

REPORT ON PROCEEDINGS BEFORE

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

REVIEW OF THE NSW RECONSTRUCTION AUTHORITY ACT 2022

At , Jubilee Room, Parliament House, Sydney, on Monday 16 September 2024

The Committee met at 9:10.

PRESENT

Mr Clayton Barr (Chair)

Mr Roy Butler
Ms Sue Higginson
The Hon. Sam Faraway
Mr Warren Kirby
The Hon. Emily Suvaal
Mr Richie Williamson

PRESENT VIA VIDEOCONFERENCE

Ms Liza Butler (Deputy Chair)

* 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: Welcome to the third public hearing of the review of the NSW Reconstruction Authority Act 2022. Before we start, I acknowledge the Gadigal people, who are the traditional custodians of the land on which we meet here at Parliament. I also acknowledge the traditional custodians of the various lands from which members of the public may be tuning into this broadcast and that members in this room may represent. I pay my respects to Elders past and present, and extend that respect to any Aboriginal and Torres Strait Islander people who are present or are viewing the proceedings online.

This morning the Committee is holding its final hearing for the review of the *NSW Reconstruction Authority Act 2022*. Under section 93 of that Act, the Committee must report back to the Parliament by 28 November this year on whether the Act's policy objectives remain valid and whether the terms of the Act remain appropriate for securing those objectives.

My name is Clayton Barr. I am the Member for Cessnock and Committee Chair. Here with me today at Parliament House and online are my fellow Committee members: Ms Liza Butler, the Deputy Chair of this Committee and Member for South Coast, who is online; Mr Warren Kirby, the Member for Riverstone; Mr Roy Butler, the Member for Barwon; Mr Richie Williamson, the Member for Clarence; the Hon. Emily Suvaal; and Ms Sue Higginson. We will be joined later in this morning's proceedings by the Hon. Stephen Lawrence and the Hon. Sam Faraway. Before we call our first witness, I thank the witnesses who are appearing before the Committee today and the stakeholders who made submissions for their time and contributions to this Committee's deliberations.

Commissioner ROB ROGERS, AFSM, Commissioner, NSW Rural Fire Service, sworn and examined

The CHAIR: I welcome our first witness. Mr Rogers, before we proceed, do you have any questions about the hearing process?

ROB ROGERS: No.

The CHAIR: Before we start questions, do you have a brief opening statement that you would like to make?

ROB ROGERS: No, I'm happy just to move to questions, if that serves the Committee.

The CHAIR: Before we begin the questions, I need to remind you that you may wish to take questions on notice and provide the Committee with answers in writing within seven days of receiving the questions, which we will provide to you so that you don't have to write anything down or make a note of anything. The purpose and the intent of the NSW Reconstruction Authority Act is, in one sense, to help us get prepared to prevent or minimise the impacts of major disasters, and the other part is to respond. At large, have you come across any concerns about the way that the NSW Reconstruction Authority Act has been implemented? Has your agency been involved in any incidents that required the Reconstruction Authority to be present and engaged?

ROB ROGERS: Yes, certainly. From a response phase, we've had a pretty concerted effort to make sure that we work together and, I guess from a public facing point of view, that it's seamless for the public which is obviously what we want. Rural Fire Service is there doing firefighting, but there's a transition period when fires may be more under control—and we're still trying to contain them, but they're not as much risk—but they've already done damage. That's the time when Reconstruction Authority needs to become involved early on. I've found that to be very good. It's actually been seamless, and we haven't had any concerns in relation to the way they're operating. They're very keen to step up quickly, and obviously that's something that we've been very much working with them on.

Prior to fires—so a prevention- or preparedness-type thing—I think there is just a little bit of overlapping in the different Acts, between the Rural Fires Act and the Act the Reconstruction Authority operates under. I'll give you an example. You've got the State Disaster Mitigation Plan, which is an all-hazards plan, but then you've got the RFS—through the Bush Fire Coordinating Committee and local bush fire management committees that are throughout the whole State that are responsible for preparing risk plans for bushfire. If you were to look at those two plans from a bushfire lens, they don't look the same at all. I think that that is a bit of an issue because I think that the Reconstruction Authority planning lens is about economic loss, whereas the way we look at it is about impacts on community itself.

For example, we will provide what we see as a risk—using modelling software—for local government areas or groups of local governments, and then we give it to those committees. They design what are the treatments that they're going to put in place over the next five years to try and mitigate the threat, and then we have a residual map of what threat still remains even after you've done all those treatments. So it's fairly comprehensive. This is National Parks, Fire and Rescue, local government, NCC and you've got farmers. We've got a huge different body of people that actually have input into these things. I do think that what we have now—I don't think there's anything better out there. That, to me, is a very good way of looking at risk for bushfires.

There is a mismatch of how that fits into the State Disaster Mitigation Plan under the Reconstruction Authority. I think that's something that has to be ironed out. In fairness, the need to put something together was at a very short time frame. I'm not being critical, because I don't think there was a single way of addressing that at the time. We were in the middle of rolling out the new generation of risk plans, so we didn't have, for example, a statewide layout to give them, but we will have that in coming months. I think that's probably something that should inform the bushfire layer, at least, of the State Disaster Mitigation Plan so that, from a community point of view, there is a single risk that is being portrayed by government for areas or multiple areas throughout the State.

The CHAIR: That's really important and interesting to understand that overlay. Can I dig a little bit deeper into the bushfire preparations that you do? Would it be fair to say that your bushfire preparations bend and flex in different parts of the State based on the seasonal conditions, which might be a bit difficult for a State disaster management plan to accommodate because it's going to be in black and white on paper and it's going to be a foundation for lots of local government areas to respond. They would have the opportunity to bend and flex, but I just want to emphasise that it's important that you bend and flex based on conditions at the time. Is that fair?

ROB ROGERS: Yes. That's absolutely true, although the plan itself is a five-year plan.

The CHAIR: Your RFS plan?

ROB ROGERS: Yes. The RFS plan is a five-year plan and it's in legislation. Basically, it gives it a higher level. For example, in an urban interface it might say to maintain a break between the bush and the homes in these general areas. Depending on conditions, sometimes that might be done through burning. If it's, say, too rainy, like we've had in the last few years, we may do more mechanical work to do that. It's more just the different ways you do it to give the flexibility to local agencies is the way that we maintain that flexibility. I think there are things also, though—to your point, Chair—that we do do.

For example, if you go back a couple of years to when we were having a massive build-up in the west of State, we were going out to those areas and actually putting in hard boundaries around some of the towns. That wasn't actually in the plan, but it was things that we just intuitively knew were risks that were, to your point, dynamic and changing as the season changes. We'll always maintain that flexibility to not be too rigid in the way we're approaching it, because you're quite right. If you go back before the 2019-20 fire season, there was really zero risk out west because there was nothing growing for that long, so we very much switched the resources to the coastal areas. But what we've seen since the rain has changed is we're starting to balance that back again to put those resources where they're needed.

The Hon. EMILY SUVAAL: Thanks so much for appearing today, Commissioner. Are there any aspects of the NSW Reconstruction Authority Act that you think need to be amended to improve the provision and timeliness of funding to disaster-impacted communities?

ROB ROGERS: The timeliness of funding is always a challenge, but I think it's always a challenge in any part of government. I think the sooner funds can be made available, the better. We provide some grant funding ourselves for local area initiatives for hazard reduction. What we try to do is make that available as quickly as we possibly can. Inevitably what is needed, though, is to consider funding things on a multi-year basis. I'm not quite sure how that will work with the Act, government and budgets, so I get that that's problematic. But being able to do things on a multi-year basis often gives a lot more surety to get work done, because sometimes it's more work than just a single year, or it's work where, if you've got work for one year to do it and then you don't have any sort of follow-up to it, then it becomes a little bit of wasted work. It might be that there's an initial amount and then a smaller amount that continues on to keep that work going.

To do with the timeliness of funding, I think that that's something—I don't have a particular "This is what should happen". It should be looked at, though, and from a lens of getting it out as quickly as possible, but also that multi-year thing. That idea of being able to partner with someone, be it government agencies or be it local government, to make sure that you have a joined-up approach to these things is also very useful. We do a lot of work and we give money to local government for hazard reduction, because we find that they're on the ground a lot and they're able, quite often, to get that work done quickly. They're generally a good partner.

The Hon. EMILY SUVAAL: Are there any financial arrangements between the RA and the Rural Fire Service? Is this something that could be improved in terms of that timeliness?

ROB ROGERS: Only that we can bid for money through different programs, but there's no formal agreement for grants. But the RA certainly has a role to play in looking after, say, significant—where they have the disaster funds. We deal with them as far as when things meet that threshold and then they become eligible for submission to the Federal Government. RA looks after that sort of stuff for us.

The Hon. EMILY SUVAAL: Does the NSW Reconstruction Authority have appropriate legislative authority to deploy resources fast enough in the aftermath of natural disasters?

ROB ROGERS: I think they do. From a historical point of view, the model was very much based on a Queensland entity. It was taken and put into New South Wales, through necessity, fairly quickly. I think what needs to happen is that there probably needs to be some re-looking at Acts in comparison to work out where there are some potential conflicts. I know that there was work done to compare it to the SERM Act, but, for example, I know it wasn't looked at for, say, the State Emergency Service Act or the RFS Act. There wasn't a look at that. For example, some of the ability to give directions could give rise that they can give directions to RFS during emergencies, and yet you've got a specific section in the Rural Fires Act that says our Act takes precedence over other Acts. I think there are some things like that. I don't think it's an intentional power grab or anything like that. I think it's just, from a time point of view, to go through it and make sure there aren't any conflicts in there.

Mr WARREN KIRBY: We've heard from other stakeholders that the Reconstruction Authority should actually play a coordinating role in emergency responses and preparedness. Do you agree that that's something that should happen?

ROB ROGERS: I guess it depends on what we're talking about there. There's a coordinating role as in providing funding and support. I can only speak for the bushfire space. We've got a pretty complex arrangement for bushfires where it's very much pushed down to lower levels to make decisions on lower issues and having

locals make decisions on that. If you changed that, that would require significant rewriting of the Rural Fires Act because it very much has a bottom-up management approach involving every stakeholder locally to make sure that plans, actions and priorities are all determined locally. I would be concerned if we were to move away from that. I think that the bushfire—be it operational or prevention—arrangement has served this State very, very well for some decades, hence why I'd be a little concerned. If it isn't broken, why mess with it?

Mr WARREN KIRBY: Do you think that your concerns would be mitigated if the Reconstruction Authority, if it were to go down the path of preparedness, put more focus on community safety rather than economic impact?

ROB ROGERS: I'd question the expertise of a reconstruction authority being able to do that work. Given that you've got people—that involves our local brigade members that are on these committees, councils, all of these local people and farmers that have input into these things, I can't see how you could come up with a better solution than to have locals determine local priorities. Again, I don't see a problem with the system that we have for bushfires. I can't speak for other hazards, but bushfires is very mature and has always been a very good system in New South Wales. I defend the system we have for managing bushfires. Obviously I'm probably a little biased, but I defend it against any arrangement anywhere in the country.

Mr ROY BUTLER: Good morning, Commissioner. How are you?

ROB ROGERS: Good, thank you.

Mr ROY BUTLER: Good to see you. Commissioner, from an RFS perspective, how often should legislation that relates to the Reconstruction Authority be reviewed? What does that look like in terms of agency involvement?

ROB ROGERS: I think it's a standard five-year thing, normally. There's a first 12 months and then I think it's each five years, my recollection is. That's probably a reasonable time. I think that what sometimes does happen is you get an Act that changes that isn't part of the original Act you're talking about. That can sometimes have some consequential changes that may be or may not be intended. Each time things like that happen, there probably needs to be a broader look at "Does that change exist in Acts apart from the Act you're looking at?" That's part of it because a lot of the Acts we have are very interwoven with other Acts.

I spoke about the SERM Act. It's certainly the lead Act, as far as emergency management, but, for example, the RFS operates through the Rural Fires Act most of the time. We're not operating under the SERM Act because the Rural Fires Act has pretty well all the powers we need to do our job. I guess the challenge is having a framework that looks at those things enough to be able to understand what are the other Acts that it may touch on or impact on by saying certain things. For example, the NSW Reconstruction Authority Act doesn't say, "This takes precedence over another Act" or something like that, but it could well, and that's really for Parliament to consider how it grasps with that issue. I'm not sure I have the answer but that, to me, is the big issue that we have sometimes.

Mr ROY BUTLER: Obviously for an organisation like RFS we don't want any legislation that hinders or stops your agility, your ability to be able to move, to do things and respond. At this stage do you have any concerns about the NSW Reconstruction Authority Act and its impact on your ability to respond and do what you need to do?

ROB ROGERS: No. There hasn't been anything that has happened that's caused me to have concern. To be honest, something may be enacted in legislation, but whether it's actually done or not is another matter. I think that when you've got pretty good relationships—and I've got good relationships with the acting CEO there, so I've got no concerns with that. But I look at these things as if you had two brand-new players in place. If you've got opportunity for something to go wrong, then that's something that probably should be fixed. But it's not a thing that's causing any concern for us at the moment.

Ms SUE HIGGINSON: I would like to ask something which is not quite related to fire. It goes back to the importance of the role you guys played in the post-flood scenario. I recall very well that on every single street in Lismore, as soon as we saw an RFS truck coming down the road, we knew it meant that some of our homes could be saved, literally, from the mould and mud. In those situations, do you feel you have capacity? Have your teams fully learned from the experience that we had? Is there anything we could do, or we should be doing, to recognise that incredibly important role? I'm assuming there was a similar capacity in the Central West and in other areas too. I'd love your views on that.

ROB ROGERS: From our point of view, there aren't many emergencies in the State that doesn't have RFS involved, just simply because of the presence that RFS has around the State. I'm always a believer in if we have a capacity that is funded by taxpayer, then it should always be there to support taxpayers. We have

individuals, volunteers, who sometimes say, "I don't think I want to do that side of things." And we respect that as well. But there are plenty of people—thank goodness—that will go away for days on end and do the work that you're speaking about, and it's such important work.

I know in places like Lismore, and again in other parts throughout the State, where RFS firefighters have gone to people that have just lost everything, I think there's a level of despair that our firefighters find themselves facing with these people who've lost everything. But even by firefighters coming in and removing the written-off furniture, moving it out, hosing out their homes, getting rid of that mud—it certainly doesn't fix their problem but it just gives them a little chink of hope and they can see a little bit of a way forward. For people that are dealing with such difficult circumstances, it's really important.

As far as whether there's anything else we need, I think just the recognition that sometimes we incur additional costs in doing those things. That has actually been covered. To be honest, I don't think there's anything that we say that we don't have. We have certainly lifted up the amount of protective clothing we give to our people because of dirt and disease risk. That sort of stuff is costly. So far, we've been able to get support to do that. We've had some trucks written off as well that have performed rescues in areas where the trucks weren't designed to do that sort of work.

Again, if it means we write off a truck to save someone, so be it. They're always things that we want to make sure we're on the right side of. So I don't think so. I think just acknowledging the fact that it is an important role and building that into plans to make sure that the community knows what support and we make sure that we're constantly reviewing and making sure we're ready to do those things is something, from a planning point of view, that we need to do. Again, it's one of those things that has happened many times over quite a number of years for the betterment of our people.

Ms SUE HIGGINSON: Do you think there should be some sort of legislative provision or recognition? At the moment it's the Rural Fire Service, and everything you do is outside of the constructed legal regime. If we were to be looking at that in terms of the Reconstruction Authority, which sees itself as the coordinating body—so if you're responding to a flood and you're hosing out dwellings, who tells you to do that? In the current circumstances—obviously, we didn't have a Reconstruction Authority at the commencement of the Lismore floods. If that happened today, how would you be told? Where would the operation happen to say, "We have got 400 houses. They're covered in mud. We need the RFS as well"? How would that play out?

