure. Those of us on this panel are saying that there are other equally important priorities that are not just about infrastructure.

The CHAIR: Excellent point.

MELINA MORRISON: I'll leave the naming of the Act for other people's ideas; they are much more well placed to decide on that. I'll just focus the Act actually meeting its objectives around stakeholder engagement. Cooperatives are legal models, so we lean into primary legislation as one mechanism by which you can ensure that you're going to deliver when you say you're going to be community engaged and focus on place-based solutions. I believe that the Act could be well served by mandating that two legal structures in New South Wales that represent local community groups be included in the stakeholder group. One is that organisations that are registered under the Co-operatives National Law Act should be amongst the stakeholder group. The other is that organisations registered under the Associations Incorporation Act should be included prima facie as stakeholders on the local governance side, bearing in mind that both of those groups bring with them a pre-vetted group of community members that are already democratically engaged through those membership structures.

The Hon. EMILY SUVAAL: In follow-up to my colleague, would you say the Act provides for community-led recovery?

CHELS HOOD WITHEY: Currently, no—not at all. The lived experience and on the ground is that people are really disappointed with the NSW Reconstruction Authority, not only the lack of speed at which it's been moving—it's too slow—but that we are not prepared for the next disaster. People are vulnerable and re-traumatised by having to go through appeals processes because the criteria itself is not adequate. I don't think that it is community led, given that the only body we have is only mayors. There are only mayors on that panel, so where is the community engagement? We've been meeting with RA for the last 2½ years, like a lot of organisations here. We've been advocating to have more community involvement. I'm not sure that they have that power to implement it, given that they haven't yet done that.

The CHAIR: I'll come to you, Natalie.

NATALIE MEYER: I was actually answering the other question when I put hand my up.

The CHAIR: Sorry. Have you got an idea for a new name for the Act?

NATALIE MEYER: It's hard. How do you figure out the right name for an Act? "Reconstruction" does seem heavily nuanced towards reconstruction and implies infrastructure, whereas it seemed like what's actually being trying to be achieved is greater than just pure infrastructure. I don't know how you capture that and name the Act. Whether you call something an authority, I don't know. Maybe you could come up with a term that's a bit less alienating than "the authority". I don't know. It's very challenging. I couldn't come up with a better name just off the top of my head right this second. I'll take it on notice and if I think of anything, I'll let you know.

ELLY BIRD: The question following that, of whether it enables community-led recovery—I'll just tell our story in a nutshell. I don't think it does because it goes back to identifying successful community initiatives as they emerge and then supporting them. Our story was that we started immediately after the disaster. I started advocating immediately to representatives of Resilience NSW at the time about our need for funding to meet the needs of our community. It took me 2½ years to get funding through that body, which we're very grateful for. We have been successful in receiving \$5 million towards our property rebuild and repair programs, but it took 2½ years for that support to come and it was a very hard road to get there. We are widely understood in our

community as community-led recovery, but we had to work very hard to progress our own initiatives and look after our community in the way that we wanted to.

MIRIAM TORZILLO: Following up on that, if it's as difficult as it was for Resilient Lismore to get that response, then imagine how difficult it is for individual people in neighbourhoods or small communities to get clear communication, to be able to speak to somebody or to know what's going on. Whatever can be done in the future, my recommendation would be to look at the principles for disaster recovery that have been created by the Australian Government itself, which talks about context, complexity and community as being the top priorities. Whatever can be done to build that in so the disasters—like what happened in the middle of last year when the maps came out. A couple of days later, phone calls started to people to tell them that they were to get nothing from the Resilient Homes Program, those kind of terrible errors—this is why many people in Lismore have felt that there was a second disaster. The second disaster was the recovery project.

The Hon. EMILY SUVAAL: Resilient Lismore, you touched on your experience of accessing grant funding. Can I ask to you expand a bit more on that and working with the RA to implement the Two Rooms Project? Specifically, what improvements would you recommend?

ELLY BIRD: There is a great resource that could be enabled in locally based offices in the Reconstruction Authority. We have local people here in the region who understand the complexity of the region. In our opinion, if the Reconstruction Authority have staff that are in the regions and have those existing relationships, then they should be able to make recommendations up to the funding bodies about priority projects or initiatives that should be supported. Instead, the mechanisms are competitive grant funding rounds. Quite often for initiatives like ours, we're too busy doing the work supporting the community to jump through those very rigorous grant funding hoops. There is an opportunity for needs-based and responsive funding models for initiatives that are proving that they're doing the good work that is required. I understand that it's complex but, if something like that was in place, I believe we would have been funded to do our work much earlier than we were.

Ms TAMARA SMITH: I thank each of the four organisations that are represented here today because I know firsthand how much work you have done, particularly all the volunteers. It is phenomenal. I'm sure everyone would join me in that. All of your submissions were excellent and there's a lot there we can work with. Elly, in terms of Resilient Lismore harnessing the community-based architecture, I really resonate with that, so thank you. I think there's a lot in your submission. What's hard for us is that a lot of that is operational and about implementation rather than the Act. Miriam, Chels and CDAG, I really liked your recommendations about section 10. We've got quite loose language there about disaster prevention, preparedness and adaptation and then you reference the Resilient Homes Program and how, in your words, many people in the community feel it was an abject failure. That is for another day, my own commentary around that. But I wanted to ask you what could be clearer in the objectives in terms of that. Obviously, those words have a meaning and we've seen with the Queensland Reconstruction Authority what that might look like. But what do you feel is misleading, or just not clear enough, in that section of the Act?

CHELS HOOD WITHEY: In terms of people who are to be supported, I think it comes down to the criteria. We have seen thousands of households now rejected by the NSW Reconstruction Authority, and that is a failure. Because people were promised help after the flood or the bushfire or whatever disaster it was and then, unfortunately, they've been rejected, having to then go through an appeals process or then even go to the Ombudsman. At each step, they are maybe being rejected again. So I think the objective of the Act should be to support every single resident who has been impacted by a disaster so that no-one is left behind. That also speaks to the social cohesion. We are seeing people who are neighbours, one was supported by the Government, then someone else, with the same floodwater through their home rejected. So that inconsistency is also leading to social disillusionment.

Ms TAMARA SMITH: There is a big disconnect between the world of looking at science to validate who was assisted and then from a community perspective. We absolutely saw that with you. Melina, you are saying that the State manages, in terms of legislation, the cooperatives. What were you saying is the potential there for government to harness?

MELINA MORRISON: Firstly, in terms of amending the Act, in terms of wording, it could start by saying that organisations registered as businesses under the Act should prima facie be included in bringing together a stakeholder group that is going to be a part of a local-led governance conduit for the Reconstruction Authority to make sure that it is deeply embedded in those local solutions. Given that those Acts are both regulated by the State, it provides that mechanism. There could be other stakeholders as well. I'm just referring to those because they are member-owned organisations under both of those Acts. They also have a member-owned governance structure, which is democratic governance and shared ownership and equal voice for the members of the organisation through the delegated authority that they place in their member-elected boards. So you've gone

through that piece already of getting representatives who are already vetted by their communities to represent their voice.

It's very hard, I can see, with the Reconstruction Authority's job, to be able to make sure that it is hearing from everyone. You need pre-existing conduits, just as you would get with local government selected officials, so they provide a pre-vetted voice. I'd also say that you've got an opportunity working with those kinds of organisations to go beyond simply a funding response. Funding is incredibly important, but government also needs to empower local communities to not only release their own social capital but their economic capital and resilience. Part of building back is making sure there is a resilient economy that is growing. We need jobs for people. They need to be able to build houses that they can afford and live in. There needs to be a holistic response where again the community is enabled and empowered and trusted to be able to do that rebuilding work and move away from the paternalism of "You're going to have to wait in a queue for funding". There are other mechanisms that can be going on at the same time that are community based, I believe.

Ms TAMARA SMITH: Big shout-out to the Nimbin Neighbourhood Centre as well. I thought your submission was excellent. Please can I pass on an apology from my colleague Sue Higginson, MLC, who was devastated that she had to leave as soon as she saw all of you. She's chairing a very important committee today, looking at zombie DAs, so it's good work.

The CHAIR: Thank you for all of the excellent work you do in your community in times of disaster. Thank you for appearing before the Committee today. You will each be provided with a copy of the transcript of today's proceedings for corrections. The Committee staff will also email to you any questions taken on notice. I don't think there were any. We as a Committee might send through some supplementary questions, other things that we didn't get a chance to ask. We kindly ask that you return these within 14 days if you possibly can. Please talk to us if you can't.

(The witnesses withdrew.)

(Short adjournment)

Professor ANN DADICH, Professor , School of Business, Western Sydney University, Building Resilient Australian Communities project, sworn and examined

Dr CRIS TOWNLEY, Research Fellow, TeEACH Strategic Research Institute, Western Sydney University Building Resilient Australian Communities project, affirmed and examined

Mr MICHAEL WERE, Executive Director—Fundraising, Marketing and Stakeholder Relations, Lifeline Direct, sworn and examined

Dr ANNA BROOKS, Chief Research Officer, Lifeline Australia, affirmed and examined

The CHAIR: I welcome the panellists. Thank you for emailing your opening statements.² I'm going to ask the first question if that is okay. I think that both of your submissions align in so much as you are suggesting the legislative change that is needed here is to dictate that social infrastructure and cohesion and outcomes are part of that. If I take that on board, do you have any thoughts about how you might define any of those terms? I'll go to Western Sydney University first. You use terms like "social infrastructure", or your suggestion is to put "social infrastructure" right through. Do you have any suggestions about how we might define that?

ANN DADICH: I believe in our opening statement we proposed a definition of social infrastructure whereby it encompasses social capital networks and community hubs that foster connections and reciprocity in and between communities, sustained through ongoing community development work that is equitable, builds social licence and supports healing from trauma.

The CHAIR: I don't believe I can see that, but I'll keep looking through that. What about for you at Lifeline Australia? The phrase you use is "psychological wellbeing".

ANNA BROOKS: Our position would be that we would like to see a requirement to focus on mental health and wellbeing. I guess what sits behind that is that what we'd like to do is to support individuals and communities to try to prevent mental ill health and suicidality that can be associated with experiencing natural disasters. But even further than that, support wellbeing. Our submission focuses on those particular areas.

Ms LIZA BUTLER: Just following on from that question for Lifeline. Your submission refers to research around successive natural disasters in the same community and the compounding effect that has on a community. What are the practical implications of this research on the authority's functions?

ANNA BROOKS: I suppose, practically, what we'd like to see is that requirement built in to have measures that support wellbeing and prevent the most significant impacts of disasters on mental health and people's risk of suicide. If that is a requirement, the sorts of things we'd like to see are activities around preparedness. It might be that there is work within communities, funded work, in advance of experiencing disasters to identify what the psychological support mechanisms for that community would be. So what are the resources that are already in place in a community? Via those sorts of mapping processes, that preparedness activity, we would put forward that the possibly negative impacts of these events will be mitigated. They are the sorts of practical things that we'd really like to see as part of the Act.

Ms LIZA BUTLER: Have you done a case study on any particular communities?

ANNA BROOKS: We have not done a particular case study on communities. Michael will be able to speak to the experience on the ground in particular communities. But the thing that I would point to is that we did a large study recently where we engaged with a nationally representative sample, and where eight out of 10 people from that sample had, since 2019, experienced negative impacts from natural disasters. If we look at the Black Saturday bushfires, even 10 years later, one-fifth of people in the significantly impacted communities were still probably experiencing mental ill health. There are significant numbers when you look at some of the examples across the nation. Perhaps Michael would like to speak to some of the things that he experienced in Lismore.

MICHAEL WERE: I'm a resident of the Lismore LGA and have personally felt the effects of what happened in the Northern Rivers, and also, as a result of all of the bushfires throughout the New England and north-west, have been involved in recovery programs through there. There's no doubt that there is an intrinsic connection between the rebuilding of people's lives through physical assets and their emotional wellbeing. It's very hard to separate the two. And there's a significant length of time taken for somebody to process and to understand what's happened. As my colleagues said, the effects of those happen over a significant length of time.

² Opening statements from [Western Sydney University, 'Building resilient communities' project](#) and [Lifeline](#).

Ms LIZA BUTLER: Would anyone else like to add to that?

CRIS TOWNLEY: Yes, I'd add a few things to that. One is that I think preparedness is a very important point here. In our submission, we've included the Australian Disaster Recovery Framework, which has been endorsed by the Australia-New Zealand Emergency Management Committee. In our research, where we interviewed both service providers and community members in south-west Sydney and in the Northern Rivers, overwhelmingly what we found is that that framework presupposes quite a high level of ongoing development work before disaster events. For a number of reasons, that has been eroded over time and it isn't very high. The higher that ongoing community development work is, the more there is social infrastructure in communities where there is social support, people have relationships, and then they're in a better place to be—I will use the term "resilient", although many people don't like it—resilient and have their mental health supported by the community that they're in through the disaster and the disaster response.

The other point I would like to make about that diagram is that the time it takes to build the ongoing community development work level up again or to build the social infrastructure is much longer than that diagram suggests. Those two things are about the importance of preparedness. We also found that arts projects were very important to communities for mental health support, and sometimes that could be difficult to incorporate into the funding that you were trying to receive for the community-based projects that would support preparation and recovery and ongoing work. For example, one of the organisations we worked with was Tropical Fruits in the Northern Rivers, and that's not even a particularly place-based organisation; it's more a networked arts organisation around the LGBTQ community. They're often faced with having to decide whether they're going for arts funding or more welfare-related support and funding. The work that they do is right slap-bang in the middle. There were other examples in south-west Sydney where arts played a very important role in supporting mental health for people through that.

I've got some more points, if I may. Another one is that, yes, that's extremely important in the Northern Rivers, and what we heard is that the Northern Rivers community was devastated in a number of ways that you've heard about already today and will hear about. We agree with all of that. We'd like to say our work in south-west Sydney—sometimes these stories played out a little differently, but at the core of it was also support for mental health and being cognisant of the ongoing impact of a series of disasters that will continue into the future. In south-west Sydney, you've got a lot of cultural communities that often carry the effect of trauma from where they've migrated from or the networks that they're in, and that was compounded with COVID. So you see a similar need for a high level of ongoing community development work that builds social infrastructure and that actually creates resilience for people to face and get through the ongoing disaster events that will be coming.

Ms TAMARA SMITH: I'm an adjunct professor at Southern Cross University. Hello to Western Sydney University, Professor Dadich and Dr Cris Townley. I noticed Joel Orchard from Wardell CORE among your collaborators. A massive shout-out to them—the work they have been doing is incredible. In terms of your submission, I was very interested in the community hubs. You said that there was an absence of clear guidelines in the Act on what is and is not acceptable in terms of the authority's functions to build community capacity and community engagement. Do you want to say a little bit more? Then I'll come to Lifeline.

ANN DADICH: Sure. In the work that we've done—recognising that community hubs manifest in so many varied ways, from the structured to the unstructured and all that lie in between. Although there are some initiatives around Australia that go to support community hubs, particularly those that promote child wellbeing, for instance, they're often service-centric and they don't explicitly recognise the importance of citizen-led, bottom-up approaches. I think that's where a lot of the support is coming from, particularly to promote and sustain community resilience.

People from the communities that we've engaged with have told us that the most valuable support—and, indeed, I saw it resonated in many of the submissions tendered for this process. Some of the most invaluable support was not through structured, formalised service structures, but indeed from their local community. I think in the absence of explicit reference to these initiatives, it speaks volumes they don't have a seat around the table on some of the initiatives going forward, the committees included. I also noted that a number of the submissions, for obvious reasons—and for good reasons, of course—recognised the need to explicitly mention, for instance, the role of local government in these committees. That's important, but that's only part of the story. That's only part of the expertise.

I think it also assumes that many of these established efforts, local councils, have the community's trust—have social licence. Indeed, that's not what we were always hearing from the community members that we engaged with. These formalised efforts don't always have social licence. So, the trust has been eroded. The confidence in their efforts has been eroded. I think there's a lot of work, going back to Cris's point, in terms of the ongoing

community development that is needed with substantial investment in that, if indeed we're going to manage not only current but also future disasters as well.

Ms TAMARA SMITH: Thank you for a very good report as well. Hello to Dr Anna Brooks and Mr Michael Were. I want to comment on the psychological wellbeing that you say needs to be underpinned in the Act. It needs to be explicit in the Act. What difference do you think that will make?

ANNA BROOKS: I think, per some of the comments in the previous session, obviously making sure that people have shelter or that basic needs are met is incredibly important. But what we'd really like to highlight is that supporting people's mental health and, indeed, their wellbeing is incredibly important as well. The implications for mental health over a long period of time—as I mentioned, with the Black Saturday bushfires, even 10 years later there were still significant numbers of people who were experiencing mental health issues as a result of that disaster. It has a significant impact upon people's lives. Obviously, that should make it a high priority. I guess sitting underneath that is the financial cost of that impact on people. The impact of mental ill health and people experiencing suicidality, in terms of the cost to the economy, is significant as well. On many levels, with our care for our fellow citizens right at the top of that list of priorities, it's really important that we consider and plan for and invest in supporting people's mental health as relates to experiencing natural disasters.

Ms TAMARA SMITH: So having it in the Act elevates that or puts it on par.

ANNA BROOKS: Exactly.

Ms TAMARA SMITH: Because we've heard today as well about social resilience being more explicit in the Act in terms of the definition of "resilience". Thank you to Lifeline, ongoing, for all that you do.

The Hon. EMILY SUVAAL: Thank you all for attending today. My apologies for being slightly late in entering the meeting and also my apologies, therefore, if any of my questions overlap. Please let me know if they overlap with things you have already said. To start off with, I wanted to ask both organisations whether you have a view around whether the Act provided sufficient power for the Reconstruction Authority to address mental health and wellbeing issues present in long-term recovery rather than just the immediate aftermath of a disaster.

ANN DADICH: Perhaps I might address that in the first instance. I think, in the absence of the detail in the Act, it's difficult to speak to that definitively. I say that because I appreciate that there are a number of items within the Act that might serve as miscellaneous points, so to speak—miscellaneous in terms of that the language is a bit more vague. Although it can be a helpful caveat to encompass initiatives that are yet to be identified or yet to emerge, it also runs the risk of presenting a message that these efforts are not important. I speak specifically to the points raised earlier about the citizen-led community-based initiatives. Without explicit reference to these and other varied forms of efforts to support and promote wellbeing, we run the risk of sending a message to people that these are not important when, indeed, they are.

MICHAEL WERE: I can only speak from my personal experience involved in a couple of disasters but also, in the more recent history, having an ongoing relationship with NSW RA and continuing to talk to their staff. I don't believe that the Act allows them to understand their place, particularly around long term. I think that there is some confusion between is it a responsibility of the Reconstruction Authority, or is it a NSW Health responsibility? There are definitely people in the region that I live in with complex mental health that predates a disaster and it's only exacerbated as a result of that.

I think it speaks to the fact that a multi—certainly, from a mental health perspective, it's an all-of-government approach that is required. There has to be some sort of understanding about who does what between different agencies in a particular time of disaster. I would think that there is space to acknowledge that there is a period after a disaster where there is a need for some intense extra support for whole of community. As the community transitions, there will be an additional amount of people with higher complex needs. That would be possibly better handled by other agencies and other responsibilities of government rather than the Reconstruction Authority.

The Hon. EMILY SUVAAL: Dr Townley?

CRIS TOWNLEY: I would completely agree with that around a whole-of-government response. And then the question is to what extent does this Act give the responsibility and the funding to the Reconstruction Authority or to what extent does it point the way towards how it might work with other parts of government, which I think is what happens. Maybe I'll give an example of a community hub that we spoke to in our research. When I use the term "community hub", that has a specific definition in some sectors of government. But I'm using it very broadly to encompass community-run start-up initiatives after disaster, community hubs that are pre-existing, neighbourhood centres, and something like Tropical Fruits, which is an online network but has physical space too. So it's a broad definition.

