

LGASA Response to the Final Report of the Royal Commission into National Natural Disaster Arrangements

Final Response

February 2021

Note: This response was noted by the LGA Board of Directors at its meeting on 18 February 2021.

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Introduction

About the Local Government Association of South Australia

The Local Government Association of South Australia (LGASA) is the voice of local government in South Australia, representing all 68 councils across the state and the Anangu Pitjantjatjara Yankunytjatjara.

The South Australian *Local Government Act 1999* recognises the LGASA as a public authority for the purpose of promoting and advancing the interests of local government. The LGASA is also recognised in and has prescribed functions in 29 other South Australian Acts of Parliament. The LGASA provides leadership, support, representation, and advocacy relevant to the needs of our member councils.

The LGASA is a strong advocate for policies that achieve better outcomes for councils and the communities they represent. The LGASA welcomes the opportunity to respond to the Final Report of the Royal Commission into National Natural Disaster Arrangements.

The LGASA also provided a response to the questions raised in the Notice and Summons of the LGASA dated 15 June 2020.

Notice and Summons

The LGASA was issued with a *Notice and Summons of the Royal Commission into National Natural Disaster Arrangements* dated 15 June 2020 and was also asked to provide verbal evidence.

The *LGASA Response to the Notice and Summons of the Royal Commission into National Natural Disaster Arrangements* dated 19 June 2020 focussed on the six areas requested by the Commission:

1. **The role and responsibilities of the LGASA in relation to assisting local government and communities to prepare for, respond to and recover from natural disasters**, which explained the significant role it has under legislation to support councils through the Local Government Functional Support Group (LGFSG) facilitating coordination, communication and resource sharing between councils as well as representing the local government sector at key leadership committees.
2. **The role of the Local Government Emergency Management Framework (LGEMF)** which outlines the approach to emergency management for local government and clarifies roles and responsibilities as well as connections with state, national and international arrangements.
3. **The Council Ready program** which supports councils with emergency management planning and to produce contemporary and consistent emergency management documentation.
4. **The role of LGFSG which supports councils in preparing for natural disasters**, such as through training and technology, responding to natural disasters, such as through a State Duty Officer and maintenance of a State Coordination Centre, as well as recovery from natural disasters, such as through coordinating council activities.
5. **The i-Responda platform, which provides technological support** to councils and state agencies.
6. **Opportunities for improved coordination between local State and Federal government**, through improved technology, opportunities to deploy staff and create cross-border arrangements.

LGASA Response to the Royal Commission Report

The LGASA:

- commends the Commissioners and the Counsel Assisting on conducting a comprehensive process and preparing a thorough and digestible report;
- commends the Royal Commission for recognising the role of local government in emergencies and seeking greater detail on that role through a Notice and Summons;
- was pleased to support the work of the Royal Commission and expended significant resources on providing that support;
- commends the Royal Commission on identifying areas of improvement and its clear recommendations without necessarily providing the means for doing it;
- recognises the need for a systematic approach to implementing the recommendations, and urges the Australian government and the South Australian government to allocate significant resources to this task; and
- supports the recognition in the Royal Commission's findings that, while local government performs an important role, it needs funding to ensure that its role and responsibilities can be effectively discharged.

Key Recommendations of the Royal Commission Report

The LGASA supports these two key recommendations which impact on local government:

Recommendation 11.1 Responsibility for local government disaster management capability and capacity

State and territory governments should take responsibility for the capability and capacity of local governments to which they have delegated their responsibilities in preparing for, responding to, and recovering from natural disasters, to ensure local governments are able to effectively discharge the responsibilities devolved to them.

Recommendation 11.2 Resource sharing arrangements between local governments

State and territory governments should review their arrangements for sharing resources between their local governments during natural disasters, including whether those arrangements:

- (1) provide sufficient surge capacity, and
- (2) take into account all the risks that the state or territory may face during a natural disaster.

Recommendation 11.1: Responsibility for local government disaster management capability and capacity

This important recommendation of the Report is supported by the LGASA. The SA State Emergency Management Plan (SEMP) recognises the role of local government in emergencies, but in giving councils that responsibility, it must be supported through appropriate funding.

The LGASA seeks support for the following outcomes:

- **The LGFSG model that supports the provision of local knowledge through local government**, which has been proven to be invaluable in supporting local government in tackling disasters. State government funding should focus on the LGFSG, as an effective model to improve capability and capacity. This is also a model that best supports the state government, as whether the lead agency is SA Health or the CFS, it means the State Government has a single point of contact through which to deliver or acquire information. Without adequate funding from the State Government, the LGASA will need to consider the viability of operating the LGFSG moving forward and the effort and resources we can provide for this function.
- **The Council Ready program to build and sustain local government capability and capacity in disaster planning**. Emergency management needs to be embedded in local government so that capability and capacity are maintained beyond individual projects or personnel. The independent monitoring and evaluation of Council Ready has pointed to its efficacy as a capacity-building program across all program aims, and ensuring councils have consistent and contemporary emergency management doctrine.