ROB ROGERS: I would expect that would be the Reconstruction Authority that would task us. It's not something that we would do of our own volition. Someone would say, "We need you to do that clean-out of these areas." Then we would work out how many resources, from where, and dispatch those people. It's the role of the Reconstruction Authority to do that work.

Ms SUE HIGGINSON: In the Rural Fires Act there is nothing about that. It's all based on fire.

ROB ROGERS: It is, but you'll find that the Rural Fires Act also has a provision to support other agencies. There's a general catch-all. It's the same thing where we do medical assistance with Ambulance. That's because we're helping Ambulance. Ambulance tasks us. As long as we're being tasked by someone to do that role, our people have a level of coverage because it's a bona fide activity. Certainly it has to be tasked by someone. In that case that you're describing, it would be the Reconstruction Authority.

Mr RICHIE WILLIAMSON: Thank you, Commissioner, for your insight today. I want to go back to the overlapping that we've spoken about previously. You've spoken about the operational side of overlapping. One of the concerns that I've got is the community education overlapping. It appears that the RA is doing a bit and your organisation does a lot. I'd like your insight into that and to ensure that the messaging is on point. Are we better off having one agency doing the community education preparedness rather than everyone doing a bit—or you doing a lot and them doing a bit?

ROB ROGERS: Again, I think what's important is that, on a particular hazard, one agency should be leading that. We have a very strong network of community-based volunteers who do this work and are passionate about that work. They put so many hours into investing in their communities. We have a different level where we have fire trucks that go into streets and walk with community members about the risks in their streets. A lot of that relies on people having very good subject matter expertise. The confusing thing would be if someone didn't have that expertise and then they suddenly took over that role, what would happen to those local people? They identify with the RFS; they're part of the RFS. I think the challenge for the Reconstruction Authority is that not all hazards are managed equally as well. The RFS does things to a particular level, but other hazards probably don't have that.

Maybe the Reconstruction Authority's role would be to ensure that things are happening, and if they're not happening then they may need to step in and do them. But if they are happening and they're complementary and

appropriate for the community, then they can just tick that part off, that it has been done, and then maybe there needs to be some reporting of RFS to them to say, "This is what we're doing. This is what we've done." From a government point of view, it's not so much about who's doing the thing; it's a matter that it's done and it's done consistently, appropriately, using contemporary learnings and making sure that we constantly adjust what we do to make sure that we're targeting the right people with the right message.

Mr RICHIE WILLIAMSON: In a nutshell, do you think the RA should have an oversight role and not an operational role in community education? "Has this been done? Tick the box. Report back."

ROB ROGERS: Correct. I recognise there are a lot more hazards than just fire, but I don't think they need to get into the weeds of fire if fire's being done okay. If someone has a better suggestion of what we should be doing, of course that should be looked at. But I do recognise the challenge they have is that not all hazards are treated equally.

Ms LIZA BUTLER: I would just like to ask the commissioner that given the Authority is quite new and that we haven't really had a disaster on the scale of the bushfires of 2019-20 or the floods of 2022, what's your opinion of actually having another review of the Reconstruction Authority in the future?

ROB ROGERS: You're asking about how it would work in one of those big disasters? Sorry, did I understand you correctly?

Ms LIZA BUTLER: No. Because the new model of the Reconstruction Authority hasn't been tested in a major disaster, would you suggest that down the track we have another review of the Reconstruction Authority to see how it actually panned out on the ground after a natural disaster?

ROB ROGERS: I think that would be useful, whether that's a parliamentary review or a report from someone independent. What we do is we have what we call an after-action review after each major incident that we do because we inevitably learn from each one of these things. I know last year where there was some—and you're quite correct, it was nowhere near the scale of the 2019-20 bushfires but we lost about 30 or 40 homes last year before rain started again. I was quite comforted by the way that the Reconstruction Authority engaged early with us and were on the ground. I think that the lessons of previous years have certainly been learned, but I do agree that after, say, a major fire season or another major flood it would be useful to have a look and say, "What we said would occur, did that occur and did it occur well and did the community receive that the way it was intended?" Sometimes you intend things to be done in a certain way but by the time it ends up being delivered, it misses the mark sometimes, and that's not always the fault of the agency itself. It could just be individuals and the way they understand it.

The CHAIR: Commissioner, thank you very much for being with us today. You will be provided with a copy of today's transcript of proceedings for corrections. There have been no questions taken on notice, so we don't need to worry about that. The Committee may develop some supplementary questions that we send over to you and, if possible, we kindly ask that you return these within seven days. If that's not possible, please be in touch with us. Commissioner, I'm not sure how many more inquiries you're going to attend between now and when you leave your current role.

ROB ROGERS: I have another one this afternoon.

The CHAIR: I'll be at that. On behalf of this particular Committee, can I just take a moment to thank you for your incredible service to the people of New South Wales and wish you all the very best going forward. We sincerely appreciate everything you've done for us.

(The witness withdrew.)

Dr DOMINIC MORGAN, Chief Executive, NSW Ambulance, affirmed and examined

Mr PETER ELLIOTT, Acting Executive Director, Finance and Corporate Services, NSW Ambulance, affirmed and examined

Acting Commissioner DEBBIE PLATZ, APM, NSW State Emergency Service, sworn and examined

Acting Deputy Commissioner NICOLE HOGAN, NSW State Emergency Service, affirmed and examined

The CHAIR: I would like to welcome our next panel of witnesses. Before we proceed, do you have any questions about the hearing process we're about to embark on?

NICOLE HOGAN: No.

DEBBIE PLATZ: No.

DOMINIC MORGAN: No.

PETER ELLIOTT: No.

The CHAIR: I imagine you have all done this before. We do have preparations for you to make an opening statement of up to two minutes if you would like to. I will make that offer first of all to the SES.

DEBBIE PLATZ: Thank you for providing us with the opportunity to appear at this Committee. The NSW SES and the Reconstruction Authority work very closely together and enjoy a strong partnership to ensure that the communities of New South Wales are very much prepared and protected. The SES is the combat agency protecting persons' health and safety and protecting property from damage and destruction arising from floods, storms and tsunamis. We also have responsibility under our Act for warnings and coordinating the evacuation and welfare of affected people. The SES achieves these responsibilities by harnessing the New South Wales emergency management arrangements of prevention, preparedness, response and recovery. This includes but is not limited to undertaking emergency planning and engaging with the community to ensure that they understand their risk.

Naturally, any organisation or agency that undertakes functions across these prevention, preparedness response or recovery of disasters or emergencies that cross over to the NSW SES responsibility is an organisation that we are required to and do indeed work with. Specifically with regard to the Reconstruction Authority, we have provided feedback in varying forms with regards to these roles. In particular, this has been two matters over the past 12 months, which was feedback in relation to the Reconstruction Authority regulation in May 2023 and then again in May this year where we participated in the Clear Horizon Consulting strategic framework development process for the Authority. As I mentioned, we have a very positive working relationship with them. We work across their various teams on mitigation, community preparedness and community recovery. These are the main areas where our two pieces of legislation actually come across each other albeit, as you know, the Reconstruction Authority has an all-hazards approach.

We at the SES are actively involved in the development of the State Disaster Mitigation Plan and also the two regional disaster adaptation plans, being the Hawkesbury-Nepean Valley and the Northern Rivers. We have also partnered with the Reconstruction Authority on many programs over the past years. Some examples include the Hawkesbury-Nepean Flood Risk Mitigation Strategy, and within this strategy there are a number of initiatives. These have included "Floods. The Risk is Real", "Floods. What's Your Plan?" and the Future Flood strategy. We've also been involved in campaigns that specifically target the cultural and linguistically diverse communities and also youth, including the hackathon we did with youth just recently.

Within the Northern Rivers community resilience program, we work with the Authority to develop evacuation plans, data analytics and community engagement activities. We've also been successful in obtaining two grants from the Reconstruction Authority and those programs funded are for the culturally and linguistically diverse program, which has meant that we've been able to translate our resources into 15 different languages and for the flood risk and visualisation program, which redeveloped river schematics and developed local flood insights.

We do meet regularly with the Reconstruction Authority to make sure that we build and maintain these good relationships and so that we do have a seamless transition to recovery. We saw this when we collaborated very well during the flooding events that occurred on the South Coast, Illawarra, Hunter and metropolitan Sydney areas in April this year. We issued 52 warnings and over 800 people were impacted by evacuation orders in the Hawkesbury-Nepean area. The collaboration between both of our agencies ensured that a community-first focus and streamlined transition from immediate relief to longer term community occurred. As you can see, there are potential areas of overlap between the NSW Reconstruction Authority legislation and our Act, but we are all aware

of that and extremely conscious of it, so we do work closely together to make sure that there is no confusion, either within our agencies or externally within the community.

I'd also like to highlight and, Chair, if you don't mind, I would like to thank our amazing SES volunteers for all of the incidents that they attend. We have over 10,600 volunteers, and last financial year they attended over 30,000 incidents. It's not just floods and storm. It's car crashes, vertical rescue, community first response, land search and much more. What I can assure this Committee is that you can have confidence that the NSW SES and the Reconstruction Authority, along with our other emergency management organisation partners, are absolutely working together for effective preparedness response and recovery against all hazards and, in particular for us, in relation to floods, storms and tsunamis.

DOMINIC MORGAN: NSW Ambulance is committed to collaborating with emergency management stakeholders including the Reconstruction Authority at the local, regional and State level to the benefit of the New South Wales community. This includes, but is not limited to, the development and review of plans; the development, participation and review of exercises; and fulfilling our role in all phases of emergencies in New South Wales. With regard to the Reconstruction Authority, the increasing frequency of concurrent and compounding events supports the need of the NSW Reconstruction Authority and the legislation that empowers it to achieve its primary objectives. These objectives are to facilitate community resilience to the impacts of disasters in New South Wales through prevention, preparedness and adaptation. The coordinated and supported recovery and reconstruction of communities post-disaster can have a significant impact on the health, wellbeing and future resilience of its residents, businesses and the environment, as we know.

Many of the agencies and organisations involved in the response phase to a disaster, such as NSW Ambulance, will leave the area rapidly to continue the response phase in another location or simply return to business-as-usual functions. The NSW Reconstruction Authority rightly focuses on the before and after phases of an event, promoting preparation and prevention to avoid or minimise the impact of events when or if they occur. The NSW Reconstruction Authority Act requires the preparation and implementation of State disaster mitigation and disaster adaptation plans to ensure ongoing preparedness and resilience, as well as, in our view, providing a comprehensive framework aimed at improving the State's ability to handle and recover from disasters effectively. This is an essential component in achieving the broader goal of emergency management arrangements throughout this State.

In relation to TOR (a), from a NSW Ambulance perspective, the terms of the Act remain appropriate. The role of NSW Ambulance is essential during disasters such as floods, fires, heatwaves and storms. The Act supports the centralised disaster recovery, ensuring effective coordination between NSW Ambulance and other agencies like police, fire and health services. Long-term resilience is critical for NSW Ambulance operations. The Act ensures essential infrastructure—ambulance access routes, healthcare facilities and communication systems—remain resilient during and/or after disasters.

In relation to TOR (b), in our view the terms of the Act are appropriate for securing the objectives relevant to NSW Ambulance. The Act allows for the declaration of disaster zones, mobilising resources for NSW Ambulance. This ensures access to medical supplies and rescue equipment, and clarifies priority areas for emergency medical services. The Act grants authority to establish temporary medical facilities, which is crucial for NSW Ambulance in disaster events. Temporary stations or treatment centres close to disaster zones enable immediate emergency medical response.

The CHAIR: Acting Commissioner Platz, I might ask you the first question. This inquiry is into the legislative framework that exists, and next year we'll have a look at the operational implementation of some of that. We have to get this review of the Act done before the end of this year. You mentioned the regular meetings that you have. I don't think that they're bound inside of the Act. Are they scheduled, and what stakeholders come to the table if they are scheduled? Or are they a bit haphazard and occur at the whim of either your agency or the Reconstruction Authority?

DEBBIE PLATZ: I would say that the meetings are definitely not haphazard, although they could be called on quickly, depending on the circumstances. Absolutely, there are certain meetings around certain components of the work that each agency does, which happen on a regular basis. Then they can become more frequent, depending on what's happening in the area. But one thing we do know, between our two agencies, is that the cooperation and collaboration is absolutely excellent and we know it's paramount. Therefore, we continue to work very closely together, particularly in the areas of the prevention and preparedness and then, at the other end, the after, when we transition to recovery.

The CHAIR: Please forgive my use of the word "haphazard". I didn't mean any offence at all. In quieter times, when we're not in response, and we're probably in preparation, management and maintenance, are the meetings on a monthly or quarterly basis?

DEBBIE PLATZ: That would depend on what the meeting was about. There are meetings that happen on a monthly basis or sometimes a quarterly basis. It really depends on what the meeting is.

The CHAIR: Dr Morgan, do you meet regularly with the NSW Reconstruction Authority? Can you give us a sense of the frequency of those meetings?

DOMINIC MORGAN: The way NSW Ambulance is constructed is we're a statutory emergency service under the SERM Act. However, we're not a combat agency. We're probably, in some ways, a little more fortunate than our combat agency colleagues. We don't have as much of the overlap as some of the other agencies have—and necessarily so, I might add. Our interaction with the Reconstruction Authority tends to be very much about a particular topic that we're meeting on. We don't have a set schedule. It would be if there's a particular area our emergency management unit are interacting with, then they'll have a meeting with the Reconstruction Authority on that basis.

Ms LIZA BUTLER: My question is to Acting Commissioner Platz. I'd like to hear more about how you collaborate with the Reconstruction Authority around mitigation and planning work. I think that's a really important aspect of planning for natural disasters in our future.

DEBBIE PLATZ: You're absolutely right. One thing is for sure: Change will continue to happen and our weather will be unstable. Our storms and floods will become more frequent and more intense, so it's really critical that we actually do the preparedness work and the planning work. We have a whole directorate that is set up to specifically look at emergency risk management. Nicole, sitting to my left here, is actually the head of that area. That's the area that works most significantly with the Reconstruction Authority. Nicole, you might like to give some response.

NICOLE HOGAN: Certainly. We work pretty much in depth with the Reconstruction Authority on the State Disaster Mitigation Plan and the multiple working groups that they've actually got set up at the moment. For example, things like the land use planning working group, certainly the executive working group, and a number of other working groups like the Aboriginal and Torres Strait Islander First Nations working group that we're actually involved with with the Reconstruction Authority. We meet regularly with them, in some instances on a fortnightly basis, particularly around the Hawkesbury-Nepean flood risk. We are working closely with them around the Northern Rivers community resilience programs.

An example of some of the things that we've done really are some of the campaign work and the communities of concern work that we've undertaken, particularly in the Hawkesbury-Nepean Valley. We undertook "Floods. The Risk is Real"—previously it was Infrastructure NSW that we worked with, although this section is now folded into the Reconstruction Authority—"Floods. What's Your Plan" and more recently the Future Flood campaign. We are now working with the Northern Rivers under the Northern Rivers disaster adaption planning plus the community resilience program that they've got up there around evacuation modelling, subsectorisation, flood risk and so forth. We are very heavily involved in partnering with the Reconstruction Authority. As the SES is the community trusted voice on the community focus around flood, storm and tsunami, our branding is on a lot of the campaigns. However, they actually assist us in developing those campaigns.