One of these was able to create a community hub. One of the reasons that their community hub was possible and sustainable was that the first bit of funding they were able to get was mental health support funding for a counsellor on premises. I think there might be ways of structuring a community hub where it has kind of scaffolded that so it's able to get the different types of support that it needs and funding that it needs from different parts of government, as that community needs. Maybe that's a way that the whole-of-government response actually plays out on the ground.

The Hon. STEPHEN LAWRENCE: I think both of your submissions suggest that the concept of social infrastructure be incorporated into the Act. I was just wanting to know to what extent do you think that existing concepts in the Act already incorporate it? Or is it your view that they don't or do insufficiently?

ANN DADICH: I would say insufficiently. Again, I reiterate the point that it's not expressed explicitly enough to communicate the importance of social infrastructure in promoting and sustaining community resilience. Some of the more vague language that is used in the Act is open to interpretation and one might argue that social infrastructure might have a place there. But, in the absence of that explicit reference, I think it's open to debate and it potentially sends mixed signals to New South Wales.

MICHAEL WERE: From a Lifeline perspective, I would say that our recommendation, as you would see, is around the use of psychological wellbeing and making that a clear, important focus. Again, drawing back on my experiences, I saw many times where it was very confusing about whose actual responsibility it was when it came to anything to do with psychological wellbeing. It was a mess. I think making that absolutely clear in the Act is incredibly important to make sure that somebody is responsible for it.

The Hon. EMILY SUVAAL: When we think about mental health, what is an appropriate way to embed that consideration into the Act without then crossing over with the functions of other government agencies and departments?

ANNA BROOKS: That's an excellent question. I am not sure I have a ready answer for how to avoid duplication, but I endorse what Michael and Cris have said. Ultimately, a whole-of-government response is required. I think, given that the Act is focused on natural disasters and that we know that, in this context, planning for and delivering mental health support is critical to providing full support to those communities who are exposed to these disasters, it has an appropriate place that psychological wellbeing and mental health and the psychological impacts of disasters are included in the Act. How we do the next bit, I might defer to the other people on the panel. Michael?

MICHAEL WERE: If I could add to that, I think, from my personal experience, it's about surge capacity. From my experience, Lifeline—and I personally receive many calls saying, "Can you help out with this or that or something?" when we are already depleted and when we already have our volunteers and our staff facing their own crises and dealing with their own personal situations as well. The reality is that, again, in my opinion—as the person that's not the doctor on the panel here—there were a significant amount of people throughout the Northern Rivers that needed a tiny little bit of support. That was what they needed to get them through. Yes, there are complex mental health needs and there will be long-term effects for many, but that surge capacity that was lacking at the time, if that was addressed as part of preparedness activities—whose actual responsibility is that? That becomes a decision between government agencies. Putting that as a responsibility within the Act—for the Government to act and for an agency to have the responsibility to coordinate—is, I think, incredibly important.

CRIS TOWNLEY: I will talk a little more about community hubs, because we have been thinking about community hubs as part of the social infrastructure that we are proposing. We have talked about two principles of those already, which are social licence and having a scaffolding infrastructure so you can hang off various bits of funding and programming. The other two are triage capacity and reciprocity. They also play a role in people's capacity for better mental health in different ways that complement the surge capacity that you are talking about. Triage capacity is where you've got a local community central neighbourhood centre, and you might have services that can support people, like playgroups, counselling support, a food pantry or domestic violence services, but people don't really want to come in there and tell you exactly what they want. They might come in and ask to charge their phone up, to borrow the photocopier or maybe to take a bit of food from the food pantry.

It might take nine months of building a relationship with whoever they talk to when they go in that door before they are actually able to talk about the other needs that they have. Triage capacity—it is quite a skilled role to be the person that people bump into when they go in—is a way to build a relationship when you need to be able to access things like mental health support. The other thing is reciprocity. We'd like to see a model where you've got service delivery involved but it is also community led. We've heard a lot about that today. That creates a space for people that are part of that community to receive what they need when they need it, but also to be able to give back to others when they are able to do that. People's capacity to do that goes up and down. It's about creating a

space for people to be involved as volunteers and social support for others, because when people are able to be in a more reciprocal relationship with social support then that's also very good for mental health.

The CHAIR: Thank you. We are going to—

ANN DADICH: I have a brief response to your question. Is that acceptable?

The CHAIR: Sure.

ANN DADICH: Thank you. One of the recommendations that has come from our research is about the need to promote and sustain community hubs in their varied manifestations. That could take the form of, for instance, a peak body to provide that guidance. In effect, by promoting and supporting these community hubs they can become the conduit for government departments as well. Rather than superimpose what may or may not be appropriate for different communities, working with the community hub may be a better approach to ensure that a tailored response is demonstrated, and also to create and sustain governance arrangements that work for that community as opposed to presupposing what may or may not be appropriate.

The CHAIR: Thank you all for your submissions and for taking the time out of your busy day to be with us here today. You will each be provided with a copy of the transcript of today's proceedings, and we are happy to take any suggestions for corrections that you would like to make. The committee staff will also email you any questions on notice, although I do not think there were any questions taken on notice. The Committee may develop some supplementary questions that we would send out to you. We ask that you return them in 14 days if possible, and if that's not possible, then please talk to us.

(The witnesses withdrew.)

Ms MELISSA JONES, CEO, BlazeAid, affirmed and examined

Ms CARA VARIAN, CEO, NSW Council of Social Service, affirmed and examined

Ms VICKI STAFF, Coordinator, Disaster Recovery, Financial Counselling Australia, affirmed and examined

Ms LISA GAGE, Financial Counselling Australia, affirmed and examined

Ms CAROLE SHENNAN, Financial Counselling Australia, affirmed and examined

The CHAIR: I welcome our panel of witnesses. Thank you all for the work that you do. Before we proceed, do you have any questions about the hearing process that we are about to enter into?

MELISSA JONES: No.

The CHAIR: Very good. Thank you for emailing through your opening statements.³ In a process like this, we would normally start by giving you the chance to make an opening statement. Given the size of the panel—I know it doesn't look like much, but people are in and out—and how much we need to get through, I thank you very much for doing that.

Ms LIZA BUTLER: I thank you all for joining us here today. We have heard from other organisations that have come today, just like we have from NCOSS. Ms Varian, you have suggested that the authority should be legislatively required to map out local community organisations. How might the authority get that information and maintain it? Would it be self-regulating? Would they be responsible? How do you see that being rolled out?

CARA VARIAN: Thank you for having me here today. It is a really important issue. We run a program through NCOSS. As a part of that program, we've worked in four areas around New South Wales and done this mapping, so we know exactly how you can do it. Partly because the New South Wales Government pays social service organisations to deliver social services in those communities, looking through the contract register of DCJ and the department of health would be a great start. Also, an organisation like NCOSS would be able to provide some of that help as well.

We have also had this conversation with SES. They said they are trying to do something similar. We understand that there is similar work going on. But they do not feel like they have the licence to share that information externally. There may be some duplication. That goes back to one of our positions, which is that without explicit recognition of the social service organisations, we are often put to the side and are engaged only at the last minute or a bit too late to influence the outcomes. That is how we would do it. It is very helpful, as well as the social service organisations, to be able to map out the vulnerabilities of communities, which is another part of the project that we have been doing. We have been doing that through ABS data that has come of the University of Canberra to better understand the different communities and their needs within the areas of New South Wales that are at high risk of disasters.

Ms LIZA BUTLER: In smaller communities, where agencies may not be directly on the ground, would you look at the local community organisations that are in many of our towns and villages?

CARA VARIAN: Of course. Lismore is a really great example. There was a range of organisations that are paid through government contracts. Then there is another group of organisations that are community led or volunteer based. Local people know who those organisations are and they know where those trusted networks are. That is another reason why it is really important to do this work before there is a crisis so those trusted networks are already mapped out, can be used quickly and are part of the communication plan.

The Hon. STEPHEN LAWRENCE: I have a couple of questions. There are some submissions about experience requirements for members of the advisory board. I am just wondering what experience or qualifications should be mandated for those positions?

VICKI STAFF: I am happy to speak to that. We listened to earlier testimony, particularly from Elly Bird from Resilient Lismore. We very much support what she shared from that governance perspective. There should be, most definitely, community voices, as well as lived experience voices.

CARA VARIAN: The NCOSS position mirrors that. I think what we are talking about here today is a change in culture. That can be achieved through legislation and making sure that governance arrangements and

³ Opening statements from [BlazeAid](#) and [Financial Counselling Australia](#).

frameworks include social services and community people. That will really shift the way the Government is able to make decisions.

The Hon. STEPHEN LAWRENCE: It's a high-level issue but we have heard some evidence about the name of the authority and the name of the Act. Have you got any thoughts about the naming issue and how it might better capture what this is all about?

VICKI STAFF: I do have some thoughts that I can share. It all comes back to the current name, the Reconstruction Authority. Thinking back to some of the testimony I have heard today as well, people are talking about things like mental health and social development; I heard someone say earlier trauma-informed practices in communication. I have a national role and as a result I have been working closely with both the Queensland Resilient Homes Fund and the New South Wales Resilient Homes Program in the Northern Rivers. One thing I noticed, considering there is a QRA and a NRA, is that Queensland had a whole-of-government response to the floods that occurred in February 2022. Keep in mind, the flood paid no attention to State borders. People in both south-east Queensland and north-east New South Wales were equally devastated. It was an arbitrary border that saw recovery look very different depending on whether you lived north of it or south of it.

In Queensland the Queensland Reconstruction Authority moved very quickly in terms of having the Resilient Homes Fund set up and running and buying back very quickly. We also saw that Queensland Health were pulled in to provide counselling for people who had suffered from that flood. We also saw the department of communities provide a series of caseworkers called service navigators. That was in recognition of the fact that the Resilient Homes Fund is a complex scheme and that many people who are very vulnerable and who tend to live in more flood-affected areas need assistance to access that scheme and to move through it, as well as to possibly appeal it.

What we have seen in New South Wales is that a lot of that work with vulnerable community members who have needed assistance to access the scheme in the Northern Rivers has fallen to community organisations such as the Lismore and District Financial Counselling Service, who Lisa Gage is here with today. I think the name in Queensland makes a lot of sense because other areas of government were pulled in to focus on other areas such as mental health and helping vulnerable people in a case management role. It comes down to what the NRA is looking to do in New South Wales. Does there need to be change of name or does legislation need to be strengthened in terms of a trigger to pull in those other departments in order to focus on other things such as mental health support and case management for more vulnerable people? If that is answered or clarified, that might give you the answer as to whether it is okay to keep the name of the Reconstruction Authority and to essentially strengthen the triggers to pull in the other departments for that work.

The Hon. STEPHEN LAWRENCE: Thank you. I have a question for NCOSS. Your submission suggests that the authority should be legislatively required to map out local community organisations and social service providers. I am interested in your thoughts on how the Authority might keep and maintain that kind of record.

CARA VARIAN: We just created a similar mapping tool for about seven LGAs across New South Wales as part of our project. It is a similar process to how the Reconstruction Authority operates on an infrastructure basis. I do not know exactly what process they use to keep it up to date, but I assume you could keep it up to date in the same way. It is really just a matter of asking the government departments that provide social service organisations through not-for-profits to give them the contract lists. You can also work with local councils or the local neighbourhood centres to find out the non-government funded organisations that may also have those trusted networks in place. There is an additional benefit in going beyond just the organisations to be able to map out the needs of the actual communities that those organisations are servicing. We have also done that through ABS data. It can be refreshed.

The Hon. EMILY SUVAAL: What does a formal relationship between the Authority and social services and community organisations look like in practice? Would embedding that relationship in legislation risk some sort of inflexibility arising?

VICKI STAFF: If I can, this was probably one of the key questions that I was hoping the Committee would ask today. It's also why I made sure that two of my colleagues joined me today from regional New South Wales, frontline colleagues, because we have one colleague from the Northern Rivers and one colleague from the Central West and I think what is very interesting for the Committee to hear is that their experiences are very, very different in terms of how they have experienced the NSW Reconstruction Authority, both its predecessors and currently. So if I may defer to my colleagues, Lisa, would you like to start off?

LISA GAGE: I'm from the Lismore and District Financial Counselling Service. We were on the ground in September and in November when we were first engaged, or trying to engage, with the program—and were

ignored. We had to work very hard for our voices to be heard and to be included on any board. We were involved in the initial rollout. We had to get a seat with the community and sit with the community to listen to what was actually going on. We weren't provided that first contact of information. We weren't given any sort of guidance as to what was happening or what the steps were.

We were frontline with clients, people with trauma who were coming to us with difficulties, asking us for direction, wanting us to provide that information about what we saw, provide advice about what they could do, and we weren't able to do that because we weren't given any contact or advice, or any sort of preference, I guess, with regards to communication. We were very much left out of the loop, and it's been an ongoing effort to try to stay on the ground, to try to keep my head recognised to be able to ask the questions continually, so that we can actually provide correct information to people so that they can make decisions about their lives moving forward financially. They're not able to if we don't have that information to give them. It was very difficult.

VICKI STAFF: Carole, would you like to share your experience from the Central West?

CAROLE SHENNAN: I work with CatholicCare Wilcannia-Forbes. We cover the areas of the Central West that were affected by the flood in 2022. A lot of our workers were already on the ground in the communities, and they were assisting residents in their homes. So when Resilience set up the RAP centre, which is the recovery access point, my colleague Louise was told to head into the tent and get a table so we could continue to assist the community. She was told that we weren't invited in the tent, that there were "rural" financial counsellors, and we were to go "sit outside" or "down the street" and "find somewhere comfortable". With her persistence, we gained a table in the tent to share.

The flip side of that is, where RA has now taken over, we've had the most wonderful experience with them. We work very closely with them in the Central West, and they seem to have a totally different view on us as financial counsellors—as opposed to Lisa here. We have just been invited to and we've just completed the Resilient Homes Program in the Central West. We had one of our team members at every town that was there. We've also been thanked for what we do in the Central West, for being on the ground and still continuing to have our own recovery access centres in Eugowra and Forbes, predominantly. It's been a very good connection with the Reconstruction Authority since the beginning.

VICKI STAFF: Two very different experiences.

The Hon. EMILY SUVAAL: Yes. To the second part of the question, do you have any suggestions in terms of embedding that relationship in legislation or trying to formalise it in some way, and whether that would then risk the inflexibility that we're talking about in the aftermath of a disaster?

VICKI STAFF: We'd really love to see financial counsellors explicitly mentioned in the legislation as a vital part of that engagement strategy. We heard from the co-op people earlier and they were saying the same thing—being a little bit more explicit about some of those services that really need to be brought in early. We've now got CatholicCare Wilcannia-Forbes actually being consulted in the design phase for the Resilient Homes Program in the Central West, which is just fantastic. But we still have Lismore very much on the back foot. Again, we recognise that the Reconstruction Authority were not the initial authority that established that particular scheme. We understand that there has been quite a different approach and all that sort of thing. But, yes, we really would like to see financial counselling, as a sector, explicitly mentioned in that legislation.

Ms SUE HIGGINSON: Mr Lawrence touched on formalising who is who in local communities, and their responses. Do you think there might be a benefit to having a legal requirement that there must be a public register held of groups and organisations and their capacities? We do it in other sectors and other fields. We have these public registers and they're required to be maintained and updated. And if you think a mandatory public register is a good idea, what scale—locality, region or geographic identity—would be best?

MELISSA JONES: I think South Australia do this very, very well. They have what they call an emergency stakeholders forum each year and they bring everyone together that is involved with recovery and the like. We talk and we network, and we get to know what each other does, specifically. When there is a disaster, it's really easy to tap into other people when we need it. So, for example, BlazeAid is very boots-on-the-ground. We work almost on our own. We set up with council help and assistance, and Reconstruction Authority will come and support us, but we get in and then we find the support services that will help us support the farmers or the rural communities on the ground. It's about networking, and I think a register—not necessarily mandated, but to have something like that which not-for-profits or other organisations can access would be so helpful, yes.

CARA VARIAN: In response to the last two questions, the experience of the NCOSS project that has gone across four locations in New South Wales has shown us how different the reception is from the different emergency management frameworks within those local government areas, and the sheer amount of effort that comes from the local service providers having to keep themselves familiar with them and ingratiate them because

they're not seen as a natural person to sit at the table. So having that formalisation, I think, would add flexibility rather than reducing it, because we're not in a situation where we're going to start removing community services completely from any organisation, and they are the people who hold those trusted relationships. I think having a register would be a fantastic idea. I believe that it would be better if there was something consistent that happened at a State level, because natural disasters do not follow the boundaries of LGAs or SA2s or States. We need to put things in place that can be used to address what is happening at that time, and it be consistent across the different areas. That's the NCOSS experience and our advice to the panel.

VICKI STAFF: I also concur with what Melissa said in terms of South Australia. Again, because my role is national, we've worked closely with financial counsellors in the Riverland in South Australia, and we've seen excellent coordination in the Riverland between community services, local governments, State Government, all that sort of thing, as well. So I definitely agree with that comment.

Ms TAMARA SMITH: I want to thank Financial Counselling Australia and BlazeAid for your incredible work in the Northern Rivers, and thank you for your submissions. My question is to NCOSS. Also, congratulations to NCOSS for all the ongoing work they do. You raised in your submission that there's nothing in the Act that explicitly refers to First Nations people or to Aboriginal and Torres Strait Islander people. Can you tell us a little bit more about that? I've seen with the Cabbage Tree Island community that you could argue that it is very much caught up in some of the gaps that we need to work on, in terms of coordinating Aboriginal Affairs, for example, with other departments. What was missing was trauma-informed First Nations people's understanding of consultation and what that looks like. Did you want to say anything about that?

CARA VARIAN: Referring back to the previous witnesses who were here, they talked about the lack of specificity within the Act, and that speaks to this issue as well. The two points that I make on your question about recognising First Nations people formally in the Act are, firstly, it's very clearly understood that increased vulnerability within a community, an individual circumstance or a family means they have increased vulnerability within a disaster context. We know in Australia that many of our most vulnerable people are from a First Nations background. So I think it would be very useful for the Act to include an explicit requirement to put special provisions in place for people who are experiencing vulnerability, both First Nations people and non-First Nations people.

But the other part of it is that we, through the Closing the Gap strategy or the lack of progress on that, have got very clear indications that we need to change the culture of the way that we do decision-making so that we can include First Nations people. Culture is very hard to change, as is the legislation and the mechanism that you can use to show intention and require public servants to think about and address specific issues. Including First Nations people in the legislation would allow a greater priority to be put on being able to take the wisdom from that community. Part of the project that we've been doing across those four areas has included First Nations people helping us understand what better ways we could work with the local authorities to prepare for disasters. That then helps us understand how we can support those communities. They're the two points on that.

Ms TAMARA SMITH: It's like there's a real lack of understanding of the Closing the Gap lens applied to everything. Whether the phrase "close the gap" needs to be explicitly in the Act might be considered, because—I won't go into it, but there are countless examples that I saw of the opposite of that.

LISA GAGE: I wouldn't mind adding that, with our organisation, we have a First Nations financial capability worker, who has been making a lot of effort to connect with First Nations communities, particularly the Wardell village and Coraki. It has taken us a long time to get into both of those villages, firstly. It took us a long time to engage. There wasn't that connection with our service. It wasn't because there was a lack of need, but there was a lack of engagement. We finally got in there and connected because she was able to connect through the front door. I love that. The front door was through the Elders.

Her engagement was to get permission from the Elders to be able to engage with the community. She has had some really great outcomes. But it has taken a long time. What we've recognised within our discussions, with the impact, is that the First Nations communities work together. There was a lack of reaching out to service providers, and they were working together. That was also coming from our First Nations worker, who is also from Tabulam. Her experience of that was that the first point was to connect together as community. For us, it has taken us that time to get into the community, because that connection wasn't there.

