



DISASTER RECOVERY IN AUSTRALIA

A Legal and Policy Survey

+CIFRC

Disaster Law

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Federal Ministry
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Executive summary

This report surveys the legal, policy and planning framework for disaster recovery in Australia. Under Australia's federal system of government, state and territory governments have primary responsibility for emergency management, including recovery, with the Federal Government playing a supporting role. Accordingly, this report examines the legal and policy framework for recovery at both federal and state levels. Two states were selected for analysis: Victoria and New South Wales (NSW). The report analyses both standing instruments governing disaster recovery and instruments introduced specifically to guide the recovery from the 2019–20 bushfire season (the Black Summer Bushfires). It focuses on five key topics: (1) the applicable legal, policy and planning instruments; (2) institutional arrangements for disaster recovery; (3) funding and financial assistance for disaster recovery; (4) community-led recovery; and (5) mental health and psychosocial support (MHPSS) during disaster recovery.

In relation to the first two topics, the report identifies that the Commonwealth, Victoria and NSW have reasonably detailed laws, policies, plans and institutional arrangements for disaster recovery. At the federal level, a recent and notable development is the adoption of a national recovery policy: the National Disaster Recovery Framework. In both NSW and Victoria, recovery is addressed in all-phases, all-hazards emergency management legislation. Further, in both states, recovery planning occurs at state, regional and municipal levels as part of comprehensive emergency management planning. Recovery planning tends, however, to be significantly more detailed at state level compared to regional and municipal levels. Both states have scalable institutional arrangements for disaster recovery with municipal, regional and state coordinators and coordination mechanisms being activated as needed, depending on the nature and scale of an emergency.

The foregoing legal, policy, planning and institutional arrangements predominantly relate to early recovery, rather than medium and long-term recovery. The recovery planning mandated as part of comprehensive emergency management planning mainly focuses on early recovery. None of the jurisdictions surveyed legally requires relevant government authorities to prepare post-event recovery plans identifying the activities that will be implemented to recover from specific disasters over the medium and long term. There also do not appear to be ongoing recovery coordination mechanisms at federal or state levels to support long-term recovery and to develop recovery readiness during 'normal times'. The new Australian Disaster Recovery Framework states that there is, effectively, no national coordination mechanism for sustained disaster recovery and proposes the establishment of a National Coordination Mechanism for Recovery.

Regarding the third topic, disaster recovery is jointly funded by the federal, state and territory governments. The Disaster Recovery Funding Arrangements 2018 (DRFA) outline the circumstances in which the Federal Government provides funding to the states and territories for disaster relief and recovery. Financial assistance for affected individuals and communities is generally provided through: (i) cash transfers to be spent at the recipient's discretion; (ii) exemption from specified taxes; and (iii) grants for specified purposes or projects, which are commonly awarded through competitive application processes. State and territory governments, civil society, the Royal Commission into National Natural Disaster Arrangements, the Senate Finance and Public Administration References Committee, and the Victorian Inspector-General for Emergency Management (the Victorian IGEM) have all identified various challenges relating to funding and financial assistance for recovery, which are discussed in the body of this report. At the time of writing, an independent review of Australia's disaster funding arrangements, including the DRFA, is underway.

Regarding the fourth topic, a strong commitment to the principle of community-led recovery is a distinctive feature of Australia's approach to recovery. Community-led recovery is one of the seven National Principles for Disaster Recovery and is clearly reflected in federal, Victorian and NSW policies and plans. In Victoria, policy and planning instruments reveal an especially strong commitment to community-led recovery. The Victorian Government's primary mechanism for implementing this commitment is to support Community Recovery Committees to develop their own recovery plans and implement their own recovery projects. The Victorian IGEM has identified some challenges in the implementation of the community-led approach in Victoria and recommended that the Victorian Government work with councils and communities to foster a common understanding of what community-led recovery means in practice. Unlike Victoria, NSW does not have Community Recovery Committees. Instead, it appears to implement the principle of community-led recovery primarily through Community Resilience Networks and council-based Community Recovery Officers.

Regarding the fifth topic, it is widely recognised that supporting the mental and psychosocial wellbeing of emergency-affected populations involves not only providing clinical mental health services, but also providing a range of lower-level interventions to address sub-clinical distress and impairment. Lower-level interventions include psychological first aid (PFA) and targeted programs designed to assist people to navigate common difficulties following an emergency (e.g., SOLAR, PM+). Implementing lower-level interventions can permit task shifting from mental health professionals to other health professionals and trained lay people, which is an important benefit in the context of Australia's shortage of mental health professionals. Victorian policy and planning instruments for disaster recovery contemplate a range of interventions including PFA and psychosocial support. NSW's plans and institutional arrangements focus predominantly on clinical mental health services. At the federal level, the National Mental Health Commission has recently developed a National Disaster Mental Health and Wellbeing Framework. At the time of writing, this Framework is not publicly available and is, therefore, not discussed in this report.

In relation to the Black Summer Bushfires specifically, this report finds that, even where detailed recovery arrangements were planned, federal and state governments relied heavily on ad hoc arrangements developed during or shortly after the fires. This observation applies especially to institutional arrangements, with the Black Summer Bushfires triggering the creation of new coordination mechanisms and government agencies. In some instances, these ad hoc institutional arrangements have subsequently been adopted as new standing arrangements. Moreover, the Black Summer Bushfires — and the series of related public inquiries and reviews — have catalysed significant legal, policy and institutional reforms at federal and state levels. Overall, this report paints a picture of a recovery system that has undergone continuous and significant reforms during the previous three years. Following this period of reform, it would be valuable to undertake an evaluation of the Australian legal, policy, planning and institutional framework for disaster recovery to identify remaining weaknesses and gaps. Equally, it would be worthwhile to evaluate if there is a need to strengthen implementation of existing provisions through practical measures such as training and capacity-building for key stakeholders and enhancing coordination.

Introduction

Purpose and scope of this report

This report is part of a global research project on 'Law and Disaster Recovery' conducted by [IFRC Disaster Law](#). Following the publication of a [Literature Review on Law and Disaster Recovery and Reconstruction](#) in 2020, IFRC Disaster Law has prepared country-level research reports on law and disaster recovery around the world. Each report seeks to comprehensively map the legal, policy and planning framework for disaster recovery in the country, with a specific focus on how that framework has operated during the recovery from a recent major disaster.

This report focuses on the legal and policy framework for disaster recovery in Australia and includes analysis of how this framework has been operating during the ongoing recovery from the catastrophic bushfires that occurred during the summer of 2019–20 (henceforth referred to as the Black Summer Bushfires). As state and territory governments have primary responsibility for emergency management in Australia, this report examines the legal and policy framework at federal and state level. Two states have been selected as the focus of this report: Victoria and New South Wales. The report focuses on five key topics.

- **Section 1** discusses the legal, policy and planning instruments relating to disaster recovery at the federal level and in Victoria and NSW. It examines both standing instruments and those introduced specifically to guide the recovery from the Black Summer Bushfires.
- **Section 2** discusses institutional arrangements for disaster recovery. It addresses which government actors have primary responsibility for disaster recovery in each jurisdiction, the allocation of roles and responsibilities to other government actors and non-government actors, and coordination mechanisms. It examines both the planned institutional arrangements for disaster recovery and those introduced on an ad hoc basis to manage the recovery from the Black Summer Bushfires.
- **Section 3** discusses the funding arrangements for disaster recovery in Australia and the types of government financial assistance available to support the recovery of disaster-affected people. In relation to the latter, it examines both standing financial assistance mechanisms and programs introduced specifically to assist people affected by the Black Summer Bushfires.
- **Section 4** discusses community-led recovery, which is a well-established principle of disaster recovery in Australia. This section discusses both how this principle is reflected in policy and planning documents, and how it has been implemented in practice during the ongoing recovery from the Black Summer Bushfires.
- **Section 5** discusses mental health and psychosocial support (MHPSS) during disaster recovery. It examines how this topic is addressed in policy and planning documents at the federal level and in Victoria and NSW. It also analyses the types of MHPSS that government has funded for people affected by the Black Summer Bushfires.

In terms of methodology, this report is a desktop review prepared using documents available online. The author's understanding of disaster recovery in Australia has been supplemented through discussions with the experts listed in the Acknowledgments. The information in this report is, to the best of the author's knowledge, current as of 31 March 2023.



Australia's emergency management arrangements

Australia's emergency management arrangements are complex and continually evolving. Under Australia's federal system of government, state and territory governments have primary responsibility for emergency management, including recovery, with the Federal Government playing a supporting role. While Australia has three levels of government (federal, state/territory and local), emergency management is implemented at five levels (federal, state/territory, regional, local and community level). This is because local governments are grouped into 'regions' (sometimes called 'zones' or 'districts') for the purposes of emergency management. Additionally, communities are key actors in emergency management, a fact which is increasingly being formally recognised and facilitated through government policy.

In Australian states and territories, emergency management is generally designed to be scalable, operating at the lowest level necessary with activation of regional and state-level arrangements and resources as needed to meet the demands of an emergency. This scalable system does not, however, include a mechanism for the Federal Government to assume control over emergencies that affect two or more states or that are especially severe or large scale. Even in such situations, state and territory governments retain primary responsibility for emergency management.

The Black Summer Bushfires

The term 'Black Summer Bushfires' is widely used in Australia to describe the 2019–2020 fire season. The 2019–2020 fire season began in August 2019, before the end of winter.¹ By December 2019, catastrophic fire conditions existed in parts of New South Wales, Western Australia, South Australia and Victoria.² The Black Summer Bushfires ultimately burnt 18,983,588 hectares of land through a total of 15,344 bushfires.³

Tragically, 33 lives were lost including 9 firefighters and 24 community members.⁴ More than 3,000 homes and 7,000 facilities and out-buildings were damaged or destroyed.⁵ The fires also caused sudden and drastic loss to Australia's biodiversity: an estimated 3 billion native mammals, birds, reptiles and frogs were either killed or displaced.⁶ There was damage to National Parks, six World Heritage Areas, wetlands of international significance and threatened species.⁷

While the fires predominantly affected regional and rural areas, millions of people in Australian cities were exposed to extremely high levels of particulate air pollution. Sydney experienced 81 days of poor or hazardous air quality in 2019, which was more than the last 10 years combined.⁸ At one point during the fires, Canberra had the world's worst air quality.⁹ Health researchers estimate that bushfire smoke was responsible for 417 excess deaths, 1,124 hospitalisations for cardiovascular problems, 2,027 hospitalisations for respiratory problems, and 1,305 presentations to emergency departments for asthma.¹⁰

As stated above, this report focuses on two states: Victoria and New South Wales. Both states were severely impacted by the Black Summer Bushfires. In NSW, there were 10,520 bushfires resulting in a total of 5,595,739 hectares burned and 2,475 houses and 25 lives lost.¹¹ In Victoria, there were 3,500 bushfires resulting in a total of 1,505,004 hectares burned and 396 houses and 5 lives lost.¹² For Victoria, the number of deaths and houses lost was much lower compared to the 'Black Saturday' bushfires which occurred in the state in 2009, resulting in 173 deaths and 2,029 houses lost.¹³

Two 'mega-fires' were recorded: first, the Gospers Mountain fire in NSW, which started on 26 October 2019; and secondly, a mega-fire that formed when three fires on the border of NSW and Victoria (the Dunns Road fire, the East Ournie Creek, and the Riverina's Green Valley fire) merged.¹⁴ While there were bushfires across both states, certain regions were much worse affected than others. In Victoria, this was the east and north-east of the state, including the local government areas of Alpine Shire, Towong Shire, and East Gippsland Shire. In NSW, this was inland areas in the state's south-east and north-east.¹⁵

In Victoria, one of the most destructive fires was the Mallacoota fire in the far east of the state.¹⁶ Mallacoota is a small coastal town and popular tourist destination in the East Gippsland region of Victoria with a population of approximately 1,000 people that increases to about 8,000 during the Christmas holiday period.¹⁷ The Mallacoota fire encircled the town, forcing the 4,000 people that remained in the town at the height of the fire to shelter on the coastline, with people gathering at the town's boat ramp.¹⁸ Roads to Mallacoota were blocked for 37 days due to bushfires and fallen trees, requiring the Australian Navy to evacuate people from Mallacoota to Melbourne by boat.¹⁹

In January 2020, still months before the Black Summer Bushfires were brought under control, the first case of COVID-19 was confirmed in Australia.²⁰ In both Victoria and NSW, a core component of the government's response was to place restrictions on freedom of movement and freedom of assembly, including restrictions on movement between major cities and regional and rural areas. While these policies largely succeeded in keeping regional and rural areas 'COVID-free', they posed practical impediments to the recovery of bushfire-affected communities including: reduced face-to-face service delivery; reduced tourism, which for many communities was a major revenue source; a shortage of builders, tradespeople and building materials for reconstruction; and reduced opportunities for communities themselves to gather.²¹

Key government inquiries, reviews and reports

The Black Summer Bushfires catalysed several government inquiries and reviews.