The Hon. SAM FARRAWAY: To both NSW Ambulance and the SES, we've heard from stakeholders that the Reconstruction Authority should play a leading coordination role in not only the emergency response but the preparedness, as discussed earlier. Do you agree that the Reconstruction Authority should take the leading coordination role, and do they have the expertise to have that leading role in response? And should the Reconstruction Authority be leading the revision of the statewide emergency planning, like the State recovery plan and State emergency plan?

DEBBIE PLATZ: In my view, the way that the legislation is set up at the moment, although there are some areas of crossover, we can work with that. If the Reconstruction Authority was to be the lead in response, that would require an enormous amount of legislative reform, not just for the SES Act but the other Acts that we operate under, plus every other agency that has response for any form of rescue across the State. The way the SES is set up is that we have a huge volunteer workforce that is set up within communities all around the State. We have 261 units across the seven zones that we operate in.

All those volunteers, plus staff from our zone headquarters, attend all the local emergency management meetings and regional meetings. We put an onus on them to make sure that they have local knowledge and are able to respond locally. I think if it was a State-led response, that ownership would disappear. That commitment and dedication of our volunteers would be difficult to maintain. But also it's a huge responsibility, and very onerous on the Reconstruction Authority, to be able to have that sort of response impact on the ground right across New South Wales, where SES, Rural Fire Service and other rescue organisations such as the VRA and others already operate.

DOMINIC MORGAN: From my perspective, I'd like to think it always goes back to: What is the problem you're seeking to solve? The organisational capabilities necessary for dealing with all hazards tend to be a very different skill set to the planning and the recovery phase—and, in this case, the reconstruction phase. There are significant organisational capabilities developed over, in our case, literally 129 years that make us experts in the area in which we work. Our ability to move rapidly to meet community needs, because that is literally what we do for a day job—1.2 million triple-zero calls per year—means that, in effect, you would be potentially putting another layer of administration over the emergency services that I'm not sure I've seen played out as being an overt need in this State.

Going to my colleague's point, the level of interaction—having worked in multiple jurisdictions—and collaboration here is quite unique. It's genuinely something that the New South Wales community can be proud of: the way the agencies come together to deliver the outcomes. You heard my colleague Commissioner Rogers speaking before about how, at the end of the day, whether it's their responsibility to help in a flood or not, they'll be there. Why? Because it's what our community expect, and our legislation supports that.

The Hon. SAM FARRAWAY: To that point, Dr Morgan, you answered the question in the sense that emergency response and preparedness are two very different tasks. I could see benefit in the Reconstruction Authority leading around preparedness. But in terms of emergency response, isn't that, as you put it, another layer of red tape? Essentially, it's a whole other layer of bureaucracy when what we need is those who have—whether it's ambulance, SES or RFS, let them do what they do best, and that is the response. My follow-up question is—we should not be trying to muddle the Reconstruction Authority in trying to be this overarching response agency in an emergency. It's more about preparedness and about literally the reconstruction of a community. Correct?

DOMINIC MORGAN: Certainly I agree with your assessment in terms of the scope of the Reconstruction Authority. The other thing that I will say, though, is there are some jurisdictions where they do have an overarching emergency services coordination. I'm not saying it's a wrong model. All I'm saying is we're yet to see the circumstance materialise in New South Wales that would warrant going that extra step. In terms of the Reconstruction Authority, I think you've articulated it well.

Mr RICHIE WILLIAMSON: My question is to both services. I asked Commissioner Rogers the exact same thing. I want to flesh out the community education side of what RA are doing and what your organisations might be doing. My question is around overlap. Do you sense there is some type of overlap in that community education preparedness space? Particularly the SES do a lot. That's no disrespect to the ambulance service—bit of a different situation. I'd appreciate both agencies' input into that education space. Who should be doing it? And, as Commissioner Rogers said, should the RA simply have a role in making sure it's being done rather than actually doing it?

DEBBIE PLATZ: As the Committee is aware, the Reconstruction Authority has an all-hazards approach, whereas our individual agencies are very, I guess, siloed, for want of a better word. But it allows us to have expertise in what our legislative responsibilities are—so, for us, floods, storms and tsunamis. It's not just the strategic approach of working out what to do, which is what we do with the Reconstruction Authority, but it's also the delivery of that community awareness and preparation. And so, for us, we rely very heavily on our volunteers across the State to deliver that message on a local level, whether it be at a community fair or a Rotary meeting or anything that's particular in that particular community. Where we do see a benefit with the Reconstruction Authority and us working together is when it does a campaign which is multi-hazard but can have a focus on our legislative requirement. Again, with the work that we do together and how collaborative we are, we make sure that there is no duplication of effort.

DOMINIC MORGAN: I'd add that I agree with the proposition that the Reconstruction Authority probably does need to have an oversight role in making sure that it occurs. However, I do tend to agree with my colleague that it's less about who does it and more about that it does get done. The other bit is I don't think it necessarily needs to, therefore, be that binary. It doesn't mean that either only SES do it or only RA do it, because I think community education also plays out at different levels. For example, I can see a scenario where the Reconstruction Authority will be heavily involved in education, say, in councils. That may not necessarily be the place that SES might be educated, although they may. But my point is, it is more about is it being done, as long as it's not "We'll be in the same town as you the following week." It's just that collaboration and coordination piece. But I don't think it's necessarily so binary that they shouldn't do it.

Ms SUE HIGGINSON: It sounds like, to date, there has been incredibly good cooperation, really good arrangements and good faith. Obviously, we've experienced these disasters and now we have this authority that is working very hard to be collaborative. It does, however, have some very big muscular powers in its legislation, unlike we have ever seen in any authority in New South Wales before. Are you aware of the powers that the Authority has to issue step-in notices, progression notices and so on, and the carry-out provisions? Some of these

would impact councils only, but some of them may be notices issued to your agencies. Are you aware of those powers? Do you have any concerns about those? Have you had discussions with the Reconstruction Authority about those? Are you aware of the protocol that exists in order to use those powers, and are you satisfied with it? Those questions are to both of you. Clearly, I'm getting at the big powers that it has.

DOMINIC MORGAN: Certainly, yes, I'm aware that it has some very strong powers. I guess my view on that is, I looked at the Queensland model—and we know that's actually quite a mature reconstruction authority; I think it has been going 11 years or something like that—and a lot of those powers have been reflected in the State legislation as well and, I believe, some others. Whilst I'm not personally aware of the protocols per se, my understanding from my colleagues at the Reconstruction Authority is that they have actually only really been exercised three times since they've been—I hope that's correct evidence.

Ms SUE HIGGINSON: I think that's right.

DOMINIC MORGAN: So I'm probably a little bit cautious in that I'm sitting back at the moment thinking that having the powers is not so much the problem; it is the extent to which they're used and seen to be used appropriately. If they're being used conservatively and the outcomes from those interventions have been good and in the interests of the community, then I don't have a fundamental issue with them being there. I think there is some benefit in them being responsible to a select committee which keeps a good oversight to ensure that they're only used appropriately.

DEBBIE PLATZ: I would agree with that. Every State and Territory, as the Committee is probably aware, does operate differently in relation to their disaster management. The Queensland model is a very different model to what we have here in New South Wales. The SES has just transitioned across to come under the Queensland Police Service, and the Queensland Police Service runs disaster management for Queensland. It's a very different model. In saying that, our legislation for the Reconstruction Authority was built on the Queensland model. I believe that there is always opportunity to improve. After every event—particularly our larger ones but even the one that we had in April this year and then again in May and June—we always come together and do after-action reviews and lessons learnt, to make sure that everything is operating in the way that it should, and how we can improve on anything that we did during that time. We've done that with Reconstruction after the April event, and we have no concerns at this stage in relation to the powers that they operate under.

Ms SUE HIGGINSON: I'm very interested, on a completely different track, in your views on whether you think it would be useful for the legislation to refer to "trauma informed" in terms of trauma-informed communications and trauma-informed responses. At the moment, we're silent on that. There's obviously an enormous amount of goodwill and responsibility and experience. I'd be very interested in your views, Ms Hogan, on that.

NICOLE HOGAN: Certainly trauma informed is the approach we take in SES. It is a positive approach to work with communities under that lens rather than just assume every community is the same, dependent upon what they've experienced previously. From that perspective, yes, trauma informed is an approach that we undertake, and it's certainly what we discuss with the Reconstruction Authority. Whether that's specific in legislation or whether that's more around protocols and procedures in how we collaborate together is, I suppose, a decision for this Committee. But that certainly is the approach and the lens which we would take.

Ms SUE HIGGINSON: Dr Morgan, do you have a view on that?

DOMINIC MORGAN: Being emergency health services, I don't think it'll surprise you what my view on this topic is. To use the vernacular, it's not about the house. It's about that deep-seated human loss that people experience. Anyone who works in this space really needs to deeply understand the human connection that people have to their homes, their places of work, their communities. It really does have to always be looked at through that lens.

Mr ROY BUTLER: Thanks, folks, for appearing here today. My question is around thin markets. I represent a large part—almost half—of New South Wales. We have a lot of small communities where we don't have a lot of volunteers available. To that point, do you see the Reconstruction Authority having a role in coordinating the collaboration of different volunteer agencies like the VRA and the RFS? Not so much Ambulance, because that's not a volunteer agency. Do you see that the RA has a role, in those thin markets where you don't have a huge population and the ability to get a team together, in making sure that we can put a truck on the road and a crew in the truck?

DEBBIE PLATZ: I think that is something that we already do. There currently is a project underway that is a joint project led by the Premier's Department and VRA which we are contributing to in relation to rescue, particularly in rural and remote locations. What I would say from the SES perspective is that we don't see a decline in our volunteer numbers. In fact, over the past 12 months we've had 4,000 new applications for people wanting

to volunteer with the SES. That's not to say that we can't do more and want more. And it's not to say that there aren't pockets of places where volunteering is challenging, not just in the numbers but also in the type of activity that we expect a volunteer to do.

Moving forward, there will be that project which will potentially allow, under the State Rescue Act, for multi-agencies to be accredited as one unit. But already we see this happening. There are places around the State where, if an SES unit is called out, they might work together with or co-crew with VRA or RFS. In some instances they go out with Surf Life Saving. The beauty of volunteer organisations, in particular, is that they are so dedicated, passionate and committed to their role that they will work together regardless of what colour their shirt is or what colour their truck is. They all get together to get the job done.

Mr ROY BUTLER: I acknowledge absolutely that there are areas where that is happening. There are also areas where it is not. I suppose that's a challenge for all of us.

Mr WARREN KIRBY: My question is to the SES. When it comes to preparedness, particularly in the Hawkesbury-Nepean Valley, where are the population numbers coming from? Is that from the Reconstruction Authority? Is that from SES? It's a concern specifically related to the '22 flooding events where there was a gross mismatch between the numbers that were in the growth areas and what was understood to be there by the SES at the time.

The CHAIR: Mr Kirby, can I clarify that when you say "the numbers" you mean specifically population numbers in these areas?

Mr WARREN KIRBY: Population numbers, yes. In some cases, they were tenfold underestimated.

DEBBIE PLATZ: We may have to take some of that on notice, but I'll hand to Acting Deputy Commissioner Hogan to answer some of that.

NICOLE HOGAN: Within the Hawkesbury-Nepean Valley, we have, as you would be aware, the 2D flood study that has recently gone out to councils. Prior to that, there was a previous flood study in 2019. That flood extent goes up to the probable maximum flood. It's then taken on that probable maximum flood as to the numbers that are located from a residential dwelling perspective in that particular flood extent. I'm assuming you're referring to the numbers of around 150,000 people who could be impacted by flooding in any particular event. Is that correct?

Mr WARREN KIRBY: The specific example that I'm thinking of is Marsden Park. There was a proposal to evacuate Marsden Park based on the assumption that there were around 2,700 people there when, in fact, there are closer to 30,000 people in that suburb. The proposal was to evacuate it. There's a single road that gets out of that suburb onto Richmond Road. It was assumed that that was a good call to make, until people in the local area pointed out that these numbers are nowhere near what is expected. In the meetings that you're having with RA about preparedness, how much is population factoring into those meetings? And is it having RA in charge of that, having SES in charge of that or having a LEMO in charge of that?

NICOLE HOGAN: It's really a combined effort in collaboration around those particular numbers. What we do with evacuation is a phased evacuation. We wouldn't ordinarily evacuate the entirety of Marsden Park unless there was likely to be an impact for the entirety of Marsden Park or any other area within the Hawkesbury-Nepean. We have up to 400 to 500 sub-sectors for the Hawkesbury-Nepean Valley for evacuation management, and we phase the evacuation based on bureau predictions and the flood type we're expecting. I will take the rest of that on notice, though, as to exactly the data analytics that are used in that space. But we do have data analysts within the SES and, certainly, there are data analysts within the Reconstruction Authority that work collaboratively around those numbers.

Mr WARREN KIRBY: I touched on briefly the role of the LEMOs in the preparedness. One of the things that we are experiencing in that Hawkesbury-Nepean space is a little bit of fatigue when it comes to early triggers of evacuation, to the point where people are ignoring the warnings now. They're being told to get ready for evacuation by SES and, literally, people are just ignoring that. Is there a greater role for either the Reconstruction Authority or council-appointed emergency management officers to play in that space?

NICOLE HOGAN: In regard to the evacuation management?

Mr WARREN KIRBY: In regard to the evacuation orders.

NICOLE HOGAN: The SES is the legislated authority around the evacuation management component, and there are a number of different reasons why we would evacuate the community. It is preferred to get people away from the flood threat rather than actually keep them in place and then rescue them at a later stage. It does come down to when the evacuation routes are actually closed in some instances. You may have a road that is

actually lower lying which will close the evacuation route, so we would potentially evacuate the community based on the type of flood—every flood is different—or a portion of that community, dependent upon the flood that's actually expected in that area.

We do work very closely with the Reconstruction Authority around those subsectors in that space, and I suppose local council. I know the Reconstruction Authority works very closely with local councils, as do we, in the Hawkesbury-Nepean Valley around those aspects. The Future Flood campaign was based on the evidence that we had from research that 70 per cent of people do not evacuate. That's not just in the Hawkesbury-Nepean; that's just generally, but it was a Hawkesbury-Nepean research piece. They do not evacuate when they're advised to do so by the SES, and it is a challenge that we're working with the Reconstruction Authority on around that education piece.

The Hon. EMILY SUVAAL: Apologies in advance if some of this has been touched on—I had to duck out earlier. In terms of the Act, does the NSW Reconstruction Authority have appropriate legislative authority to deploy resources fast enough in the aftermath of natural disasters, particularly where the RA is performing, say, an administrative role with partner agencies?

DEBBIE PLATZ: To date, we haven't experienced any challenges at all in the transition between us and recovery. We have not seen that to date, albeit I think you might have raised it with the RFS commissioner earlier about opportunities to improve should a major event occur. Hopefully we're doing that along the way with all the minor events that we're seeing, such as the ones that happened in April, May and June this year.

DOMINIC MORGAN: Yes, I would probably concur that it's more a case of we haven't seen an issue to date.

The Hon. EMILY SUVAAL: Does the Act provide any emphasis on testing the State's disaster recovery arrangements through a sort of regular exercising and, if not, should it?

DEBBIE PLATZ: I'm not sure whether that's actually explicit in the Act or not, but absolutely we do do exercising. Some of it is desktop exercising and some of it is not. We try to do that as regularly as possible to ensure that we are all understanding what our roles and responsibilities are.

DOMINIC MORGAN: Yes, I think that's correct. I don't specifically have recollection of a reference to exercising per se. But, again, the interactions and the discussions and the number of times we actually have to engage, I'm not seeing an issue at the moment.