The review of Council Ready identified the need for ongoing support to ensure councils maintain this capability and capacity. The Council Ready program also provides flexibility to support those councils that require additional resourcing, such as the Adelaide Hills Council in a high bushfire risk area, and where other councils lack resources and capability around disaster risk reduction and linkages between, for example, asset management and public health planning.

As such, the LGASA is looking to continue to partner with State Government and LGASA Mutual to ensure appropriate support is available to councils to maintain emergency management documentation and systems.

- **Local government participation in bushfire management committees**, which are not only an obligation for local government, but also support the State's response in a bushfire.
- **Bushfire management within councils**, as an example of the delegation of an emergency management role to local government under the *Fire and Emergency Services Act 2005*. State Government support is required as part of that delegation. As well as funding support in maintaining fire prevention officers in councils and issuing notices to manage land under s.105, local government requires support through development of a Code of Practice under s.105F and a reporting tool to better manage and report on the system of bushfire preparation.

Recommendation 11.2: Resource sharing arrangements between local governments

This second key recommendation impacting local government is supported by the LGASA. The LGFSG works to support sharing of resources and staff, which was invaluable in the 2019/20 bushfire

season where over 220 council employees and 68 units of plant and equipment from 34 councils were provided to bushfire-affected areas.

This is an important issue to local government and one which would respond to a considered plan. Local government in SA is very supportive of the LGFSG as a successful model for managing sharing of resources. The LGASA has invested heavily in the LGFSG in recognition of its importance to the sector and the community. While councils provide significant support through staff and in-kind resources, the LGFSG needs State Government support to fulfill its functions and address the points around surge capacity and the risks that may be faced.

The LGFSG looks forward to working together with the State Government to improve this process through the State Bushfire Coordination Committee.

Other recommendations

There are several other references in the Report to the role of local government, with a response provided:

Reference to local government from the Commission's Report: Overview	Response from the LGASA
<i>States and territories have primary responsibility</i>	
<p>13. State and territory governments delegate some of their responsibilities to local governments. For example, local governments play a central role in land-use planning and the management of local roads, as well as the coordination of emergency centres and the provision of emergency relief. Ultimately, state and territory governments remain accountable, and should therefore ensure local governments have the support and resources they need to carry out their responsibilities.</p>	<p>The local government sector has a long history of supporting emergency management efforts of the State Government and, as explained above, local government's formalised role through the LGFSG requires ongoing funding support from the State Government if it is to remain viable.</p> <p>In SA, local government is not responsible for coordination of emergency relief centres but would support agencies in identifying locations and initiating contacts. Some emergency management functions are delegated to local government such as fire prevention under the <i>Fire and Emergency Services Act 2005</i>, the LGFSG under the SEMP, and land-use planning.</p>
<i>Local knowledge and the principle of subsidiarity</i>	
<p>16. Perhaps the strongest policy reason why state and territory governments should retain primary responsibility stems from the principle of subsidiarity. This principle suggests that risk should be managed by the lowest level of government that can manage it, and emphasises the importance of local knowledge, which is vital to managing natural disasters.</p>	<p>The LGASA's Local Government Emergency Management Framework forms the basis of the local government approach to emergency management in South Australia, recognising the value of local knowledge and understanding its geography, locations, and community in an emergency. However, local government is not generally well-resourced to undertake this function. The LGFSG works to coordinate the sector during an emergency but must be well-funded to provide this support to improve local government capability and capacity.</p>