- In January 2020, the Victorian Government requested its Inspector-General for Emergency Management (the Victorian IGEM) to conduct an inquiry into the 2019–20 Victorian Fire Season. The inquiry was conducted in two phases: Phase 1 considered the preparedness and response to the Black Summer Bushfires; and Phase 2 considered the progress and effectiveness of Victoria's immediate relief and recovery arrangements. Henceforth, these reports are referred to as the **Victorian IGEM's Phase 1 Report**²² and the **Victorian IGEM's Phase 2 Report**.²³
- Also in January 2020, the NSW Government commissioned an independent expert inquiry into the causes of, preparation for and response to the 2019–20 bushfires. The NSW Bushfire Inquiry was not asked to, and did not examine, bushfire recovery. The Inquiry delivered its report in July 2020. Henceforth, this report is referred to as the **NSW Bushfire Inquiry Report**.²⁴
- In February 2020, the Federal Government established the Royal Commission into National Natural Disaster Arrangements with a broad mandate to examine national arrangements and responsibilities in relation to all phases of 'natural' disaster management, including the recovery phase. The Royal Commission delivered its report in October 2020. Henceforth, this report is referred to as the **Royal Commission's Report**.²⁵

- Also in February 2020, the Australian Senate referred a broad range of matters relating to the Black Summer Bushfires to its Finance and Public Administration References Committee. The Committee was required to conduct an inquiry and provide a report by the last parliamentary sitting day of 2021. The Committee tabled its interim report in October 2020 and its final report in December 2021. Henceforth, these reports are referred to as the **Senate Committee's Interim Report**²⁶ and the **Senate Committee's Final Report**.²⁷

The Victorian IGEM's Phase 2 Report provides extensive analysis of how Victoria's arrangements for recovery have been operating following the Black Summer Bushfires. The Phase 2 Report is an invaluable source of information and is cited extensively throughout this report. In NSW there has been no public inquiry or review analysing how the state's arrangements for disaster recovery have been operating following the Black Summer Bushfires. Compared to Victoria, there is, therefore, less publicly available information regarding the nature and performance of the state's recovery arrangements.

Detailed summary of key findings

1. Laws, policies and plans relating to disaster recovery



Section 1 of this report discusses the legal, policy and planning instruments relating to disaster recovery at the federal level and in Victoria and NSW. It examines both standing instruments and those introduced specifically to guide the recovery from the Black Summer Bushfires.

Under Australia's federal system of government, state and territory governments have primary responsibility for emergency management, including recovery, with the Federal Government playing a supporting role.

Consequently, at the federal level, there is no comprehensive emergency management legislation. Shortly prior to the publication of this report, a new national recovery policy was adopted: the Australian Disaster Recovery Framework. This policy addresses: the meaning of recovery and how it relates to other phases of disaster management; the principles and outcomes that guide recovery in Australia; recovery governance arrangements, including coordination mechanisms and the role of different levels of government and of various non-government actors; and a variety of key recovery topics such as needs assessments, mental health and well-being, and funding and financial assistance. The Framework endorses the National Principles for Disaster Recovery, which are a set of principles first developed in 1986 by federal, state and territory governments and the Australian Red Cross. While not legally binding, the National Principles have been influential in shaping recovery policy in Australia, having been adopted by many state and territory policy and planning instruments.

Victoria and NSW both have all-phases, all-hazards emergency management legislation that encompasses recovery. The legislative provisions on recovery are relatively sparse; much more detail is found in the states' planning documents. There are two main types of recovery plans which may be developed at state level: (i) pre-event recovery plans, which outline general planned arrangements for recovery and which typically focus on early recovery; and (ii) post-event recovery plans, which outline the measures that will be taken to recover from a specific disaster based on impacts and needs. Both Victoria and NSW have detailed pre-event recovery plans. The Victorian State Emergency Management Plan addresses recovery in detail with sections outlining the principles and outcomes that guide recovery, the roles and responsibilities of different actors in recovery and the institutional arrangements for recovery. The NSW State Emergency Management Plan has a supporting plan dedicated to recovery — the New South Wales Recovery Plan — which provides a comprehensive statement of the arrangements for disaster recovery in NSW. In comparison to state planning, pre-event recovery planning at regional and local levels is generally less detailed. While it is beyond the scope of this report to survey all emergency plans in force at these levels, the plans that were surveyed for this report generally contain limited information on recovery.

In terms of post-event planning, none of the jurisdictions surveyed legally requires relevant government authorities to prepare post-event recovery plans identifying the activities that will be implemented to recover from specific disasters over the medium and long term. Following the Black Summer Bushfires, Victoria developed the Eastern Victorian Fires 2019–20 State Recovery Plan, which outlined state recovery priorities and actions for the subsequent 12 to 18-month period (i.e., until December 2021). The Plan states that it will be updated a number of times over the coming years to take account of progressive community-led planning and development, as well as further funding outcomes from

State and Commonwealth budget processes. At the time of writing, the Victorian Government has not published an updated version of the Plan.²⁸ Unlike Victoria, New South Wales did not publish a state-level post-event recovery plan for the Black Summer Bushfires. The NSW Recovery Plan contemplates that Recovery Action Plans will be prepared at regional and municipal levels following an emergency; following the Black Summer Bushfires many local Recovery Action Plans were prepared and published online. In Victoria, municipal and community-level post-event recovery planning is not required, but it is supported and has occurred following the Black Summer Bushfires.

Shortly prior to the Black Summer Bushfires, Victoria adopted a new recovery policy, the Resilient Recovery Strategy, to guide the improvement of its recovery system, with the overarching aim of putting individuals and communities at the centre of recovery efforts and building resilience over time. The Strategy states that it will be supported by a comprehensive implementation plan. At the time of writing, an implementation plan has not been published. Unlike Victoria, NSW does not have a dedicated disaster recovery policy. The introduction to the NSW Recovery Plan does, however, provide some indication of the state's general policy on recovery by endorsing the National Principles for Disaster Recovery and addressing the definition of recovery.

2. Institutional arrangements for disaster recovery



Section 2 of this report discusses institutional arrangements for disaster recovery including: which government actors have primary responsibility for disaster recovery in each jurisdiction; the allocation of roles and responsibilities to other government actors and non-government actors; and coordination mechanisms. For each jurisdiction, the report identifies the key institutional arrangements relevant to recovery that: (i) were in place when the Black Summer Bushfires occurred; (ii) were created on an ad hoc basis to facilitate recovery from the Black Summer Bushfires; and (iii) are currently in place at the time of writing.

Prior to the Black Summer Bushfires, the Federal, Victorian and NSW Governments had reasonably detailed institutional arrangements for disaster recovery. In all three jurisdictions, an all-phases emergency management government entity had overall responsibility for recovery. Additionally, the Australian Government Crisis Management Framework and state-level emergency management plans outlined coordination mechanisms for disaster recovery. Victoria and NSW both planned a scalable institutional framework for disaster recovery with municipal, regional and state coordinators and coordination mechanisms being activated as needed, depending on the nature and scale of an emergency. State-level plans also allocated roles and responsibilities for recovery to a broad range of government and non-government actors.

Notwithstanding the detailed planned arrangements, the recovery from the Black Summer Bushfires has been managed largely through ad hoc institutional arrangements established during and immediately after the event. In general, the planned federal and state-level coordination mechanisms were not used, with governments instead creating new coordination mechanisms specifically for the Black Summer Bushfires. At the federal level and in Victoria, recovery from the Black Summer Bushfires was also managed through newly created agencies. Federal recovery support was provided primarily through the newly created National Bushfire Recovery Agency (NBRA), which has subsequently been subsumed, along with Emergency Management Australia, into the National Emergency Management Agency. In Victoria, recovery support was provided through the newly created Bushfire Recovery Victoria, which has subsequently been transformed into a standing agency and renamed Emergency Recovery Victoria.

There is a lack of publicly available information regarding why governments decided to establish new institutional arrangements for the recovery from the Black Summer Bushfires, rather than relying on

the existing and planned arrangements. The creation of ad hoc institutional arrangements during or immediately after an emergency may have significant downsides. In Victoria, for example, the IGEM found that the rapid establishment of Bushfire Recovery Victoria during the fires meant that the agency had to spring into action without having time to develop and refine its overall role in recovery, develop resources to support community recovery, and establish productive relationships with councils and other local organisations. The Victorian IGEM concluded that this ultimately undermined the Agency's effectiveness. Similarly, the Royal Commission found that the rapid establishment of the National Bushfire Recovery Agency in January 2020 created some 'teething issues' as well as confusion and uncertainty for some local governments.

A positive aspect of the institutional arrangements for disaster recovery in both Victoria and NSW — both prior to the Black Summer Bushfires and at the time of writing — is that they provide for the participation of a wide range of government and non-government actors consistent with an all-of-government and all-of-society approach to recovery. In Victoria, the State Emergency Management Plan allocates clear roles and responsibilities for more than 60 "recovery services" to a wide range of government and non-government actors. Similarly, in NSW, a broad range of government and non-government actors are identified in the state's nine functional area supporting plans. Many of these plans do not, however, assign specific roles and responsibilities to the listed actors, or do not distinguish between the roles and responsibilities that apply to different emergency management phases.

Since the Black Summer Bushfires, the Federal, Victorian and NSW Governments have updated their institutional arrangements for recovery, in some instances transforming the ad hoc arrangements adopted in 2020 into new standing arrangements. An important point to note is that, at the time of writing, there do not appear to be any ongoing coordination mechanisms at federal, state or local level to support long-term recovery and to develop recovery readiness during 'normal times'. Indeed, the new Australian Disaster Recovery Framework states that there is, effectively, no national coordination mechanism for sustained disaster recovery. It proposes that, in future, a National Coordination Mechanism for Recovery could be established where there is a need for longer-term, sustained coordination of recovery efforts spanning multiple jurisdictions, or attending to consecutive or compounding events with severe to catastrophic consequences.

3. Funding and financial assistance for recovery

Section 3 of this report discusses the funding arrangements for disaster recovery in Australia and the types of government financial assistance available to support the recovery of disaster-affected people. In relation to the latter, it examines both standing financial assistance mechanisms and programs introduced specifically to assist people affected by the Black Summer Bushfires.

Funding for recovery



In Australia, disaster recovery is jointly funded by the federal, state and territory governments. The Disaster Recovery Funding Arrangements 2018 (DRFA) outline the circumstances in which the Federal Government provides funding to the states and territories for disaster relief and recovery. The DRFA are mirrored by financial assistance arrangements in the states and territories, which address the circumstances in which state and territory governments will provide financial assistance to local councils and, in some cases, other government entities such as catchment management authorities and Local Aboriginal Land Councils. Federal funding under the DRFA takes the form of partial reimbursement of state expenditure and payment of the state's estimated costs for reconstructing essential public assets.

Some state and territory governments have argued that the DRFA do not assist them to reconstruct infrastructure to be more resilient to future disasters, consistent with the internationally recognised 'build back better' principle. This argument was accepted by the Bushfire Royal Commission, which recommended that Australian, state and territory governments should incorporate the principle of 'build back better' into the DRFA. Civil society groups and charities have highlighted that the fact that state and territory governments are responsible for determining eligibility for assistance funded by the DRFA creates inconsistencies and inequities between jurisdictions, colloquially referred to as a 'post code lottery'. In addition to these two points, it can be added that the calculation of the period for which federal funding is available under the DRFA may create arbitrary outcomes, as it depends on when in a financial year a disaster occurs, a factor which has no bearing on recovery funding needs.