The Hon. EMILY SUVAAL: If the Chair will indulge me with a final short question, are there any aspects of the Act that need to be amended to improve the provision and timeliness of funding to disaster-impacted communities?

DEBBIE PLATZ: To date, we haven't seen or heard of any issues in relation to that. I understand there may be currently a review happening at the moment, potentially, but our experience has been that we have no issues in relation to that.

DOMINIC MORGAN: Yes, and I think our experience probably predates the Reconstruction Authority actually, back with Resilience.

The CHAIR: Thank you very much for appearing before the Committee today. You will each be provided with a copy of the transcript of today's proceedings for correction. The staff will also email to you any questions that have been taken on notice. There was one that the SES partly answered and partly took on notice, so we'll get that across to you in writing. The Committee may formulate some supplementary questions that we will send out to you for further inquiry. We kindly ask that you return these answers within seven days, if that's okay. If it's not, please talk to us about it.

(The witnesses withdrew.)

Ms JOANNA QUILTY, Acting Chief Executive Officer, NSW Reconstruction Authority, affirmed and examined

Ms CATHERINE BAXTER, General Counsel, NSW Reconstruction Authority, affirmed and examined

Mr ANDREW GRAHAM, Chief Financial and Operating Officer, NSW Reconstruction Authority, affirmed and examined

The CHAIR: Thank you very much for appearing for us today. Before we proceed, do you have any questions about the hearing process? I didn't think so. Thank you all. Before we start, would you like to make a short opening statement to the Committee?

JOANNA QUILTY: I would certainly like to thank the Committee for the opportunity to appear before you today, and also for the process that you are conducting. Certainly the opportunity to review the submissions and other evidence that has been presented has been very insightful and instructive for the Reconstruction Authority in terms of tracking how we are going at this very early stage of our establishment, confirming where we are on the right track, and also where we need to focus our continuous improvement efforts. I think it's been a really useful exercise. We certainly look forward to the final report, and to continuing to work with the select committee to ensure that the Reconstruction Authority is delivering for communities and is promoting the resilience of communities to the impacts of disasters.

The CHAIR: It's probably worth noting that there's a wide consensus that you are indeed in the very early stages of the work—that's been noted broadly throughout our many hearings—and that you are doing terrific work. Can I put to you some of the things that we have heard along the journey thus far about the Act as it stands. One of our submitters—and they appeared at the hearing—suggested that the incredible power that you have, or the Minister has, to potentially set aside other pieces of the legislation to go about the important work that needs to happen is quite extraordinary, and probably needs a better definition or descriptor about when and how that might happen. Do you have any comment on that?

JOANNA QUILTY: Certainly the primary objective of the Reconstruction Authority is very broad. It is challenging. It is far reaching. In order to achieve that, it requires whole-of-government effort. It requires the RA working very closely with councils, with communities and with other agencies to achieve the outcomes of the Act. That does require significant powers. It is a significant change in the governance framework for how disaster management is undertaken in this State. Having those powers does ensure that we can deliver on what the Act sets out to deliver. I would say that they are very much last resort powers. Where there is an existing statutory power or government process, that would always be the first course of action, and we would only—and do only—resort to those powers when it is absolutely necessary. I think the fact that they have only be used in a very limited number of circumstances very much speaks to that point. I could ask our general counsel, Cath Baxter, to elaborate on that further.

CATHERINE BAXTER: I think it's also worth noting that the Reconstruction Authority has published protocols regarding the exercise of our powers. That was in response to concerns that were raised during the regulatory impact statement process that was undertaken when the Reconstruction Authority regulations were made in 2023. The protocols do set out the way that the Reconstruction Authority will proceed when exercising its powers. The first two steps in that process involve consultation with relevant stakeholders, exploring options of using existing statutory government powers and processes, and identifying if there are solutions that can be used rather than using our more directive powers. So I think it's important to recognise that. The second thing I would say in relation to that is that the exercise of statutory powers is not done in a vacuum. We are governed by administrative law and there are rules and processes that must be followed in exercising statutory powers. We would, obviously, have regard to those as well.

The CHAIR: Excellent. Can I talk about councils as well. What we have heard from a number of councils is that they want to be more clearly defined in terms of their role and the requirement for the Reconstruction Authority to engage. What are your thoughts about more clearly or specifically defining that? Is that a good suggestion or is it going to limit the abilities of the Reconstruction Authority in some way?

JOANNA QUILTY: No, I think it's absolutely the case and we've certainly learnt that lesson through our experience in the Northern Rivers where we did get to the point where we realised we needed that formal mechanism by which to engage with councils. The Community Leaders Forum was established and that's proven a very useful oversight and advisory mechanism. Obviously, you do need that ground-up information and expertise in order to deliver recovery programs that are going to be appropriate and fit for purpose for that community. Based on our experience in the Northern Rivers, in the Central West when it has come to rolling out the recovery and resilience program that is underway at the moment, we established a Community Leaders Forum

right from the outset. It has been very much on the journey with us from the very inception of that program, helping us to define and shape the different components of that \$100 million package.

Most recently, that's been focusing on the Resilient Homes Program and how we roll that out in the Central West. Having that Community Leaders Forum absolutely means that the program we are designing and intending to implement in the Central West will very much reflect the issues and concerns of those communities in the Central West, which obviously are different from the Northern Rivers. So I think we would absolutely agree that councils are critical and do need to have a structured means of providing input to the work of the Authority.

The CHAIR: This will be my final question. We have this requirement at the moment to review the Act because of the considerable powers that are going to be placed into the Act but, as I read it, we don't have a responsibility to conduct ongoing reviews of the Act to make sure that those extraordinary powers are being handled carefully. Do you think it would be appropriate to have another review, or perhaps regular reviews on a three-, four- or five-year rolling basis, going forward?

JOANNA QUILTY: I would, in as much as the role of the Authority is, as I said before, far reaching and what we're setting out to achieve is going to take some years to achieve. It is a long-term goal. We also know that disasters are a very evolving and dynamic situation and that the impacts of climate change, population growth and what that is going to mean into the future have all still to play out. So from my point of view, I would think that having a regular review to ensure that we are using those powers wisely and appropriately, and that they remain effective in terms of what the Act is setting out to achieve, would be appropriate. But I should defer to Ms Baxter for her view on that matter.

CATHERINE BAXTER: I believe it would be appropriate. The Act is very new. A number of the powers have not been exercised yet and a review in three-, four- or five-years time would be informed by a great deal more practical experience.

The CHAIR: Just as a final comment before I pass to Ms Butler, the Deputy Chair, who is down on the South Coast, it does feel like you have been bouncing from event to event to event to event. Obviously, we all acknowledge the importance of preparedness going forward. Getting into that working space of preparedness will be, I think, really interesting and, obviously, beneficial to the State and to the residents of New South Wales if we can avoid some of these more extreme outcomes.

Ms LIZA BUTLER: Thank you for joining us today. Following on from the Chair's questions in relation to what you've learnt from major events and what you're putting into practice, how are you formalising that as the way forward? For example, I know that recently on the South Coast, in our latest natural disaster, we had the tripartite agreement already formalised so that immediately after the declaration was made work could begin. How are we formalising those processes?

JOANNA QUILTY: Thank you, Deputy Chair. I think having those instruments and mechanisms like the formal tripartite agreements, like the guidelines that govern the rollout of programs like the Resilient Homes Program—these are documents that are endorsed by the relevant parties and are then made publicly available. In that sense, they do formalise the arrangements. We certainly undertake after-action reviews and lesson management exercises to ensure that we are capturing the lessons that we learn from each event, and we feed that back into our systems and processes to make sure that we improve them. It is an ongoing process. It is a process of continuous improvement. The more we can formalise and establish the processes and systems to guide our work while still retaining flexibility, because every event is going to be different and every community is different—I think that's what we're working towards, having a greater consistency across how we work and being able to give communities that visibility and that assurance as to how we are going to work with them.

Ms LIZA BUTLER: How are we conveying those processes and systems to councils?

JOANNA QUILTY: Out of the events that happened in April and then again in June in the Illawarra and Shoalhaven area, which I know is more than familiar to you, we have formed a regional recovery committee that is meeting monthly that has councils and relevant government agencies as well as some non-government agency representation coming together. That is a really important mechanism in terms of sharing, ensuring that there is understanding of processes and being able to work collaboratively to achieve the desired outcomes. Together, using that mechanism, a recovery action plan has been developed. That's a really good means of documenting what the priorities are and what the next steps are and then tracking progress against them.

Clearly it's something everyone is doing on top of their day jobs, and I think I heard mentioned earlier that there can be some fatigue around these processes. We're absolutely attuned to that, but we're determined to stay the course. Our regional staff are out there interacting with councils and with communities on a regular basis, building those relationships—because it does fundamentally get down to relationships—so that when an event

does occur, we can come together and we can work collaboratively. We can develop those important mechanisms, such as a recovery action plan, and together focus on that recovery journey.

Ms LIZA BUTLER: Is that just with councils that have experienced natural disasters or is that information, of what would happen in a natural disaster, given to a council area that may not have experienced that before? Are they given that information? "If you suffer an earthquake, this is the process that you will go through with the Reconstruction Authority"?

JOANNA QUILTY: We are in the process of getting out and about and talking to councils, convening regional forums where we go through "This is our new State recovery plan. These are roles and responsibilities across the disaster management system. This is how we want to work with you going forward." We are absolutely in the process of undertaking that kind of an exercise across the State.

The Hon. EMILY SUVAAL: Thank you all so much for appearing today. My first question to you is with regards to funding. Are there any aspects of the Act that need to be amended to improve the provision and timeliness of funding to disaster-impacted communities?

JOANNA QUILTY: I think that there are always improvements that we can make when it comes to delivering funding to disaster-impacted communities as quickly as possible. I'm not sure that it needs to be legislated. I think that it is about the processes and systems that we have in place. We also know, and I'm sure you are very aware of, the review of the Disaster Recovery Funding Arrangements that the Commonwealth Government is leading at the moment, recognising that the arrangements we have in place may have been suitable five or six years ago when they were put in place, but that the ever changing nature of disasters means that they are no longer fit for purpose, which is the reason that the review has been undertaken.

So we await with great interest the outcomes of that review. Hopefully we will see a greater emphasis on risk reduction and preparedness and not a disproportionate focus on response and recovery, which is absolutely important, but we do want to see that broader focus when it comes to our funding arrangements. This is a matter that is close to the heart of our chief finance and operating officer, so I might ask Mr Graham if he will—

ANDREW GRAHAM: Close to the professional heart, anyway.

JOANNA QUILTY: You live and breathe it.

ANDREW GRAHAM: I live and breathe it, sort of. I don't think the Act has any barriers to us providing timely funding to communities—or councils, for that matter. The policy framework has been identified as something that does need review and does need to be looked at in terms of whether or not it is fit for purpose. I think the provisions in the Act provide for the appropriation to be increased, if required, for the Authority and to be reflected in the subsequent budget. That is what we've been relying on over the last few years, to my knowledge; I'm only relatively new to the Authority. But certainly there is a standard allocation we receive as a base, and that is supplemented every year based on the level of disasters that are occurring and the amount of funding we are expecting to draw down in relation to Disaster Recovery Funding Arrangements, particularly with the Commonwealth. I don't think the Act has any barriers to us providing timely support to communities.

The Hon. EMILY SUVAAL: Are there sufficient powers within the Act for the Authority to manage the cumulative impact of recurrent weather events?

JOANNA QUILTY: Again, I'm not sure that is necessarily a matter for the Act. We do know that is one of the limitations of the current funding arrangements, that the cumulative impacts are not necessarily reflected in funding arrangements or able to be taken into account. We know in communities, and certainly the events of April and June, it was the fact that this was, for some councils, their fifteenth natural disaster declaration in a few short years. The mental strain that places on communities, the continual impact on infrastructure that needs to be rebuilt again and again, and the effort that has to go into that is something that we are acutely aware of. We would hope the review of the DRFA will lead to more opportunity to take account of those cumulative impacts.

The Hon. EMILY SUVAAL: So just to be clear, your view is that it's not something that the Act necessarily needs to entertain; it's more, as you say, the underlying—

JOANNA QUILTY: The systems and the processes. I don't think the Act says we can't look at cumulative impacts. It's more other processes and systems that come into play that are somewhat more restrictive.

Mr WARREN KIRBY: Thank you for appearing. We've heard a lot of conversation around emergency services and their role when it comes to the recovery. What is the role of place-based community centres and neighbourhood centres, particularly in regional areas, when it comes to the recovery effort?

JOANNA QUILTY: They play an absolutely vital role, and they are involved and partnering with us from very early on in the recovery phase. When we set up recovery centres, we include our partner NGOs such as

Red Cross and The Salvation Army. Other local place-based organisations very often join us in the recovery centre to be that one-stop shop so that people are able to attend and get whatever it is that they need, be it psychosocial support or access to some emergency provisions. That is there as a one-stop shop. But we recognise that, obviously, recovery extends way beyond what happens in a recovery centre and that it is very much an ongoing process that can take place over many years.

We are able to stand up recovery support services under the funding provisions that are activated once a natural disaster declaration is made, and those recovery support services are generally neighbourhood centres, family support services, place-based organisations who know their communities and who are very connected to the more vulnerable members of communities. They play a really key role in assisting those who have been impacted and who may have already been facing a lot of complex circumstances. They can assist them to navigate the service system and find the support that they need. They are there with them, helping them to really get back on their feet.

That can sometimes take much longer for certain people and for those experiencing disadvantage. These recovery support services very much target those that are not able to get back on their own feet of their own volition, and they are really important partners in the process. From time to time there are other funding packages available that will enable us to fund non-government mental health support services, Aboriginal community-controlled organisations, who play a really key role for their communities—the whole raft of social service organisations that are such an important component of communities, particularly when they are impacted by disaster.

Mr WARREN KIRBY: To follow up on that, our experience in the north-west during the '22 floods and, to a lesser degree, the '23 floods—there were centres set up in the local community centres. However, the agencies that were brought in were not local agencies. They were the larger organisations that don't have a presence in the local area, and that led to layers of dysfunction coming through because people in the local area simply didn't trust these external agencies. Is there capacity within the Act or within the operations of RA to put more of a focus on those local neighbourhood centre organisations, both in terms of preparedness as well as in recovery afterwards?

JOANNA QUILTY: Absolutely. I think we are getting better at understanding who's who on the ground and what role they play and might be able to play in preparedness and in recovery over the longer term. The recent disaster reduction fund, round two, has been announced, and there are quite a number of non-government organisations who are being funded to undertake risk reduction and preparedness activities in their local communities, recognising that they have local know-how, that they're trusted, that they've been in those communities for such a long time and that that is a really invaluable way of doing preparedness—to use those local assets and those resources that are already in place. That's certainly a big component of the disaster reduction fund round two.

The CHAIR: Just for the sake of the record and Hansard, when Mr Kirby says north-west, he means Sydney's north-west.

Mr WARREN KIRBY: Yes, Sydney north-west. Sorry, I did realise that after I had said it.

The CHAIR: When Mr Butler says north-west, he means the entire north-west corner of the State. Anyway, it's important that we get it on the record in case people don't look up our respective electorates.

Mr ROY BUTLER: Thanks for clarifying what the north-west is.

The CHAIR: It wasn't for you.

Mr ROY BUTLER: Good morning, folks, and thanks for being here. We've heard a lot of comments about the Northern Rivers, the South Coast, and the Central West. That is absolutely appropriate because that's where we've had recent examples that have given us a chance to stretch our legs a little bit and try to respond. My question is, does the Act have adequate flexibility to account for areas in remote parts of the State with low populations, low volunteer numbers, big distances and huge geographic areas?