Ms TAMARA SMITH: They've been dispossessed. The Cabbage Tree Island community were living in hotels for 1½ years. Now they're in a mission scenario.

LISA GAGE: Exactly.

VICKI STAFF: We 100 per cent support recognition of First Nations communities in the Act and recognising the colonial barriers that they face.

The CHAIR: Thank you. I did say at the start that we have people coming and going. We have been joined by Warren Kirby, the member for Riverstone, on the screen. But I'm not going to go to him. I'm going to come back to Mr Farraway. Do you have questions?

The Hon. SAM FARRAWAY: Not for this session, thank you, Chair.

The CHAIR: Are you sure? You don't want to ask about betterment for BlazeAid when they're constructing fences?

The Hon. SAM FARRAWAY: You can ask that if you like. We can share that topic around. I'll let you ask that, Mr Chair.

The CHAIR: I am going to ask this: For Financial Counselling and BlazeAid, I think of most of your work has being in response. How much work, in real terms, can you do in terms of preparedness? Because that's part of the Act.

VICKI STAFF: Financial resilience is something that we take very seriously as financial counsellors. Yes, there is a large element of our work that is recovery and helping people to financially recover from a disaster. However, there is also preparedness work that we do as well, particularly around, for example, insurance. We talk to people about having insurance and also about, for example, being more financially resilient in other areas of their life, which can mean that when there is a shock, like a disaster, if they have already taken those measures in order to build their financial resilience overall, then they're more likely to be able to withstand the financial shock of the disaster. We talk to people in our work, just through general financial counselling, in terms of bill smoothing, for example, and making sure that they're on top of all of their bills. We certainly see things like preparedness. Also, Lisa just mentioned financial capability workers. We have financial counsellors and financial capability workers in our sector. Those financial capability workers do a lot of work with people in order to build that education and understanding about what it means to be financially resilient and stable.

The CHAIR: Ms Jones, what about BlazeAid?

MELISSA JONES: It's difficult. Vicki spoke about insurances. For farmers to insure a fence is almost the same cost as it would be to rebuild a fence. We're looking at about \$18,000 per kilometre. Some of these property owners might have lost 20 or 30 kilometres of fencing. To insure a fence that's that much money, year in, year out, is a big thing to ask. About 20 per cent to 30 per cent of the people who we help are insured. Our preparedness comes in via volunteerism. We are probably one of the biggest spontaneous volunteer organisations in Australia. We have 38,000 volunteers that have come through our door, and many of them just turn up on the doorstep one morning. For us, it is about making sure that we get enough volunteers when a disaster happens. That's our preparedness. As far as working with farmers and people who are affected, we make sure that we're prepared so that we can come in and support them as best we can.

The CHAIR: When you're rebuilding and reconstructing fences, do farmers often go for a product that will better resist the next event?

MELISSA JONES: Yes. Sometimes our volunteers are quite skilled in fencing for disaster recovery. They might build a fence where, for example, in floods, if the water came through, the fence would just drop down and they wouldn't lose their materials. Then they can just prop it back up once it's safe to do so and the land is dry. We honestly take their advice when we rebuild, so it's really up to them. There are innovations everywhere, and farmers are at the forefront of a lot of that.

The CHAIR: Fold down fences and fold them back up.

MELISSA JONES: It's the way you clip them to the posts.

The CHAIR: Ms Varian, do you have a comment about preparedness and the work that needs to be done in that space?

CARA VARIAN: Yes. When I first went into this role, I spent a few hours with a senior member of the SES. I said, "I think we need to work together a bit more because, in disasters, there's work that needs to be done to make sure that communities are better served." That person said, "We do it really well. Everything's great." I went back to my members and talked about it, and there was this shock that the view of the Government and the SES was that it is being done really well. The reason that I think social services have this key role in preparedness is because the first thing that one of the members said to me when I relayed this conversation was that the reason the SES can't get people to move out of their homes is because they don't have the phones to get the message to hear that they need to move out, or it's a community of people who are in wheelchairs and can't drive.

I had this amazing conversation where the SES thought that the only role that the social service sector could play was to get people to follow their instructions quicker, but in our project that we've been doing, which

includes work in Lismore, we have done a lot of preparedness. One of the tools that we've used is something called a person-centred emergency plan. That is a documented, university-researched plan that is focused largely on preparing people who have got a disability to be able to manage and get themselves out of trouble if they're in a disaster. Because it's designed for people with complex needs, it's actually really helpful for every member of the community.

What we're seeing, particularly in the Blue Mountains, is that we are having our social service organisations embed that person-centred emergency planning into the community development work that they do. The communities don't even necessarily know that they're going through preparedness work. They are just turning up, going to the play groups, coming and playing bingo and then they hear about these concepts that have never really been put into their thought processes around the financial planning that they can put in place and making sure that they've got the physical plans, that they know who they're going to contact and that they've got the communications in place when there's an emergency. Having those social service organisations engaging with the humans that are going to have to deal with the disasters and preparing them for it makes it possible for the communities to recover so much quicker.

The CHAIR: Thank you. I'm glad I asked.

The Hon. EMILY SUVAAL: Are grant programs structured appropriately to help social services and community organisations to help communities? If not, what changes would you suggest?

VICKI STAFF: Can I suggest that my colleagues answer this one, as they have been working very closely with people applying for grants?

CAROLE SHENNAN: When we work with these people, they are extremely traumatised and stressed from the experience that they have just been through, so their thinking process is not fully there as well. We are there to assist them with the grants. They're quite difficult to manoeuvre around, and also there are delays in some of the grants, especially the Resilient Homes Program. We're seeing a lot of people have already accessed their super. They have extended mortgages, they have got other loans or they have used their savings. If they are not successful with the Resilient Homes Program to receive any of that money back, where do they go from there? If something else is to happen or if there is—hopefully there is not—another flood, they will not have the funds to support themselves again, which then increases their mental health load and their physical load. It's a very stressful time for everyone.

VICKI STAFF: These are areas where insurance is not affordable. This is not a case of they just don't have insurance, so we'll rely on the Government. This is where the risk is so high that we're talking about tens of thousands of dollars of annual premiums. The only option for them is to find another way. If the Government is not there to support, they will have to dip into super. Super is a big one. That means that it's just kicking the can down the road for government. It means age pension later on.

CARA VARIAN: Were you referring to grants for individuals, for organisations or both?

The Hon. EMILY SUVAAL: Both.

CARA VARIAN: I wanted to comment on the organisational grants. The experience of our members has been that often the grants will come too late, after the services have already been required, and finish too quickly. That uncertainty is very difficult for a person at the front line who is trying to deliver a service and the person in front of them doesn't know that the grants haven't started yet or have just ended. The other part of it is, if we think about disaster management as this process that is preparedness and mitigation, often the grants are focused on the response and recovery side rather than the preparedness and mitigation side. NCOSS is this little microcosm of this situation right now.

We have had this fantastic project that has really improved preparedness in those seven LGAs, and we've applied for another grant, which we're through to the final round of. But instead of finding out before the first one finished, we still don't know if we're through to the second round. There's probably about 15 people across New South Wales who are currently not funded, and my two experts at NCOSS are currently on leave without pay or have left their position because we don't have funding for that until we find out about it. The idea of just calling it "grants", rather than saying that this is work that is required to be done on a continuum, is a structural problem in itself.

The Hon. EMILY SUVAAL: So recurrent funding—that correlates well with evidence that we heard in another inquiry that I chair. The local government inquiry particularly heard from Shoalhaven council about the impact that has on their disaster preparedness and recovery officers.

CARA VARIAN: If we recognise that preparedness improves outcomes, that investment in recurrent funding is useful. The other part of it is you asked, "How?" There are contracts in place with social service

organisations at the moment all over the State. There is no reason why, within those contracts, there couldn't be specific triggers identified so that that organisation knows that, should these things happen, they will not only be responsible for delivering those services but funded. It would only be when the triggers are met, but that would provide the Government certainty that it could deliver the services through its not-for-profit subcontracts but also certainty to the organisations that need to deliver it and need to make sure that they've got trained staff in place.

The CHAIR: Ms Jones, did you want to comment about grants?

MELISSA JONES: Yes. Like many other organisations, we need to apply for funding through the councils. That is a step that probably doesn't need to happen. That's the way we see it. We have got a proven background, as many other organisations that work in disaster recovery do, of reconciling any grants that come through. But sometimes if we have to apply through a council, it actually delays us and our work, our funding. For example, in Nymboida we were delayed for three months in getting in to help people, which is really unacceptable. Those farmers needed help straightaway. Additionally to that, there were five council areas or base camps that we set up where council didn't apply for the grants for us, so we had no funding for those base camps. Taking that step out for organisations like BlazeAid would be a massive help.

VICKI STAFF: I just wanted to respond to something that NCOSS mentioned about grants and preparedness, rather than the idea of grants and recovery. One of the things to consider for the future is to actually decouple the idea around the Resilient Homes Program from recovery—to actually make it a preparedness scheme rather than a recovery scheme. In Queensland, for example, you might be aware of the Tropic of Capricorn; anyone who lives north of that is eligible to access a \$15,000 government scheme to make their roof cyclone-proof. When you compare the uptake of that particular scheme and the success of that scheme, for example, in people being able to navigate that themselves, to the Resilient Homes Program in south-east Queensland, a complex scheme where people needed to be case-managed through that scheme, it's got that urgency and that trauma attached to it because it's a recovery scheme as well. It is a resilience scheme also, but it's coupled with recovery.

Something to consider moving forward is to actually decouple something like the Resilient Homes Program from the idea of recovery. I think you will avoid a lot of the trauma that we've seen play out in some of these communities, not only because they'll be better prepared next time but also because of the mindset of people that Carol touched on. In terms of recovery, we call this "disaster brain". It's really hard to navigate difficult grants and schemes when you're experiencing that.

The CHAIR: Mr Kirby, I note you've got your hand up but we are completely out of time. I would ask you to put your question into a supplementary question format for us to get to our witnesses. Thank you all for appearing before the Committee today. We will provide you with a copy of the transcript so that you can make any corrections that you feel need to be made. We also ask that if we as a committee have any supplementary questions, you respond to those within 14 days. If that is a challenge, please talk to us about that. Thank you all for taking time out of your busy day to be with us today, and for making your submissions. We really appreciate it. It will help our work enormously. Thank you.

(The witnesses withdrew.)

Mr DANNY ROSE, Deputy President, Floodplain Management Australia, before the Committee via videoconference, affirmed and examined

Mr TIM MACKNEY, Board Director, Institute of Public Works Engineering Australasia NSW and ACT, sworn and examined

Mr JOSHUA DEVITT, Acting CEO, Institute of Public Works Engineering Australasia NSW and ACT, sworn and examined

Ms ERIKA PAWLEY, Director, Projects, Leamac Property Group, and Moore Point Joint Landowners Group, sworn and examined

Mr JAMES DAVIDSON, Principal, JDA Architects, sworn and examined

The CHAIR: Thank you all for attending today. You are our fifth panel of witnesses for today. I appreciate that we are a little bit over time, but the Committee goes to a lunch break at the end of this session so we can extend into that to make sure we have every opportunity. Before we proceed, do any of you have any questions about the hearing process that we're embarking on?

TIM MACKNEY: No.

JOSHUA DEVITT: No.

ERIKA PAWLEY: No.

JAMES DAVIDSON: No.

DANNY ROSE: No.

The CHAIR: Very good. Before we start, Ms Pawley, I understand you have some material you want to hand up and make available to us?

ERIKA PAWLEY: Yes, if that would be possible.

The CHAIR: Yes. For my colleagues online, we will have these documents scanned and emailed to you in the next moment so you will have them in front of you. We'll jump straight into questions. Thank you for emailing your opening statements.⁴ Normally at a committee hearing we would allow opening statements, but given the number of witnesses on the panel and the size of the Committee, we appreciate you sending those opening statements through. It is much appreciated.

Ms LIZA BUTLER: Thank you for coming here today and giving up your time. My question is to Floodplain Management Australia, but in light of the Moore Point precinct—and I know that you've raised it in your submission—when we talk about mitigation, how can the Act better support implementation of disaster adaptation within local councils, LEPs, DCPs and then coastal management plans on top of that? Should there be a provision in the Act that, when we think of mitigation, actually overrides all those other issues so that it's streamlined?

DANNY ROSE: I'm not sure about overriding the other processes. There are a number of processes already in place in New South Wales for disaster mitigation adaptation, one of those being the Floodplain Management Program, for example, run by DCCEEW, which already supports New South Wales councils for their flood risk management processes and implementation. What I think the Reconstruction Authority and its supporting legislation can do through the implementation of the State Disaster Mitigation Plan and the disaster adaption plans that are about to be kicked off regionally is to help prioritise that group of natural hazards against other natural hazards—as you say, things like coastal hazards also have a parallel process that's already been implemented—and really unlock the funding and resource requirements that are needed by councils, who are under-resourced to do the projects that eventually come out of the risk management processes attached to those natural hazards.

The CHAIR: Mr Kirby, I know that you missed out on the chance to ask a question during the last panel. Do you have questions that you want to put to the panel at the moment?

Mr WARREN KIRBY: In anticipation of the paperwork I'm about to receive, the question I was keen to ask the last panel was its opinion about the importance of place-based community organisations in disasters.

⁴ Opening statements from [the Institute of Public Works Engineering Australasia NSW and ACT](#) and [Moore Point Landowners Group](#).

The CHAIR: That might not be as useful here. I forgot that you haven't received the documents yet. I might jump across to Ms Higginson.

Ms SUE HIGGINSON: Thank you, Chair. This goes to Mr Rose's point. We have a planning system that deals with constraints, or however we call them, and we're moving very much to looking at risk matrices and risk frameworks. Do you think that with the Reconstruction Authority and the legislation that we're working with—given some have actually called it "overreach" in terms of the powers under the Reconstruction Authority legislation, for all the reasons it has—it would be at all beneficial to have a more direct relationship or to set some thresholds around risk? We're talking about new concepts, "intolerable risk" or "acceptable risk". Do you think this legislation is appropriate to have a direct relationship with the planning laws and our natural resource management laws? I throw that to anybody, because I know you are all interacting with both these frameworks.

ERIKA PAWLEY: I'm happy to commence answering that question. The Moore Point Joint Landowners Group are supportive of a risk-based approach to flooding in this instance—to urban development and flood risk. We think that is consistent with recommendation 18 of the 2022 NSW Flood Inquiry. However, it's our experience that the interpretation of a risk-based approach is very varied across different parts of the government. We have observed that there are sections within government that are interpreting this approach as "completely no risk". We've observed that there's an increasing informal adoption of the probable maximum flood as the guiding flood planning level to determine appropriate urban development.

As defined by the NSW SES, the PMF is the largest flood that could possibly be conceived to occur in a particular location. I will abbreviate this definition, but it's a once-in-10,000-to-10-million-year event. We don't think it's appropriate to use this as the single measure to define risk. It should not be the sole measure. We don't believe that aligns with the recommendations of the Flood Inquiry for a risk-based assessment. We think there are other measures and improvements that could be made that take into account the characteristics of each individual location, looking at each location's flood risk and the emergency response that is capable of being achieved. That needs to be specific to the location, the catchment, the amount of development around it and the population. It's certainly not a one-size-fits-all approach. Our observation is that, in practice—we suspect it's informal, but it is what is happening in practice—that is being used as the sole measure of "risk-based".

Ms SUE HIGGINSON: You can take it on notice if it's helpful, but could you give examples of where you're suggesting that seems to be an unofficial adopted approach?

ERIKA PAWLEY: Based on my research—I'm sure there are people in the room that know more about this than me—there are 439 rivers in New South Wales, according to the Geographical Names Board. As you would expect, they all have very different flood characteristics, surrounding development and populations, development intensity and therefore risks. We're active participants in the development industry across Sydney. We are finding that, for some reason, the exact same approaches, methods and assumptions to emergency response are being applied across Northern Rivers, Hawkesbury-Nepean, Georges River and Parramatta. All of these river systems are quite different, yet we are getting the same responses back every time. What that tells us is there is no room for innovation and there is no room to come back with a risk-based assessment that deals with the particular characteristics of that location and its population. I can elaborate more on that if the Committee would like.

Ms SUE HIGGINSON: Could I ask for another perspective in terms of the relationship between planning and the reconstruction legislation?

TIM MACKNEY: I was going to suggest that we went to FMA to talk about the flood. I wanted to speak a little bit more broadly, just not specifically to flood impacts.

DANNY ROSE: Going back to the original question about overreach, I think what has confused FMA and our members—a lot of those being councils but also agencies—was the duplication and potential to have mixed accountability for things like planning decisions, flood modelling and the like. The Department of Planning, Housing and Infrastructure recently provided clarification to all planning authorities around the merit-based, risk-based approach to the assessment and approval of developments, including the range of flood risks to look at—right up to the probable maximum flood—and the range of issues to look at, which do go to emergency risk management, the evacuation and protection of people. That needs to consider up to the probable maximum flood.

There is a range of options available to address not just the worst-case flood but, in some cases, it might be the smaller, more frequent floods that cause more impacts, particularly around economy or environment. There are already systems in place around the planning system for flood modelling that DCCEEW and others have technical and funding expertise in and help councils to implement. Potentially, from my view, the aspects of the legislation that the RA really needs to focus on is the disaster prevention and preparedness and then the reconstruction and recovery. Through experience—my day job is at Tweed Shire Council, so I operate on the

Northern Rivers—it has been that duplication of effort and accountability between various agencies in the lead-up, during and then post-flood natural disasters that has been the confusion for local communities and authorities like councils.

The CHAIR: Do you want to make a comment at all on this question?

TIM MACKNEY: I did, to provide our response as well, and probably taking a step back specifically from flood-type arrangements. I think the question really is going to the heart of how complex the current system is and the fact that, yes, we do need that risk-based approach and how that then dovetails into existing systems and existing legislation. I think part of the complexities—and our friends in the development industry would probably agree—is that there are so many chiefs. It's very hard to get a consolidated, centralised and common viewpoint. We may talk more about this over the course of today, but certainly our view is that there needs to be some centralised entity—we'd suggest RA—to try to bring some of these things to a point where there is common understanding and a common way forward. That's not to say that there's an identical position or solution in every location, but the process to get there needs to be consistent so that everyone knows how that will work. Yes, I think there is definitely a big piece of work there—a long-term piece of work. It needs to be happening now, in peacetime, so that when these events occur we can react and utilise the opportunities that disasters bring, but also that we are making informed decisions now proactively to ensure preparedness and prevention.

The CHAIR: Mr Farraway, I'm sure you've got a question for IPWEA about betterment.

The Hon. SAM FARRAWAY: Yes. It's a shame Mr Elliott isn't here. My question is firstly to IPWEA, although Mr Rose and others may also comment. In your submission you referred to the points around the Act and the committee, but I want to talk about the build-back-better policy. IPWEA have been on the record time and time again supporting governments to look at betterment. When we looked at this Act, I wanted to get a little bit more information from you about how to define "betterment", in particular around infrastructure. Should it be more defined more in the Act, allowing the Reconstruction Authority under the Act to be able to have more punch about it in talking to the Commonwealth, and about how we fund and rebuild this infrastructure—just a little bit more around how to define it in the Act.

JOSHUA DEVITT: Thank you for the question. I'll try my best to fill in for Mr Elliot given his absence today. Betterment is a hot topic amongst our membership whenever we bring it up. We've been doing a lot of consultation across the State with all the councils that we work with around what that should look like. We certainly see issues with the way "betterment" is defined. We are conscious that RA at the moment are looking at ways of developing standards or definitions as to the function of these assets and what they should be doing. I think that will help to inform betterment and resilience moving into the future.