On 13 March 2020, the Council of Australian Governments (COAG) tasked Emergency Management Australia (now subsumed into the National Emergency Management Agency) to lead a review of the DRFA in consultation with states and territories. At the time of writing, there is limited publicly available information regarding the progress and status of this review. In February 2023, an independent review of Australia's disaster funding arrangements, including the DRFA, was announced. This review is expected to conclude in April 2024.

In addition to the above, it should be noted that, at the time of the Black Summer Bushfires, the Federal Government had an Emergency Response Fund. Although the Federal Government could draw up to \$150 million per year from the Emergency Response Fund for response and recovery, it did not draw down on the Fund to support the response or recovery from the Black Summer Bushfires. In November 2022, Parliament passed legislation transforming the Emergency Response Fund into the Disaster Ready Fund, which will focus mainly on disaster risk reduction. The Disaster Ready Fund will make up to \$200 million available per year for resilience building projects. Relevantly to recovery, it appears that the Disaster Ready Fund may be used to fund the reconstruction of infrastructure to be more resilient following a disaster, thereby addressing the current gap in the DRFA.

Financial assistance for recovery



The Federal, Victorian and NSW Governments have developed many financial assistance programs for individuals, small businesses, primary producers, not-for-profits and community groups affected by the Black Summer Bushfires. This financial assistance fell into three main categories: (i) cash transfers to be spent at the recipient's discretion; (ii) exemption from specified taxes; and (iii) grants for specified purposes or projects, which were commonly awarded through competitive application processes. With a few exceptions, this financial assistance was provided through ad hoc programs developed

during and after the Black Summer Bushfires, rather than through standing programs.

Two key government reports — the Victorian IGEM's Phase 2 Report and the Senate Committee's Final Report — have identified several key issues relating to funding and financial assistance for recovery from the Black Summer Bushfires. This includes (but is not limited to):

- a lack of funding for medium and long-term recovery and for developing preparedness to future similar disasters;
- inflexible, onerous, confusing and distressing application and eligibility requirements for recovery grants;
- early application deadlines that did not allow affected communities sufficient time to identify their recovery needs and priorities;

- the highly competitive nature of grant application processes, which can result in community groups competing with one another or much more well-resourced applicants (e.g., council, businesses);
- the fact that some community groups — many of which are run by volunteers who are managing their own personal recovery — lack the necessary time and/or skills (e.g., grant writing) to participate in a competitive grant application process and to administer projects if approved; and
- the re-traumatising effect of requiring people to repeatedly tell their stories of loss to different entities to prove their eligibility for different forms of financial assistance.

Several of the points above relate specifically to competitive grant processes, which governments heavily relied on as a mechanism for allocating recovery funding. The last point above is a recurrent issue, having also been identified by the Royal Commission, the NSW Bushfire Inquiry and the 2022 NSW Flood Inquiry.

The Victorian IGEM recommended (among other things) that government work with the emergency management sector to develop a recovery funding model that enables short, medium and long-term recovery planning and resourcing. He further recommended that government develop a comprehensive, person-centred, trauma-informed recovery financial assistance system with: clear and transparent eligibility criteria; flexibility in the timing of application processes; streamlined application processes; and proactive outreach from relevant government agencies to support communities to access funding.²⁹ Based on the analysis in the Senate Committee’s Final Report, these recommendations are also likely to be relevant to other Australian jurisdictions.

4. Community-led recovery



Section 4 of this report discusses the community-led approach to recovery. Community-led recovery is one of the seven National Principles for Disaster Recovery. According to this principle, “successful recovery is community-centred, responsive and flexible, engaging with community and supporting them to move forward”.³⁰ The Australian Disaster Recovery Framework endorses the National Principles and the community-led approach to disaster recovery. The same is true of policy and planning instruments in both Victoria and NSW.

Victoria’s policy and planning instruments reveal an especially strong commitment to community-led recovery. Victoria’s Resilient Recovery Strategy discusses the concept of community-led recovery in detail, explaining that it means “better recognis[ing] the individual and diverse needs within communities and deliver[ing] recovery engagement, planning and activities in partnership with all parts of the community”.³¹ Following the Black Summer Bushfires, the Victorian Government adopted two key documents to guide recovery: the Victorian Fires 2019–20 State Recovery Plan; and the Recovery Framework. Notably, these documents contained new descriptions of Victoria’s community-led approach to recovery. They explained that a community-led approach moves beyond a “traditional community engagement method”, where the community simply provides input or is engaged through a process determined by the government.³² Instead, they envisaged that Bushfire Recovery Victoria (BRV) and local governments would support the creation of Community Recovery Committees (CRCs) and then support these Committees to develop and implement their own recovery plans.³³ While Community Recovery Committees were already a feature of Victoria’s recovery system, the State Recovery Plan and Framework envisaged them playing a bigger role during the recovery from the Black Summer Bushfires. Indeed, the State Recovery Plan contemplated that BRV would ultimately transition from leading recovery activities itself to providing funding and support to CRCs to allow them to lead their own recovery.³⁴

Following the Black Summer Bushfires, 22 Community Recovery Committees formed and were supported by BRV and local councils. Local councils also appointed dedicated recovery staff to support local communities during the recovery process. The appointment of local recovery officers appears to have worked very well, with the Victorian IGEM's Phase 2 report finding that people from the relevant local council areas were very positive about these staff and their hard work in supporting communities. The Phase 2 Report does, however, identify challenges faced by CRCs. The Victorian IGEM reported there is a lack of a shared understanding between state government, councils and recovery agencies about what 'community-led' means in practice. He also highlighted that a significant number of CRC members, who were also managing their own personal recovery, experienced very heavy workloads and high levels of stress. The IGEM recommended that the Victorian Government work with councils and communities to strengthen: a common understanding of community-led recovery; the role of communities in recovery planning; and the support, training and resources required to enable community-led recovery.

Compared to Victoria, there is less publicly available information about how NSW implements the principle of community-led recovery. NSW has a high-level policy commitment to community-led recovery which is reflected in the NSW Recovery Plan, both the previous version dated November 2016 and the current version dated December 2021. While NSW does not have Community Recovery Committees, some of its institutional arrangements reflect a community-led approach, namely Community Resilience Networks and council-based Community Recovery Officers. In light of the foregoing, it would be valuable to undertake further research (e.g., interviews with government, stakeholders and community members) to better understand NSW's implementation of the community-led approach to recovery.

5. Mental health and psychosocial support



Section 5 of this report discusses the provision of mental health and psychosocial support (MHPSS) in disaster recovery. By way of background, the section begins with a discussion of best practice for MHPSS in emergencies. The Inter-Agency Standing Committee's Guidelines on Mental Health and Psychosocial Support in Emergency Settings (the IASC MHPSS Guidelines) are widely recognised as an authoritative source on best practice for MHPSS in emergencies. The IASC MHPSS Guidelines adopt a pyramid model which depicts a hierarchy of interventions. The lower levels of the pyramid represent the least intensive and most widely needed interventions, with higher levels representing increasingly intensive interventions that are generally required by fewer people. Lower-level interventions may be delivered by people who are not mental health professionals; they may be delivered by other health professionals and even by lay people with adequate training and supervision.

The IASC MHPSS pyramid model reflects the insight that restoring basic services and security and providing adequate psychosocial support reduces the percentage of the population that will require specialised psychological or psychiatric interventions, which sit at the top of the pyramid. Equally, it recognises that many disaster-affected people will not require specialised clinical services and will, instead, be able to cope with sub-clinical levels of distress by accessing lower-level interventions such as psychological first aid or short programs designed to help them to navigate common difficulties experienced after an emergency or other traumatic event. Some examples of short programs are: Problem management plus (PM+), developed by the World Health Organization; Skills for Psychological Recovery (SPR), developed by the National Center for PTSD and the National Child Traumatic Stress Network in the US; and SOLAR (Skills fOR Life Adjustment and Resilience), developed through an international collaboration between disaster and mental health experts led by Phoenix Australia – Centre for Posttraumatic Mental Health at the University of Melbourne.

Prior to the Black Summer Bushfires, the Federal Government's policy and planning documents for emergency response and recovery did not address mental health and psychosocial support. The Federal Government has since developed a National Disaster Mental Health and Wellbeing Framework. At the time of writing, this Framework is not yet publicly available. At the state level, prior to the Black Summer Bushfires, both Victoria and NSW had state and local-level plans and institutional arrangements addressing the psychological impacts of emergencies. These plans and institutional arrangements reflect quite different approaches. While Victoria's plans and institutional arrangements reflect the MHPSS pyramid model and adopt a broad concept of psychosocial support, NSW's arrangements focus predominantly on higher-level interventions and the identification and treatment of mental illness. Another distinction between the two states is that while Victoria published a post-event recovery plan that addressed MHPSS, NSW did not publish any post-event recovery plans, whether general or specifically for MHPSS.

Following the Black Summer Bushfires, the Federal Government has provided a large amount of funding for mental health services for affected individuals. The Federal Government provided funding to Primary Health Networks to: (1) provide 10 free counselling sessions to affected individuals; and (2) to hire "Bushfire Trauma Response Coordinators" to assist individuals and communities to navigate the available mental health support. Another key component of the Federal Government's mental health funding package was the Better Access Bushfire Recovery Initiative, which allowed affected people to access government rebates for up to 10 sessions of in-person or telehealth psychological therapy without a doctor's referral. The Senate Committee's Interim Report recommended that funding be maintained for this initiative. The soundness of this recommendation is underlined by: the long-term mental health impacts of bushfire exposure; the fact that mental health needs may emerge or be exacerbated during the years after bushfire exposure; and the fact that more than 10 sessions are required for most people to reliably improve in psychological therapy. The Federal Government did not adopt the Senate Committee's recommendation and the Better Access Bushfire Recovery Initiative ended on 30 June 2022.

The information summarised in this report indicates that, following the Black Summer Bushfires, the Federal Government has predominantly focused on funding psychological therapy and counselling, which are higher-level interventions under the MHPSS pyramid model. There are compelling reasons for funding lower-level interventions such as psychological first aid and targeted programs designed to assist people to navigate common difficulties following an emergency. First, implementing lower-level interventions should reduce the need for higher-level interventions, by addressing subclinical distress and impairment and reducing the likelihood of it progressing to a diagnosable disorder. Secondly, it permits task shifting from mental health professionals to other health professionals and trained lay people, which is critical to meeting needs in the context of Australia's shortage of mental health professionals.

In Victoria, the Victorian IGEN's Phase 2 Report considers in detail the types of MHPSS that have been provided following the Black Summer Bushfires. The Victorian IGEN stated that it was ultimately too early to assess the mental health initiatives introduced following the Black Summer Bushfires. However, the IGEN did identify some general trends and issues, and made positive findings regarding Victoria's Bushfire Case Support Program. This Program paired affected individuals with case support workers to assist them to navigate the many different types of recovery assistance available. The Victorian IGEN highlighted that individuals and communities were "overwhelmingly positive" about the Program, which was an important source of practical and moral support. The IGEN's only negative finding regarding the Program was that a lack of long-term resource planning created unnecessary uncertainty for agencies, their workers and the people they support.³⁵

While individual preferences vary, the IGEM found that during early recovery, communities generally preferred “low key” support such as someone regularly popping in for a cup of tea and a chat, as opposed to more formal, clinical services.³⁶ Indeed, he found that there had been too much emphasis on clinical mental health support in the very early stages of recovery.³⁷ The IGEM also identified a general preference for face-to-face support rather than telehealth appointments, and for support from people living locally rather than external providers. He identified the need for door-to-door outreach to people living in remote areas and farmers who may be unlikely to seek help or travel to centralised service hubs. Further, consistent with his findings regarding financial assistance discussed above, the IGEM identified the need for recovery agencies to share information with one another to avoid the need for community members to share the same information multiple times, including information about their experience of the fires.