JOANNA QUILTY: I would suggest that the Act does provide that flexibility. I think how we are able to respond and be inclusive of those areas is the challenge. We obviously need to ensure that we are continuing to do better when it comes to servicing those communities, because they do face particular challenges. They often fly under the radar and we can't forget them. It is an ongoing challenge for us, I would say, but I think the Act doesn't prohibit us in any way in that regard.

Ms SUE HIGGINSON: I am curious about the recent terrible example of your powers being exercised wrongly and somebody having their house pulled down without their permission. How is that not, classically, an example of the need to look at the exercise of powers of the Reconstruction Authority more carefully and possibly have more sensible and reasonable constraints around the exercise of the powers?

The CHAIR: Just to clarify, you're asserting that the powers were used wrongly?

Ms SUE HIGGINSON: No, I think the Reconstruction Authority has admitted publicly that powers have been used wrongly.

JOANNA QUILTY: There was certainly a recent instance of a house that was demolished. It was a buyback property that had been settled last year in October, and part of the agreement was that the previous owner would have 12 months to relocate that property, subject to certain conditions. That demolition should not have occurred without first having a discussion with the owner and obtaining their agreement. We have apologised. We have spoken with the previous owner and listened to their concerns. We're working with them on what their options are. I think it was an administrative error. It should not have happened. We called a halt on our demolition program so that we could understand how it happened. We've undertaken an audit to really understand that and to make sure that it doesn't happen again. I think it is about our processes and systems and needing to have better oversight of those, rather than it necessarily being a misuse of power. But I will ask our general counsel if she would like to add to that.

CATHERINE BAXTER: I very much endorse Joanna's comments with regard to this. This is not a situation of the powers being incorrectly drafted or the terms of the Act being inappropriate. This is a situation of the processes that we use to exercise those powers not being exercised as well as they could have been.

Ms SUE HIGGINSON: With the exercise of the powers, it's been referred to that you have made declarations only on a few occasions, and there are protocols around the use of your extraordinary powers. Are you satisfied at this point that all the collaborating agencies are comfortable with the powers? Have you had those conversations with them? Are people leading those agencies satisfied with that protocol? When will that protocol be reviewed? Do you think that there should be more qualifications in the actual legislation now, with this experience, going forward?

JOANNA QUILTY: With the exercise of our powers in relation to Broadwater Public School, that was done in a very consultative and collaborative way. It was School Infrastructure NSW who approached the RA to ask that we use our powers to ensure that the school could be opened for the first term of next year, given that it is such an important community asset and the school community having to be relocated to another temporary site was having a very significant ongoing impact on the students in terms of their educational engagement. There were some physical challenges with the temporary site, resulting in a much smaller play area, much longer travel times, reduced enrolments and some staffing instability—really significant impacts on the overall wellbeing of that school community.

It was Schools Infrastructure NSW that came and asked that we assist with finding a planning pathway to rebuild the school at the original site. As I said, it was a collaborative exercise, so we very much worked with other agencies to understand the risks. We sought advice from the chief engineer to ensure that all relevant requirements would be met. The SES was very involved in that process. I think, by and large, it was seen as a very good use of the Minister's ability or the Minister's powers to authorise that the school be demolished and rebuilt in that location.

Ms SUE HIGGINSON: What are the other examples of where you've used powers to date?

JOANNA QUILTY: We needed to have that declared as a reconstruction area for those powers around rebuilding the school to be able to be exercised, so the declaration of reconstruction areas is a power that has been used.

CATHERINE BAXTER: The seven local government areas in the Northern Rivers were declared a reconstruction area in 2023.

Ms SUE HIGGINSON: Have any of the other powers, such as the step-in notices, been used yet?

JOANNA QUILTY: They have not.

CATHERINE BAXTER: They haven't. The RA has been adopting the approach that we outlined earlier, which is that where there is an existing statutory power or government process that will supply the solution, that is the preference always, and using the Reconstruction Authority Act powers is a last resort. They are powers that are used in situations where the existing statutory powers and government processes are unable to provide a solution.

Ms SUE HIGGINSON: On that, though, what is the threshold? The protocols give you a bit of an idea. But where does the threshold get breached if you have a local government that is saying, "No, I don't want this", or you have a community saying, "We don't want this", and a local government saying, "Some of us do, some of us don't", and then you have some people begging the Reconstruction Authority to exercise some powers to do a

thing but you have a lot of opposition? Under the law right now, all we have is your ability to go, "Well, we're going to do it." What do we do, as the Committee, to say, "Yes, that's fine"?

CATHERINE BAXTER: Each of the powers has a number of statutory preconditions that need to be satisfied before the power can be exercised. I think the Broadwater Public School ministerial authorisation is a very good example of that.

Ms SUE HIGGINSON: I think that is probably our best example. I'm referring to things, maybe if it wasn't public lands, or if it wasn't—there are far more, itchy examples that we could give. That it definitely one of the ones that I think would be seeing a very consensus view all around. I think I'm referring to, what do we, as the Committee, rely on in the kind of scenario I'm painting?

CATHERINE BAXTER: The statutory preconditions would always be the starting point—looking at the power that is in the Act, determining what the four corners of that power are, looking to the primary object of the Act. What is the primary object that the Act is trying to achieve? That is to improve the resilience of communities to natural disasters in New South Wales.

The next step then is to consider and take into account all of the relevant considerations. Where the circumstances permit, that would involve a consultation process with the relevant stakeholders. It's a balancing of those relevant considerations, taking into account the primary object of the Act, which is to determine what is the best decision for the public interest.

Ms SUE HIGGINSON: Is there a public interest override? Is that was you are saying, do you think?

CATHERINE BAXTER: I referred earlier to the rules of administrative law.

Mr RICHIE WILLIAMSON: I agree with you on the Broadwater Public School, by the way.

Ms SUE HIGGINSON: We all do; everyone does.

Mr RICHIE WILLIAMSON: It is a terrific outcome. We've heard a bit from witnesses today about overlaps, through your agency and into their agency. I just want your opinion. Are there overlaps? Are we duplicating some areas of responsibility from one agency to another, particularly around the public education with regards to what your responsibilities are under the Act, versus what, for example, the Rural Fire Service's responsibility might be? I guess we could start there, about the overlaps, just to ensure we're not doing the same thing twice.

JOANNA QUILTY: We certainly don't want to duplicate the work of the combat agencies. They are the experts in their domains. Certainly, the NSW Rural Fire Service is the expert when it comes to preparedness for bushfire season. We don't wish to duplicate. We would want to draw on and leverage their expertise, as we would with the SES and the other combat agencies. So I think our role is more to do with ensuring that there is a joined-up approach and an overarching framework that sits across all of the efforts of the individual agencies.

I think we also can look at where there might be gaps. Where are there particular groups that might be missing out or not getting the messages? And how can we work in a way that is going to strengthen the work of the individual agencies and ensure that we are all adopting that consistent and integrated approach? So we very much recognise their expertise and we recognise their long history of undertaking preparedness with communities. We absolutely don't want to duplicate or take away from that in any way.

Mr RICHIE WILLIAMSON: Would that same philosophy be transitioned into an emergency response role, or not?

JOANNA QUILTY: The Act is very clear that we have responsibilities when it comes to adaptation, preparedness, recovery and reconstruction. But the response phase is very much one for the emergency response agencies, the combat agencies, and not for the Reconstruction Authority. We have to be closely connected with them; we have to be exchanging information and be in a position to transition to recovery. So having those strong relationships and being a part of that system from the outset is really important. But they are in control and in charge while the disaster is playing out, and then we step in when we are moving into recovery.

Mr RICHIE WILLIAMSON: Chair, have I got time for one more?

The CHAIR: To clarify, we have the Reconstruction Authority until 11.30 a.m. They have a one-hour session instead of 45 minutes.

Mr RICHIE WILLIAMSON: We heard from the Rural Fire Service Commissioner earlier today that there was a really strong connection between his organisation and yours. Is that a formal connection? Where I'm leading to is should the Act, if it is reviewed, suggest that there should be one of your officers permanently in the

Rural Fire Service division to ensure that the connections are permanent and strong and that recovery is thought about during the disaster?

JOANNA QUILTY: I think it is about those relationships and working in partnership and not necessarily needing a permanent person embedded in the Rural Fire Service. We have recently suggested that our regional delivery staff need to be members of local emergency management committees, and we have put that to the State Emergency Management Committee, who has endorsed that. It still needs endorsement by the Minister. I think that's a really good mechanism for bringing us into the loop with those emergency response agencies and being able to work with them on preparedness initiatives at a local level, but also ensuring that the transition into recovery and then the ongoing recovery is a coordinated effort and that all of the right players are at the table and contributing to that. I think that goes to what you're talking about—making it a more embedded and formalised set-up. We have lots of other mechanisms and ways of coming together at a broader level or at a more strategic level, but coming together at that local level is really important.

The Hon. SAM FARRAWAY: I have a couple of questions around betterment. Throughout the inquiry we've heard from stakeholders that have suggested the terms "resilience" or how their community is affected, the classic term being "betterment", need to be defined clearer in the Act or in the definition within the Act. Do you feel that the current definitions in the Act of how the Authority plans its policies—or its business-as-usual activities now, it being set up—are clear enough around betterment, resilience and how people that feel they are reflected in the Act?

JOANNA QUILTY: I think the Act is broad enough and covers off on all the relevant issues. It is then those administrative processes, guidelines and arrangements that sit under the Act where that specificity and the need to perhaps incorporate a stronger focus on betterment is needed. But I think the Act itself is broad enough to allow us—it gives us that leeway.

The Hon. SAM FARRAWAY: Can you describe to me how you define "resilience" and "betterment" as definitions within your role within in the Reconstruction Authority?

JOANNA QUILTY: In terms of betterment, that does have a particular definition under the disaster recovery funding arrangements, which does have a big effect on the extent to which it can be incorporated into reconstruction. I might throw to Andrew.

ANDREW GRAHAM: Thanks for this one. I agree that we need to work with everybody to make sure that the term "betterment" is understood across the board, particularly when it comes to asset reconstruction. You'll always get a better asset—sorry, I take that back. You will get a more improved asset because you'll be replacing something with a newer asset. By definition I mean "better", but that doesn't necessarily mean that it's a more resilient asset to natural disaster. Under the DRFA arrangements, the term "betterment" is about improving the asset from the function that it currently performs, and that's the bit where we're working within the policy constraints at the moment to try to identify opportunities where we can improve the asset over and above its current function—increase the width of a bridge, increase the height or the density.

Obviously the policy requirements allow reconstruction of an asset to the existing standards, where they were previously not. So there is definitely a lot of interpretation and misinterpretation in terms of that. But definitely under the DRFA arrangements at the moment, it's about a test of function—replacing the asset to a previous function. Betterment really falls into a category of are we improving the function of the asset and do we need to improve the function outside of the existing standards. But, I agree, definitely, that it's probably not an Act situation but something that we need to work through from a policy perspective about how we utilise the NDRFA and how we utilise the other arrangements.

The Hon. SAM FARRAWAY: It goes to your powers under the Act about recovery, though, because you need a form of betterment to create resilient infrastructure, or have resilience back into the community—whether it is the Northern Rivers, the Central West or wherever. I suppose the question is do you believe that there is progress being made within the Authority and under the Act to negotiate that outcome with the Commonwealth to ensure that betterment comes out as a policy that actually delivers meaningful outcomes, and not gold plating, like the Commonwealth might have—or have in the past—suggested that it is?

JOANNA QUILTY: I think certainly our Resilient Homes Program is about building the resilience of communities so that they can stay together, and that the Commonwealth and the State are delivering that. It is very much about relocating, managed relocation, where the risks are too high for houses to remain there. But in other instances, improving the resilience of that home so that it can withstand the impact of the next disaster and that the recovery is going to be a much quicker and less costly exercise.

The Hon. SAM FARRAWAY: I think when we look at homes it is probably different to broader community infrastructure. I'm just interested in the powers you have. The way the Authority is functioning under

the Act with cooperation with other agencies, in particular the Commonwealth, to deliver that betterment piece. Do you have enough power to deliver the betterment piece long term in reconstruction?

ANDREW GRAHAM: From a funding perspective we are working within the current policy framework, hoping that the outcomes of the Commonwealth review will assist us in terms of shifting our ability to fund resilience activity. So I think the focus of the Authority at the moment is working within the current policy frameworks that we have and looking at the State Disaster Mitigation Plan and the actions that are within that to start looking at how we can use the Reconstruction Authority fund and other activities to start to identify mechanisms to fund resilience. I think that is in the Act—those provisions are there for us in the Act. But we are yet to do that.

The Hon. SAM FARRAWAY: Could one of those ways be for the Reconstruction Authority to establish funds or a policy to create funds or programs that are dedicated to betterment of infrastructure? I make the comparison directly to what the Queensland Reconstruction Authority are doing. Are there plans, internally, under the Act and within the Authority to look at that option as well?

JOANNA QUILTY: The State Disaster Mitigation Plan is looking at that suite of options, which includes mitigation and infrastructure. It includes building the resilience of infrastructure and then other measures, such as community preparedness, social cohesion, evacuation systems et cetera. So it is the whole suite of options that need to inform improving the resilience.

The Hon. SAM FARRAWAY: Do you think having a dedicated fund would give you the ability, though, with that policy—and whether you could establish such a fund like the Queensland Reconstruction Authority have done? If you had the cash there, and you had the fund, it would give you, under the Act, the ability and the power to maybe meet community expectations about rebuilding communities, especially around community infrastructure like roads in particular.

JOANNA QUILTY: I think we're at the early stage of just having put out a State Disaster Mitigation Plan, and we are now going through the process of regional adaptation planning. That is also in its infancy, focusing on the Northern Rivers and the Hawkesbury-Nepean Valley in the first instance, and coming up with the guidelines for how disaster adaptation planning will be done. But a key question, once those plans are in place or start to come online, will be how do these initiatives get funded. How do these plans guide investment in the initiatives that are identified? I think it is something for the future.

ANDREW GRAHAM: There is an efficiencies framework within the Commonwealth policy. Queensland, given their long history ahead of us in terms of delivering the reconstruction programs in a way that makes use of that efficiencies framework—we have that ahead of us. Once our programs are delivered, if we're able to do so at a reduced rate to the initial estimates, then we can reinvest.

The Hon. SAM FARRAWAY: Does the efficiencies framework allow for additional investment at the front end in the rebuilding of the infrastructure?

ANDREW GRAHAM: Yes.

The Hon. SAM FARRAWAY: But it looks holistically over future floods about how that infrastructure would cope?

ANDREW GRAHAM: If we can successfully gain an efficiency in the delivery of reconstruction, it's open to the State to invest in a range of different measures, including resilience.

The Hon. SAM FARRAWAY: A simple example could be replacing a timber bridge with a concrete bridge when you go to rebuild it, because the efficiency would be that the concrete bridge could withstand future weather events and reconnect the community within days, not months or years.

ANDREW GRAHAM: I'm happy to go back to the policy and confirm that. If you're replacing to function to the existing standard, there is scope within the existing framework to be able to do that.

The Hon. SAM FARRAWAY: It's bit clunky, though, isn't it?

ANDREW GRAHAM: It is a bit clunky.

The Hon. SAM FARRAWAY: That's my point. To empower the Reconstruction Authority to meet community expectations, I'm actually trying to support you here and say that you need the funds. We've heard from witnesses about how definitions of "betterment", "resilience" and "affected communities" play out in different scenarios. If we just think about community infrastructure, if we spend \$2 today fixing this infrastructure, we might save \$4 or \$5 for the taxpayer longer term and have better infrastructure that withstands these events into the future. But you have to have the power to deliver that at the front end, correct?