Our position on this is that there should be mechanisms put in place whereby, as Mr Mackney was commenting, in peacetime we can prepare for betterment and prepare for resilience as part of those activities before events occur. That would help streamline the process: After an event, we would have already identified those assets that are indicated to be upgraded as a part of those recovery activities. That avoids the discussion, confusion and argument after the disaster when everyone is trying to recover and there are all these extra emotional tolls and things on top of it. Our position is that betterment is critical, but it needs to be very much prepared for in advance of these activities and built into a proactive planning and preparation process.

The Hon. SAM FARRAWAY: In a perfect world, that would work. But how do we put in the Act that the New South Wales Government—because obviously we are relying on the Commonwealth for its funding as it streams down through the DRFA arrangements. How do we define "betterment" better in the rebuild? You've touched on the bit about the pre-work and being proactive. But how do we define it so when councils are going to rebuild this infrastructure, working with the Reconstruction Authority under the Act—how do they have the ability to put better culverts in or better drainage? Why should it just be this absolute run-around? What can we do under the Act and defining it to actually repair that infrastructure? Is there anything that you can see that we need to be including in the Act with that build back better that will actually make a meaningful outcome?

TIM MACKNEY: In terms of what the Act is currently saying, our feeling is that the Act is pretty close to the mark. What it is trying to achieve seems to us to be where we should be aiming. What has potentially happened, and given it's fairly new, is that the implementation of that has not been where I think anyone has wanted it to be. Some of the recent work around the DAPs, the disaster adaptation plans, is really positive. I think potentially, rather than trying to work it into the Act per se, specifically focusing in on betterment, our suggestion is to provide RA with a greater scope to be that coordinating force within the New South Wales Government to ensure that someone has ownership and responsibility for improving things. Betterment is only one component of that overarching improvement that is required to see us adapt, to see us prevent and to be more resilient into the future.

I think that through that process, again, given that there are going to be nuances in outcomes and solutions based on locations, based on population growth and all sorts of other specific issues, it needs to be looked at at that level in those disaster adaptation plans. That planning needs to happen early, so that we can then implement things and we appreciate and understand what the goals are. As I said earlier, disasters also provide us with opportunities. When things are destroyed or damaged, we can build back better at that point and actually come up with better outcomes. We are very much supportive of betterment and have been for a long time. We suggest in terms of the legislation, there is not very much needed in terms of changes there. It's about supporting a long-term approach for RA to take the reins and ensure that is implemented.

DANNY ROSE: I was firstly going to start by reinforcing FMAs similar commitment and long-term support for betterment as seconded by IPWEA. My comments echo Mr Mackney's where I think the legislation provides the RA with the Authority to come up with clear policy positions and guidelines that should be adhered to by other agencies. We'd like to avoid perverse outcomes where, if legislation was too detailed or got bogged down in the weeds with the details on betterment, we lost the agility that's required for natural disasters. They could be repeat natural disasters or different hazards that occur back to back, as we've seen in a lot of areas. I think the current legislative focus on the RA being responsible for that intra-agency coordination and policy development could be well applied to betterment without major additions to the legislation.

The Hon. STEPHEN LAWRENCE: In terms of how long the Authority's been in place for and a proper review of the effectiveness of the Act, is there particular things we should be thinking about in terms of how long it's been in place and whether we're in a proper position to evaluate its effectiveness?

TIM MACKNEY: Yes, certainly. It's potentially come as a little bit of a surprise to us how soon this has happened. I suppose our comments in both our submission and our opening statement support that. We feel the legislation, from what we've seen, is fit for purpose, with some minor tweaks, mainly around where we are suggesting RA has that more coordinating role, rather than the current appearance as a sort of liaison or facilitator. We would like to see that enforced more, but otherwise RA needs to be given time to implement what has been asked of it through the Act. So far what we are seeing is it is heading in the right direction; it just needs that time. Hopefully our submission, and others, can help to guide the direction that it takes.

ERIKA PAWLEY: I think there are several important aspects in the objects of the Act and also the functions of the Authority. But the words that ring true to us are around resilience, adaptation and coordination of whole-of-government responses. I think they are the areas that need to be focused on. I think the legislation is there. I think it's all in the implementation now.

JAMES DAVIDSON: My experience to date is that the Reconstruction Authority is perfectly placed because they deal with a lot of stuff on the ground with people and in their homes. In a recovery environment they are learning a lot. They need another 10 years. This is my sense. Similar to what we have in Queensland with the Queensland Reconstruction Authority, they've learnt a lot since 2011. I feel that it's too early to criticise the RA. The learnings that are coming out of other entities and experiences—and now we've having more and more events, so people are getting better at doing it. It just needs some time and I think you'll see the fruits of what is happening. I support basically everything that everybody has actually said today. I've been sitting here thinking, "That makes a lot of sense."

The CHAIR: Mr Rose, I'm guessing in your role you've seen implementation of similar Acts across the country?

DANNY ROSE: The disaster adaptation plans and the success of that process is going to be a major milestone for the RA. They've delivered the State Disaster Mitigation Plan to set up a framework. But I think the effectiveness of really getting into the regions and supporting councils and the agencies and the NGOs that the community rely on, the DAP process is going to be the major test and possibly one of the first tests to see how well they are delivering against the objectives that are outlined in the legislation. I agree with the point about the length of time the QRA really took to get established and to get runs on the board. I think that was a valid point.

The CHAIR: I think we would all agree they are doing well now, with 10 or 12 years under their belt. Mr Kirby, I did want to come back to you. I caught you on the hop a little earlier. Is there anything you'd like to put to the panel at this stage?

Mr WARREN KIRBY: I have some questions about the disconnect between the perception of PMF and 1-in-100 regulations when it comes to not only building but also the surrounding infrastructure. One of the things that has been noted in the flood evacuation modelling for the Hawkesbury-Nepean basin is that the underlying problem is that the majority of people—in fact, all of the modelling was done on road evacuation from areas, but there is a complete disconnect between the height of the levels of the roads and then the developments that are being put into areas.

The CHAIR: That might be a question for IPWEA in terms of where we are putting our priorities around the evacuation process.

Mr WARREN KIRBY: It is more that in many cases 1-in-100 is used as a building control in the Hawkesbury-Nepean Valley, but the roads are not necessarily built to 1-in-100. It was noted in the report that if one of the local bridges was built to 1-in-200, for example, it would improve evacuation by 25 per cent. When we're talking about the management of flood plains and how we engineer communities into that sort of land, what about the feeder roads and access in and out?

The CHAIR: Who is that question to?

Mr WARREN KIRBY: I believe we have got Floodplain Management here, and also the Institute of Public Works Engineering, so I would have thought—

The CHAIR: Mr Rose, we will go to you first.

DANNY ROSE: Sure, thank you. I think the question of the appropriate standard is going to be catchment based and depend on things like warning time and the number of people that need to be moved. If you had a smaller rural community that had two days notice and had to relocate 200 people, it is a vastly different standard and requires vastly different levels of infrastructure than parts of the Hawkesbury-Nepean that have thousands of people to move on major roads with limited warning time. I don't think it is as simple as trying to define that all evacuation routes need to be at a certain level or bridges need to meet a minimum standard. It is going to come back to having the right hazard information to make those informed assessments—and, increasingly, also looking at the climate change impacts of things like the hard infrastructure that we're building into our evacuation routes, like bridges, that will have a design life that will be impacted by changes to rainfall intensities and sea level rise and therefore flood intensities.

The CHAIR: Does IPWEA want to make a comment?

JOSHUA DEVITT: Yes. Off the back of Mr Rose's comments, I think, as he sort of alluded to, in an ideal world, if we had endless money, we would love to flood-proof every road but that is just not realistic. I think it has got to be catchment dependent. It'll depend on what that local community needs. Absolutely, having key flood evacuation routes and other evacuation routes for different types of disasters is necessary, but I think there is just not the funding or the resources to enable widespread flood resilience for all road assets. Certainly, the design standards support that as well, recognising that your lower order roads are often inundated in one-in-10-year or one-in-20-year frequency. It has to be balanced against those competing demands, I think.

TIM MACKNEY: If I could, just bringing it back to what we're talking about here with RA, the DAPs and even the betterment question, to date we have been very much in a focus on restoration of damaged assets phase. We need to change that. That long-term planning, again, that we keep going back to, is all about identifying things like, for instance, in this situation, network resilience so that the money that needs to be spent on betterment in that situation is actually not on items that are damaged during, say, floods or fires, but rather on alternative assets that provide that alternative access or provide it at a point in time when it is needed. Again, the limited funding that is available can only be divvied up if we have that planning happening. We need to bring all of those stakeholders together to determine where that money needs to be spent. I think the DAP process, certainly from what we have seen to date, appears to be positive in trying to get to those sorts of outcomes.

JAMES DAVIDSON: Can I just make a point? I have been working in the flood resilience space for a long time, since 2011, in Queensland. We have actually seen the 1 per cent or the 1-in-100-year level go up four times in south-east Queensland in that time. Every time you have another event, the model gets adjusted and we have to raise homes higher. I think it just brings about what we are talking about today—or we are, myself and Erica—the importance of risk based, location specific. The point of risk based is that you would take into consideration future climate change impacts and then communicate appropriately with that, whether it is the home owner or the local council or the State, essentially, about that particular location and build that into the actual infrastructure, and into what is planned for the future. And don't be surprised when the levels do change, because they will.

We saw that in Brisbane recently in the 2022 floods, where north Brisbane actually copped a 1-in-200-year event whereas south of the river it was still less than 1-in-100-year because the rain fell in a different location with more intensity. It is very difficult to predict. So the idea of risk-based flood resilience communication with the community is saying to people, "Look, we can't stop it from happening, but we will prepare well and we can learn how to prepare better for these things." Personally, I'm currently doing some work with the Department of Education in Queensland on preparedness plans rather than response plans. We have got a lot of response planning—a lot of that—but very little preparedness planning. We are focusing on assisting schools to get back on deck immediately so they can—instead of helping recovery efforts, they are actually just running a school and

they are helping the community that way. I think the same kind of thing can happen more broadly with everything, really. We are getting better at these things.

The CHAIR: On that last point and the submission that you made—and thank you for your submission because it was outside the square in terms of so much other stuff—it is my understanding that your submission is talking about RA having a role now in development approvals. I am assuming, out of preparedness, they are trying to avoid people building in an area where there might be an event. Am I interpreting your submission correctly? I've got it completely wrong, haven't I?

JAMES DAVIDSON: No, I don't think it is exactly that, but I think what we are worried about is the blanket kind of—and I deal with it as an architect on a daily basis. The PMF becomes the defining criteria in a lot of situations. The PMF in, say, Mullum is very different in terms of height of depth between a 1-in-100-year flood and a PMF—it could even be a metre. Whereas South Lismore, for instance—

The CHAIR: At the Hawkesbury it might be 14 metres.

JAMES DAVIDSON: Correct.

Ms SUE HIGGINSON: In Lismore it's 16.2 metres.

JAMES DAVIDSON: That's right.

Ms SUE HIGGINSON: And every centimetre matters.

JAMES DAVIDSON: That's right. So, to sort of just have that as the kind of blanket line without looking at how it is actually impacting in that location—you can deal with the PMF in certain locations better than you can in others. What do we end up doing? Having schools that are nine metres out of the air? I think that is the point. I am interested in the more point work—that is why I am here today—primarily because of the heritage buildings on the site. That is another issue that we have to face: how to deal with the legacy of old buildings when flood planning levels are making us reach certain heights and things. My personal interest as an architect is saying, "Okay, let's innovate. Let's adapt. Let's find ways to work through an event in a way that doesn't just destroy the building fabric." In that sense, we accept a certain level of risk. But, in saying that, we prepare very well for that risk. The two things kind of go hand in hand.

ERIKA PAWLEY: I might just add that in the case of Moore Point—we have spoken a lot about the flood resilience of roads and infrastructure. What is in our submission is that it is also important to think about, as I said earlier, the specific locations. In the case of Moore Point, we have a significant urban renewal precinct across from an existing CBD that is flood free, across from an existing train station, major hospitals et cetera. All of those characteristics that, in fact, our current Government is pursuing through the Transport Oriented Development Program—Moore Point achieves all of those objectives.

In doing that, the entire precinct is based on reduced car dependence and increased reliance on active and public transport to achieve all sorts of sustainability goals, healthy lifestyles et cetera. It is quite disheartening for us going through a planning system to then hear a response from an agency like the SES that assumes that every single person that lives in Moore Point is going to need to evacuate by car, when every single person in Moore Point will definitely not have a car. The whole precinct has been designed that way. It is completely in line with Government policy that we are trying to reduce car dependence, particularly in Western Sydney, which, unfortunately, has been so characteristic of overuse of cars.

I go back to the need for that place-based and risk-based approach, where, in a dense urban setting, evacuation by foot to a major train station, to existing community hubs and to family and friends may be entirely appropriate. However, disappointingly, that has not even been made available as a consideration. I go back to that need to innovate and to continue to look at challenges from different lenses in different ways and not just roll out the same assumptions and the same methods that we have been doing for the last 30 years that sadly have landed Sydney in the unenviable position of being the least affordable city with a major housing crisis that the Government is now trying to address. Let's be place based and risk based but let's really look at each proposal on its merits, taking into account the options that are available to that community.

The CHAIR: That is a lovely way to come back around to Mr Kirby because I think that was his original question. Mr Kirby, do you have anything else?

Mr WARREN KIRBY: I have a couple to roll into that. I make the point that, particularly when we are talking about Western Sydney, car dependency is not a choice; it's a necessity because of the underpinning urban design that requires people to drive distances and not just jump on a train to do everything they need to do in their lives. While I support the concept of reducing car dependency, when the underlying urban design requires it, it is, frankly, an unachievable goal.

I also make the point—and I'm curious about this—that, when we are talking about evacuation, we have a situation in my local area where assumptions are made that there are not as many people living in those suburbs as there actually are when it comes to evacuation and that the majority of people will go to stay with friends and family and not recovery places. The recovery place for my local area, you actually have to cross the flood plain to get to it. Many people in the area own livestock and it doesn't hold livestock. The third compounding factor is that most of the family and friends of the people living in these new estates are in the new estates.

The CHAIR: Mr Kirby, is there a question?

Mr WARREN KIRBY: From a planning perspective and from a management perspective, are the considerations of where the evacuation points are and the demographics of the people living in the area taken into consideration?

The CHAIR: Does anyone have a comment on that? It might be a government question.

Ms SUE HIGGINSON: I am just curious to know whether you are familiar with and are using and are satisfied with the way the NARcliM modelling intersects with particularly the issues you were speaking about, Ms Pawley, about risk and taking this risk approach that you are suggesting we should be looking more at. Do you think the NARcliM modelling is the model and does the Reconstruction Authority have a role in relation to what climate modelling we are using, how we are using it, if we should be prescribing it more or if it should be prescribed through the Reconstruction Authority? What is your experience with that?

ERIKA PAWLEY: I'll give a brief answer but I am sure IPWEA will have a more detailed response. What we have observed is that there is actually a policy void around how to address climate change. In our precinct, for example, we have modelled the entire precinct at one in 500 as a proxy for climate change because there isn't that clear direction and advice from government on how that should be looked at.

Ms SUE HIGGINSON: So not the NARcliM data? That is not something you use as a planning tool?

ERIKA PAWLEY: Through our assessment, we have not been asked to look at that.

Ms SUE HIGGINSON: I am just wondering, Mr Rose, from a floodplain management perspective, whether you think that climate modelling is working.

DANNY ROSE: We have been made aware and have quarterly meetings this month in Brisbane and Sydney that both workshop this issue of a new chapter of Australian rainfall and run-off for the practical consideration of climate change. That is pending and should be released before the end of the year. State agencies in both States are looking to clarify their response to that and how it would apply to the flood hazard in particular. In Queensland, that is the QRA—the Queensland Reconstruction Authority. In New South Wales, it is DCCEEW as opposed to the RA. There are measures being put in place to make sure that all authorities are properly considering climate change. Particularly with my council hat on, we are really looking at those State agencies to decipher and give us better guidance against which range of climate change scenarios to be looking at, rather than each authority doing its own work on NARcliM or the SSPs.

Ms SUE HIGGINSON: As follow-up to that, I am curious, you mentioned the adaptation plans and the process to date. What is your experience of that and how that is working? Do you think already that you have seen things that could be improved for the Reconstruction Authority or is there something we should be considering in this early review about what could be done better in terms of the creation of the adaptation plans?

DANNY ROSE: It is very early days with the disaster adaptation plans. There are guidelines for their preparation currently on exhibition. They close next week. FMA, amongst many others, will be making submissions on those to help inform the RA. The RA has run a number of online and in-person workshops during the exhibition period to try and, first of all, clarify that the structural arrangements in those guidelines are appropriate. There are governance arrangements as well as the objectives of the DAPs and the sorts of things it needs to consider as well as an assurance framework. I guess the proof will be in the pudding with the Northern Rivers DAP. That is the first all-hazards DAP and Hawkesbury-Nepean will be subject to a flood-only DAP, as I understand it. The guidelines, as they sit, seem reasonable and the efforts made by the RA are genuine in hearing the various stakeholders and they have had a lot of engagement across a number of industries for that. But how well it's equipped to take on the challenges of regional DAPs is yet to be seen.

Ms SUE HIGGINSON: Are you confident with the data that we have, particularly the Northern Rivers one? You were kind of on Tweed council as well in your other life. Do you think that, where we are at now, the data to put into those and the modelling—in terms of impacts and going forward, do you think that we have a good handle on what will go into the DAP?

DANNY ROSE: As I understand it, the early stages of the DAP involve that state of play review gap analysis to see what data is available as the first step. One of the major concerns for councils and DCCEEW was making sure that the DAP process wasn't going to require a whole lot of flood modelling that has already been done and so utilising the data sets where they are. For catchments in the flooding example that may not have up-to-date flood data, or for other natural hazards that haven't been examined to the same extent as flooding on the Northern Rivers—things like heatwaves might be an example—the DAP can, as I understand it, point to the fact that more work needs to be done in certain areas and start to prioritise resources towards providing that.

If there are certain at-risk communities with little hazard information, as opposed to the larger and better resourced areas that already have those hazard approaches built in, then that is great. Part of our submission pointed out that it makes sense that the Northern Rivers, the Hawksbury-Nepean and parts of the Central West that were impacted in 2022 are the first cabs off the rank, but to some extent those areas that haven't had repeat natural disasters should be looked at with a priority too. Their communities are going to be a lot less prepared and probably don't have the datasets for the range of natural hazards. Their councils probably haven't had capacity built into them to do that work.

The CHAIR: Thank you very much for appearing today. We will send you a copy of the transcript, and if you want to correct something or you think that you've been misquoted, please get back to us and let us know. The Committee will have the opportunity to put together some supplementary questions which we might send to you. If you receive them, we ask that you turn them around in about 14 days, if possible. If it is not possible, then please talk to us. Thank you all very much for the work that you do with your relevant agencies and for taking the time out of your busy day to be with us here today. We sincerely appreciate your submissions and for helping us through this journey.

(The witnesses withdrew.)

(Luncheon adjournment)

Ms KYLIE MACFARLANE, CEO, Insurance Council of Australia, before the Committee via teleconference, affirmed and examined

The CHAIR: I recognise that we are meeting on the land of the Gadigal people of the Eora nation. I pay my respects to Elders past, present and emerging. I also recognise that our various witnesses and panellists throughout the afternoon will also come from various lands, and we pay respect to all of those Aboriginal nations as well. Thank you very much for joining us, Kylie. Before we proceed, do you have any questions about the hearing process?

KYLIE MACFARLANE: No, I don't.