Compared to Victoria, there is less publicly available information concerning the provision of MPHSS to people affected by the Black Summer Bushfires in NSW. NSW has a Health Services Functional Area Supporting Plan and a Mental Health Services Supporting Plan, both of which focus on mental health services, rather than broader psychosocial support or lower-level interventions. Following the Black Summer Bushfires, the NSW Government funded 34 specialist mental health Bushfire Recovery Clinicians, which were based in affected communities across the state until June 2021. Additionally, bushfire-affected people in NSW were eligible for the federally funded initiatives mentioned above, namely 10 free counselling sessions and subsidised psychological therapy. In light of the foregoing, it would be valuable to undertake further research (e.g., interviews with government, stakeholders and community members) to better understand the provision of MHPSS during disaster recovery in NSW.

1. Laws, policies and plans relating to disaster recovery

This section discusses the legal, policy and planning instruments relating to disaster recovery at the federal level and in Victoria and NSW. It examines both standing instruments and instruments introduced to guide the recovery from the Black Summer Bushfires. Most of the detailed arrangements for recovery are found in policy and planning documents, rather than in legislation. As will be seen in this section, there are two main types of recovery plans: (i) pre-event recovery plans, which outline the general planned arrangements for recovery; and (ii) post-event recovery plans, which outline the specific measures that will be taken to recover from a disaster based on identified impacts and needs.

1.1 Commonwealth

Under Australia's federal system of government, state and territory governments have primary responsibility for emergency management, including recovery, with the Federal Government playing a supporting role. Consequently, at the federal level, there is no comprehensive emergency management legislation. At the time of the Black Summer Bushfires, there were two key federal instruments relevant to disaster recovery: the National Principles for Disaster Recovery; and the Australian Government Crisis Management Framework. Since the Black Summer Bushfires, three additional instruments that are relevant to recovery have been introduced. In chronological order, these are: Journey to Recovery; the *National Emergency Declaration Act 2020* (Cth); and the Australian Disaster Recovery Framework. This latter document, which was adopted in October 2022, effectively serves as Australia's national recovery policy. Each of the five instruments is discussed in turn below.

The **National Principles for Disaster Recovery** are a set of principles developed by the federal, state and territory governments and the Australian Red Cross. The principles were first developed in 1986 and have been refined over time, most recently in 2018.³⁸ While the National Principles for Disaster Recovery are not legally binding, they have been influential in shaping disaster recovery in Australia, having been endorsed by many instruments at the federal and state/territory levels. The National Principles for Disaster Recovery are set out in full below. It should be noted that for each of the six principles there is a bullet-point list identifying in more detail what each principle means.

National Principles for Disaster Recovery

Understand the context: successful recovery is based on an understanding of the community context, with each community having its own history, values and dynamics.

Recognise complexity: successful recovery is responsive to the complex and dynamic nature of both emergencies and the community.

Use community-led approaches: successful recovery is community-centred, responsive and flexible, engaging with community and supporting them to move forward.

Coordinate all approaches: successful recovery requires a planned, coordinated and adaptive approach, between community and partner agencies, based on continuing assessment of impacts and needs.

Communicate effectively: successful recovery is built on effective communication between the affected community and other partners.

Recognise and build capacity: successful recovery recognises, supports, and builds on individual, community and organisational capacity and resilience.

The **Australian Government Crisis Management Framework** provides a comprehensive yet high-level overview of the federal policies, plans, coordination mechanisms, roles and responsibilities for emergency management, including recovery. At the time of the Black Summer Bushfires, version 2.2 of the Framework, dated December 2017, was in force. Since the Black Summer Bushfires, the Framework has been revised four times. At the time of writing, version 3.2 of the Framework, dated November 2022, is in force. Both versions of the Framework address recovery briefly, endorse the National Principles for Disaster Recovery and outline a coordination mechanism for federal departments and agencies involved in disaster recovery.

There are two key differences between the two versions of the Framework. The first difference concerns the definition of recovery. Version 2.2 defined recovery as “the coordinated process of providing crisis-affected communities with relief and supporting recovery” and noted that this includes physical, environmental and economic elements as well as psychological wellbeing. Version 3.2 adopts a more comprehensive definition of recovery as “short and medium-term measures to restore or improve the livelihoods, health, economic, physical, social, cultural and environmental assets, systems and activities, of a disaster-affected community or society, aligning with the principles of sustainable development and “build back better” to avoid or reduce future disaster risk”.³⁹ The second difference concerns the federal coordination mechanism for disaster recovery, which has undergone significant change following the Black Summer Bushfires and is discussed in detail in section 2.1 below.

On 13 March 2020, in response to the Black Summer Bushfires, the Council of Australian Governments agreed to develop a National Bushfire Recovery Plan. The result is a document entitled **Journey to Recovery** dated October 2020. Instead of replacing the recovery plans for each jurisdiction, Journey to Recovery seeks to show how these plans connect and describes the respective roles of communities, local governments, state and territory governments and the Australian Government.⁴⁰ Journey to Recovery adopts the National Principles for Disaster Recovery and emphasises the role of communities and the not-for-profit and private sectors in disaster recovery.⁴¹ While originally conceived as a recovery plan, in its final form Journey to Recovery more closely resembles a high-level policy document, rather than a post-event recovery plan.

The **National Emergency Declaration Act 2020 (Cth)** was passed in December 2020 to implement one of the recommendations of the Royal Commission.⁴² The Act enables a declaration of a state of national emergency to be made if the Prime Minister is satisfied that certain criteria have been fulfilled including that the emergency has caused, is causing or is likely to cause “nationally significant harm”. The consequences of such a declaration are limited. A declaration gives rise to two emergency powers: (1) a power for the Prime Minister to require Commonwealth agencies and departments to provide specified information; and (2) a power for federal government ministers to suspend, vary or substitute administrative requirements in laws that they administer.⁴³ The second power could, in theory, be used to facilitate early recovery assistance by removing ‘red tape’ requirements that may be a barrier to emergency-affected people accessing payments, benefits or services, such as requirements to produce particular kinds of identification or have signatures witnessed.⁴⁴ However, as this power is only available during the period of an emergency declaration, it could not be used to support medium or long-term recovery.

The **Australian Disaster Recovery Framework** was adopted in October 2022 and effectively serves as Australia’s national recovery policy. The development of the Framework was overseen by a Steering Committee comprising representatives from the Federal Government, Victoria, Queensland, South Australia and Western Australia, as well as the Australian Local Government Association.⁴⁵ The contents of the Framework are discussed in more detail in subsequent sections of this report. In brief summary, the Framework addresses: the meaning of recovery and how it relates to other phases of disaster risk management; the principles and outcomes that guide recovery in Australia; recovery governance

arrangements, including coordination mechanisms and the role of different levels of government and of various non-government actors; and a variety of key recovery topics such as needs assessments, mental health and well-being, and funding and financial assistance. In relation to the principles that guide recovery in Australia, the Framework adopts the National Principles for Disaster Recovery.

1.2 Victoria

State-level instruments

Victoria has three main state-level, standing instruments relevant to disaster recovery.

1. The **Emergency Management Act 2013 (Vic)** (EM Act) is the principal emergency management legislation in Victoria. The EM Act reflects an all-hazards approach and encompasses mitigation, response, and recovery. The EM Act establishes the institutional architecture for emergency management in Victoria and addresses key emergency management issues such as contingency planning, warnings, and resilience of critical infrastructure. The EM Act contains relatively few provisions relating to recovery. The provisions relating to recovery address: the definition of recovery; information sharing; and responsibility for overall coordination of recovery (discussed further in section 2.2 below).⁴⁶ The EM Act defines recovery as “assisting of persons and communities affected by emergencies to achieve a proper and effective level of functioning”.⁴⁷
2. The **State Emergency Management Plan** (SEMP) is a comprehensive document that outlines Victoria’s arrangements for the mitigation of, preparedness for, response to and recovery from all types of emergencies.⁴⁸ The SEMP is supplemented by 13 sub-plans that outline the specific arrangements for different types of emergencies (e.g., bushfire, flood, extreme heat). In contrast to the EM Act, the SEMP addresses recovery in detail, outlining the overarching approach to recovery in Victoria including the principles and outcomes that guide recovery. Equally, the SEMP outlines in detail the respective roles and responsibilities of different actors in recovery. The SEMP supersedes the State Emergency Relief and Recovery Plan (SERRP), which was in force at the time of the Black Summer Bushfires, and which also contained detailed provisions on recovery. Both the SEMP and the SERRP endorse the National Principles for Disaster Recovery.
3. The **Resilient Recovery Strategy** is a state government policy published in November 2019 following extensive consultation. The Strategy reflects the Victorian Government’s commitment to improving the recovery system, with the overarching aim of putting individuals and communities at the centre of recovery efforts and building resilience over time. It endorses the National Principles for Disaster Recovery and identifies four outcomes and four strategic priorities to guide the improvement of the recovery system.⁴⁹ The Strategy will be supported by a comprehensive implementation plan. At the time of writing, an implementation plan is not publicly available.

In addition to the above standing instruments, following the Black Summer Bushfires the Victorian Government developed the following two event-specific instruments.

1. The **Recovery Framework** is a high-level policy document published in June 2020 that describes how Bushfire Recovery Victoria (BRV) was planning and delivering its responsibilities for coordinating recovery from the Black Summer Bushfires. The Framework describes BRV’s approach to community-led recovery, including the principles it follows, how its work will be organised, and the outcomes it seeks to achieve. The Framework adopts the six National Principles for Disaster Recovery, as well as two additional principles: strengthening communities and inclusiveness.

2. The **Eastern Victorian Fires 2019–20 State Recovery Plan** is a plan developed by Bushfire Recovery Victoria and published in August 2020 focussing specifically on the recovery from the Black Summer Fires in Victoria. The plan summarises the recovery activities undertaken to June 2020 and outlines state priorities and actions for recovery for the subsequent 12 to 18-month period (i.e., until December 2021). The Plan is structured around five 'lines of recovery': people and wellbeing; Aboriginal culture and healing; environment and biodiversity; business and economy; and buildings and infrastructure.⁵⁰

Overall, at the state-level Victoria has a detailed policy and planning framework for disaster recovery. Regarding post-event planning, two points should be noted. First, while the Victorian Government did develop a post-event plan following the Black Summer Bushfires, there is no legal requirement for post-event plans to be developed. Secondly, the Eastern Victorian Fires 2019–20 State Recovery Plan covers medium-term, but not long-term recovery. The Plan — which covers the 12 to 18-month period from August 2020 onwards — states that it will be updated a number of times over the coming years to take account of progressive community-led planning and development, as well as further funding outcomes from State and Commonwealth budget processes in future years. At the time of writing, however, an updated plan is not publicly available.⁵¹

Regional, local and community-level instruments

Victoria comprises 79 local government areas (also known as municipalities) which are administered by local councils. For the purposes of emergency management, local government areas are grouped into regions; there are 8 emergency management regions in total.⁵²

At the regional and local levels, Regional and Municipal Emergency Management Planning Committees are responsible for preparing Regional and Municipal Emergency Management Plans that address mitigation, response and recovery.⁵³ Emergency Management Plans for all 8 regions and 79 municipalities are available online.⁵⁴ In relation to recovery, the content and level of detail provided in these plans varies between regions and between municipalities. For example, the Gippsland Regional Emergency Management Plan dedicates two full pages to recovery and has a particularly strong focus on supporting the recovery of the local Aboriginal community.⁵⁵ Other Regional Emergency Management Plans dedicate half or a third of a page to recovery arrangements.⁵⁶ While it is beyond the scope of this report to comprehensively survey the content of all 87 Regional and Municipal Emergency Management Plans, it appears that these plans generally contain relatively short sections on recovery.

There is no legal obligation for post-event recovery plans to be prepared at the regional, municipal or community levels following an emergency. However, the Recovery Framework introduced following the Black Summer Bushfires indicates that this type of planning was contemplated by the Victorian Government. Significant recovery planning has taken place at the municipal and community levels in Victoria following the Black Summer Fires. The three Victorian municipalities worst affected by the Black Summer Fires (Alpine Shire, East Gippsland Shire, Towong Shire) have all developed municipal recovery plans.⁵⁷ East Gippsland Shire has also developed six recovery sub-plans addressing different aspects of recovery including, for example, social recovery, economic recovery, and natural environment recovery.⁵⁸ Of the 22 Community Recovery Committees⁵⁹ formed after the Black Summer Bushfires, many are reported to have engaged in recovery planning,⁶⁰ however only a couple of recovery plans appear to be published online.⁶¹ The reasons for this are unclear; it may be due to some Community Recovery Committees not having published their plans online, or due to community planning being ongoing.