ANDREW GRAHAM: Correct me if I'm wrong, Catherine. We probably do have the powers. The question is the policy support.

The Hon. SAM FARRAWAY: And the money—and the cash.

ANDREW GRAHAM: Yes.

Ms SUE HIGGINSON: With the May deadline, have you been updated on when the Commonwealth's review will be completed?

JOANNA QUILTY: Late in the year.

Mr RICHIE WILLIAMSON: Which year?

Ms SUE HIGGINSON: It was due in May. This year is still on track, apparently? Thank you.

The CHAIR: Following on from Mr Farraway, there is the NSW Reconstruction Authority fund to be established—or has it been established?

ANDREW GRAHAM: To be established.

The CHAIR: Mr Farraway, I guess that's a question for you. Is that what you're talking about—a bucket of money there?

The Hon. SAM FARRAWAY: What has to happen, though—this is why I was fleshing out the power that you have. A lot of it is determined by the Commonwealth because they essentially pay for the majority of this, and we have to get away from that pure like for like. There are provisions in place now that you can apply and you can tweak infrastructure, but it's very clunky. It's just way too clunky. When we talk about preparedness, like we have with other agencies, you can only foresee replacing infrastructure in terms around betterment so much. Decisions have to be made when you rebuild the infrastructure. I think if the Reconstruction Authority is to really deliver based on community expectations, they have to have the power to make those decisions to replace a timber bridge with a concrete bridge. But someone has to pay for it.

The CHAIR: The Feds are doing that body of work. One of the observations that has been made by a number of stakeholders is that the language throughout the current Act focuses pretty heavily on reaction to events and possibly doesn't speak enough to preparation or actions and activities that might be undertaken by the Reconstruction Authority before a disaster happens. I might as well go to you, Ms Baxter, if that's okay. Do you have a view on whether or not there's a good balance about before or after disaster in terms of the language of the current Act?

CATHERINE BAXTER: It's an interesting question as to whether there is balance. But I think it is worth pointing out that there are substantial powers, and the Act does speak to preparedness and prevention. So part of the primary objects of the Act is to improve community resilience to disasters by mitigation, adaptation and prevention of disasters. In part 5, one of the declaration powers that is available is the power to declare a disaster prevention area. That is forward looking and looking at areas of the State which may be affected or are likely to be affected by a disaster. Under section 10 (1) of the Act, there are a range of powers that are available to the RA. Those can be used for preparedness, adaptation and mitigation activities, as well as for reconstruction and recovery activities. I question whether it is useful to look at how many times the words "preparedness" and "prevention" are mentioned in the Act, because it's what the powers can be used for and they can be used for a range of activities. The primary object of the Act makes it clear that mitigation, adaptation and prevention of disasters is very much a primary object.

The CHAIR: Ms Quilty, particularly given your background, a similar question: Does the Act, could the Act and should the Act refer a little bit more to the wellbeing of the community at an emotional, mental health, psychosocial level? It seems to be pretty hardwired towards hard infrastructure, not soft infrastructure.

JOANNA QUILTY: I know that came through strongly in a number of the submissions—that the impacts on the psychological health and wellbeing of the community from cumulative disasters is significant and that it does need to be front and centre for the Reconstruction Authority and, indeed, for all agencies with a role in disaster management. Whether that needs to be more reflected in the Act, or whether it is again about those guiding policies, systems and processes that sit under the Act—how we go about our work and how we engage with communities—it is absolutely something that is ripe for improvement and something that I think we need to continuously turn our mind to.

The CHAIR: Thank you for appearing before the Committee today. We will of course send across to you a copy of the transcript for correction. I don't think anything has been taken on notice to the best of my knowledge. However, the Committee may develop some additional questions that we want to send over to you to probe a bit

deeper. If we do that, we ask that you return them in seven days, if that's possible. If it's not, please speak to us about that.

(The witnesses withdrew.)

(Short adjournment)

Mr STEVE HARTLEY, Executive Director, Resilience and Sustainability, Department of Planning, Housing and Infrastructure, affirmed and examined

Ms KRISTY CHAN, Acting Executive Director, Strategic Planning and Policy, Department of Planning, Housing and Infrastructure, affirmed and examined

Mr DOUGLAS WALTHER, Executive Director, Local Government, Office of Local Government, sworn and examined

Ms MICHELLE FLETCHER, Director, Marine, Coast, Estuaries and Flood, Department of Climate Change, Energy, the Environment and Water, affirmed and examined

The CHAIR: I welcome our penultimate witness panel for today. Before we proceed, do any of you have any questions about the hearing process?

MICHELLE FLETCHER: No.

The CHAIR: Would any of the agencies like to make a short opening statement of up to two minutes?

MICHELLE FLETCHER: Reading through the submissions and the hearing transcripts that I've seen so far, I'm going to be reiterating some points that I've seen others make. It's very early days in the implementation of the legislation. The clauses that stand out to me are some of the powers that are spelled out under clauses 12 and 13—from the environment department's perspective, those powers under clause 12. It would be good to have the opportunity for consultation—although this isn't required yet under clause 14—in those early days of making those decisions, because there could be important information from an environmental values or cultural heritage perspective.

The other point that I would make is around some of the work that is already undertaken by councils and the Act being a little bit silent on that. Some of the things under clause 13, for example—it would be good to have regard for some of the existing coastal and flood hazard studies and plans that are undertaken. The coastal legislation, for example, is very careful around setting out activities that can be undertaken during an emergency so that activities aren't taken that later lock communities in, in terms of rocks that may be placed during a coastal storm, for example. Within the existing framework, there are emergency action sub-plans that set out exactly what you should and shouldn't do. Although those powers haven't been tested, that's where I'm interested.

DOUGLAS WALTHER: I think it's worthwhile clarifying that the primary interaction the OLG has with the Act and the RA more broadly is around the administration, delivery and acquittal of the Local Government Recovery Grants program. That program is a \$158 million grant program through the DRFA. From the onset, the OLG supports the primary objectives of the Act, and we think having a central agency promoting local resilience is important. We also welcome that much of the wording in the Act in relation to councils is largely positive, using words like "support" and "assist". We do welcome that. That said, it was also clear from a number of the submissions from local councils that there have been some teething issues in regards to grant programs, both in the rollout of funds and the acquittal of them. When we compare the New South Wales legislation with the QRA legislation, section 10 (1) (e) in the QRA legislation makes one of the functions of the QRA to administer, coordinate and distribute financial assistance to councils, and we feel that considering similar insertions into the Act in New South Wales may be worthwhile.

STEVE HARTLEY: I would just reiterate, similar to what my colleagues have said, that this is early days in terms of the legislation. Both Kristy and I are from the Planning part of DPHI, and Planning works very closely with the Reconstruction Authority. There's a number of recommendations that we work on and are charged with delivering under the State Disaster Mitigation Plan. But, again, they are very early in terms of their development. But we continue to work closely with the agency and recognise that it is an iterative process. Planning decisions will continue to be made, and we will continue to develop statutory instruments and policy to support and adapt as we go along.

The CHAIR: I'll start with the Department of Planning, Housing and Infrastructure. We have acknowledged earlier today the decision of the Reconstruction Authority to use its powers to make sure that the Broadwater school got up and running. There was reference today about School Infrastructure being involved in the conversations and discussions during that journey. But were you also involved in that conversation, with your role and statutory obligations being set aside? Is that the right phrase? Maybe being overlooked or overshadowed?

Ms SUE HIGGINSON: Overridden?

The CHAIR: Overridden. Anyway, were you involved?

KRISTY CHAN: Not personally, but our regional team and our assessments team particularly were, in the discussions around the assessment requirements. Even though the alternative pathway of using the Reconstruction Authority's powers instead of the traditional DA approval pathway through the EP&A Act was used, it was still a collaborative effort from our assessments teams, who identified those issues and worked through them. And the council was supportive of that pathway being used, and the Reconstruction Authority, the department and School Infrastructure as well.

The CHAIR: Coming back to you, Ms Fletcher, you raised the concern about potentially not being involved, because there's no requirement in the legislation to involve you. Are you heartened to hear that in one of the very few instances they've used their powers they actually have had some engagement with the relevant agencies?

MICHELLE FLETCHER: Absolutely. When the public service works at its best, that is what happens. That would be my expectation—that that would be what happens. We are working closely with the RA all the time, so, yes, I think that is great.

The CHAIR: You're working closely with the RA all the time? Could you expand on that, please?

MICHELLE FLETCHER: In many different parts of the RA's work, we work with them. They have an executive advisory group, which someone above me sits on. There is also the implementation of the State Disaster Mitigation Plan. There are actions that are quite relevant that we sit on regular working groups with. They are also in the process of finalising their disaster adaptation plan guidelines. That is another piece of work that I have been working with them on, and I expect particularly the coastal and flood hazard studies that we do will be informing that work. That is another example of where we work with them.

The CHAIR: Perfect, thank you. Mr Walther, councils have asked to be more specifically framed inside of the legislation as it currently exists. Would you like to make any comments about what that framing might look like and why it would be important? Do you have any concerns about being more specific, because this legislation does require pretty significant flexibility?

DOUGLAS WALTHER: I think we would probably revert to the RA themselves in terms of the workability and any potential unintended consequences of tightening the legislation. We do feel, and I think we heard this morning from the acting CEO, that at least on the ground the RA and councils are working quite collaboratively together. We do also note that it's hard to pre-empt what the disaster may be and when it may be, so tightening the legislation could have potentially adverse consequences. But most of our interactions with councils have been positive in terms of the interactions with the RA, but mostly focused on let's call it the administrative relationship rather than the on-the-ground relationship.

The CHAIR: It's a good point to make. We don't know what the disasters might be going forward. They might be things we haven't contemplated too much. There are some very predictable ones. I am going to go to Ms Butler, the Deputy Chair and Member for South Coast, who is with us on the screen, zooming in.

Ms LIZA BUTLER: Good morning, everyone, and thank you for joining us today. Following on from that last question to the Office of Local Government, we're hearing from councils that, while they support the objectives of the RA, they're concerned that the roles and responsibilities of local government and the Authority are not clear. As you refer to, they're saying they are working on that. What kind of feedback are you getting from councils in that regard?

DOUGLAS WALTHER: Different regions seem to work a little bit differently and have their local plans in place and seem to be working quite well. I think largely the fear relates to the consequences of statewide plans, such as the State mitigation strategy, and what implications that may have at a local level. To the earlier point by DCCEE—the recognition of the work done to date—different councils have experienced different disasters, historically, and have varying levels of capacity to deal with it, which makes it difficult to have a statewide plan in place that assumes that council has a level of capacity at any time.

Ms LIZA BUTLER: Ms Fletcher, you've referred to the coastal management plans and the disaster plans. At what point in, say, a coastal management plan on an estuary that floods do you get involved? Is it after the council has made the decision, or do you come in during to help guide the decision-making process?

MICHELLE FLETCHER: Our program works closely with councils from the beginning. We have regional experts that work very closely with their council counterparts to go through a process of looking at available information, working closely with communities and other stakeholders, and then preparing those coastal management programs. They then go through a formal process of being certified by the Minister for the Environment. Does that answer your question?

Ms LIZA BUTLER: I'm quite involved in the Shoalhaven coastal management plans, for example. They're coming to the end point where they'll go out to the community for consultation—that's the final step—and then it will go to a number of agencies for sign-off before it goes to the Minister. By the time it comes to you for a sign-off before going to the Minister, have you had enough input to make that informed decision to sign it off and have you been involved along the way?

MICHELLE FLETCHER: Yes. Our teams absolutely have been involved along the way, from the stage one study. They've been involved the whole way along the way. Those other public authorities that you mentioned need to provide a letter of support where there are actions within the program relevant to them. They will have been involved along the way as well.

Ms LIZA BUTLER: How do you involve the Reconstruction Authority in that sign-off?

MICHELLE FLETCHER: At this stage the Reconstruction Authority, as with any public authority, only needs to be involved with the sign-off if there's an action within the plan or the coastal management program that is relevant to them. What would happen at this stage is after a coastal management program has been certified by the Minister, it would then be picked up by the RA and considered for a disaster adaptation plan, if it was being prepared for that area.

The Hon. SAM FARRAWAY: This question is probably for Local Government, to begin with, and it's around the definitions of "resilience" and "betterment" in the Act. We just had the Reconstruction Authority here and fleshed this out with them. From a local government perspective, is it fair to say that local councils on the ground—who are at the forefront of rebuilding this infrastructure, whether it's community amenities or roads or whatever it might be—would like to see a greater emphasis on betterment and possibly have it clearly defined within the Act?

DOUGLAS WALTHER: Yes, definitely. Just for some context about the way our program works, the way local government recovery grants work, the payment is made up-front to council, then council expend the funds. It is relatively quickly, but then the grants are acquitted at the back end. I think the lack of clarity around that definition has meant that some of the councils, even though they have the funding, are cautious to expend it because they are not sure if that's going to meet the requirements of the definition at the back end. Some have come to us and waited to spend that money until they've gotten an assurance that it will be acquitted. Especially for some of the councils, if they were required to repay the funds they would be in a difficult position.

The Hon. SAM FARRAWAY: I have a follow-up question, and I fleshed this out with the Reconstruction Authority earlier around their power under the Act to make decisions not only with natural disaster events that have occurred over the last few years but future natural disaster events and around their power to make decisions. They say they are still in that dialogue with the Commonwealth to formalise that. But, from local government's perspective, is it fair to say that this is a priority for local government around betterment, around getting decisions made? Preparedness is important, but decisions need to be made. Should RA have that power under the Act to make decisions around the rebuilding and decisions of betterment or improved infrastructure? Just exclude homes for the moment. We are talking about roads, community halls, amenity blocks and the stuff the entire community uses.

DOUGLAS WALTHER: Definitely. Even though preparedness should be the focus, I think there is a relationship between betterment and preparedness in that if you can rebuild the asset to be better prepared as well, that minimises long-term consequences. My understanding of the issue is it relates to the funds coming from the Commonwealth, so I'm not sure how we can be clearer about that in the Act. But I think councils would certainly welcome it.

The Hon. SAM FARRAWAY: Maybe to you, Mr Hartley, in your role around infrastructure in particular. To meet community expectations, I do think that we need to be looking at some of the definitions and whether betterment is really improved infrastructure, if that is the way it is described. This is really the future in how we rebuild communities, in particular community infrastructure, and how we get it right for the future. Is that something that you think the RA should have under the Act—clearer definitions and the power to make those decisions?

STEVE HARTLEY: I think it's very early, at least from a Planning perspective, to be able to make judgements on whether a strengthening of definitions and so on is needed. I can't really comment on that. The work on the disaster adaptation plans is a critical piece in identifying what those infrastructure needs are, as well as the other needs within a community to improve resilience over time. So we are definitely involved in that DAP, that disaster adaptation plans process, but the expectation is that out of that process there will be, I can't remember the exact wording the RA uses, but the list of matters that should be considered at the local level that will build

that resilience. We are definitely involved in that process, watching it. But I think from a Planning perspective it's probably too early to judge.

Mr RICHIE WILLIAMSON: My couple of questions are to the Office of Local Government, Mr Walther. I don't want to misrepresent all the local government that gave evidence, but I think they all asked for strengthened ties and a formal information-sharing kind of process with their organisation, with their local council and RA. Have you got a view on that? Have local governments raised that as an issue with your office?

DOUGLAS WALTHER: From a local government perspective we always welcome stronger ties with all levels of government. I think, though, the RA have done what they can on the ground to have good relationships. So whether they need to be formalised through legislation or not, I think OLG is probably agnostic to that.