The CHAIR: Excellent. This first inquiry is primarily around the legislative framework under which the Reconstruction Authority operates. Our first question we are trying to resolve is whether or not the legislation, as it is currently written, is able to meet and match the expectations that we all have of the RA. Do you have any comment on the legislation as it currently is or any suggestions for improvement?

KYLIE MACFARLANE: Firstly, let me commend the New South Wales Government's establishment of the NSW Reconstruction Authority. We support the Reconstruction Authority being established as a permanent entity, and believe that the powers included in the Act are sufficient to allow the NSW Reconstruction Authority to discharge its powers through that legislative framework. Most importantly, it gives the Reconstruction Authority a wide range of disaster scenarios to work within. In particular, the focus on reduction and resilience means that the Reconstruction Authority can implement measures that mitigate the impact of potential future disasters and help reduce the need for extensive recovery efforts. From our perspective, the legislative framework appropriately covers the life cycle of the disaster risk-management process. We think it is nation leading and reflects contemporary thinking regarding disaster risk management.

The CHAIR: Obviously, the insurance industry at large is a really important player in the space of people who are affected by disasters. At the moment, you are not currently directly referred to in the legislation. Do you think that you should be? We need you guys in the market to be available to people for coverage at an affordable price. I'm sure that you're not directly in any other piece of legislation, but you are such a key stakeholder. Would you like to be in the legislation? Do you think that you should be, or are you happy not to be?

KYLIE MACFARLANE: I think that our place is appropriately in the disaster mitigation plan. That recognises the role that we play as a stakeholder to the New South Wales Government and the Reconstruction Authority. It also allows for the flexibility as things change—as markets change and as different areas of legislation change—for the role of insurance and the collaborative relationship to change over time. I don't think we need to be codified in the legislation, but I do think it is important that we are in the disaster mitigation plan. That is ultimately an outworking of the Reconstruction Authority's strategy into an active program of work.

Ms LIZA BUTLER: Thank you for joining us today. Your submission recommends establishing formal recovery arrangements with the insurance industry. Could you elaborate on what you mean by that statement?

KYLIE MACFARLANE: Yes, absolutely. We have been engaging with each State over the past 12 months regarding the establishment of recovery arrangements. This is something that we've been looking at for some time, but was also highlighted in the Deloitte review of the insurance industry after the 2020 floods. The recovery arrangement seeks to do a number of things. It seeks to align the insurance industry and State governments—or, in this instance, the Reconstruction Authority—on a number of different factors. The first is on data sharing, and this is really important. It is the data that we share with you, the New South Wales State Government and its agencies, but also the rapid assessment data that we can access from you as an extreme weather event is occurring.

The second is access for industry into community recovery operations to create one-stop recovery centres for the community. I have to say, this has been working very well under the NSW Reconstruction Authority. This is an opportunity to codify and ensure that, when extreme weather occurs, there is an agreement in place that we are all aware of. It allows for that recovery centre to provide services that are not just welfare or governance in nature. Also, it allows those important response and recovery arrangements that are required—whether it be to insurers or other industries, such as telco or banks—to happen within those recovery centres.

The third area is agreements on how relief payments can be made. In the past, we have found that there has been a heavy reliance on claims documentation. What has been required is people coming to the government and demonstrating that they have had their claim denied in order to be able to receive relief payments. That obviously has a whole range of unintended consequences. In fact, most people would be able to provide their policy, which would show whether or not their policy includes flood, and therefore to be eligible for the grant.

Again, this helps with recovery. It also helps individual home owners and business owners to get that relief money quickly. It is an easy thing that we can agree on now. The other area is around government-led coordinated disaster clean-up and pre-planning and eligibility for insured property owners to ensure focus post-disaster is on execution rather than the program design and to ensure equitable distribution and use of public funds. Again, this is something that could be agreed to before an event even occurs so there is an understanding about what clean-up would look like and what roles different parties would play.

The final area is the consultation and development of resilience and recovery programs to ensure focus post-disaster is on execution rather than program design. An example would be the \$700 million Resilient Home Program in New South Wales. That is a fabulous program that focuses on retrofitting, raising and buybacks. However, it took a long time to get it in place post the 2022 floods. Having at least a policy indication and a consideration at a government level of those programs and how they might be rolled out, in particular during extreme weather events, is going to help speed up the recovery for home owners and business owners post an extreme weather event.

Ms LIZA BUTLER: When you talk about relief payments—people showing they have flood in their insurance and not being able to get insurance—are you saying they had to have flood in their insurance policy?

KYLIE MACFARLANE: No, what I am saying is that right now when people go to apply for relief payments they are being asked to show a claim denial, which means that the insurer has to have assessed their claim and denied it based on whatever the circumstances are. One of those factors could be that they are not actually covered for flood and the damage is caused by flood. There could be other reasons. People do not need a claim denial letter to prove eligibility. They can simply use their policy documentation, which will show what their policy covers and whether they are therefore eligible for government support. That would take a lot of stress off the home owner or business owner. That is information they have at hand. But there are also unintended consequences of making someone go through a full claims process, knowing that they are going to be denied. It could have unintended consequences in the future when they are applying for insurance and having to disclose whether they have been denied insurance in the past. To circumvent that unintended consequence, we are asking, under the recovery arrangements, for recognition of people's insurance policy as the documentation required to determine grants eligibility.

Ms LIZA BUTLER: Many people in flood-affected areas are now finding they cannot obtain insurance, or it is \$35,000 and totally out of their reach. If they are unable to get insurance, what effect does that have on them?

KYLIE MACFARLANE: From a grants eligibility perspective, if they do not have insurance they would be readily eligible for any grants relief that the government is providing.

Ms LIZA BUTLER: In my area the council was issuing flood certificates to show that some houses were out of the water level and had never been affected by flood before. But those home owners were being charged the same insurance premiums as those who are in a floodplain and are directly impacted. When you talk about documentation and the sharing of documentation, is that something that could be taken into account for people in those areas?

KYLIE MACFARLANE: I will answer the question I think you are asking. Insurers rely on a range of different inputs to determine peril risk. One of the most important inputs is the local government flood map, which is used by insurers to understand the flood geography and topography of different LGAs. Therefore, they use those maps for areas and properties to determine the premium. Ultimately, if people believe they are not in a flood zone and they are able to demonstrate that, whether it is through a flood certificate or a conversation with their insurer, the insurer will investigate that. Insurers are continuing to build quite sophisticated models to understand the risk that different home owners and businesses are exposed to. Peril risk is one of those. As I mentioned, we rely heavily on local government flood mapping to determine the flood risk of residents and businesses in particular areas.

Ms LIZA BUTLER: From experience helping constituents, I can tell you that is not happening on the ground. If you live in a certain postcode, it doesn't matter whether you supply a flood certificate and prove that you have never been flooded; you are charged the same amount of insurance. That is a comment; not a question.

The Hon. EMILY SUVAAL: I have a couple of questions. In the Northern Rivers and the Central West, housing programs are working to reduce risk and increase resilience. Is the insurance industry considering ways to reduce premiums if residents increase the resilience of their properties?

KYLIE MACFARLANE: We already have a number of examples of where that is the case. The Resilient Homes Funds programs, in both Queensland and New South Wales, have worked closely with insurers on the different programs and the impacts of those programs. Other examples include the funding programs in Far North

Queensland that have looked at cyclone retrofitting. The insurers have worked with government to provide discounts on insurance through those programs. We continue to work through the Hazards Insurance Partnership on matters of household mitigation. We see that it is a very important part of the process of insuring that communities and homeowners are [audio malfunction].

The CHAIR: We have lost you. Ms Macfarlane, we cannot hear you at all at the moment. In the interim, Mr Kirby, I am going to come to you next.

Mr WARREN KIRBY: My questions are very much in a similar vein to Liza's. The evidence on the ground is that PMF and 1-in-100-year maps are absolutely being used to calculate premiums, even though the Insurance Council claims that PMF maps are not part of their thing.

The CHAIR: You could have a house on stilts, right?

Mr WARREN KIRBY: What it means for the North West Growth Area is that everything is built on the 1-in-100. There are full suburbs that do not fit within the PMF map and are now unable to get insured. Therefore, individual homeowners are incapable of maintaining their obligation to their financier.

Ms LIZA BUTLER: That is what happening in Lake Conjola. Banks are calling in loans because they haven't got insurance because it is \$35,000 a year. That has just started. So even if you live in Lake Conjola and you have never flooded, you are charged the same amount.

The CHAIR: It's not one for this particular piece of legislation, but that is a tricky one. It is possibly even a Federal issue around the conduct of banks and financial institutions.

Ms LIZA BUTLER: And insurance companies.

KYLIE MACFARLANE: My apologies about that.

The CHAIR: We have you back, Ms Macfarlane

KYLIE MACFARLANE: Yes. I'm not quite sure what's going on in downtown Adelaide today. Sorry about that.

The CHAIR: There are so many things I could say, but I won't. Ms Suvaal, I think Ms Macfarlane was answering a question from you.

The Hon. EMILY SUVAAL: Correct.

The CHAIR: Is the question still fresh in your mind, Ms Macfarlane?

KYLIE MACFARLANE: It is. We were just talking about different programs that recognise household mitigation. I was mentioning that we're working very closely with the Hazard Insurance Partnership on this program. One other program that I should mention by way of demonstration is the Resilient Building Council's bushfire app, which works with home owners to show them what they need to do to make their home bushfire resilient. We have insurers now recognising those resilience measures in the premiums that are being provided through them. So it is important, when consumers are speaking to their insurer, that they're disclosing the mitigation they have undertaken and giving the insurer that information, so it can take that into consideration. We know those programs work best when they are partnered with government to support the incentivisation of home owners to undertake mitigation works, and for the insurance industry to then be able to partner with government and that home owner on the program and the benefits through their insurance premium.

The Hon. EMILY SUVAAL: Just so I'm clear, Ms Macfarlane, is it the case that the insurance industry will only consider reducing premiums where there is evidence of mitigation if it is done through a government program?

KYLIE MACFARLANE: No, that's not what I'm saying. I'm saying it works best where there is a formal arrangement because there are then quality assurance measures in place, which may include certification and other things. But it is important that when consumers are speaking to their insurer, they're able to disclose the work that they've done. They may need to provide evidence of that work. The insurer will assess the applicability of that mitigation to the risk and to the premium that they are seeking. I should also add—

The Hon. EMILY SUVAAL: Sorry. Just so I'm completely clear in my mind, there are instances where insurance companies will reduce premiums if it is done outside of a government scheme?

KYLIE MACFARLANE: I can't give you examples of where that is the case, and you are probably better to speak to the individual insurers. But insurers do look at mitigation and they are, through the Hazard Insurance Partnership, working with government around how household mitigation is taken into consideration and can be taken into consideration when it comes to assessing risk and, therefore, assessing premiums.

The Hon. EMILY SUVAAL: Apologies, I did cut you off slightly when you were about to say something. I invite you to finish that remark.

KYLIE MACFARLANE: No, it probably goes to a previous question as well. I think it's important to understand that there are a number of different elements that affect insurance pricing. Extreme weather risk is one of those areas, as too is inflation at the moment, particularly around building materials and labour. These are adding costs to the recovery of homes after events, whether that be an extreme weather event or otherwise. And we are in a hardening market globally around reinsurance and that is seeing reinsurance prices increase as well. All of these factors contribute to the pricing of insurance, on top of the assessment of the risk of the home or building that is seeking to be insured.

Mr WARREN KIRBY: My question is about the PMF versus the 1-in-100-year planning control, particularly around new developments. What is your understanding about the assessment of insurance costs and insurability with the PMF—or is it the 1-in-100?

KYLIE MACFARLANE: The probable maximum flood is a measure that, as I understand it, looks at what the probability of the maximum flood line is. Insurers will use a number of different data points to look at flood. One of those is the annual exceedance probability, but there are a range of different factors that are taken into account when looking at flood risk. They are just two components. Actually, probably as important or more important, flood floor height is a key piece of data that is missing in most of the flood studies that we receive. Floor height allows us to assess not only the risk of the peril but also the height of the building and its ability to, if you like, mitigate the water that may otherwise come into that property.

Mr WARREN KIRBY: I find that answer somewhat alarming given I have been told repeatedly, according to the insurance industry council, that the PMF is not part of the consideration. That's probably just a comment. Let me carry on. We have a situation in—

KYLIE MACFARLANE: Sorry, I need clarity there. I think what I just said was exactly the same thing.

Mr WARREN KIRBY: So is the PMF included in the assessment or not?

KYLIE MACFARLANE: If they're looking at the risk of flood, the probable maximum flood—I'll take it on notice and give you a defined answer. But from my perspective, PMF is not included.

Mr WARREN KIRBY: Okay. My concern is I've been told repeatedly that in my electorate, where we have new growth in a number of 1-in-100-year flood areas, the PMF is most definitely affecting premiums. The premiums are getting to a point of being unaffordable or outright denied, which is putting literally tens of thousands of home owners at risk of defaulting on their obligations under their financiers. Is there a solution to this?

KYLIE MACFARLANE: I'll take the question on notice regarding PMF. What I would say is we understand that there are probably 230,000 homes in Australia that are in a one-in-20 flood area. For people who are in areas of high flood risk, they are seeing an increase in their premiums due to the increasing peril risk that we've experienced in Australia over the past number of years. That, on top of the inflationary pressures on premiums, is seeing premiums rise. We understand, for many people in that situation, these premiums may now be reaching a level of unaffordability. Insurance acts as a risk signal. Those increasing premiums are a signal of the risk of where that property is built and the risk—for example, flood—that it is exposed to.

The CHAIR: Ms Macfarlane, just for your peace of mind, we will send you copies of the questions that you have taken on notice. You will have those in writing from us in the coming days.

The Hon. SAM FARRAWAY: My question is around the State Disaster Mitigation Plan. I don't think we've touched specifically on the State plan, but I want to talk about whether the Insurance Council of Australia has been more involved with the government agencies and departments developing the policy to consider resilience in the building codes. Have you been involved or invited to be a part of that process and provide input?

KYLIE MACFARLANE: Yes, we have been engaged with the NSW Reconstruction Authority on the development of their disaster mitigation plan and they have spoken to and presented that to us. With regard to resilience and the building code, the Insurance Council has been advocating for some time now that resilience should be part of the building code. We were disappointed that the building code that is currently out for comment doesn't include resilience. However, we were very pleased to hear off the back of the last national Ministers' meeting that the ABCB forward plan will include resilience. We look forward to continuing to engage on this matter not only with the different reconstruction authorities and different governments around Australia but also with the ABCB at a Federal level.

The Hon. SAM FARRAWAY: Over to Allianz, have they also been invited directly as an insurer or is that being funnelled through the Insurance Council, representing all insurance companies?

The CHAIR: Mr Farraway, we're going to hear from Allianz next.

The Hon. SAM FARRAWAY: Sorry. I thought they were in the same panel. That's all right. This isn't directly related to housing; it's more around the Authority's ability to meet community expectations about resilience under the Act. Yes, we've discussed resilience in building codes, but does the Insurance Council have a view around the term "betterment" and how under the Act it should be defined around the infrastructure that we're rebuilding? I accept that that might not directly apply to the rebuild or an insurance policy or pay out for a house. But that house intersects with a community and all the infrastructure. Does the Insurance Council have a view on betterment and defining betterment for infrastructure better under this Act?

KYLIE MACFARLANE: Yes. From our perspective, all areas of recovery need to be looked at. Where the opportunity exists to rebuild infrastructure that has been damaged in a way that betters the sustainability, longevity and applicability of that infrastructure going forward, that is fundamentally important. There are instances where building back like for like isn't appropriate for a number of reasons. Technology may have improved in terms of types of materials and others that you would take into consideration. The need for the community may have changed and that infrastructure may be part of the problem. So it needs to be bettered or improved to ensure that issue is mitigated successfully into the future. From our perspective, it is important that, as government is looking at the infrastructure rebuilds post an extreme weather event, it is looking beyond "like for like" and assessing the applicability of that infrastructure into the future and the requirements of that community going forward.

Ms SUE HIGGINSON: Ms Macfarlane, I'm curious about whether you see any room in the founding documents or legislation of the Reconstruction Authority or, conceptually, any places within the Reconstruction Authority that would provide assistance or guidance to the insurance sector to help it do its job in terms of being able to provide the sorts of products that we need in these more vulnerable areas and communities.

KYLIE MACFARLANE: Absolutely. I think we're already seeing that through the—

Ms LIZA BUTLER: We lost her again.

The CHAIR: Is Ms Macfarlane with us? She is gone. We only had five minutes left. Could the secretariat maybe touch base with her and let her know that we might potentially fire off some supplementary questions to her? Thank you so much.

(The witness withdrew.)

Mr NICHOLAS SCOFIELD, Chief Corporate Affairs Officer, Allianz Australia, affirmed and examined

The CHAIR: I welcome our next witness. Before we proceed, Mr Schofield, do you have any questions about the hearing process?

NICHOLAS SCOFIELD: No, thank you.

The CHAIR: Have you done many of these before?

NICHOLAS SCOFIELD: A few.

The CHAIR: We're going to jump straight into questions. Thank you very much for your submission. I appreciate and understand that you don't want to talk about insurers at large. You want to speak specifically and only to Allianz and the way Allianz goes about its work.

NICHOLAS SCOFIELD: That's right, yes.

The CHAIR: I really appreciated that table about that annual recurrence interval and the explanation around that. This first inquiry is primarily around the legislation that currently establishes and directs the NSW Reconstruction Authority's conduct. Am I right in thinking—reading your submission—that you don't have any specific legislative changes to recommend? There's nothing where you're saying, "This is out of whack," or "You need to be better here"?

NICHOLAS SCOFIELD: No, that's right. We think the overall framework—it's only new and it's still two years in. I'm sure there will be lessons learned over the years and things can be tweaked but, as the framework sits today, we don't have any suggestions for change.

The CHAIR: That's perfectly terrific. I'm glad I didn't misinterpret. I want to ask a question about preparedness. The insurance group have long been lobbying for mitigation to reduce risk. We now have an agency that has some responsibility for preparedness, albeit they're a very young agency and they've spent their first two years responding to 100 different things. What would be some examples of good preparedness in terms of Allianz and the insurance policies that you offer at a macro level—a whole town or a city—and then at a more minute level, like an individual property or home owner.

NICHOLAS SCOFIELD: As you will have seen, we focused a lot on flood risk in our submission, and as an organisation we have spent a lot of years advocating at various levels of government around solutions to the issue of the affordability of flood insurance. To your question directly, when it comes to flood, public sector mitigation—whether it's levees or other sorts of flood mitigation things that can then reduce the risk to the individual property level—is a good place to start. Then, at the property level itself, there are various things that have been spoken about before that people can do in terms of raising houses and making resilience upgrades to the properties—the lower floor of the property, where the inundation is more likely to occur—that can reduce the cost of repair after an event.

The CHAIR: We had a gentleman in earlier who is an architect and has done a lot of work in Queensland. I think he was describing a situation where, on good advice, when they've rebuilt, they've rebuilt in a different way. After a flood event, the clean-up is simple and cheap and quick and fast and people are back in their houses really quickly. Do you as an insurance company advise people or give suggestions to people on things like that?

NICHOLAS SCOFIELD: We do have information on our website and things like that about what people can do to improve the resilience of their property against various types of perils they may face.

The CHAIR: Ms Macfarlane shared earlier the data sharing between insurance companies and RA or government. Is that the experience that Allianz is having with government: backwards and forwards sharing of data to, hopefully, all be on the same page with the best information?

NICHOLAS SCOFIELD: Ms Macfarlane mentioned the HIP, which is the Hazards Insurance Partnership established by the current Federal Government. There is a lot of work going on there. It's co-chaired by the head of the National Emergency Management Agency and the CEO of the Insurance Council. It includes a number of Commonwealth government agencies such as NEMA, the Australian Climate Service, various regulatory agencies in the insurance space, and the main insurance companies and reinsurance companies. There is a lot of work going on in that space in terms of data sharing. We're just at the point of signing off a deed of agreement—that's ourselves and other insurers—with the Bureau of Statistics, who will be the collection agency to assist the HIP in its work—not so much at the State level in the area of, if you like, natural perils and mitigation and that sort of thing.