1.3 New South Wales

State-level instruments

New South Wales has three main state-level, standing instruments relevant to disaster recovery.

1. The **State Emergency and Rescue Management Act 1989 No 165 (NSW)** (the SERM Act) is the principal emergency management legislation in New South Wales. The SERM Act adopts an all-hazards and all-phases approach that encompasses prevention, preparedness, response and recovery. The SERM Act establishes the institutional architecture for emergency management in NSW and also provides for the declaration of a state of emergency. The SERM Act contains few provisions relating to recovery. These provisions address the appointment and responsibilities of a State Emergency Recovery Controller and Deputy Controller for certain prescribed emergencies.
2. The **State Emergency Management Plan (EMPLAN)** describes the New South Wales approach to emergency management, outlines the governance and coordination arrangements in place, and describes the roles and responsibilities of agencies and stakeholders. Similar to the SERM Act, EMPLAN adopts an all-hazards and all-phases approach.⁶² EMPLAN is supplemented by 'sub plans' for specific hazards or types of events and 'supporting plans' for functional areas (e.g., telecommunications, health). At the time of writing, the current version of EMPLAN is dated December 2018. The section of the EMPLAN addressing recovery is relatively short, as the state's recovery arrangements are set out in detail in the New South Wales Recovery Plan.
3. The **New South Wales Recovery Plan** provides a comprehensive statement of the arrangements for disaster recovery in NSW. The NSW Recovery Plan has the status of a 'supporting plan' under EMPLAN. The NSW Recovery Plan summarises the overall approach to recovery in NSW and identifies the roles and responsibilities of different actors and stakeholders in recovery. In addition, it addresses a wide variety of key recovery-related issues such as emergency financial assistance, impact assessment and community consultation. At the time of writing, the current version of the NSW Recovery Plan is dated December 2021. At the time of the Black Summer Bushfires, an earlier version of the Plan, dated November 2016, applied. Both versions of the Plan endorse the National Principles for Disaster Recovery and address the following key topics: recovery planning; roles and responsibilities in recovery; and recovery operations management. In terms of roles and responsibilities, the Plan provides less detail compared to the Victorian State Emergency Management Plan. However, it provides a more detailed structure for post-event recovery planning, in the form of Regional and Local Recovery Action Plans.

In addition to the above, it should be noted that the NSW Government, unlike the Victorian Government, has not published a state-level recovery plan to guide the recovery from the Black Summer Bushfires.

Regional and local level instruments

New South Wales comprises 128 local government areas which are administered by local councils. Similar to Victoria, local government areas in New South Wales are grouped into regions for the purposes of emergency management. There are 11 regions in total.⁶³

At the regional and local levels, Regional and Local Emergency Management Councils are responsible for preparing and reviewing plans in relation to the prevention of, preparation for, response to and recovery from emergencies.⁶⁴ Emergency management plans (EMPLANs) for each of the 11 regions are available online.⁶⁵ The 11 regional EMPLANs generally do refer to recovery, but do not address this phase in detail. While it is beyond the scope of this report to survey all the Local Emergency Management Plans (LEMPs), and several local councils do not appear to have published their LEMPs online, the LEMPs surveyed for this report generally contain limited information on the recovery phase.⁶⁶

The 2016 version of the NSW Recovery Plan specifies that Regional and Local Recovery Committees are responsible for preparing Recovery Action Plans following an emergency.⁶⁷ Following the Black Summer Bushfires, many local Recovery Action Plans were prepared. Recovery Action Plans are available online for Bega Valley Shire Council,⁶⁸ Eurobodalla Shire Council,⁶⁹ Snowy Monaro Regional Council,⁷⁰ Blue Mountains City Council,⁷¹ Shoalhaven City Council⁷² and Coffs Harbour City Council.⁷³ Therefore, it is clear that post-event recovery planning occurs at the municipal level. It was not possible, however, to locate Recovery Action Plans developed at the regional level.

2. Institutional arrangements for disaster recovery

This section summarises the key institutional arrangements relevant to recovery that: (i) were in place when the Black Summer Bushfires occurred; (ii) were created specifically to facilitate recovery from the Black Summer Bushfires; and (iii) are currently in place at the time of writing. It discusses which government actors have primary responsibility for disaster recovery in each jurisdiction, the allocation of roles and responsibilities to other government actors and non-government actors, and coordination mechanisms to permit information sharing and coordinated action between actors.

2.1 Commonwealth

Pre-Black Summer institutional arrangements for recovery

At the time of the Black Summer Bushfires, the main federal government entity responsible for emergency management, including recovery, was Emergency Management Australia (EMA), which was a group within the Department of Home Affairs. There was no dedicated national recovery agency. The version of the Australian Government Crisis Management Framework in force at the time (version 2.2) established a coordination mechanism for Australian Government entities involved in disaster recovery. This coordination mechanism, named the Australian Government Disaster Recovery Committee, was designed to be convened when the complexity of recovery issues required a coordinated Australian Government response or if there were multiple incidents and/or jurisdictions affected.⁷⁴ There was also precedent for the ad hoc establishment of a recovery agency dedicated to a specific disaster, with the National Drought and North Queensland Flood Response and Recovery Agency having been established in 2019.⁷⁵

Another key institution in place at the time of the Black Summer Bushfires was the Australia-New Zealand Emergency Management Committee (ANZEMC). The ANZEMC, which continues to exist at the time of writing, provides a year-round national forum on emergency management.⁷⁶ The Committee comprises senior officials from Australian, state and territory governments, plus a member from New Zealand and the Australian Local Government Association.⁷⁷ It is a non-operational forum which is responsible for influencing and advocating for national policies and capabilities for emergency management.⁷⁸ The ANZEMC is supported by two sub-committees, the Mitigation and Risk Sub-committee (MaRS) and the Community Outcomes and Recovery Sub-committee (CORS). There is also a Social Recovery Reference Group (SRRG), which reports to CORS and drives the application of human and social services perspectives in all recovery efforts.

The ANZEMC and its sub-committees play an important role in shaping disaster management policy in Australia, by providing a forum through which the different jurisdictions can collaboratively develop and endorse policy instruments. Of relevance to recovery, the ANZEMC endorsed both the National Principles for Disaster Recovery and the Australian Disaster Recovery Framework. The Community Outcomes and Recovery Sub-Committee facilitated the development of the National Disaster Recovery Framework, while the Social Recovery Reference Group facilitated the most recent revision of the National Principles.

Black Summer institutional arrangements for recovery

The Federal Government did not convene the Australian Government Disaster Recovery Committee to facilitate recovery from the Black Summer Bushfires, as was contemplated by the Australian Government Crisis Management Framework.⁷⁹ Instead, in January 2020, it established the National

Bushfire Recovery Agency (NBRA) to lead and coordinate Australian Government recovery support to affected communities.⁸⁰ The NBRA facilitated delivery of recovery initiatives funded by the Federal Government.⁸¹ It also consulted directly with communities to determine their priorities and to provide advice to the Australian Government on the administration of funding, implementation of programs, and the economic and social impacts of the bushfires.⁸² The NBRA itself established several coordination mechanisms to facilitate the recovery process. The State and Federal Coordinators Bushfire Recovery Forum was established to coordinate and optimise recovery efforts between state, territory and federal agencies.⁸³ The NBRA also created the National Charities Bushfire Recovery Coordinators Forum and National Peak Bodies Bushfire Recovery Coordinators Forum comprising, respectively, representatives from a broad range of national charities and peak bodies.

The Royal Commission made positive findings about the role of the NBRA and the Recovery Coordinators Forums for National Charities and National Peak Bodies. The Commission found that the NBRA enhanced national coordination, enabled jurisdictions and sectors to work together, facilitated information-sharing, built shared situational awareness, and influenced decisions to ensure that funding was targeted and effective.⁸⁴ It noted, however, that the rapid establishment of the NBRA in January 2020 created “teething issues” as well as confusion and uncertainty for some local governments.⁸⁵ The Commission found that the Coordinators Forums “played a valuable role in identifying issues of national significance, optimising recovery efforts, sharing data, and identifying any gaps or potential duplication of effort” and “complemented existing jurisdictional level forums and arrangements”.⁸⁶ The Commission therefore recommended establishing a standing entity dedicated to national natural disaster resilience and recovery and the continuation of regular and ongoing national forums for charities, non-government organisations and volunteer groups that have a role in disaster recovery.⁸⁷ In May 2021, the Federal Government established the National Recovery and Resilience Agency (NRRRA) to implement the Royal Commission’s recommendation to create a standing entity for disaster resilience and recovery. Upon its establishment, the NRRRA assumed the functions of the NBRA.⁸⁸

Current institutional arrangements for recovery

At the time of writing, the government agency with primary responsibility for disaster recovery is the National Emergency Management Agency. In August 2022, it was announced that the NRRRA would merge with Emergency Management Australia from 1 September 2022 onwards to form the National Emergency Management Agency (NEMA). NEMA is now responsible for all phases of disaster management from risk reduction through to preparedness, response and recovery. There is, therefore, no longer a dedicated national recovery agency. It should be noted that, contrary to previous practice, the Australian Government Crisis Management Framework indicates that, in future, dedicated recovery agencies will only be used on a temporary basis for unique crisis situations where specific expertise is required that is not resident in NEMA — for example, following a wide area radiological contamination event.⁸⁹ The Australian Government Crisis Management Framework (version 3.2, dated November 2022) states that state and territory governments have primary responsibility for recovery assistance, and the Federal Government’s role is to support recovery efforts through financial and non-financial assistance.⁹⁰ It further explains that NEMA can support recovery through: its network of Recovery Support Officers; coordination of Australian Government agencies involved in recovery; and engagement across all levels of government and the non-government sector to support a national approach to recovery.⁹¹

Another important point to note is that the Federal Government may deploy the Australian Defence Force (ADF) during disasters. Prior to the Black Summer Bushfires, this was done pursuant to a state or territory government request for assistance under the Australian Government Disaster Response Plan (known as COMDISPLAN), typically for response rather than recovery efforts.⁹² In 2020, following the Black Summer Bushfires, the Federal Government passed legislation explicitly authorising the ADF to be deployed for a ‘natural’ disaster or other emergency if the Minister for Defence is satisfied that the

nature or scale of the event makes it necessary, for the benefit of the nation, for the ADF's assistance to be provided.⁹³ Thus, at the time of writing, the Federal Government has a very broad discretion to deploy the ADF and may do so without a request from the affected state or territory. This is contrary to the Royal Commission's recommendation that unilateral Federal Government action, including deployment of the ADF, be confined to certain very narrow circumstances.⁹⁴

There are currently two main operational coordination mechanisms that may be used for disaster recovery: the Australian Government Crisis and Recovery Committee (AGCRC); and the National Coordination Mechanism (NCM).

1. The **Australian Government Crisis and Recovery Committee** is the primary coordination mechanism for Australian Government agencies in relation to both disaster response and recovery. It comprises representatives of Australian government agencies that are involved in response and/or recovery. The Australian Government Crisis and Recovery Committee consolidates and supersedes two existing coordination mechanisms: the Australian Government Crisis Committee and the Australian Government Disaster Recovery Committee. This coordination mechanism was introduced in July 2021 as part of a series of changes to the Australian Government Crisis Management Framework to implement recommendations of the Royal Commission.
2. The **National Coordination Mechanism** (NCM) was first established during the COVID-19 pandemic. It serves to promote coordination, communication and collaboration between federal, state and territory governments and, if necessary, the private sector. Like the Australian Government Crisis and Recovery Committee, the NCM also spans both the response and recovery phases. While previous coordination mechanisms have included federal, state and territory governments, the NCM is the first coordination mechanism to also include the private sector, albeit only when necessary and upon invitation. Due to its success during the COVID-19 pandemic, the National Coordination Mechanism has been incorporated into Australia's standing arrangements for emergency management and its functioning is outlined in the Australian Government Crisis Management Framework.