Reference to local government from the Commission’s Report: Overview	Response from the LGASA
<p>17. Many policies and services should be ‘tailored to meet the needs of people and communities they directly affect’ and account for differences in climate, geography, ecosystems, demography, culture, and resources. While natural disasters on a national scale are likely to become more common, all disasters large and small require a local response.</p>	<p>This recognised variation in the scale of emergency risks needs to be recognised as they vary significantly around the state and between local government areas.</p>
<p>18. The importance of local knowledge to disaster management, and particularly to disaster response, was emphasised by many people we heard from, including firefighters and the public. State, territory, and local governments expressed strong support for the principle, and stressed the need for ‘deep engagement’ with affected communities. A locally-led response was described as ‘one of the strengths of the disaster management system’ and a ‘foundational principle’.</p>	<p>The LGASA supports this approach and through the LGFSG, seeks to support that local effort.</p>
<p>19. We heard that recovery efforts after disasters must also be ‘locally led’ and alert to the particular needs of affected communities. Local governments are usually best placed to do this work, but they should be guided and supported by state and territory governments.</p>	<p>The LGASA supports this approach but more work needs to be done to clarify the way that state and local government work together in recovery.</p> <p>The experience of local government in South Australia is that both the State Government and communities have seemingly limitless expectations of what councils can do in recovery. On the ground, there is no consistency about how decisions are made for the provision of support by other levels of government to community and councils.</p> <p>Councils, particularly those in regional and rural areas, do not have the capacity to fund recovery efforts without adequate State and Federal support.</p>
<p><i>Senior ministerial leadership across the nation</i></p>	
<p>49. National strategic decision-making about disaster management calls for the attention of the Prime Minister and state and territory Premiers and Chief Ministers – perhaps through a forum such as the National Cabinet.</p>	<p>The LGASA agrees with this approach, but local government needs to be recognised in membership of the National Cabinet. The lack of representation in National Cabinet has compromised the local government response to the COVID-19 pandemic by limiting its access to decision-making. The new Ministers for Emergency Management subcommittee is yet to be established and the LGASA urges inclusion of local government representation.</p>

Reference to local government from the Commission’s Report: Overview	Response from the LGASA
<i>A standing national resilience and recovery entity</i>	
<p>58. The work of this Australian Government body will involve long-term thinking, planning and cooperation across multiple government departments and agencies at all levels of government, including local government, and extensive engagement with the private sector, non-government organisations and Australian communities. No one government or organisation controls all the levers that can be used to reduce the risk of natural disasters.</p>	<p>The LGASA supports this new entity described in the Report as a “national entity dedicated to championing resilience”.</p>
<i>Recommendations</i>	
<p>111. Many of our recommendations identify what needs to be done, rather than how it should be done. This provides flexibility to governments in implementing recommendations to take into account jurisdictional and local needs. It does not, however, diminish the importance of implementation</p>	<p>The LGASA notes that this allows for state variations in existing systems. The LGFSG is keen to see regular reporting on achieving the recommendations through SA SEMC.</p>
<p><i>Chapter 7 Role of the Australian Defence Force Recommendation 7.1</i> <i>Improve understanding of Australian Defence Force capabilities</i></p> <p>State and territory governments should take steps to ensure that there is better interaction, planning and ongoing understanding of Australian Defence Force capabilities and processes by state and territory fire and emergency service agencies and local governments.</p>	<p>The LGASA agrees and suggests this be achieved through links to the SA SEMP.</p>
<p><i>Chapter 11 Emergency planning Recommendation 11.1</i> <i>Responsibility for local government disaster management capability and capacity</i></p> <p>State and territory governments should take responsibility for the capability and capacity of local governments to which they have delegated their responsibilities in preparing for, responding to, and recovering from natural disasters, to ensure local governments are able to effectively discharge the responsibilities devolved to them.</p>	<p>See comments above.</p>

Reference to local government from the Commission’s Report: Overview	Response from the LGASA
<p>Recommendation 11.2</p> <p>Resource sharing arrangements between local governments</p> <p>State and territory governments should review their arrangements for sharing resources between their local governments during natural disasters, including whether those arrangements:</p> <p>(1) provide sufficient surge capacity, and</p> <p>(2) take into account all the risks that the state or territory may face during a natural disaster.</p>	<p>See comments above.</p>
<p>Chapter 12 Evacuation planning and shelters</p> <p>Recommendation 12.1 Roadside vegetation management</p> <p>State and territory governments, working with local governments and fire and emergency service agencies, should ensure that there are appropriate arrangements for roadside vegetation management that take into account,</p> <p>among other things:</p> <p>(1) priority access and egress routes</p> <p>(2) road priority, utility and strategic value</p> <p>(3) cost, and</p> <p>(4) residual risk to national natural disasters.</p>	<p>The LGASA supports this recommendation. This is a significant issue for councils and their communities, which may be more important in those communities with more recent experiences of bushfire. Greater clarity is required for councils trying to manage competing issues of bushfire risk and native vegetation.</p> <p>The LGASA recognises the work being done in developing roadside vegetation management plans and supports the State Government response that the CFS will review management plan guidelines with the Native Vegetation Council. This review should be overseen by the SBCC and include local government consultation.</p>
<p>Recommendation 12.2</p> <p>Evacuation planning – Evacuation routes and seasonal populations</p> <p>State and territory governments should ensure that those responsible for evacuation planning periodically review those plans, and update them where appropriate, including in relation to:</p> <p>(1) roles and responsibilities of state and territory governments, local governments and local communities</p> <p>(2) education and signage about evacuations and evacuation routes, including education of seasonal populations</p>	<p>This is a potential issue in SA which has not been tested as we have not required large-scale evacuations because of bushfire. In SA, Housing SA is the lead agency, but local government has a supporting role, and it is an important issue for bushfire risk councils.</p>