Ms LIZA BUTLER: Thank you for coming in today. Your submissions call for planning entities to undertake a flood risk assessment on new parcels of residential land. Are you recommending that this assessment be mandated for all planning authorities across New South Wales? If so, should this requirement be legislated?

NICHOLAS SCOFIELD: Essentially, we are strongly suggesting that government agencies that are involved in the land development approvals, zoning—those sort of agencies—as a part of their disaster adaption plan, include information that is accessible to potential property owners about the flood risk in the area that they're looking to buy. I think the main reason why we wanted to highlight this question is because we've been listening to the previous witnesses and heard the discussion about flood risk and "1-in-100" and things like that. What we find as an insurer is that there is a bit of a disconnect between what people regard as low flood risk and the actual cost of flood insurance. I've got a table in our submission where we generally categorise flood risk into six levels. The one in 50 to 1-in-100 is our high level. The five out of the rating of six is where 1-in-100 sits. What does that mean? If you think you've got a very low flood risk because someone has told you it's above the 1-in-100 flood line or the development has been approved and each property will be above the 100, that doesn't mean that you're not going to potentially face an insurance premium of \$10,000 or more, because of the way insurance is priced around flood risk.

To give you an example, the flood score of four, which we call medium to high, has an annual recurrence interval of 100 to 499 years. A one-in-499-year property, based on a \$500,000 sum insured for the building and \$100,000 for contents—that produces a flood premium of \$4,000 after tax. That's national tax. If you were to add the emergency services levy in New South Wales, that goes up to about \$5,000. That's on top of the base premium for all the other perils that the property is exposed to—storms and fires and whatever it might be—which might be a couple of thousand dollars. We're saying to someone, potentially, "Your flood risk is one in 499 years but your home insurance premium, including flood cover, is in excess of \$6,000." I regard \$6,000 as quite an expensive insurance policy for most average income earners and average home owners. That's where I see there's, if you like, this slight disconnect between the understanding of flood risk and the actual impact flood risk has on insurance premiums.

Ms LIZA BUTLER: There's a point there that I actually don't understand from what I've experienced back on the South Coast. We're an area that has flooded every year for the last 12 years. Houses that have never flooded that may have been there for 70 years or more are getting the same insurance premiums as those that flood every year. Even when they produce a flood certificate, they're getting premiums—we're talking \$30,000 to \$35,000. It's unaffordable and banks are now calling in mortgages.

NICHOLAS SCOFIELD: I heard the reference before to a flood certificate. I must admit I've never seen one. I don't really know what it purports to—

Ms LIZA BUTLER: Councils provide it based on historical data of the flood level where areas are and where it has risen to.

NICHOLAS SCOFIELD: I assumed that was what it was based on. You use the word "historical", and what we find with a lot of council flood mapping is that they are very much based on flood extents of previous events, whereas the modelling that the insurance industry does these days goes much further than that into quite sophisticated modelling of rainfall events on particular catchments and areas of land. The premiums are not based on the past experience; that, as I said, through council flood maps, will inform that, but the premiums are based on what we see as the chance of a flood happening at various different heights and then working out for a particular property what level of damage could result, and then trying to bring that back to a price. What does that mean? It means that someone telling us, "Here's a certificate that says this flood has not flooded in 70 years, since it was built," or whatever, does not mean that much, to be quite frank. To an insurance company, it does not mean much at all.

If I can just add, the Lismore event was first referred to by the then Premier as a one-in-1,000-year event. The Prime Minister—which I'm assuming was based on Bureau of Meteorology advice—referred to it as a one-in-500-year event. Two weeks later, there was a 1-in-100-year event in Lismore. As I say, we've got to look at the probabilities. We all know that if something is in a 1-in-100-year flood zone, it does not mean that a flood at that level is going to come around like clockwork every 100 years. You can get two or three 1-in-100-year events in two or three years. The Hawkesbury has had more in the last five years. We've got to base our premiums on that sort of probability and assessment, rather than something that may have a very recent historical basis.

Ms LIZA BUTLER: Say there was major mitigation work to protect a whole community, would you still then want to wait to see what that was over a period before you said, "Okay, that has been done. We will reduce premiums in that area"? Would you still be waiting for data in the future before—

NICHOLAS SCOFIELD: We would hope that would be accompanied by hydrology modelling of the catchment or the area that is being protected. Then we would take that into account in terms of our assessment of the flood risk, accepting, of course—there's a levee in Lismore—that any sort of mitigation of that nature is not going to reduce flood risk to zero, but it will reduce it to a degree. That would be factored into the pricing.

The Hon. SAM FARRAWAY: Mr Scofield, it's good to see you again. We asked the Insurance Council of Australia earlier about the State Disaster Mitigation Plan, which has the Authority working with the relevant New South Wales government agencies that are developing and considering resilience as part of the building code. Was Allianz approached directly to have input? Have you been a part of that or is that something that is all bundled through the Insurance Council representing all insurance companies?

NICHOLAS SCOFIELD: That's the case in relation to that sort of thing. We've basically provided our input into the various processes that the Insurance Council has been involved in.

The Hon. SAM FARRAWAY: For the record, is Allianz's view the same in terms of what the Insurance Council just shared with us?

The CHAIR: If you're able to answer that, Nick, without getting yourself in trouble.

NICHOLAS SCOFIELD: The short answer definitely would be yes. If you were talking about resilience particularly in relation to building codes—if that was the specifics behind that, then absolutely, yes.

The Hon. SAM FARRAWAY: There had been a bit of disappointment shared from the Insurance Council that building codes to date hadn't reflected what they've been calling for for quite some time in that. Ms Macfarlane did concede at the end that national Ministers had recently met and there appeared to be some movement or initial agreement to head in the right direction in that space.

NICHOLAS SCOFIELD: There has, yes. In the last couple of weeks, there was a meeting or some sort of public communication by the Building Codes Board or the Authority that's undertaking the forthcoming review of the building code. As was mentioned, we've been advocating, as an industry, for a long time that resilience to natural peril should be a part of building codes. In some places, it is, in the sense that in northern Australia the building code is different to reflect the cyclone risk there. It does change, but the general principle has been that the code is about safety of occupants and that sort of thing, with much less focus on resilience to extreme weather events. That recent development is certainly very welcomed by the industry.

The Hon. SAM FARRAWAY: I'm going to ask you the same question that I asked the Insurance Council. It's related to what you do but not directly related. It is around betterment. I bore my colleagues with this sometimes because I talk about it all the time, but it is something that I'm passionate about. As an insurance company that insures not only homes but also motor vehicles and third-party CTP, your company intersects with the road network quite a lot. We have heard that there needs to be a greater definition of betterment under the Act. We have heard on countless occasions in this Committee and in other committees that betterment should be a very practical option when rebuilding infrastructure, in particular in weather-impacted communities. Does Allianz support the concept of betterment, in particular in road infrastructure? Do you feel that under the Act we should be looking to define what betterment is, more specifically tied to infrastructure?

NICHOLAS SCOFIELD: In principle, I'd absolutely agree. There is a definition of insanity somewhere, isn't there? Whether it's a piece of road infrastructure or even a house that's, for example, eligible for a buyback under the resilient homes fund, rebuilding the same infrastructure in the same location to the same level of resilience or risk is just going to produce the same result and you'll find yourself doing the same thing over and over again. As a principle, I absolutely agree.

Ms SUE HIGGINSON: "Betterment" in the Act is currently defined as:

... of a community, includes improving the community's infrastructure so that the infrastructure is less likely to be damaged or otherwise affected by the impact of a disaster.

Do you think there's any room to improve on that or is keeping it broad preferable?

NICHOLAS SCOFIELD: If they also had a definition of infrastructure, it might be good as well. If that's the definition, in principle it's fine. But if infrastructure is narrowly defined as hard public infrastructure, as opposed to softer or community infrastructure—and I think some of the witnesses in the morning were talking a bit about that—it could probably be more broadly defined to make sure that it captures the betterment of not just roads, bridges and public schools but putting the whole community, from a social and community perspective as well as a purely a hard infrastructure perspective, in a better place to be more resilient the next time something similar happens.

Mr WARREN KIRBY: I've got two questions. I've noticed a couple of times you've referred to "1-in-100 years" and "1-in-200 years". Does Allianz understand that it's actually a percentage 1-in-100 chance on any given year, or are you working on the assumption that it is 1-in-100 years?

NICHOLAS SCOFIELD: It's a good question. I think this is where some of the confusion, particularly in the minds of the community, starts to lie when they see reference to things like 1-in-100. We added this table in our submission that we think helps dispel some of these myths around here. For example, in a 1-in-100-year annual recurrence interval flood risk location, there's a 26 per cent chance of that flood occurring in the next 30 years.

Mr WARREN KIRBY: Again, it's not 1-in-100 years; it's a 1-in-100 chance in any given year.

NICHOLAS SCOFIELD: It's a 1 per cent chance in a given year. That's right, but—

Mr WARREN KIRBY: Which is not the same as 1-in-100 years.

NICHOLAS SCOFIELD: That's right. As people might recall if they ever suffered through statistics at school, floods is not like flipping a coin. The probability of a heads or a tail stays the same; you can flip it a million times and it's still a fifty-fifty chance. Obviously, if you're in a 1-in-100-year flood zone and there hasn't been a 1-in-100-year flood for 10, 50 or 200 years, then going forward, the longer you go without that event, the higher the probability is that it's going to occur.

Mr WARREN KIRBY: Because, again, it's not 1-in-100 years, but a 1-in-100 chance in any given year. The second question was: Do you have product that is available to people who are in 1-in-100-year properties—properties that have been built according to the building code, according to the regulations of the LGA—that allows the insured to remove flood risk from the premium?

NICHOLAS SCOFIELD: At present we're one of the few insurers that offers, nationally, an optional flood cover product. We have recently announced—

Mr WARREN KIRBY: Sorry, I meant the opposite. Do you offer everything but flood?

NICHOLAS SCOFIELD: Yes. We currently offer a product where people can choose to remove flood and just take everything else.

Mr WARREN KIRBY: That has a downward pressure on the premium?

NICHOLAS SCOFIELD: Absolutely. Since the submission was put in, I had some more work done internally around some of these figures and potential premiums. The highest premiums—again based on the \$500,000 building with \$100,000 in contents—that our models offer is about \$58,000. Again, that's not including the New South Wales emergency service levy, just the GST and the stamp duty that all States have. As I might have said before, the premium for a property of that nature that had no flood risk might—let's say it's \$2,000. If someone in that house went and got a quote on our website for that property, it would basically say \$60,000 including flood.

If you untick the box or whatever and remove flood, then the premium just falls back to \$2,000. Because we offer the optional product, the pricing of flood is very transparent. Most insurers have flood now as what they call "standard", so they just give you a price. If you've got a flood risk, you know that somewhere in that price there's an element of flood premium but you don't really know how much it is. With our optional product, it's sitting there in black and white. If you take the flood cover away, then that element of the premium is removed from the product.

The Hon. EMILY SUVAAL: Thank you so much for appearing today. In the Northern Rivers and the Central West, there are housing programs which are working to reduce risk and increase resilience. Is Allianz reducing premiums where residents increase the resilience of their properties?

NICHOLAS SCOFIELD: It will depend on what they have done. On something like flood, when we set a premium, we ask questions that try to give us an indication of floor height. We ask people whether their house is built on a concrete slab, whether it's built on stumps or piers, or whether it's built on stilts or poles. That gets factored into the flood risk.

The Hon. EMILY SUVAAL: Do you do height as well? Do you do clearance? Say it's built on stilts, however far off. Do you take that into account as well, if they've had it raised?

NICHOLAS SCOFIELD: Yes, exactly. If an existing customer came to us on renewal and said, "Since last year, I've now had my house raised," then we would recalculate their flood risk based on that new floor height.

The Hon. EMILY SUVAAL: Are there any other ways through raising that you look at reducing premiums?

NICHOLAS SCOFIELD: Generally, that's the one that has the most impact. People have talked about resilience within the property itself. That can reduce damage. It can reduce the cost of repair. For example, if you've got tiles that can just be hosed out rather than carpets that have to be torn up and replaced—those sorts of things, though, don't change the risk that the property will experience the event. They just make it a little bit cheaper to repair.

The Hon. EMILY SUVAAL: It won't affect the premium that you charge. You won't be reducing the premium if someone has got, say, tiles as opposed to carpet.

NICHOLAS SCOFIELD: As far as I'm aware, we don't currently have the ability within our database to refine the premium that granularly to take that into account.

The Hon. EMILY SUVAAL: I assume there would be quite a difference between the two. Does Allianz see any challenges in the relationship between insurance payments and government recovery funding in the aftermath of disasters?

NICHOLAS SCOFIELD: There are probably a few ways I can interpret that question, so you let me know if I'm heading off in the wrong direction. A couple of quick points: Kylie mentioned the issue of people's availability for grants. When we're not talking about the initial DFRA "\$1,000 an adult and \$600 a child" type of grant, as you get into the further deeper levels of it, you get programs where, for example, if someone's uninsured for a household, there's a \$50,000 grant. It was in those cases where government agencies at the time were asking people, "Prove you've had your flood claim denied before we'll agree to give you the grant."

After large events of this nature—and particularly with an optional product like ours where, at the moment, people are covered for rainwater run-off and we need hydrologists to determine whether there is a partial payment for a rainwater run-off inundation that may have occurred before the river broke its banks and the full riverine flooded in it. After events of the size of February 2022, we were waiting six months for hydrologists to visit. We were advocating at that time—and, to be fair, the Government responded to basically say that if the person's insurance policy says, "I don't have flood cover", can you just take that as read that they are probably not going to get a flood claim paid, but it might be good for them if they don't have to wait six months until we can formally tell them, "Sorry, you don't have a payment because all the damage was caused by flood and you opted out of flood."

The Hon. EMILY SUVAAL: Should that be the arrangement moving forward to try to avoid the situation where that might happen again?

NICHOLAS SCOFIELD: Absolutely, yes. I think there was a lesson learnt. The same thing possibly happened in Queensland, but the Government responded pretty quickly to say, "Okay, we get the point you're making here." They were accepting people's policy schedules indicating whether they had flood cover or not.

Ms LIZA BUTLER: Ms Suvaal asked about when someone undertakes remedial work and they raise the house on stilts. They're then at a higher level, so you might assess that the premium goes down if they were in a flood zone. When I asked about someone who's provided their floor level, they might end up at the same height. You're re-assessing one person's and you're not assessing the person who is already at that height.

NICHOLAS SCOFIELD: We already would have done that, though. I know you made the comment in an earlier question to me, as well as to an earlier witness, about people all being in the same postcode. Some have never been flooded and some have just been flooded or whatever and they're getting the same premium. I would be happy to look at any examples of that, but in our experience we are risk-rating flood at the individual property level. So at that particular location, and based on responses to questions, that gives us a rough idea of floor height—concrete slab, stumps, poles, whatever.

Ms LIZA BUTLER: Does that vary between insurers, then?

NICHOLAS SCOFIELD: I think most of the larger insurers would do that. The level of sophistication in flood risk premium assessment and rating varies between insurer to insurer.

Ms SUE HIGGINSON: I would love to follow up quickly on the definitions. You spoke, very interestingly, about a definition around infrastructure. I would love you to elaborate on that. I looked briefly across the legislation in New South Wales, and we do have definitions of some infrastructure. They are not necessarily coherent in a way that we might readily understand them. Do you have a view on that? You mention community. There might be public and essential. Do you come across that in your own definition terms as an insurer?

NICHOLAS SCOFIELD: I think probably the answer is no. I hadn't read the definition of "betterment" in the Act, I'll admit, before, and it was only hearing you reading it out and seeking a comment on it that I did note the use of the word "infrastructure" within the definition. As someone might have said, what is the definition of infrastructure—apart from the fact that, as you've indicated, there are probably different definitions located in different New South Wales statutes. For the context of what we are talking about here, where we are talking about resilience and recovery, and reconstruction following extreme weather events, and we're talking about betterment, then I would think a broader definition of what you want to make better rather than something that was limited to bricks and mortar infrastructure, hard infrastructure, public infrastructure.

Ms SUE HIGGINSON: Green infrastructure, all of those.

NICHOLAS SCOFIELD: Exactly, yes.

Ms SUE HIGGINSON: I think there is a real absence, I realise. As a planning lawyer I am sort of going, "Oh, my gosh." I always assumed the definition of infrastructure was based on different categories like State significant infrastructure or critical. But that is a development category; it's not a definitional category. Thank you, that's incredibly helpful. Do you think where we are at the moment in terms of flood modelling—are all the insurance companies using the same modelling? I know after the floods I sat on a number of inquires and we were all using different, various models. Are you using the same? I'm asking within the context of whether the Reconstruction Authority should be the single source of truth in terms of the models that you are all using.

NICHOLAS SCOFIELD: The Insurance Council maintains what they call the National Flood Insurance Database. It's mainly informed by all the flood maps that we can get out of local government across the country and State governments. Other work is done on that by an entity, I think at Macquarie University, that helps with the maintenance of that database. So all Insurance Council members have access to that database as a base level of information. Then insurers will, in many cases, overlay that with propriety modelling from international reinsurance firms or people who have that skill set. I know we do that. We do a lot more modelling now around what sometimes are called heavy precipitation events, which, if you are growing cane in Tully, you've known what they look like. But I think it's fair to say we are seeing more of those events further south—events where 400, 500, 600 millimetres of rain falls over a matter of literally hours, or at least less than 24 hours. Our company, for example, is doing a lot more modelling around various scenarios and around events of that type to see where does all the water go.

It's a bit different from a traditional flood mapping approach from a council, where they've looked at the lines on the telegraph poles with "1954" or something written on them. I'm probably being a bit unkind, but this sort of modelling costs a lot of money. I think councils are, probably in many cases, constrained financially in producing the most sophisticated flood modelling that's available to be purchased. But insurance companies have a strong financial incentive to understand. In a sense, that is one of our main competitive tools: risk selection and being able to select risks and price risks better than our competitor.

Ms SUE HIGGINSON: Do you know how many tools are out there?

NICHOLAS SCOFIELD: I don't know if you'd put a number on it in that sense, but there's certainly a lot of organisations within Australia and certainly internationally that offer those hydrological modelling type services.

Ms SUE HIGGINSON: Do you all know which ones each of you, in terms of the insurance companies, use, given you all kind of collaborate through the Insurance Council?

NICHOLAS SCOFIELD: Probably not, because we're talking here about what we do as individual companies trying to design a better mousetrap than our competitor does. The identities of these organisations aren't secret or anything. They've all got websites and they are all selling their wares. But different insurers will use different ones. Allianz is a global group. We have a reinsurance company within our global group, so we have a lot of internal capability there as well.

The CHAIR: Mr Schofield, thank you for appearing and also for your submission. We will send you a copy of the transcript so you can check it for its correctness. Please advise us if there is anything to be concerned about. I don't think you've taken any questions on notice today, but we as a committee may formulate some supplementary questions that we want to shoot over to you. If it's okay, we ask for that to be returned within 14 days and, if that is a problem, please talk to us about that.

(The witness withdrew.)

(Short adjournment)

Ms DEBRA SMITH, Deputy Chair, Public Law Committee, the Law Society of New South Wales, affirmed and examined

The CHAIR: I welcome our next witness. Ms Smith, thank you so much for joining us. I am busting to get to questions for you because your submission was wonderful. Before we proceed, do you have any questions about the hearing process?

DEBRA SMITH: No, I don't, thank you.