Although the above coordination mechanisms form part of the Federal Government's standing arrangements for emergencies, they are not designed to be convened for all emergencies that occur in Australia. The NCM may be convened where the complexity of recovery issues requires a coordinated whole-of-government response, or if there are multiple incidents and/or jurisdictions affected.⁹⁵ Similarly, although the AGCMF states that the Australian Government Crisis and Recovery Committee may be convened for any crisis, it indicates that it will typically be convened for severe or catastrophic disasters, disasters of national significance, disasters where multiple jurisdictions are affected, or where the Federal Government has received multiple requests for recovery assistance from the states and territories.⁹⁶

There are two key points to note about the coordination mechanisms for disaster recovery at the federal level. First, as the Australian Disaster Recovery Framework notes, there is, effectively, no national coordination mechanism for sustained disaster recovery.⁹⁷ Secondly, while the NCM may include private sector representatives, there is no mention of including representatives of civil society and charity organisations. In relation to the first point, the Australian Disaster Recovery Framework proposes that, in future, a National Coordination Mechanism for Recovery could be established where "there is a need for longer-term, sustained coordination of recovery efforts spanning multiple jurisdictions, or attending to consecutive or compounding events with severe to catastrophic consequences".⁹⁸ The Framework proposes that membership of this Mechanism should be tailored to needs and evolve over time and, importantly, notes that invitations could be extended to key recovery stakeholders, industry and community leaders.⁹⁹

2.2 Victoria

Pre-Black Summer institutional arrangements for recovery

At the time of the Black Summer Bushfires, Victoria's institutional arrangements for disaster recovery were outlined in the *Emergency Management Act 2013* (Vic) (EM Act) and the Emergency Management Manual Victoria (EMMV). The EMMV included, amongst other things, a State Emergency Response Plan (Part 3), a State Emergency Relief and Recovery Plan (Part 4), and a section outlining the roles of emergency management agencies across all phases (Part 7). The State Emergency Relief and Recovery Plan stated that relief and recovery coordination commence at the local level, with escalation to regional or state level as required.¹⁰⁰ It outlined the following institutional and coordination arrangements for the local, regional and state levels.

At the local level, recovery coordination was the responsibility of the local government and each municipality was required to appoint an ongoing Municipal Recovery Manager to coordinate council and community resources to support recovery activities. Following an emergency, councils would be responsible for establishing and leading a municipal/community recovery committee as soon as possible.¹⁰¹ At the regional level, recovery coordination was the responsibility of the then Department of Health and Human Services, and each emergency management region had a Regional Recovery Coordinator. Following an emergency, if necessary, a Regional Recovery Committee would be formed.¹⁰² At the state level, Emergency Management Victoria was the agency responsible for relief and recovery coordination.¹⁰³ If necessary, a State Relief and Recovery Manager could be appointed to lead recovery, in which case they would be supported by a multisectoral government coordination body: the State Relief and Recovery Team.¹⁰⁴

Part 7 of the EMMV contained tables outlining the key activities to be performed during the recovery phase. A total of 63 recovery activities were identified, which were grouped into 'functional areas', and then further grouped into four 'recovery environments'. For each activity, there was a lead agency and support agency, and for each functional area there was a lead coordinating agency. While lead agencies and lead coordinating agencies were governmental entities, the designated support agencies included a broad range of non-governmental actors. Non-government actors that were recognised as support agencies for specific recovery activities included, for example, the Australian Red Cross, the Emergencies Ministry of the Victorian Council of Churches, the Insurance Council of Australia and Volunteering Victoria. It also included electricity, gas, fuel and pipeline companies and telecommunications carriers. Each agency involved in emergency management, whether governmental or non-governmental, had an 'Agency Role Statement' outlining its roles and responsibilities across the different phases of emergency management, including recovery. The EMMV therefore allocated clear roles and responsibilities for recovery activities to a broad range of governmental and non-governmental actors, consistent with an all-of-society approach to recovery.

Black Summer institutional arrangements for recovery

While the EMMV created detailed institutional arrangements for recovery, the recovery from the Black Summer Bushfires has relied heavily on ad hoc arrangements. As stated above, under the EMMV the main government agency responsible for recovery would normally be Emergency Management Victoria. However, in January 2020, a new state government agency, Bushfire Recovery Victoria, was established to coordinate recovery from the Black Summer Bushfires. In his Phase 2 Report, the Victorian IGEM identified that the ad hoc establishment of Bushfire Recovery Victoria during the Black Summer Bushfires meant that it did not have time to develop and refine its overall role in recovery and establish productive relationships with councils and other local organisations that normally work in the community.¹⁰⁵ This resulted in coordination difficulties and unclear roles and responsibilities between BRV, local councils and local organisations regarding delivery of recovery services and support to Community Recovery

Committees.¹⁰⁶ However, this does appear to have improved over time as BRV and councils started to build more productive and positive relationships.¹⁰⁷ Another practical challenge linked to BRV's ad hoc establishment was that the new agency was not in a position to immediately provide certain types of support and resources to Community Recovery Committees, with most of the BRV-developed resources not being available until December 2020.¹⁰⁸

As stated above, the EMMV contemplated that a State Relief and Recovery Manager would be appointed to lead recovery and would be supported by a multisectoral government coordination body: the State Relief and Recovery Team. These planned arrangements were also not implemented. In response to the Black Summer Bushfires, the Bushfire Relief and Recovery Taskforce (BRRT) was formally established on 3 January 2020.¹⁰⁹ The BRRT was co-chaired by the Department of Justice and Community Safety and the Department of Premier and Cabinet. It comprised Secretaries, Deputy Secretaries and senior officials from Victorian Government departments and fire agencies.¹¹⁰ It met twice per week initially then transitioned to less frequent meetings as circumstances allowed. On 24 March 2020 the BRRT was superseded by the State Bushfire Recovery Coordination Committee (SBRCC), a time-limited committee chaired by Bushfire Recovery Victoria and established to provide governance of recovery activities.¹¹¹ Five State Recovery Working Groups were also established, with one group for each line of recovery: environment and biodiversity; buildings and infrastructure; people and wellbeing; business and economy; and Aboriginal culture and healing. It is not clear when the BRRT and Recovery Working Groups were stood down, or if there are any ongoing coordination mechanisms to support long-term recovery.

While neither the BRRT, the SBRCC nor the State Recovery Working Groups formed part of the planned state-level arrangements for disaster relief and recovery outlined in the EMMV, this does not appear to have undermined the efficacy of relief and recovery activities. In his Phase 2 Report, the Victorian IGEM made positive findings about both the BRRT and the SBRCC, finding that the BRRT enabled an efficient and coordinated whole-of-government response while the SBRCC provided government with an appropriate level of oversight for recovery activities.¹¹² Notwithstanding these positive findings, it is unclear why exactly the planned institutional arrangements were not implemented and whether the coordination mechanisms that were used were actually more appropriate than those that had been planned.

As stated above, the EMMV contemplated that, following an emergency, councils would be responsible for establishing and leading a municipal/community recovery committee as soon as possible, and that Regional Recovery Committees would also be formed if necessary. The EMMV referred to municipal and community recovery committees interchangeably. In contrast, the Recovery Framework developed by Bushfire Recovery Victoria after the Black Summer Bushfires distinguishes between municipal and community recovery committees, with the former being established and governed by local governments and the latter being established and run by communities themselves (with state and local government support). It appears that, following the Black Summer Bushfires, recovery committees were not formed at the regional level, however one Municipal Recovery Committee (East Gippsland Recovery Committee) and 22 Community Recovery Committees were formed. One of the 22 Community Recovery Committees (Alpine Shire) effectively operates at municipal level as it is coordinated by the local council and Bushfire Recovery Victoria with participation from community members from across the municipality.

The 22 Community Recovery Committees were formed in three main ways: (1) through pre-existing community groups expanding their remit or setting up a sub-committee; (2) as new groups being initiated by communities in response to the bushfires; or (3) through an expression of interest process run in partnership by Bushfire Recovery Victoria and local council.¹¹³ Community Recovery Committees are heterogenous, often adopting different structures and names. For example, among the Community Recovery Committees established following the Black Summer Bushfires are the Clifton Creek Recovery

Team, the Mallacoota and District Recovery Association, and the Orbost District Community Recovery and Transition Committee. The Victorian Government's encouragement and support of Community Recovery Committees is consistent with its commitment to community-led recovery outlined in the state's Resilient Recovery Strategy and the Recovery Framework. In his Phase 2 Report, the Victorian IGEM identified some challenges in Victoria's implementation of its community-led approach to recovery. These challenges are discussed in section 4.2 below.

Two local councils (Towong and East Gippsland) also appointed dedicated recovery staff for defined geographical areas to support Community Recovery Committees, with Towong appointing five Local Area Recovery Officers and East Gippsland appointing seven Place Managers.¹¹⁴ This appears to have worked very well, with the IGEM reporting that "people in Towong and East Gippsland shires were very positive about their Local Area Recovery Officers or Place Managers and noted how hard they worked to support the communities in their catchment".¹¹⁵ The appointment of dedicated local council recovery staff for defined geographical areas would, therefore, appear to be an initiative that should be continued in future recovery operations. Indeed, subject to funding availability, local councils in areas that have a high disaster risk profile may benefit from establishing these positions as full-time ongoing roles to support both long-term recovery and recovery readiness.

Current institutional arrangements for recovery

At the time of writing, there have been some significant developments regarding Victoria's institutional arrangements for disaster recovery. The first significant development concerns Bushfire Recovery Victoria. In June 2021, Bushfire Recovery Victoria was tasked with coordinating clean-up and recovery from major storms and floods.¹¹⁶ Subsequently, in mid-2022, Bushfire Recovery Victoria was renamed Emergency Recovery Victoria and given a broad mandate to lead recovery following all major emergencies in Victoria. Thus, while initially established in response to a specific emergency, Emergency Recovery Victoria is now a standing agency dedicated to recovery and an established element of Victoria's emergency management system.

On 30 September 2020, the State Emergency Management Plan came into effect and replaced Part 3 (State Emergency Response Plan), Part 4 (State Emergency Relief and Recovery Plan) and Part 7 (Emergency Management Agency Roles) of the EMMV. The State Emergency Management Plan is an all-phases plan covering prevention, preparedness, response and recovery. With respect to recovery, the Plan establishes broadly similar institutional arrangements to those identified in the EMMV, contemplating a scalable system with recovery coordinators and committees at local, regional and state level as needed. Although the Plan uses different terminology, similar to the EMMV it identifies a large number of recovery activities and assigns responsibility for these activities to a broad range of government and non-government actors. There are, however, a few differences between the EMMV and the Plan that are worth noting.

- First, while the EMMV established separate state-level coordination mechanisms for response and recovery, the Plan provides for a single coordination mechanism (the State Relief and Recovery Team), with the transition from response to recovery occurring through a change in the person responsible for chairing the mechanism (from the State Emergency Relief Coordinator to the State Recovery Coordinator).
- Secondly, the Plan provides that Bushfire Recovery Victoria is the government agency responsible for recovery coordination at both the state and regional levels, whereas the EMMV previously provided that Emergency Management Victoria and the Department of Health and Human Services were, respectively, responsible for recovery coordination at the state and regional levels.

- Thirdly, while the EMMV specified that local councils are responsible for setting up and staffing recovery centres to serve as a single point of entry for emergency-affected individuals, the Plan does not refer to or allocate responsibility for this task.

In addition to the above developments, it is now clear that Community Recovery Committees are distinct from Municipal Recovery Committees. Unlike the EMMV, the State Emergency Management Plan does not conflate municipal and community recovery committees. Further, the formation of Community Recovery Committees continues to be supported by the Victorian Government and has occurred during more recent disasters affecting the state. For example, following the severe floods and storms in June 2021, nine Community Recovery Committees were formed, several of which grew out of existing community groups. Community Recovery Committees are, therefore, an integral part of Victoria’s institutional framework for disaster recovery, co-existing alongside municipal, regional and state-level committees.