Mr RICHIE WILLIAMSON: Okay. You may not be able to answer this question, either. Do you think that information sharing that local government might be calling for is at an operational level, or at a political level, or both?

DOUGLAS WALTHER: It's probably at an operational level. These things move so quickly and, to most levels of government's credit, I think politics gets put on hold during a lot of these disasters. That's certainly what we welcome. Councils are largely interested in the operational response and minimising any delays in information sharing in order to deal with the event.

Mr RICHIE WILLIAMSON: The political level I was talking about was elected members, not so much the politics of being an elected member but the information sharing between the RA and the elected member body or the operational side—the general manager's portfolio.

DOUGLAS WALTHER: I think both, and I think recent disasters have shown that both levels are important in a disaster. I think communities need leadership from both the elected officials as well as the operational staff within council.

Mr RICHIE WILLIAMSON: I agree.

Ms SUE HIGGINSON: I would love to stick with the powers thing because we're looking at the review of the legislation. The Broadwater example, as the Chair pointed out, was an example of where those executive powers have been used. Do you know what was the specific reason that a DA couldn't be done in the time? Or was it that it could have been done but it would have been terribly difficult and there was a lot of burden on the departments at the time; therefore, we took this because it was a more expedient process? I'm curious to understand. It looks fine, but had it not been a school or had it been something else, it's a big learning for all of us about why we chose to use those powers in that circumstance.

KRISTY CHAN: It's my understanding that it was for expediency. Everyone was on the same book. It wasn't being used to overrule any agencies' opinions in that space. Because it was a school and it wasn't any other use, it was the urgency to get that school ready and up and running for—Schools Infrastructure always talk about day one, term one, and that's what their timelines are working towards. It was seeing that the EP&A Act, as you would know, has lots of steps that need to be followed. Those, in due course, take a great deal of time, even when we know the outcome is going to get to a point of approval. In this case, it's my understanding that the Broadwater pathway was chosen for expediency, to get that approval done so that construction could get started so those children could be at school in the time frame that was expected.

Ms SUE HIGGINSON: Then is it your understanding, as the planning agency, that from now on any interpretation about the use of that power—immediate action is required to protect the safety and welfare of members of the public. Do you now see that the use of that power in relation to the rebuild of any school would fall under that? Was that a precedent-setting exercise of the power? Or do you think that power would be exercised differently occasion by occasion?

STEVE HARTLEY: That is a hard one to answer because it is looking forward at the specifics of unknown circumstances. The principle that we've used in working with the Reconstruction Authority is very much that the way they used those powers is a last resort. I believe there are a number of instances where the Reconstruction Authority could have potentially used those powers and hasn't. We talk daily to the Reconstruction Authority. As Ms Fletcher mentioned, there's a whole government structure that's established to coordinate between the agencies. But those powers are very much seen as a last resort. I'm sure there will be circumstances in the future but, as Ms Chan said, given the timing imperative, it was chosen. Whether it would be the same next time, I'm not sure, because we start from that principle of last resort.

Ms SUE HIGGINSON: Finally, with the protocol that has been developed, do you think—we had evidence early on from independent legal experts, and they said that these powers are overreach. We should

actually be looking at how to try to be more specific about those powers, in particular, because they are so broadly drafted. Where you are going override existing powers, you should be very express about the circumstances in which you do it. At the moment, it's still quite broad. We have an understanding of one. There is the protocol; that's a voluntary mechanism. Would it be considered a protection, from your agency's view, if there was a legislative requirement to have a protocol that addressed these steps? As it stands, the protocol is just a goodwill voluntary measure. Do you have any views on that?

STEVE HARTLEY: Again, that's probably a difficult one to answer without the powers having really been tested. I understand the powers were there for a reason. Part of that reason is to ensure that in circumstances where things need to happen, they can happen as quickly as possible. So I'm not sure if a legislative fix would be great or if it would introduce uncertainty or complications in getting to the outcome. All the agencies work really closely at this stage of the process, and I can only talk to what has happened so far. We do work really closely.

For example, one of the actions that we're accountable for under the State Disaster Mitigation Plan is to work up a suite of planning controls with the Reconstruction Authority. We've worked with the RA and we continue to work with the RA on those types of discussions, which are really not only on how to solve specific circumstances—like where is a policy gap, what guidance is needed et cetera—but actually continue to help define that relationship between the two parties. In this circumstance, how would you utilise the EP&A Act powers? Would they be appropriate? I can't give you a definitive yes or no to legislative change, but it seems to be working pretty well for the moment.

Ms SUE HIGGINSON: When will that work be done? It's ongoing?

STEVE HARTLEY: It's ongoing. For example, the department has recently released a Draft Bush Fire Prone Land Package. That was worked up very closely with the Reconstruction Authority as well as other agencies. We consulted on a shelter in place policy. Again, that was worked up very closely with the Reconstruction Authority and other agencies. We are in touch all the time—DCCEEW and ourselves and the Reconstruction Authority—about how to manage flooding in a land use planning sense. Whilst that action calls out a suite of planning measures, it is an ongoing piece where we continue to work together, look at where the gaps are from each of the agencies' perspective and then look at who is best placed to remedy a result for those.

Mr ROY BUTLER: Thanks, folks, for being here today. Coming back to Mr Faraway's line of questioning earlier, how clear are the definitions and roles in terms of preparedness and response for local government, LEMCs and the Reconstruction Authority?

DOUGLAS WALTHER: Is that to me?

Mr ROY BUTLER: To any of you. How clear are they? I mean, they are not clear to me, so hopefully they are clear to you.

STEVE HARTLEY: I am not part of it but understand that there was quite a lot of clarity between the Reconstruction Authority and that initial emergency management response. I'm not part of those processes. Someone from my team is on the State Emergency Management Committee and so has exposure to some of those discussions. My understanding was that both processes were pretty clear about where that boundary was, but from an OLG perspective, I'm not sure.

DOUGLAS WALTHER: Some of the importance of the local adaptation plans, the State mitigation plans—the various plans have to start at a statewide level and then continue to work their way down to be more localised. I think there is an element of who does what in what particular event, as well. Although we have heard some criticisms from councils to say that the roles and responsibilities aren't clear yet, we do understand that through the plans and through the work of the RA those roles will continue to be clarified into the future.

Mr ROY BUTLER: Mr Hartley, I've heard from you on this already, but how accessible has the Reconstruction Authority been to your organisations?

DOUGLAS WALTHER: From an OLG point of view, extremely. We are in regular contact across different levels of the organisation.

The CHAIR: Ms Fletcher and Mr Hartley, you've both clarified that you've all had terrific access to the RA.

STEVE HARTLEY: I should say both formally and informally. There is some really good governance around the executive committee—I can't quite remember the name—and then I think there are 11 working groups under that, as well as some technical groups. I know, from a Planning perspective, we are on the executive committee. We are a lead member on six of the 11 working groups. So there is a lot of proper due process around engagement, but there are also just good working relationships between the offices, too.

Mr WARREN KIRBY: I have a couple of questions, probably particularly to the planning department. Are you aware of any controls that are in place, either through you or the Reconstruction Authority, when it comes to population uplift and the realisation of surrounding infrastructure to facilitate the movement of emergency services? I'll give you an example. In my area, police often report that they're unable to get to certain areas because the roads are not sufficient to carry the population in the area. In one case in particular, I have six unit towers sitting on a road that's not wide enough to fit an emergency vehicle down it should one of them catch fire. The planning control allows for the road to be full width, but the realisation of the project means only half of it has been built. There are lives potentially at risk in case of a fire or a situation like that. Are there any controls from either Planning or the Reconstruction Authority to be able to say, "You cannot proceed with certain projects because all of this other connecting infrastructure is not in place"?

STEVE HARTLEY: I can probably give a broad answer to that and Ms Chan might be able to follow up. The simple answer is yes. The way the planning system works is a merit-based decision-making process. What the planning system doesn't do is eliminate all risk, so decisions are made where there's residual risk to community or infrastructure. The planning system seeks to manage those and will make decisions about what is appropriate to be sited where. Ms Fletcher has already mentioned the flood framework, the flood risk management manuals. There's a requirement by all councils to apply. Through that process, councils set their flood planning levels. The "one in 100" is a short way of saying that.

Mr WARREN KIRBY: My question is more towards the realisation of this. The planning control might say there's supposed to be a road there, but if that road hasn't been built, are there any controls to be able to limit future projects from being built in the area? We've seen this with schools, with housing, with multiple things in the north-west of Sydney where the connecting major infrastructure simply hasn't been built to support the project that's being proposed.

KRISTY CHAN: Development consents wouldn't be issued if the infrastructure wasn't there or able to be provided. Generally, at that occupation certificate stage, certain things need to be demonstrated. For example, connection to sewer, water and electricity needs to be demonstrated before people move in. The issue you raised with the roads being half built is a bit more complicated because, in the examples that I'm aware of, the half of the road that hasn't been constructed is on private property. Whilst consent exists for it, it still relies on the owner of that property to build their side of the road. The consents in those areas really are predicated on the fact that the approval exists and it will be built. The timing is always a tricky approach in terms of when things get done, but the way the planning consents are designed is that the developments that are approved and constructed shouldn't be occupied until the basics have been met.

Mr WARREN KIRBY: I'm talking about the broader area, and I can tell you that, fundamentally, it's just not being done. There are multiple constructions still going on within that particular development that gets approved, but it might be a road two kilometres away that hasn't been built which prevents—I can tell you that in one town, the fire brigade has to go on the wrong side of the road for about 500 metres because roads around it haven't been built. There are serious issues with moving emergency vehicles around to respond to incidents. If I could follow up with that, there's also the provision of those emergency services when it comes to planning control. Is there some kind of lever for the amount of population versus the amount of emergency services that are there—not planned to be there, but actually there?

KRISTY CHAN: Part of the rezoning process would particularly take into account how much infrastructure is currently available and how much is needed. In fact, that's usually why it takes a long time for greenfield areas, in particular, to get approval. It takes time for those other agencies that need to provide the area-wide network road, for example, to be agreed upon and put in place. In terms of the population projections, it would take into account how many people are currently there and what the projected uplift is as to what infrastructure is needed. It is part of the consideration in the rollout, the staging of it, the staged release of land and approvals, depending on the upgrade of the infrastructure.

Mr WARREN KIRBY: Are there controls to prevent more population if those milestones haven't been met?

KRISTY CHAN: The controls would be the approval of certain stages of development. The State Government, or our department, wouldn't release certain parts, wouldn't approve certain areas of rezoning or subdivision layout in particular, until certain requirements had been met for the amount of infrastructure required.

STEVE HARTLEY: An example is Penrith city centre has three stages of development. The approvals are in place, but only stage one is developed because those other precursor infrastructure and evacuation measures aren't there. So, really, whilst the approval is there, there's a cap, I suppose. Your control is your cap.

Mr WARREN KIRBY: I'll give you one where it hasn't happened: an abandoned road at Vineyard, which was supposed to be built when 25 per cent of the North West Growth Area was realised. We're now close to 40 per cent and the road hasn't been funded, so it still doesn't exist, yet those developments are continuing. I'm curious, is there a way to pull the brakes?

STEVE HARTLEY: I'm not familiar with that one so, sorry, I can't comment.

KRISTY CHAN: I think we can take that one on notice to get some information back to you about what's happened in that regard.

STEVE HARTLEY: But more broadly, yes, we're aware of numerous circumstances where development approvals do set caps, or limits, or stages. But I'm not sure about that one.

The Hon. EMILY SUVAAL: Thank you so much for appearing today. My first question is whether there are any aspects of the NSW Reconstruction Authority Act that you feel need to be amended to improve the provision and timeliness of funding to disaster-impacted communities.

STEVE HARTLEY: That's not really within our experience.

DOUGLAS WALTHER: The only one that we would touch on was the point made in the opening statement around the coordination of grant funding. Councils may be working with different government organisations for different grants which stem from the same event and then those people they're dealing with are different to the people they dealt with during the disaster as well, creating a need to explain the events multiple times and have different acquittals.

The Hon. EMILY SUVAAL: Do you have any suggestions for how we could improve the arrangements that exist between the RA and, say, OLG or others?

DOUGLAS WALTHER: Yes. QRA has a more centralised funding structure and set-up and their legislation allows for that, in that it's a single agency acquitting and providing the grants for the different aspects, whether it's a road grant or whether it's any other grant.

The Hon. EMILY SUVAAL: Do any of the other agencies have any comments on that? No, thank you. In terms of the Act itself, are there sufficient powers within the Act for the Authority to manage the cumulative impact of recurrent weather events? This one may, again, be particularly relevant for you, Mr Hartley.

STEVE HARTLEY: Broadly, from a planning perspective, again, whilst it is very early days and hasn't been tested, one of the concepts within the State Disaster Mitigation Plan is the tolerable risk and the consideration of cumulative impact. That's a piece that we're working very closely with the Reconstruction Authority on. We're obviously very interested in that from the perspective that, once defined, that concept will really help from strategic planning all the way down to site DA considerations. I'm not sure if that's defined in the legislation, but it is definitely in the SDMP and, from a Planning perspective, a pretty critical piece in understanding impacts now and the management of those impacts, and the impact from those impacts in the future.

The Hon. EMILY SUVAAL: Would you say that the NSW RA has appropriate legislative authority to deploy resources fast enough in the event of a natural disaster, obviously particularly when working with partner agencies like your own?

DOUGLAS WALTHER: Rather than the RA deploy resources, we would probably say the RA coordinate the deployment of resources. I think, from a local government point of view, it's more about the RA knowing the capacity of council, knowing what functions council can deliver, and everybody knowing what their job is in the event. So rather than RA particularly coordinating the resources, it's about the respective agencies knowing what their role is and being able to do it, and then RA stepping in as a last resort if the respective agency hasn't been fulfilling their functions.

The Hon. EMILY SUVAAL: A final question from me: Does the NSW RA Act provide any emphasis on testing the State's disaster recovery arrangements through exercising and, if not, should it?

STEVE HARTLEY: That's a good question. I'm actually not sure whether the Act includes those provisions or not.

The Hon. EMILY SUVAAL: Do you have a view about whether or not the Act should be amended to specify the need for regular exercising of such arrangements if it does not?

KRISTY CHAN: Evaluation and monitoring are always built into everything we do, even without a legislative trigger. Once the disaster adaptation plans are made and they're out there and have been out for a while, they do get reviewed, even if they're not tested in a real-world example.

Ms SUE HIGGINSON: Which I'm sure they will be, unfortunately. I'm sure we won't need any practices.

KRISTY CHAN: Yes. I'm sure it's only a matter of time. But there'd still be evaluation and monitoring, and then further review and updating—hopefully not after the next disaster but in a more proactive way. But that's built into almost everything we do in the planning system where we constantly review the provisions. It may not look like it from the outside because sometimes they don't need to change and sometimes the review takes a while, but it is still happening behind the scenes.

DOUGLAS WALTHER: The only other thing I think I should probably stress on behalf of the sector is that for any requirements for testing or simulations et cetera, cost impact on councils would have to be considered.

Ms SUE HIGGINSON: Well done.

The CHAIR: Mr Kirby has one more quick follow-on question.

Mr WARREN KIRBY: This is for Ms Fletcher. Is communication and consideration given to the heat effects to the Reconstruction Authority? There are estimates from doctors that, with the growing heat in certain areas, the risk to life overshadows every natural disaster that we've had because of, particularly, urban heat. Is that part of the consideration between your department and the Reconstruction Authority?

MICHELLE FLETCHER: It's not actually my portfolio area, so I'm not sure on the answer. I can't remember. Did the State disaster risk assessment—in Planning?