Reference to local government from the Commission's Report: Overview	Response from the LGASA
<p>(3) the adequacy of evacuation routes; including contingencies if evacuation routes or centres are assessed as not being able to cope, and</p> <p>(4) the potential inability to evacuate, either by reason of circumstances or personal characteristics.</p>	
<p>Recommendation 17.3</p> <p>Classification, recording and sharing of fuel load data</p> <p>Australian, state and territory governments should develop consistent processes for the classification, recording and sharing of fuel load data.</p>	<p>The LGASA agrees about the importance of fuel load data sharing.</p>
<p>Chapter 18 Indigenous land and fire management</p> <p>Recommendation 18.1</p> <p>Indigenous land and fire management and natural disaster resilience</p> <p>Australian, state, territory and local governments should engage further with Traditional Owners to explore the relationship between Indigenous land and fire management and natural disaster resilience.</p>	<p>The LGASA supports this recommendation</p>
<p>Recommendation 18.2</p> <p>Indigenous land and fire management and public land management</p> <p>Australian, state, territory and local governments should explore further opportunities to leverage Indigenous land and fire management insights, in the development, planning and execution of public land management activities.</p>	<p>See above</p>
<p>Chapter 19 Land-use planning and building regulation</p> <p>Recommendation 19.3</p> <p>Mandatory consideration of natural disaster risk in land-use planning decisions</p> <p>State, territory and local governments should be required to consider present and future natural disaster risk when making land-use planning decisions for new developments.</p>	<p>The LGASA understands that the new (SA) Planning and Design Code ('the Code') will achieve this objective and that amendments to the Code about bushfire hazards are proposed for consultation in 2021.</p> <p>In regard to flood risk, the LGASA has made submissions to the Code reflecting the concerns of local councils about the need to ensure that up-to-date flood mapping data and policy guidance is provided in the Code. The LGASA has also advocated for a Finished Floor Level requirement of</p>

Reference to local government from the Commission's Report: Overview	Response from the LGASA
	<p>minimum 200 mm above the top of the kerb to manage flood runoff.</p> <p>The LGASA also notes the recent State Budget allocation of \$3 M over two years to provide consolidated flood mapping for development planning, emergency services and agriculture as part of the government's \$120 M Digital Restart Fund.</p> <p>The LGASA hopes this will be an ongoing program to develop comprehensive flood mapping data across the State.</p>
<p>Chapter 20 Insurance</p> <p>Recommendation 20.1</p> <p>Debris clean-up arrangements</p> <p>Governments should create and publish standing policy guidance on whether they will or will not assist to clean-up debris, including contaminated debris, resulting from natural hazards.</p>	<p>The State Government (and the LGASA's) response is to support the recommendation to provide greater clarity. In South Australia, the SEMP makes Green Industries South Australia the lead agency in the <i>Disaster Waste Management Capability Plan 2018</i>. This is appropriate.</p> <p>Local government experience in the 2019/20 bushfire season was that this was a serious issue and there was some community expectation that councils would be responsible for waste management. However, this responsibility should rest with the State Government and be guided by clear policies and procedures.</p>
<p>Chapter 22 Delivery of recovery services and financial assistance</p> <p>Recommendation 22.1</p> <p>Evaluation of financial assistance measures to support recovery</p> <p>Australian, state and territory and local governments should evaluate the effectiveness of existing financial assistance measures to inform the development of a suite of pre-effective pre-determined recovery supports.</p>	<p>The LGASA supports improvement in delivery of recovery measures.</p>
<p>Recommendation 22.4</p> <p>Nationally consistent Disaster Recovery Funding Arrangements assistance measures</p> <p>Australian, state and territory and local governments should develop greater consistency in the financial support provided to individuals, small businesses and</p>	<p>The LGASA supports improvement in delivery of recovery measures.</p>

Reference to local government from the Commission's Report: Overview	Response from the LGASA
primary producers under the Disaster Recovery Funding Arrangements.	

Contact

Katherine Russell

Senior Policy Officer

Local Government Association of SA

Email: Katherine.russell@lga.sa.gov.au

Tel: 08 8224 2067

Address: 148 Frome Street Adelaide 5000

Postal address: GPO Box 2693 Adelaide SA 5001



148 Frome St
Adelaide SA 5000

GPO Box 2693
Adelaide SA 5001

T (08) 8224 2000

E [lgasa@lga.sa.gov.au](mailto:Igasa@lga.sa.gov.au)

www.lga.sa.gov.au