At municipal level, each local government is still required to appoint an ongoing Municipal Recovery Manager to coordinate council and community resources to support recovery activities.¹¹⁷ Following an emergency, the Municipal Recovery Manager, in consultation with the CEO of the affected municipal council, determines the need for and establishes a Municipal Recovery Committee.¹¹⁸ In practice, the role of Municipal Recovery Manager is usually held by a person who has several other roles and responsibilities. Moreover, Municipal Recovery Committees are only established after an event. Subject to funding availability, municipalities with high levels of disaster risk may benefit from making the role of Municipal Recovery Manager a full-time role and establishing an ongoing recovery coordination mechanism to support long-term recovery and develop recovery readiness in ‘normal times’.

2.3 New South Wales

Pre-Black Summer institutional arrangements for recovery

At the time of the Black Summer Bushfires, NSW’s institutional arrangements for disaster recovery were outlined in the SERM Act and the NSW Recovery Plan (version dated November 2016). The SERM Act and NSW Recovery Plan contemplated a scalable system with activation of recovery coordinators and committees at local, regional and state level as needed. The arrangements outlined in the NSW Recovery Plan were designed to be adapted to the scale and severity of an event. The Plan provided a table outlining which recovery arrangements would be activated depending on the severity of an event (low, medium, high or catastrophic).¹¹⁹ The Plan contemplated that, if an event reached catastrophic severity, the State Government would implement “enhanced recovery arrangements” beyond what was outlined in the Plan.¹²⁰

Following an emergency, a Local Emergency Management Committee could decide to establish a Local Recovery Committee to coordinate ongoing recovery issues.¹²¹ Similarly, a Regional Emergency Management Committee could decide to establish a Regional Recovery Committee.¹²² While the arrangements at local and regional level were relatively straightforward, the arrangements at state level were more complicated. At state level, the main government entity responsible for recovery was the Office for Emergency Management within the Department of Justice.¹²³ Following an emergency, a State Emergency Recovery Controller could be appointed to be responsible for the overall coordination of recovery operations in the state.¹²⁴ The transition from response to recovery would occur through a handover from the State Emergency Operations Controller (SEOCON) to the State Emergency Recovery Controller (SERCON). A State Recovery Committee, which would be chaired by SERCON, would be established to provide strategic oversight and guidance to recovery efforts.¹²⁵ The State Recovery Committee would comprise the Secretaries of specified NSW Ministries and other participants (e.g., local government representatives, Functional Area Coordinators) upon invitation.¹²⁶

Two structures could sit below the State Recovery Committee. First, there could be a Recovery Coordination Team staffed by Recovery Field Officers and comprised of representatives from functional areas, the relevant combat agency (i.e., the agency primarily responsible for the response to a specific type of emergency), the local council and NGOs.¹²⁷ The head of the Recovery Coordination Team would be called the Recovery Operations Director.¹²⁸ Secondly, the SERCON could recommend the appointment of a Recovery Coordinator to provide guidance to Local and Regional Recovery Committees and serve as Chair of those Committees.¹²⁹ Both the Recovery Coordination Team and the Recovery Coordinator would report back to the State Recovery Committee.¹³⁰ Finally, the SERCON or Local Recovery Committee could establish Local Community Consultation Groups to enable members of the local community, including people affected by the event and representatives from local organisations, to provide input to the recovery process.¹³¹ In addition, the Plan provided that Recovery Centres could be established to serve as one-stop-shops for the provision of local, state and federal government and non-government services to people affected by emergencies.¹³² Recovery Centres would be established by the Engineering Services Functional Area and the Office of Emergency Management.¹³³ Local council would provide a Recovery Centre Manager and administrative support for the Recovery Centre.¹³⁴

In NSW, there are nine categories of services involved in emergency management (including recovery). The nine categories, which are known as 'functional areas', are the following: (i) agricultural and animal services; (ii) telecommunications services; (iii) energy and utility services; (iv) engineering services; (v) environmental services; (vi) health services; (vii) public information services; (viii) transport services; and (ix) welfare services.¹³⁵ At the time of the Black Summer Bushfires, for each functional area, there was a Functional Area Coordinator who was responsible for coordinating support and resources for the functional area during both the emergency response and recovery phases.¹³⁶ There were also Participating Organisations meaning entities (both governmental and non-governmental) that were available to participate in emergency response and recovery operations, and Supporting Organisations meaning entities (both governmental and non-governmental) that were available to participate and provide specialist support resources.¹³⁷ For each functional area, there was a 'functional area supporting plan' under the State Emergency Management Plan. These plans remain in force at the time of writing and are discussed further below.

Black Summer institutional arrangements for recovery

There is limited publicly available information regarding the institutional arrangements that have been used to manage recovery from the Black Summer Bushfires in NSW. The information that is available indicates that, although the NSW Recovery Plan had established detailed institutional arrangements for recovery, the recovery from the Black Summer Bushfires has relied mainly on ad hoc arrangements, especially at the state level.

At the time of the Black Summer Bushfires, the Office of Emergency Management (OEM) was the state's lead agency for all phases of emergency management, including recovery. During the Black Summer Bushfires, it became apparent that OEM did not have the capability to mobilise large-scale state-wide recovery operations.¹³⁸ Consequently, the NSW Government effectively transferred lead bushfire recovery responsibility to the NSW Police Force.¹³⁹ Under the NSW Recovery Plan, the SEOCN would ordinarily hand over to the SERCON, who would in turn: (a) chair the State Recovery Committee; and (b) appoint a Recovery Coordinator who would report to that Committee. While it is unclear exactly what happened, it does not appear that a SERCON was appointed. Instead, it appears that the SEOCN remained in charge and appointed a State Recovery Coordinator, who reported to the State Recovery Committee.¹⁴⁰ Both the SEOCN and the State Recovery Coordinator were from the NSW Police being, respectively, Deputy Commissioner and Assistant Commissioner, and were supported in their roles by NSW Police staff. The State Recovery Committee had six thematic sub-committees and there was also a NSW Government Coordination Taskforce, neither of which were contemplated by the NSW Recovery Plan.¹⁴¹

At the regional and local levels, the institutional arrangements were more straightforward and consistent with the NSW Recovery Plan. At the regional level, four Regional Recovery Committees were formed,¹⁴² which had thematic sub-committees similar to the State Recovery Committee.¹⁴³ In September 2020, these four Regional Recovery Committees were transitioned into seven Resilience and Recovery Subcommittees.¹⁴⁴ At the municipal level, several councils formed their own Municipal Recovery Committees, however there is limited publicly available information about these Committees. Moreover, there is limited information concerning Local Community Consultation Groups and it is ultimately unclear if any such groups were formed after the bushfires. It appears that several Community Resilience Networks were active before and after the Black Summer Bushfires, as part of a pilot program run by the OEM. However, there is also limited publicly available information about these groups. Following the Black Summer Bushfires, Community Recovery Officers (CROs) were positioned across 22 fire-affected local government areas in NSW for a period of 12 months to support communities in their recovery.¹⁴⁵ The CROs were appointed by and embedded within local councils, while being jointly funded by the NSW and Federal Governments.¹⁴⁶ In April 2021, the CROs were extended for a further 12 months and their mandate was expanded to include flood recovery.¹⁴⁷

On 1 May 2020, the NSW Government established Resilience NSW to replace the OEM and to serve as the state's dedicated agency for preparedness, response and recovery. Resilience NSW appears to have had a very similar mandate to the OEM. The key difference between the agencies appears to have been that while the OEM sat within the Department of Communities and Justice, Resilience NSW was established as a 'public service executive agency' related to the Department of Premier and Cabinet. Of relevance to this report, Resilience NSW had a dedicated Office of Disaster Recovery. There is, however, limited publicly available information on Resilience NSW's role in relation to the Black Summer Bushfires. The following matters are unclear: when and how responsibility for recovery was transitioned from NSW Police to Resilience NSW; how long the state-level coordination arrangements discussed above were in place; and how Resilience NSW interacted with those coordination mechanisms.

Current institutional arrangements for recovery

Since the Black Summer Bushfires, there have been significant changes in NSW's institutional arrangements for recovery. In December 2021, an updated version of the NSW Recovery Plan was adopted. Similar to the November 2016 Plan, the new version contemplates a scalable system with recovery coordinators and committees at local, regional and state level as needed. There are, however, some differences:

- the 2021 Plan provides that the State Recovery Committee will establish subcommittees to lead delivery across functions, an arrangement which was not contemplated by the 2016 Plan but which was implemented following the Black Summer Bushfires;
- the membership of the State Recovery Committee envisaged by the 2021 Plan is broader compared to the 2016 Plan, although under both Plans membership is ultimately flexible;¹⁴⁸
- the 2021 Plan contemplates that government recovery coordination support will be provided by Resilience NSW, whereas the 2016 Plan contemplated that the OEM would establish a dedicated Recovery Coordination Team staffed by Recovery Field Officers;¹⁴⁹ and
- the 2021 Plan refers to Community Resilience Networks instead of Local Community Consultation Groups, although both appear to have essentially the same function during recovery — to enable members of the local community to provide input to the recovery process.

An important point to note regarding the above institutional arrangements is that there do not appear to be any ongoing coordination mechanisms for recovery at state or local level to support long-term recovery and to develop recovery readiness during 'normal times'.

Unlike Victoria, NSW's current arrangements for recovery do not include community recovery committees. As discussed in section 2.2 above, Victoria's institutional arrangements contemplate both municipal and community recovery committees, with the former being established and governed by local governments and the latter being established and run by communities themselves. In NSW, only the former exists. While local recovery committees in NSW are mandated to represent the local community and should include representatives of Community Resilience Networks (CRNs) and any pre-existing community groups, they are ultimately a municipal institution and, moreover, are chaired by the Recovery Coordinator, which is a state-level position.¹⁵⁰ Thus, NSW's institutional arrangements do not reflect the community-led approach to recovery to the same degree as Victoria. Regarding Community Resilience Networks, there is very limited information about these types of groups online, however it does appear that several such networks have been created (for example, in Byron, Lithgow, and Blue Mountains).

As discussed above, at the time of the Black Summer Bushfires, for each functional area, there was a 'functional area supporting plan' under the State Emergency Management Plan. Since the Black Summer Bushfires, two of the nine functional area supporting plans have been updated (the plans for Engineering Services and Transport Services). With the exception of two of the plans (Environmental Services and Telecommunications Services),¹⁵¹ the functional area supporting plans contain very short sections on recovery.¹⁵² Moreover, some plans do not assign specific roles and responsibilities to different actors, instead only providing a list of the actors that will be involved in the functional area.¹⁵³ Of the plans that do assign specific roles and responsibilities, most do not break this down by emergency management phase, making it unclear how responsibilities differ between the response and recovery phases.¹⁵⁴ A positive feature of the functional area supporting plans is that they contemplate the participation of a very broad range of government actors in emergency management, consistent with an all-of-government approach. Equally, there is formal recognition of the role of several charities, private sector entities, peak bodies and the Australian Red Cross through their designation as Supporting Organisations in some functional areas.

Shortly prior to the publication of this report, major changes to NSW's institutional arrangements for recovery were made. Resilience NSW was renamed Recovery NSW and its mandate restricted to the first 100 days after a disaster.¹⁵⁵ A new agency, the NSW Reconstruction Authority, was also created to focus on longer-term recovery and rebuilding.¹⁵⁶ Notwithstanding its name, the NSW Reconstruction Authority is also now the state's lead agency responsible for disaster prevention.¹⁵⁷ These reforms were introduced to implement the recommendations of the NSW Flood Enquiry, which found that during the 2022 flood events Resilience NSW did not perform as intended, primarily due to the size and scope of its remit.¹⁵⁸

3. Funding and financial assistance for recovery

3.1 Funding arrangements for disaster recovery

In Australia, disaster recovery is jointly funded by the federal, state and territory governments. The Disaster Recovery Funding Arrangements 2018 (DRFA) outline the circumstances in which the Federal Government will provide funding to the states and territories for disaster relief and recovery. Thus, despite their title, the DRFA apply to both the response and recovery phases (but not the risk reduction and preparedness phases). In turn, the DRFA are mirrored by financial assistance arrangements in the states and territories, which outline the circumstances in which state and territory governments will provide funding to local councils and, in some cases, other government entities such as catchment management authorities and Local Aboriginal Land Councils. In Victoria, the Natural Disaster Financial Assistance scheme applies;¹⁵⁹ in NSW, the NSW Disaster Assistance Guidelines 2021 apply.¹⁶⁰

The funding provided under the DRFA takes the form of partial reimbursement of state expenditure and, in the case of reconstruction of essential public assets, payment of the state's estimated reconstruction costs. The DRFA refer to four key categories of relief and recovery measures for which states and territories may receive federal funding.