The CHAIR: First of all, I declare that I am not a lawyer and I do not have any legal training. I guess the main thrust of the submission from the Law Society is about tightening up language and being more specific about certain turns of phrase and what they mean and what they are intended to mean.

DEBRA SMITH: Indeed.

The CHAIR: I put to you that one of the important elements of this piece of legislation is that the language is written in such a way to give scope and interpretation to the Reconstruction Authority because we don't know what the disaster is going to look like and we don't know what actions they are going to need to take et cetera. Can I ask you for a comment on how my brain works and what I have just put to you and whether or not that is reasonable or just downright silly?

DEBRA SMITH: It's not downright silly at all. We absolutely understand. Firstly, thank you for the opportunity to give evidence today to the Committee on behalf of the Law Society. We are really talking about principles of law here. We really support the Reconstruction Authority and applaud the creation of it. We do understand why the legislation has been drafted so openly. Some would even possibly call it skeleton legislation because you get to fill the gaps in with regulations and ministerial orders et cetera. The risk with that is that it tends to compromise the separation of powers—Parliament delegating its legislative function to the Executive, which is really responsible for carrying out those functions. You have the Minister here with an ability to essentially make laws, which is potentially usurping Parliament's role.

I think I counted two dozen provisions for making regulations under the Act, so it is very skeleton in its nature. Our submission specifically focuses on part 5 and in particular the provisions under sections 39, 40 and 41, under which an order made by the Minister may specify that an Act or a statutory instrument does not apply in relation to a declared project, reconstruction area or disaster prevention area. That is essentially giving the Minister what sometimes is referred to as Henry VIII powers.

The CHAIR: It is quite extraordinary.

DEBRA SMITH: Yes. We completely understand why that was done in this way, but we note also that the bill was rushed through Parliament without any opportunity for public consultation or inquiry to raise these issues and perhaps refine the legislation. I think this inquiry that you are conducting today is a great opportunity. I have listened to some of the other evidence and wholeheartedly agree that there is scope for improvement in some areas. But ours specifically was relating to that ministerial power to usurp some of the legislation. It doesn't specify which legislation or in what circumstances or any time frame for that, so you can see how this creates a precedent that wouldn't be desirable. We have made some suggestions that perhaps we could improve.

The CHAIR: That is excellent. I am so glad that you said all of that because it is really good to have that on the record, quite frankly. The reason this is happening is because an amendment was made at the time that legislation was going through to have this type of inquiry within two years so that we could all pause and take a breath and say, "Hang on, is this working okay?"

DEBRA SMITH: And fill in some gaps, yes.

The CHAIR: The law as it is currently written absolutely allows the Minister to change laws and ignore laws or whatever the case is. I think, if that happened, there would be outrage. But the reasonable concern would be that, within a government of a day, the numbers are the numbers and, if you have got the numbers, you can just bulldoze through outrage, right? All of a sudden you have a Minister just changing laws. Is that at the heart of your concern?

DEBRA SMITH: If I were Parliament, I would be more concerned to put the parameters around rather than leave it to the political bunfight to resolve. I also think that the breadth of discretion could actually contribute to other unintended consequences, such as a reluctance to use the provisions due to lack of confidence in their wide support, suggestions of overreach, or potential challenging of an order, which would undermine the purpose of the Act to deliver speedy support and assistance. On the other hand, it could lead to overconfidence in a

Minister's powers to the extent that they might really undertake overreach and perhaps stray into pork-barrelling and all sorts of other opportunistic politically driven motives.

I think if you were to set out specifically what laws apply and what laws can be overridden—and I think now the Authority has been in place for 18 months or so and is already administering billions of dollars in disaster recovery funding from both Federal and State coffers. There is a lot of information out there that would suggest that you are in a position as a Parliament to give that guidance and the parameters to give confidence in what can be changed, what laws can be overridden in what circumstances and for how long. If you are in a position to do that, then you definitely should, in the interests of best practice.

Ms LIZA BUTLER: Thank you for joining us. As the Chair said, your submission was extremely interesting. When we think about a coordinated approach across all levels of government, how can we ensure that the Reconstruction Authority's priorities are better aligned with other agencies' to ensure that smooth coordination flows through?

DEBRA SMITH: That is largely an administrative question. I notice that at the moment you have two Ministers, which compounds the problem. With all of these extensive ministerial powers, there is the added risk that the two Ministers might be in conflict with each other's actions under these wide powers. That was another thing that we thought could possibly be resolved so that you do eliminate that risk of conflict and perhaps inconsistency. In terms of New South Wales government agencies, it appeared to me just on my looking that the legislation has, and the Reconstruction Authority establishment has, led to some greater cooperation. But, again, there are no specifics about who has to be consulted in the process of building resilience and supporting long-term solutions. The specificity is really important, and I think other people have raised that in submissions as well.

Ms LIZA BUTLER: Other submissions to this Committee have noted that the meaning of "disaster" under section 6 of the Act is unclear. Would you agree with that and, if so, what amendments would you make?

DEBRA SMITH: I haven't looked specifically at the "disaster" definition. Some of the other definitions that we picked up on were "declared project", the "reconstruction area" and the "disaster prevention area", which were critical to the provisions that we have focused on in our submission. The definition of "disaster" is quite broad. I know that the regulations talk about "exceptional circumstances" as well, which is another risk in regulations that don't get scrutiny. You end up with some ambiguous wording. I am happy to take it on notice to have a closer look on that definition and then we can make some suggestions.

Ms SUE HIGGINSON: You point out the fact that we could be overriding laws by ministerial decision, and that could then produce a breach or an incursion on a Commonwealth law. You make specific reference to the environmental law. It's the reality, is it not, that it is precisely those matters of national environmental significance that are governed by the Commonwealth that, when we're looking at what the powers of the Minister are here—particularly in relation to things like threatened species or national heritage areas—we could get into some trouble.

DEBRA SMITH: Absolutely.

Ms SUE HIGGINSON: Your suggestion is essentially that, unless we remove those provisions, we will always have that potential for conflict or falling into error of the law. It would be the State that perpetrates that breach of the national law.

DEBRA SMITH: Exactly. That is a risk with the lack of specificity here. A Minister might just look at that provision and say, "Well, I can just march in there and do these things", and not really turn their attention to the overriding Commonwealth law. That is absolutely a risk. The challenges of federalism are not easily overcome, as of course you know. What we would suggest is that consultation and the inclusion of Federal considerations is absolutely critical, as is the consultation with other States, with a view to trying to have some sort of national consistency whereby perhaps the States may seek to encourage the Commonwealth to consider some complimentary relief from particular laws in emergency situations. Whether there is potential there to use something like National Cabinet, or another vehicle, to get the States to pressure the Commonwealth to help in that regard—there will always be that tension, I think.

Ms SUE HIGGINSON: From the public law perspective of what is the best practice legal framework, could you explain what is the public good in terms of the democratic principle of having orderly laws that are constrained? I know you mentioned the Henry VIII clause—our legislative review committees are very critical when Parliament tries to do that, and we try to exercise restraint not to have those clauses. When we passed this law in Parliament, and it was in the wake of these very big disasters in the State, there was this view that we might not ever use these laws. In fact, we hope we never have to, but they are there. What do you say to that concept of the Executive in terms of our democratic legal system?

DEBRA SMITH: I would say as a matter of principle if you're not going to use them then you shouldn't have them. If you don't need them, don't have them. If you do need them, then be specific about what you need and when you need it. Don't leave it open ended so that it can go on forever, potentially. It is just practical. I think I also said before that, if it's not specific, you might find that even in times of need there is a reluctance to use those powers because of the uncertainty of whether you are overstepping or whether it is appropriate. The other thing is future laws. On its face, it looks like it can override any law. How do you futureproof this, and how do you make the Act itself resilient?

Ms SUE HIGGINSON: Good point. Clearly, you have recommended that those sections shouldn't be there at this point.

DEBRA SMITH: Yes. We have suggested that you could replace them with some more specific provisions. You could do that in different ways, whether it is amending the legislation that you want to have relief from, or providing that a Minister—and hopefully we get one defined so there is only one—can override those in certain circumstances. Defined laws, defined circumstances and a defined end to the time period.

Ms SUE HIGGINSON: Express provisions with express parameters defined.

DEBRA SMITH: Yes. I'm imagining it in a table as a schedule that says that the Minister can make orders pertaining to the matters in column one, for the circumstances in column two and for the duration of column three. Something like that.

Ms SUE HIGGINSON: Where you do have these at-large powers, you may find yourself in a situation where you go to exercise them and then somebody is in the Supreme Court seeking an injunction because there is a massive area to argue with. The lack of specificity could actually be detrimental in the case of an emergency response where a government agency, like the Reconstruction Authority, wants to act.

DEBRA SMITH: It could be an opportunity to raise a point of objection and perhaps challenge it. It would be disastrous if you got to the point of feeling that you needed to exercise this power and to have someone then challenge it. It is undermining the whole speed and efficiency purpose of having it in the first place.

Ms SUE HIGGINSON: You may have said this already, and I apologise if you have, but are you aware of any other laws with such reach in New South Wales?

DEBRA SMITH: No. Our committee looked at it and everyone said, "I haven't seen that before." I'm not saying that it doesn't exist. It is certainly not the case that it doesn't exist in other jurisdictions, but I'm not aware of one. It has been looked at in the UK and New Zealand. There is writing about the Henry VIII clause. But it is unusual, and I think a bad precedent.

The CHAIR: Regardless of whether we make amendments in the way suggested by yourself and others to this Henry VIII clause concept or not, would you recommend that two or three years from now there is another review of this particular piece of legislation? Even if we tweak some of the stuff as you have suggested, it is still broad legislation, isn't it?

DEBRA SMITH: Absolutely. Not only that, but there will also be future legislation. As people have pointed out, climate change and different areas are being affected and different laws are being made, and you might need to add to the list. I think it's really sensible to review this kind of legislation on a regular basis.

The CHAIR: In my mind, one of the challenges of what you described as a bit of a table and a schedule is that it currently refers to "all other emergencies, events and clusters of events," which leaves it wide open for when this can be implemented. It is difficult to see what those things might be. It could be a terrorism attack. It could be an explosion at an ammonia plant. In Beirut a ship suddenly blew up and devastated the area. There are all of these instances that could be incredibly difficult to list and foresee. How might we have the freedom for this style of intervention without specifically listing ad nauseum trying to think of every possible disaster?

DEBRA SMITH: It is about going back to first principles: What are you trying to solve and what sorts of damages could be caused? You don't necessarily need to specify the blowing up of this or that or terrorism. You can then get into a whole argument about what that means. It is the effects that you are trying to mitigate or respond to. It is the degree of damage that you are trying to prevent or ameliorate.

The CHAIR: Part of it is preparedness and prevention.

DEBRA SMITH: That is such an important part of this whole process. It is unfortunate that it is called the Reconstruction Authority because it is very much a reactive title.

The CHAIR: Do you have some thoughts on this?

DEBRA SMITH: It is about community resilience, which doesn't feature strongly.

Ms LIZA BUTLER: And mitigation.

Ms SUE HIGGINSON: And survival.

DEBRA SMITH: Exactly. Preparedness, planning, risk assessments and all those good mitigation things are a bit left behind if the whole plan is to just react.

The CHAIR: We did have Resilience NSW and it did not survive. We are probably not going back to "resilience". But we are shopping around today, without anyone's permission, for a new name and title.

Ms SUE HIGGINSON: We have a broad ambit, Chair.

The CHAIR: If you have any suggestions, please send them through.

DEBRA SMITH: Sure. We can do that.

Ms SUE HIGGINSON: One of the members who unfortunately had to leave, the Hon. Stephen Lawrence, was—

DEBRA SMITH: Fishing around?

Ms SUE HIGGINSON: Yes, he was examining whether it was a relevant name—words matter and titles matter.

DEBRA SMITH: I totally agree. It just means that everyone is going to be coming at it from that perspective, rather than the much more positive approach of mitigation, planning and resilience.

The CHAIR: There is no doubt that in the two years that the Reconstruction Authority has existed, it has bounced from event to event.

DEBRA SMITH: And it is only going to get worse.

The CHAIR: This might be unfair, but I do not think the staff have had much chance to draw breath and do much preparedness. I hope I am being fair to the Reconstruction Authority.

DEBRA SMITH: That makes it even more important, really.

The CHAIR: We sincerely thank you for your submission and your time and words today.

DEBRA SMITH: You are most welcome. Thank you for the opportunity.

The CHAIR: We will send you a copy of the transcript. If there is anything in the transcript you wish to change or alter please let us know and have that conversation with us. We may also send through some supplementary questions. We ask that you turn those around in about 14 days. If you can't, that is okay. I assume that to respond you would have to go through a board process?

DEBRA SMITH: Yes.

The CHAIR: Just talk to us about that. We do have a responsibility to report back to Parliament before the end of the year, but that is not until the end of November, so we have a little bit of time on our hands. Thank you again, Ms Smith. It has been a real treat having you here with us.

DEBRA SMITH: Thank you once again.

(The witness withdrew.)

Ms MA'ATA SOLOFONI, Senior Solicitor, Disaster Recovery and Insurance, Legal Aid, affirmed and examined

Ms JENNY LOVRIC, Senior Manager, Aboriginal Legal Service NSW/ACT, affirmed and examined

Ms PATRICIA MACFARLANE, Lead Solicitor, Disaster Response and Recovery, The Northern Rivers Community Legal Centre, before the Committee via videoconference, affirmed and examined

Mr ARAN MATKEVICH, Solicitor, Disaster Response and Recovery, The Northern Rivers Community Legal Centre, before the Committee via videoconference, affirmed and examined

The CHAIR: Welcome to the hearing. Before we proceed, does anyone have any questions about the process?

MA'ATA SOLOFONI: No.

JENNY LOVRIC: No.

PATRICIA MacFARLANE: No.

ARAN MATKEVICH: No.

The CHAIR: Thank you for your opening statements and appearing before the Committee.⁵ Ms Lovric, it has been pointed out by other witnesses that the Reconstruction Authority Act does not speak directly to the needs and opportunities of our Aboriginal community. Do you have specific recommendations about redrafting or amending the current legislation so that it does do what it needs to do to put first and foremost Aboriginal people at the front and centre of our reconstruction efforts?

JENNY LOVRIC: Absolutely. Before I begin I want to acknowledge that I am on country and acknowledge the country everyone here is on today. Yes, we have given some thought to that. I reflect on what is going on in the Commonwealth space at the moment in terms of embedding some of the principles of the National Agreement on Closing the Gap in key pieces of Federal legislation. Something in relation to embedding those principles in priority reforms—which all Premiers, Chief Ministers and the Prime Minister signed up to—could be embedded into some of the objects, which would be around embedding self-determination and embedding the priority reforms to transform the way government does business with Aboriginal communities. That could be one way of at least setting out that as a key objective in this piece of legislation and indeed other pieces of legislation.

There could also be some insertion to make it mandatory, in ways that are well beyond just consultation in the functions of the Authority. The section 10 functions are silent on that. They do refer to community engagement, but that is the only part in my quick reading of the Act where they refer to engagement. There are opportunities to put that in there. There is the board of the Authority itself. I know that at this point there is already an Aboriginal Torres Strait Islander on that, but there could be others on constituting advisory panels, reference groups and the like that take specific interest and show their expertise and lived experience of experiences of disaster to inform the work of the Authority. They are just a few things that could be useful to consider. In terms of demonstrating commitment to the principles under the National Agreement on Closing the Gap, inserting something specific into the objects would be a great opportunity. It would be instructive and could guide the work of the Authority going further.

The CHAIR: Thank you. Do any of the other witnesses have anything to add to that?

MA'ATA SOLOFONI: I support what Jenny said. Just in terms of the work we have done and what our experience has been, the legislation is quite broad in terms of community engagement. It is important because there are different communities across the State and the approach in those different communities—they are all different groups. In one way, it is important to keep that broadness in the wording about engagement so they can engage with whoever is actually relevant in that location and region that has been impacted by a disaster. But we know that most of the locations that have been impacted by disasters have had big Aboriginal communities. We would want some focus on that. We know from our experience—when it was Resilience NSW and also now as the NSW Reconstruction Authority—that they had tried a couple of different ways to bring the community in. For example, they had started running buses to bring people into recovery centres at one point. They were trying some things, but there's scope for more to be done in that space.

⁵ Opening statements from [the Aboriginal Legal Service NSW/ACT](#) and [the Northern Rivers Community Legal Centre](#).

The CHAIR: Can I just clarify—and I should have said this at the start—that for this first inquiry, we need to report back to the Parliament about potential legislative changes. Next year, we'll have a second inquiry which will probably be more about the rollout, how it works and things like that. It came to mind then, Ma'ata, because local councils do have to develop disaster adaptation plans. In terms of who they put into that group, who they're going to have at the table and who they're going to be consulting with, there are definitely roles there for the various local groups, in my mind. I think we have to watch and see how they roll out. We'll do that body of work next year.

MA'ATA SOLOFONI: Of course.

JENNY LOVRIC: Can I just add on that point that my experience in working with some regional councils that may be engaging local Aboriginal and Torres Strait Islander people, communities and organisations, they probably fall short of what we think would be best practice. Setting an example through the enabling legislation would be very instructive in terms of example setting and setting that out as a clear responsibility. It can't just be "efforts to engage", for example. It should be "must be engaged via X, Y, Z." I'm happy to help consider what some wording like that might look like.

The CHAIR: That's an excellent point to make, as is the point that you make about evacuations and the trauma that has been the lived experience of the Aboriginal community and what a forced evacuation means to them. I'm going to throw to my Deputy Chair, the member for South Coast.

Ms LIZA BUTLER: Thank you, everyone, for joining us this afternoon. My question is to Ms MacFarlane and Mr Matkevich. Through your centre's disaster response and recovery project, what have been the main challenges for your team when dealing with the Authority? From those challenges, would there be any recommendations of changes to the Act?

PATRICIA MacFARLANE: I'd like to start by saying that we have had some really great collaboration and engagement with staff in the RA, in the housing taskforce and in relation to the DRG and the RHP. There has been some really good communication and building of relationships. That has allowed us to give better advice to our clients. There are, obviously, areas that we see that can be improved. The biggest challenges that we faced in terms of advising our clients was around lack of transparency and inconsistency in implementation, which is, as you've just pointed out, not necessarily for discussion here. It comes back to how the Act can be amended to ensure that that's improved in future. It's relevant.

There's also lack of inclusion in terms of community feedback and directly understanding need on the ground and implementing that in the policies. It was difficult for us, especially around inconsistency in the policies and the implementation of policies for the assistance programs, such as the DRG—mostly the DRG, I suppose—and also the Back Home grant and the RHP. There was a lot of confusion around the criteria. And then when the policies changed, it was difficult to keep up with the policy changes because we weren't always aware of when those changes had taken place. Around the reasons for decisions that were given to our clients, there were some issues in terms of being able to provide clarity to clients around that. Mainly, for us, it was around the inconsistency. Aran, did you want to add to that?

ARAN MATKEVICH: Yes, just briefly. The inconsistency could arise—speaking to different people who might have different approaches—when people changed who was in control of the program in the area at the time. You might get different results, and you might go from getting a more expanded reason that clients were happy with and that you could sign off on as advice to just pro forma responses. That fluctuated between who you were talking to. That was the challenge, because we put ourselves out there as an organisation that could help with grants. However, often it was quite limited in what we were actually able to do, and there was no real appeal process set out for us to follow. That was a real challenge regarding the grants.

PATRICIA MacFARLANE: I will add around emergency accommodation and the pod villages, there have been a lot of issues around clarity for eligibility and future planning around those. We did have difficulty because it's such a grey area in terms of people living in there wanting to assert their rights over a lot of things. We have worked closely with the housing taskforce, which has been fantastic. But I think in the Act, guidelines could be implemented to assist with the lack of consistency in decision-making—having clearer guidelines around things such as eligibility for those assistance programs, for example, would be very helpful—and to ensure transparency in us being able to give uniform advice that's correct and clear.