STEVE HARTLEY: Yes, it does fall within my area of accountability within Planning. Yes, urban heat is something that the department of planning is already doing work around and we've got information on our website. And you're absolutely right: I've seen stats that urban heat is the highest or second highest risk of all natural disasters. We are part of a council community and sector-wide urban heat taskforce that is being run by the Western Sydney Regional Organisation of Councils, which is doing some really interesting work in this space. It's Greater Sydney centric, but we've got some data which looks specifically at heat risk, and we work with local councils across Greater Sydney on what that means.

Mr WARREN KIRBY: And the RA?

STEVE HARTLEY: We've been doing that work for a number of years, so we actually contribute that to the SDMP—it includes urban heat—and we're providing our expertise in that space to the Reconstruction Authority.

The CHAIR: Just on the SDMP, I can't see anywhere in legislation that RA were required to engage with you. But did they engage with your various departments in developing the—

MICHELLE FLETCHER: Yes.

DOUGLAS WALTHER: Yes.

The CHAIR: What about the disaster adaptation plans? Do you continue to be available to participate in those as well?

STEVE HARTLEY: Absolutely. As I was saying before, there's a broad-ranging formal governance structure in responding to the consultation on the disaster adaptation plans but also the actions under the SDMP and what the DAPs, or disaster adaptation plans, will look like. As I was saying before, we're on six of the working groups. Those working groups are actually multi-agency working out parts of what will be DAPs in the end. So, yes, very close and very regular.

The CHAIR: Thank you for appearing before the Committee today. We really appreciate your time. We will be providing you with a copy of the transcript for corrections. I believe you've taken one question on notice, so we will provide you with a copy of that as well. On top of that, the Committee may develop further questions that they want to put to you, and we'll send those across. If we do that, we ask that you return those within seven days, if that's possible. If it's not, please talk to us about that. I also thank you for your service to the people of New South Wales in your roles.

(The witnesses withdrew.)

Mr SAM TOOHEY, Executive Director, Emergency Management, Premier's Department, affirmed and examined

Mr NATHAN VINCENT, Director, Emergency Management, Policy and Coordination, Premier's Department, affirmed and examined

The CHAIR: Welcome to our final witnesses for this inquiry from the Premier's Department. Before we proceed, do you have any questions about the hearing process?

SAM TOOHEY: No.

The CHAIR: Before we start questions, you do have an opportunity to give us a very brief opening statement, two-minutes or less, if you'd like to make one.

SAM TOOHEY: I think we're both happy to go to questions.

The CHAIR: I will ask a broad question right up-front. We all understand that the Reconstruction Authority is very young in terms of its existence and, obviously, it's been bouncing from event to event, so there's still a lot of stuff they haven't done in terms of preparedness. At the moment do you have any concerns that the powers are too broad or not broad enough? Do you have any line of sight around the very small number of instances—I think it's three—where they've exercised their powers to set aside some other legislation to make approvals? Do you have any concerns or are things proceeding as you think they were envisaged to proceed with the Reconstruction Authority?

SAM TOOHEY: I think we're very happy that the Reconstruction Authority hasn't had the opportunity to exercise its powers insofar as they're usually in response to bad things happening.

The CHAIR: Indeed.

SAM TOOHEY: But it does make it difficult to do a substantive review of the exercise of those powers in the absence of that.

The CHAIR: Agreed. Following on from that response, at this stage the Act requires this particular review to take place, but there's no provision for further reviews. Given that we haven't necessarily seen the Reconstruction Authority exercise a whole range of possible powers, do you think it would be appropriate that there is another review similar to this in perhaps three, four or five years, or purely that it becomes a rolling review of these powers so that the Reconstruction Authority would always need to answer back to Parliament in terms of what they were doing?

SAM TOOHEY: I'm not sure I'm confident that we're in a position to advise Parliament on that, but it certainly seems like a sensible suggestion. I would note that, absent of the parliamentary review, it is open to the Ministers administering to conduct their own reviews of the legislation in due course. I'd also just note that, of course, the agency is subject to a range of assurance measures such as performance audits by the Audit Office and the like during the course of its operations.

Ms LIZA BUTLER: Thank you for attending today. Some stakeholders have stated that the Authority's remit is broader than its predecessor's and expressed concerns about the duplication of work and/or programs across multiple agencies and government departments. How has the Government and the Reconstruction Authority managed coordination and collaboration between agencies in order to minimise this duplication and overlap of responsibilities?

SAM TOOHEY: I think I may have overheard your last witnesses' reference to quite a substantial governance structure that the RA has instituted in support of the SDMP. That's certainly something we've been part of. I would also note that their legislation works, I guess, cohesively with the State Emergency and Rescue Management Act, so they're intimately involved in the operations under that Act as well. If I might give you an example, Lisa, all throughout the last calendar year the Premier's Department, under the auspices of the State Emergency Management Committee, ran a substantial review of the State Emergency Management Plan, which was finalised and published in December that year. But we did that concurrently and hand in glove with the Reconstruction Authority leading a review of the recovery plan, which operates as a supporting plan to the end plan. We did that, I think, pretty cohesively to ensure that the documents spoke to each other seamlessly.

Ms LIZA BUTLER: That is what I was trying to get at—how you're monitoring the rollout of the RA in its new form. Is there anything you'd like to add, Mr Vincent?

NATHAN VINCENT: Just to say that I suppose the Reconstruction Authority is a part of that State Emergency Management Committee and I guess it participates quite well. Through the rollout of its new

initiatives, they come through the committee. They are open to discussion and the view of the combat agencies and the functional areas that are represented on the committee. As Sam was saying, I suppose the two Acts, the State Emergency and Rescue Management Act and the NSW Reconstruction Authority Act and the implementation that's happening at the moment is coming together well.

The Hon. EMILY SUVAAL: My question to you both is whether there are any aspects of the NSW Reconstruction Authority Act that you think need to be improved to improve the provision and timeliness of funding to disaster-impacted communities and, in addition to that, whether you had any comments on the previous witnesses' mention of the model that's used in Queensland.

SAM TOOHEY: I guess I would offer that the challenges around activating disaster funding assistance is perhaps not so much a legislative one and more a challenge that a lot of States and Territories face working. I'm trying not to sound too critical, but we work within the rules set down by the Commonwealth Government under their disaster recovery funding arrangements, which is a Commonwealth Government document or policy, and it's quite prescriptive in terms of how certain measures can be activated, in what circumstances, and then how it's acquitted and, ultimately, funding reimbursed to States. I'm not sure that legislation is the answer. I think it's an ongoing process of working nationally to ensure that those systems are a bit more responsive. For what it's worth, I know that both the Reconstruction Authority and ourselves have been quite active in working with the Commonwealth Government through a range of reviews that are currently afoot to try to promote the need for a speedier response to community need in these circumstances.

The CHAIR: Just for ultimate clarification, the Commonwealth is currently reviewing some of that funding arrangement right now. Is that correct?

SAM TOOHEY: Absolutely. In fact there are many a review. The DRFA, the Disaster Recovery Funding Arrangements, which is a 2018 document, has just been through a quite substantial review process. It's more a technical review about those procedures. More broadly, and I guess almost more thematically, former AFP Commissioner Andrew Colvin was engaged to lead a review about how we, as a nation, fund resilience more broadly, and do we have the mix right between response and recovery versus how we build resilience capability into our communities more broadly. Both the reviews I think are completed, but we're yet to see the final products as a State.

Mr WARREN KIRBY: My question is surrounding the RA's role in emergency response and also preparedness. Do you think that they should be playing a lead role not just in emergency response but also in that preparedness for disasters?

SAM TOOHEY: I think the answer is absolutely, but I need to qualify that slightly. The RA has been established, in large part, to drive greater disaster preparedness and they have a key role in that space, both at a community level and building community resilience, but also through that broader mitigation, adaptation, land-use planning, coordination and the like. In terms of response, I'd have to qualify that to say we have arrangements where we nominate lead agencies to lead the response to different hazards. The Rural Fire Service response—forgive the jargon—is the combat agency for bushfires; the State Emergency Services is the combat agency for flood, storm and tsunami; and Fire and Rescue is the combat agency for major structural collapse when buildings fall over and so on. That's not to say that, whilst those combat agencies are leading in response, the RA will have an integral role being part of the coordinated arrangements and doing recovery planning whilst such events unfold.

Ms SUE HIGGINSON: I'm just curious—it's a question I've been asking everyone about the breadth and depth of the powers within the legislation—from where you sit, are you certain that they're still entirely necessary?

NATHAN VINCENT: I think it's fair to say that they were established after a catastrophic event. It's difficult to make assumptions about when and whether that will happen again. It's a difficult one to answer, I think.

SAM TOOHEY: I think one observation is that I understand the Queensland Reconstruction Authority has very rarely used its extraordinary powers. It's not necessarily a bad thing to have on your quiver—the ability to have these to hand if circumstances warrant it—but maybe the kind of measure of success is their use very sparingly.

Ms SUE HIGGINSON: Does it concern you at all—some may consider this a long bow to draw, but I don't at this point, particularly because I'm from Lismore—that in the last week the Reconstruction Authority has literally demolished somebody's home without their consent? I'm just curious. Does giving an authority such a breadth of power also provide a sense of impunity about the things they go about? Is this something that the Premier's Department is aware of, that they are concerned about, or that they might consider it's important to look at this consideration?

NATHAN VINCENT: I don't think it's something that we're particularly concerned about. I think perhaps we need a bit more time to look at that aspect and to see how the powers play out in practice.

Ms SUE HIGGINSON: I'm not trying to be nasty here, but wouldn't you think it concerning that a house that the Reconstruction Authority has bought back—there is still a very clear arrangement, like there is with hundreds of people right now across the Northern Rivers, particularly in my town of Lismore, that the house still belongs to the person who owned it formerly—has been demolished without their permission? Is that not something that you would find concerning?

SAM TOOHEY: I have to confess I'm unfamiliar with the circumstances.

Ms SUE HIGGINSON: It was reported quite widely on the weekend in the ABC news. I just thought maybe everybody was aware of it by now.

SAM TOOHEY: I think your question goes to should such powers have appropriate oversight and assurance?

Ms SUE HIGGINSON: Yes, very much so.

SAM TOOHEY: We're certainly not against that. I think this Committee's review is very much intended to be an element of that. I guess I'd also add, and I don't know if this will give you as much comfort, but certainly it is the role of the State Emergency Management Committee—it has many roles, but one of the roles is to review and reflect upon operational experience, outcomes of events, outcomes of inquiries, outcomes of exercises and advise government if there are any changes to policy, procedures and other things if required.

The Hon. SAM FARRAWAY: Mr Toohey, you raised, obviously, the review of the DRFA by the Commonwealth. Is it your understanding that under that review the New South Wales Government has contributed, or did they contribute, to that review on behalf of RA around the definition of betterment, the future of betterment, through DRFA funding and arrangements?

SAM TOOHEY: Yes. I believe there is an interjurisdictional DRFA working group, and RA is a part of that. I know we have a series of principles about what we would like to see about funding reform going forward, and betterment is certainly right up amongst it.

The Hon. SAM FARRAWAY: And how that could then fit into the Reconstruction Authority's policies, BAU, but obviously under the Act, and how they operate at the moment. With that, what is the understanding or the position of the Government around the power that RA needs to make those decisions about the improved infrastructure when rebuilding that infrastructure in the future, not only for flood or natural disaster events over the past few years but for future natural disaster events?

SAM TOOHEY: Certainly from the review point, the point of view of advocating through the review process, it has previously been strongly put by New South Wales and supported by other States and Territories that betterment should be a default as opposed to an extraordinary assistance measure. It should be hard-baked into—

The Hon. SAM FARRAWAY: It should be BAU.

SAM TOOHEY: It should be BAU about how we do reconstruction after a major disaster event. In terms of the powers of the Reconstruction Authority, I just feel it would be better to defer to our colleagues at the RA to speak about the greater detail.

The Hon. SAM FARRAWAY: But I suppose from that point of view and in delivering the coordination roles that you have for government, is it the Government's view that RA need that power, they need that ability, as policy, to have support from the Commonwealth to have betterment or improved infrastructure as part of business-as-usual activities in the future?

NATHAN VINCENT: What might be worth mentioning here is the State Disaster Mitigation Plan. Through that plan, and through the disaster adaptation plan process, it will allow the Reconstruction Authority to identify, I suppose, a pipeline of projects around improving the resilience of infrastructure throughout the State and that will put New South Wales in a much better position when it comes to asking for funding from the Commonwealth in relation to those disaster mitigation projects.

The Hon. SAM FARRAWAY: I accept that in itself will go a long way towards preparedness for the future. But how do you deal with the significant backlog of projects and infrastructure that needs to be built and rebuilt for communities across the State when RA—under the Act, the definition of what betterment is and the community expectation, but also the fact that it is an incredibly clunky process? We've heard throughout this inquiry that the definitions should be looked at, but also why doesn't RA have the ability and the power to make

those decisions? Obviously funding is separate. From the Premier's office point of view and, in your roles, I'm just interested to know how have we advocated for this through the review, and how do we support RA under the Act to have these powers to make those decisions which will, long term, build better infrastructure and meet community expectations?

SAM TOOHEY: I might reflect that maybe it's less a legislative issue and more a question of these procedures we're talking about with the DRFA 2018 document, which provides for categories of assistance with categories A and B being, if you like, the standard available to any event, and categories C and D being the extraordinary assistance. Under those standing category A and B categories there is, frankly, a lot of bureaucracy and a baseline expectation that assets will be built back to a pre-disaster condition—not a better condition, not a more resilient condition, but up to a level that is commensurate with the status of the asset prior to the event, which in many senses is a bit bizarre.

The Hon. SAM FARRAWAY: Can I just jump in there, Mr Toohey. That very point—and I agree with you 100 per cent—actually restricts RA's ability in New South Wales to deliver community expectations, correct?

SAM TOOHEY: What I think we've seen happen is States and Territories endeavouring to push more assistance through those extraordinary categories of assistance—categories C and D—and I guess building greater flexibility into how that assistance is provided to local councils and local communities to enable betterment to be an outcome. What we're doing, in essence, is really bending the categories of assistance to funnel this money through these extraordinary measures. I think the challenge before us, or the challenge for the Commonwealth Government, is to try to reset those settings so we're not ballooning everything through those category D measures, but it's hard-wired into the standard measures.

The Hon. SAM FARRAWAY: So really the RA, under the Act, can only deliver betterment or improved infrastructure to a certain point and are hamstrung to a degree until the Commonwealth either restructures or changes the overall structure of the DRFA funding arrangements.

SAM TOOHEY: I would be wrong to say that there isn't some provision.

The Hon. SAM FARRAWAY: It's just very clunky, isn't it?

SAM TOOHEY: This, I guess, is an opinion.

The Hon. SAM FARRAWAY: And I'm agreeing with you.

SAM TOOHEY: The betterment provisions under categories A and B are extremely clunky, to use your phrase.

The CHAIR: Thank you for appearing before the Committee today. You will each be provided with a copy of the transcript for correction. The Committee staff will email any questions taken on notice. I don't think there were any. The Committee may also develop some questions that we want to get across to you as well. We ask that you return those within seven days, if that's possible. If it's not, please talk to us. That concludes our final public hearing in this inquiry. Once again, I place on record my thanks to the many witnesses who appeared both today and on previous occasions, as well as the many people who took the time to make submissions and, of course, to my Committee members and the Parliamentary Secretary and services, audiovisual and Hansard, who make it all possible.

(The witnesses withdrew.)

The Committee adjourned at 12:55.