ARAN MATKEVICH: I would add that appealing those decisions, again, was almost even harder than the DRG. Generally, no reasons were given. In some cases, where people had tried to refer to their disability as a reason for potential breaches that were listed by authorities running the parks, you were just out of hand told, "That doesn't apply to us." No reasons were given. In the end, it very much felt like we couldn't provide any advice to anyone in terms of how to appeal. In fact, people were told that they would be given an appeal right after they

were evicted from the park. We understand the difficulty in managing the park for the safety of all of the people at the park. However, it was still hard to be put in that situation where there was no passing of information and no-one to refer to to pass on any advice to the client.

Ms LIZA BUTLER: I've got another question, which might be for the Aboriginal Legal Service, but also anyone who wants to contribute. How might Aboriginal communities and peoples be disproportionately impacted by natural disasters? Should we be including something in the Act to protect them?

JENNY LOVRIC: I think so. If we look at the locations of where disasters are occurring, they're often in regional and remote areas, where there are proportionately high numbers of Aboriginal people calling those places home. I think by virtue of that, we probably do need to be considering how that could be more specifically included. I'm not sure if that answers your question.

Ms LIZA BUTLER: Can you give us some examples of when an Aboriginal community is impacted what is different for them than if it was a community around Lismore that wasn't a First Nations community?

JENNY LOVRIC: I suppose I can give you an example from experience. I was in Moree a few years ago when a flood struck, and the flood cut the town in the half. There is north Moree and south Moree. South Moree is traditionally where the Aboriginal community lives. There is no supermarket in south Moree. There is no access to the hospital in south Moree. You have those very real geographical fault lines and sociological demographic fault lines that play out in those kinds of natural disasters. That's very confronting for communities. They feel the difference and the disproportionate impact very closely, very keenly and very directly. In terms of impact, and I think the Chair mentioned it earlier, there is that sense of dispossession from country. The idea that you might have to leave is something that will affect people very deeply. There is a whole lot of historical trauma associated with being forced to leave country, so there needs to be some consideration that that is a real thing, and some cultural safety needs to be exercised around that in all aspects of disaster mitigation and recovery.

PATRICIA MacFARLANE: If I may add to that, another very good example is Cabbage Tree Island. I do not profess at all to speak on behalf of the community, but the feedback we have had from services and from community members is that the process of being evacuated and locked out, and the uncertainty around whether they can or cannot return, dragged on for quite some time. That definitely could be addressed in the Act in terms of consideration of connection to country and culture, in a way that is very different from your general communities such as Lismore, like you mentioned. Cabbage Tree Island residents are now, I understand—I haven't had a recent update—not able to return. One of the differences is that a lot of them were in homes owned or operated by land councils, so there's an extra layer there in terms of the considerations for the RA and who they should potentially be seeking feedback and input from.

JENNY LOVRIC: I think, also in relation to Cabbage Tree Island, the experience of the community there was that they did not get any assistance at first instance. The community itself, in the way that communities do, rolled up their sleeves and helped each other, and helped each other in a very positive way.

The CHAIR: During the flood event?

JENNY LOVRIC: During the actual flood. Again, that's how those fault lines played out. I know a lot of people didn't get assistance, but that community in particular did not get any assistance at that particular time, so people were left feeling disenfranchised and there was a well-founded sense of "This is just discrimination and racism playing out yet again in the way government delivers services."

The CHAIR: I didn't realise the community hadn't been able to go back out to Cabbage.

Ms LIZA BUTLER: I didn't either.

JENNY LOVRIC: I think the situation with Cabbage Tree is a fluid situation, I think it's fair to say.

Ms SUE HIGGINSON: My questions go to this point, and specifically to you, Ms Lovric. You mentioned that the Act could benefit. I mean, there's not one reference in the Act to "First Nations". There is nothing about culturally appropriate approaches to community—nothing. One of the things I was curious about was when you talked about and mentioned self-determination. Should the Act go a bit further? Would it benefit from having FPIC in the Act, as a core, in terms of the approach for the Reconstruction Authority and all of these big, broad powers, in the way First Nations people are provided assistance and, more importantly, self-determination?

JENNY LOVRIC: Yes. Self-determination is the core agreement underlying the National Agreement on Closing the Gap, so we are often at pains to explain to government that they have signed this commitment. That commitment does include, wherever it can and wherever it's possible, embedding principles of self-determination in legislation, policies, programs, projects and funding. We think that would go a long way. Obviously that would need to be done in consultation with communities. If there's going to be any revision of the Act, that would be

something that we would strongly suggest needs to be not unilaterally inserted but inserted in consultation. There is some guidance in relation to how embedding those principles of Closing the Gap might be incorporated in Government policy, practice and programs that could be taken on board. But I think setting that example is really positive. Yes, I agree that the Act is completely silent on the First Nations experience and history—not to mention the benefit of including First Nations expertise in terms of management of country through millennia of managing, protecting and caring of country. There is huge scope and opportunity, I'd say, for that to happen.

Ms SUE HIGGINSON: What about the actual concept of embedding FPIC? We mentioned self-determination. What do you think about that? I have seen in a number of statements that we're working to achieve self-determination, but then it becomes this nebulous thing. It's like, "We talked to First Nations communities" or "We did this" or "We have this process", but it seems to begin down the road without the consent of community. We don't have that in legislation—nor the concept of free, prior and informed consent about the way we approach these matters—whether it's in developing adaptations, discussing country or discussing how we deal with emergency response, recovery and adaptation. Do you think there is a role that FPIC plays?

JENNY LOVRIC: I think, again, setting this out in the objects of the Act up-front would be a strong signal. I think, following that, there needs to be embedded, either through delegated legislation or through roles of the Authority or the board or the functions of the Authority, some really concrete ways in which those things are embedded—and not just an afterthought, as you say. I have read some of the submissions to this inquiry and other inquiries where there's this sense of "We didn't get engagement. We don't know how." It's because you didn't make that as a mandate of the legislation, and the mandate and the responsibility of government to do that. So I think any which way that you can set that out as a mandated activity would be very helpful. I think, following that, of course, there needs to be the corollary, which is resourcing the organisations and people to participate in a meaningful way. What we don't want, and what often happens, is a tick-box exercise. I think everyone knows that that's not particularly useful or fruitful or empowering.

Ms SUE HIGGINSON: My question is to all the legal providers. Because disasters give rise to complex legal problems for individuals, families and communities, could the legislation benefit from having a provision that recognises that and, therefore, acknowledges the role of your sector in the need—for communities, families and people who have been smashed to pieces and lost all their assets and ID and everything, the one thing they can't do is access private legal help. Should there be acknowledgement in the legislation about the need for community legal sectors? We live in a legal world. That's open to all of you, really.

JENNY LOVRIC: You would get no opposition to that from us.

Ms SUE HIGGINSON: Was that my Dorothy Dixier?

ARAN MATKEVICH: Specifically to roll on from the last point, we had a few inquiries from people on Cabbage Tree Island, and they had special needs. There were quite a few rent-to-own matters and debt lease matters for those debts that people get into through those financing agreements. It was quite hard to access clients post seeing them because of the nature. I think, not just for legal services but particularly for certain sectors of the community where there are special needs, we should identify them and address them. All those normal legal problems that people have become exacerbated after a flood, and there are particular needs for certain communities which make it difficult to provide legal services. I think there definitely needs to be a focus there.

JENNY LOVRIC: Can I add, on the self-determination point—and this is something the Aboriginal Legal Service and, indeed, all ATSILs across Australia experience—self-determination involves the right to access culturally safe services from an Aboriginal community controlled organisation. At this stage, that's not currently happening. ATSILs usually—despite their desire to do so—don't have sufficient funding or don't receive the grants to provide those culturally safe services in communities. We would like to be able to do that. The national agreement is very clear on what that looks like. We have just had a review of the National Legal Assistance Partnership under which all legal assistance services are funded. The report and findings of economist Dr Warren Mundy were very clear that embedding the National Agreement on Closing the Gap should happen under legal assistance funding arrangements, and that currently doesn't happen. Let's just say there's enough work for everyone across community legal centres, Legal Aid and the Aboriginal Legal Service. No-one wants all that service delivery to happen but we say that, in the case of providing services to Aboriginal and Torres Strait Islander people, that should be done through community controlled Aboriginal legal services.

The CHAIR: Ms Solofoni?

MA'ATA SOLOFONI: I'd just like to add that obviously we wouldn't be opposed to that recognition in legislation about the usefulness of the legal sector in this space. But, for that to be meaningful, there needs to be funding that allows us to do this work. At the moment the funding doesn't really allow us to do that consistent work. Our State has been in recovery mode since 2019 with the bushfires. Then there was COVID, there was

flooding on the Mid North Coast, there was the 2022 flooding and the Central West flooding. We have just constantly been in recovery mode.

But the way the funding works in the disaster space is, if any event happens, then you get funding and then you try to assist community. That's difficult when you've trained up people to provide that trauma informed specialised assistance to people who have been impacted by a disaster and to maintain that service even after an active disaster has wrapped up. There's the active disaster phase and then there's the long tail of recovery. That is what we are working on. We're still assisting people from 2022. My colleagues there in the Northern Rivers are assisting people from 2022.

Ms SUE HIGGINSON: I'm from Lismore. I know it well.

MA'ATA SOLOFONI: And we still get the odd one from the 2019-20 bushfires. I would be in support of that in the legislation. For that to be meaningful in the legislation, there then has to be some funding to back it.

PATRICIA MacFARLANE: I absolutely want to echo what Ma'ata has just said. It's exactly what I was going to feedback, that, yes, we would not be opposed to it. But I believe one of the recommendations of the NLAP review was around continuous or ongoing funding for disaster relief work. If that was part of our core funding, then it would be much easier to provide those services across the board. And, yes, absolutely, there is the compounding effect of the bushfires, the floods, drought and the fires earlier this year. Was it earlier this year? Yes. And the floods. That has meant that we still are assisting people who haven't come forward or haven't been able to access services or haven't been aware of services or we just haven't been able to reach through lack of resourcing. We cover quite a broad area up in the Northern Rivers.

The CHAIR: I just wanted to follow-up on something that Ma'ata said. I think you said that, when a disaster happens, you get additional funding to put additional resources into those areas. Is that how it works? Is that what you said?

MA'ATA SOLOFONI: Often there could be funding available that you would have to apply for or the services would have to apply for. At Legal Aid we've been involved in disaster work for over 10 years. We've been funding it for a long time ourselves. But the way that disasters are happening now is a lot bigger than what it used to be. The scale of it means that there's a lot more work involved in this. The time that it takes to assist a community takes a much longer time—we are talking about several months and several years. For us, our team is a statewide specialist service. We came into play after some funding that we received from the Commonwealth to set up our small disaster response legal service team. That funding ran out and now we just have some State funding that allows us to continue for 12 months. Our funding is always temporary funding, but we know this is not a temporary problem. Disasters are going to continue to happen and at large scale, so there's a lot of work involved in that space.

The CHAIR: Same question to the Northern Rivers team. When disaster happened, did you have extra money, extra resources and extra bodies to do the massive amount of work that needed to be done?

PATRICIA MacFARLANE: Not immediately and not extra. We have core funding to assist the community in core areas that we do, such as family law and civil matters. That's not it, obviously, but it's not part of our core funding to assist disaster-affected communities. We received funding in 2022, I believe, Aran? Correct me if I'm wrong.

ARAN MATKEVICH: Yes.

PATRICIA MacFARLANE: We are very grateful for four years of funding from that, but four years is not going to get us through the full recovery and to deal with preparedness. Our concern at the NRCLC is that we will continue to assist people—we're trying to plan forward and trying to assist with preparedness and to be there for the next disaster when it hits, but we are still assisting people from the floods. We only have a team of 2½ people at the moment, with the funding that we've got. It's very difficult to fully and adequately cover our wide region and do all of that work that's involved to get us to a point where we can assist in the future. And then our funding will run out and we don't have the funding to maintain the knowledge that the team has gained moving forward. If there is funding available for the next disaster and we have to apply for that, we have lost those resources and that knowledge in the centre. Staffing is cyclical as it is.

Ms LIZA BUTLER: I was thinking about how in 2019-20 it would have been category C funding and the same in 2022, because that's the category of the disaster. One, does that affect how much money you might receive? Two, for the ongoing disasters that haven't met a category C, does that impact you more than, say, a major disaster that you get more funding for?

JENNY LOVRIC: We don't get any funding. We did receive some funding for the bushfires. It was Commonwealth funding, which is administered by New South Wales by DCJ. That was back in 2019-20. We got

a very small amount of funding, which we used to bolster some of the partnerships we already have with Aboriginal community controlled organisations down the South Coast. That was incredibly useful. We maintain those relationships to this day because, for us, as all these inquiries have shown, partnering with existing organisations on the ground is what works. Local place-based, community-led is what works. It's what builds trust and trust is incredibly important in this space. We used what little funding we had, but we have received no funding inexplicably.

Ms LIZA BUTLER: That's because it was a category C in the fires and that's where the funding gets triggered.

JENNY LOVRIC: It's also because we're an Aboriginal community controlled organisation and we don't get the same access to the funding as others. The Aboriginal Legal Service in New South Wales just gets, unfortunately, very limited funding from the State Government. Most of our funding is from the Commonwealth.

Ms LIZA BUTLER: What about up in Lismore? How have the ongoing disasters affected you rather than the one big one?

PATRICIA MacFARLANE: I only started with the centre 18 months ago, I think, so I can't talk to the funding around the bushfires. But what I have seen is the compounding effect of those disasters and what that has meant to legal need and people not being able to access and not having capacity to deal with the legal issues in a set period of time because there's so much else that they're dealing with. Absolutely, the ongoing nature of it needs to be considered because to have the funding for that immediate large disaster is fantastic but it just doesn't factor in compounding natural disasters and the ongoing effects of that.

Ms LIZA BUTLER: That's what I was trying to dig out.

MA'ATA SOLOFONI: Can I also add that, with all of the services that are on the ground, we do quite a lot of work to educate the community and all of the other support services about legal issues and how to identify them, how to spot them and send them through for assistance. We do quite a lot of work in doing that. Even if the funding is turned off, the people seeking assistance don't stop coming. They will still try to attend our service to receive some legal assistance. We can't then turn around and say to them, "Sorry, we don't have funding. We don't have the resources to help you. You're on your own."

As Patricia mentioned, it's about the timing for people. People recover at different rates. They're at different stages of recovery when they come to us for legal assistance. We want to be there, available to help them when they're ready and meet them where they're at. It is a constant challenge and struggle for us to continually provide the service at the level we want to provide it and to reach as many people as we can. We have that issue with the funding that kind of limits what we can do.

The CHAIR: Sorry, Ms Higginson, we totally piled into your line of questioning, so back to you.

Ms SUE HIGGINSON: No, it was great. I think a lot of things were covered. It has been very helpful to get an understanding. Earlier on, when we were talking with some of the social service providers, NCOSS and Red Cross, there was the view around social services and social infrastructure being kind of absent, along with First Nations communities, in this Reconstruction Authority and the reconstruction legislation. If we were to embed that into the legislation, what I'm hearing is that it's very important to do it in a way that provides that it's culturally safe and that there is a continuous, ongoing recognition of the need. You can't just have this thing; you have to provide for it and support it. If we were considering embedding that into legislation, then government needs to understand that then becomes part of the disaster preparedness response and recovery framework. In essence, you're doing it. It's there, almost in spite of the Government. It's there and happening. Do you think that's a fair summary in terms of what is a good step forward?

JENNY LOVRIC: I absolutely agree with you, and the motivating role of community engagement and involvement in a way that's like, "There's a community disaster. We'll do some community engagement, and then we'll work out what to do." In fact, the community already knows the problems, so we should take our advice, expertise and leadership from community, which has that lived experience of the problems. They know the solutions. They know where to go to. Our experience in, for example, the Northern Rivers, we didn't get any funding, but our ALS staff nonetheless tucked up their sleeves and went and volunteered at the local community hubs. *The Koori Mail* is an amazing resource.

Those people on the ground are the gold in this space. This happens across all communities. They are, as Ma'ata said, going to be different in each community. They are going to have different needs and different flavours, but that community leadership is already on the ground. It's such an incredible opportunity to capitalise and leverage on that, support that and make that part of business as usual, so that it's, "This is how we work. We work with local community groups. We support that." It could be that packages are ready to go so there's a sense of this

is the way we do business when there's a disaster, acknowledging the local differences. I think that could be inserted into the Act, and not just a subclause in a function but it could be that they are guiding principles under which the Act and the Authority operates. That might be useful.

Ms SUE HIGGINSON: Just on that, I'd love to know your view. It came up earlier—again, from NCOSS, I think it was. There's this idea that sometimes getting a seat at the table is very difficult, but you're already there. You're doing the work. Sorry, it was the financial assistance in the Northern Rivers. The women there who were on the ground doing the work kept finding that they had to advocate for themselves to be acknowledged. It was like, "Hey, we're on the ground doing the work. Can we quickly get a seat at the table?" One of the things that came up was the idea of a mandatory requirement to hold an updated public register of who's who—obviously, there's a framework around that—at that localised level. Is that something that you think would be a benefit? What are your views on that? I'm seeing some heads nodding on the screen.

PATRICIA MacFARLANE: Absolutely. It's one of the things I've been pushing for at the health and wellbeing subcommittee meetings that have been held—to get together a register of the players in the whole response and recovery scene—because our team had the same experience that you just outlined from the financial counsellors in terms of having to constantly be in touch with everyone else, which you need to do anyway. You need that engagement. You're asking to be involved, asking to be put on mailing lists and asking to be able to be at the meetings. For legal services, to be able to provide what the community needs, we have to be aware of what's going on, and we have to be kept up to date. Having to ask repeatedly for a seat at the table, as you say, was frustrating.

There were some staff who were brilliant at ensuring that happened, but having that in the Act as a framework in terms of meaningful community involvement—one of the big bugbears that was raised at these health and wellbeing committee meetings was that we're feeding information up and giving feedback on certain things, but we don't know where that's going and if that's being fed up, being heard and being implemented. There are so many ideas and so much knowledge in community that could be so beneficial to recovery and preparedness. We don't know whether that's hitting a ceiling somewhere and whether it's actually being used. To have a requirement to involve community services in a meaningful way would be very useful.

MA'ATA SOLOFONI: If that's our starting point, we've already improved by miles from what we've had previously. We've done a lot of work to even have the legal services recognised in this space. We've done a lot of work. The way that we can actually deliver the services is by collaborating with each other, which is why we all work together. It took us many years to get a seat at the table, and now we do get contacted to say, "This is happening here. There's a recovery centre being set up. What can you guys do?" That took many years to do. If that's our starting point now, that they already know that there are legal services, other social services and other community services available, we've already started at a much better point than what we usually would've had in the past. I think it's important to include that, if we could.

The CHAIR: That might be a lovely place to finish today. I sincerely thank all of you for the work that you do, some of which you get paid for. I really appreciate all of the other work that you do. You will be provided with a transcript of today's hearing. Please talk to us if there's anything that you think needs to be changed or adjusted. The Committee might also be sending through some supplementary questions to you, which we would appreciate you turning around in 14 days, if you can. If not, please talk to us about that and we'll work through the process. That concludes our public hearing for today. I again place on record my thanks to all of the witnesses who appeared today, on behalf of all Committee members. It has been enlightening to say the least. I also thank the Committee members, the Committee staff, Hansard and the Department of Parliamentary Services for their assistance in conducting the hearing today. I look forward to getting into the Friday afternoon Sydney traffic at 5.00 p.m.

(The witnesses withdrew.)

The Committee adjourned at 17:00.