- **Category A** comprises emergency assistance for affected individuals including: emergency food, clothing or temporary accommodation; repairs necessary to restore housing to a habitable condition; demolition or rebuilding to restore housing to a habitable condition; personal and financial counselling; and the employment of Community Recovery Officers.¹⁶¹ For Category A, the state may recoup either 50% or 75% of its expenditure, depending on whether its expenditure on disaster relief and recovery has reached specified thresholds.
- **Category B** comprises assistance in the form of: counter disaster operations for the protection of the general public; the repair or reconstruction of essential public assets; and loans and subsidies for small businesses, primary producers, non-profits and individuals that have been financially impacted by a disaster.¹⁶² For Category B, the state may recoup either 0%, 50% or 75% of its expenditure, depending on whether its expenditure on disaster relief and recovery has reached specified thresholds.
- **Category C** comprises recovery measures for regions, communities or sectors severely affected by a disaster. It comprises the following measures: a community recovery fund; recovery grants for small businesses and non-profit organisations; and recovery grants for primary producers.¹⁶³ The cost sharing ratio between the Commonwealth and the states and territories for Category C measures is 50:50.
- **Category D** measures are acts of relief or recovery carried out to alleviate distress or damage in exceptional circumstances. This category allows states to seek reimbursement for measures that are not covered by Categories A, B or C but are warranted by exceptional circumstances. It therefore serves as a 'catch all' category. The cost sharing ratio between the Commonwealth and the states and territories for Category D measures is generally 50:50 although this may vary.

The states may receive reimbursement of expenditure incurred during the period up to 24 months from the end of the financial year in which the relevant disaster occurred. As funding under the DRFA is generally provided on a reimbursement basis, state and territory governments are generally required to incur the costs of relief and recovery and then submit a claim to the Australian Government for

reimbursement. In exceptional circumstances, the Australian Government may provide advance payments for specific recovery activities or measures. During the Black Summer Bushfires, the Australian Government provided advance payments to NSW, Queensland, South Australia and Victoria totalling over \$75 million.¹⁶⁴

State and territory governments and civil society have identified the following two key deficiencies in the DRFA.

- First, the DRFA arguably do not encourage states to reconstruct infrastructure to be more resilient to future disasters, consistent with the internationally recognised 'build back better' principle. Category B of the DRFA only provides funding for essential public assets to be reconstructed to their 'pre-disaster function'.¹⁶⁵ State, territory and local governments have argued that there is a need to incorporate the concept of 'betterment' into the DRFA to promote reconstructing infrastructure to be more resilient.¹⁶⁶ The Bushfire Royal Commission recommended that Australian, state and territory governments should incorporate the principle of 'build back better' more broadly into the DRFA.¹⁶⁷
- Secondly, under the DRFA, state and territory governments are responsible for determining exactly what types of assistance will be available and who will be eligible to receive assistance. As a result, the amount of assistance available varies between jurisdictions, creating issues of inequity.¹⁶⁸ This is particularly stark for communities which straddle state borders.¹⁶⁹ A potential solution to this 'postcode lottery' is for state and territory governments to develop pre-agreed recovery assistance programs to be funded under the DRFA, with a view to standardising the types and amounts of assistance available.¹⁷⁰ Another benefit of this approach is that it would entail designing recovery assistance programs in advance, rather than amidst an unfolding disaster.

In addition to the two points above, the calculation of the period for which funding is available under the DRFA may create arbitrary outcomes. Under the DRFA, states and territories may receive reimbursement of expenditure incurred during the period up to 24 months from the end of the financial year in which the relevant disaster occurred. Therefore, for disasters that occur at the start of a financial year, funding may be provided by the Commonwealth for a three-year period; for disasters that occur at the end of a financial year, funding may only be provided for two years. This is arguably an arbitrary outcome because the timing of a disaster within a financial year is a factor which has no bearing on recovery funding needs. Moreover, the period for which funding is available (i.e., between two and three years) is relatively short given the long-term needs of communities affected by major disasters. On 13 March 2020, the Council of Australian Governments (COAG) tasked Emergency Management Australia (EMA) to lead a review of the DRFA in consultation with states and territories.¹⁷¹ Unfortunately, there is limited publicly available information regarding the progress and status of this review process. Shortly prior to the publication of this report, the Federal Government commissioned an independent review into Australia's disaster funding arrangements, which will include the DRFA within its scope.¹⁷²

In addition to the DRFA, at the time of the Black Summer Bushfires, the Federal Government had an Emergency Response Fund which, notwithstanding its name, could be used to support disaster risk reduction, preparedness, response and recovery.¹⁷³ The Emergency Response Fund was an investment fund credited with \$4 billion upon its establishment in December 2019 and was intended to maximise the Federal Government's ability to support states and territories to manage major 'natural' disasters. In any given year, the Federal Government could draw up to \$50 million for risk reduction and preparedness and \$150 million for response and recovery.¹⁷⁴ In November 2022, Parliament passed legislation transforming the Emergency Response Fund into the Disaster Ready Fund, which will focus on disaster risk reduction rather than disaster relief and recovery.¹⁷⁵ The National Emergency Management Agency (NEMA) will use funds from the Disaster Ready Fund to collaboratively develop disaster risk reduction

projects with state and territory governments, with states and territories being expected to contribute 50 per cent towards the cost of projects.¹⁷⁶ Whereas the Emergency Response Fund committed \$50 million per year for resilience building measures, the Disaster Ready Fund will provide up to \$200 million per year for resilience building.¹⁷⁷ Relevantly to recovery, the Disaster Ready Fund may be used to fund the reconstruction of infrastructure to be more resilient following a disaster, thereby addressing the current gap in the DRFA. More generally, the Disaster Ready Fund addresses the lack of federal funding for disaster risk reduction, which is a gap identified by several major reports prepared by government and non-government entities.¹⁷⁸

Immediately following the Black Summer Bushfires, the Federal, Victorian and NSW Governments announced very large funding packages to support recovery, each of which was subsequently increased and/or supplemented with additional, more specific funding packages. The piecemeal nature of the funding announcements — and the fact that both federal and state governments counted the federal funding to be provided under the DRFA in their announcement figures — makes it difficult to quantify the exact amount of funding provided by each jurisdiction. In terms of the source of funding, Victorian Government funding was initially sourced from Treasurer's advances and, subsequently, from allocations in the 2020–21 and 2021–22 state budgets.¹⁷⁹ A Treasurer's advance is an annual appropriation to the Treasurer to meet urgent expenditure claims that were unforeseen at the time of the budget. It is unclear how funding was sourced at the federal level and in NSW. As noted above, at the time of the Black Summer Bushfires, the Federal Government could draw \$150 million in any year from the Emergency Response Fund for disaster response and recovery.¹⁸⁰ The Federal Government did not, however, draw down on the Emergency Response Fund to support the response or recovery from the Black Summer Bushfires. It is unclear why it did not do so, given that the Fund appears to have been designed to operate in this type of situation and, moreover, represented an attractive funding source insofar as it would not have impacted the budget and government debt levels.

3.2 Financial assistance for disaster recovery

The Federal, Victorian and NSW Governments provided a variety of different kinds of financial assistance to individuals, small businesses, primary producers, not-for-profits and local councils affected by the Black Summer Bushfires. This financial assistance fell into three main categories: (i) unconditional cash transfers to be spent at the recipient's discretion; (ii) exemption from specified taxes; and (iii) grants for specified purposes or projects, most of which were awarded pursuant to competitive application processes. Except for Federal Government's cash transfers (i.e., the Disaster Recovery Payment and the Disaster Recovery Allowance), financial assistance was provided through ad hoc programs developed during and following the Black Summer Bushfires.

The Federal Government provided cash transfers in the form of the Disaster Recovery Payment and the Disaster Recovery Allowance, both of which are a standing form of financial assistance available to people affected by major disasters. The Disaster Recovery Payments are cash payments of \$1,000 for adults and \$400 for children provided on a one-off, non-means tested basis. They are provided to individuals who have been severely affected by a major disaster.¹⁸¹ The Disaster Recovery Allowance is a fortnightly payment for individuals whose income is adversely affected by a disaster; it is available for a period of 13 weeks. In addition to these standing financial assistance mechanisms, the Federal Government created the Black Summer Bushfire Recovery Grants Program for community resilience and recovery programs implemented in the period from January 2022 to March 2024. These grants were generally only available to incorporated entities holding an Australian Business Number (i.e., they were not available to individuals or unincorporated community groups).¹⁸²

The Victorian Government predominantly provided financial assistance to affected communities through grants and tax relief. The tax relief comprised reductions or waiver of payroll tax, water rates, stamp duty, land tax and motor vehicle duty.¹⁸³ The Victorian Government introduced eight types of grants, each with a specified purpose, maximum amount and eligible recipients (which included small businesses, primary producers, local government, not-for-profit groups and individuals). For example:

- local governments could apply for Bushfire Recovery Grants for Community Facilities of up to \$50,000 to support community groups to build, upgrade or repair important local facilities open to the public;¹⁸⁴
- primary producers could apply for Emergency Bushfire Response in Primary Industries Grants of up to \$75,000 to pay for the cost of clean-up and other emergency measures including disposing of dead stock, and rebuilding or replacing damaged or destroyed on-farm infrastructure;¹⁸⁵ and
- not-for-profit groups and individuals could apply for Nature-led Community Recovery Grants of up to \$5,000 for projects that deliver on-ground action for recovering wildlife and habitats as well as educational or arts programs connecting environmental recovery with human recovery.¹⁸⁶

At the time of writing, all the eight grants made available by the Victorian Government have closed, with many having closed in late 2020 or early 2021. Most grants also required implementation to be completed by June 2022.

Like the Victorian Government, the NSW Government predominantly provided financial assistance to affected communities through grants and tax relief. The tax relief comprised reductions or waiver of payroll tax, motor vehicle duty, council rates and waste levy fees.¹⁸⁷ In addition, administrative allowances were provided such as allowing more time to lodge tax documents, extending tax payment deadlines and allowing tax debts to be paid in instalments.¹⁸⁸ In terms of grants, the NSW Government established the Bushfire Community Recovery and Resilience Fund which disbursed grants for community recovery and resilience. The grants were split into two streams. Stream 1 comprised grants of \$100,000 or \$250,000 to local governments for short-term recovery projects.¹⁸⁹ Stream 2 comprised grants of \$20,000 to \$300,000 for community groups, councils, joint organisations, non-government organisations and not-for-profit organisations for social recovery and preparedness projects in bushfire-affected communities.¹⁹⁰ Applications for both streams closed in late December 2020.¹⁹¹

The NSW Government subsequently established the Bushfire Local Economic Recovery Fund, which disburses grants to of up to \$4 million to a variety of entities — including councils, not-for-profit organisations, research or academic organisations, and Local Aboriginal Land Councils — to support the recovery of the local community's economy, social well-being, or environment or improve resilience to future disasters.¹⁹² The timeframe for these grants is later than for those disbursed under the Bushfire Community Recovery and Resilience Fund. Grants have been awarded in three stages; the second and third rounds of grants were not originally planned but were established by government due to the very high number and quality of applications. Projects funded by the grants must be completed by June 2023.

In addition to the foregoing, the NSW Government established grant programs to provide immediate financial assistance and support to targeted primary industries that were significantly impacted by the Black Summer Bushfires. These grants included: Supply Chain Support Grants to support the short-term recovery needs and retention of jobs for producers and businesses in the forestry, horticulture and agriculture industries; and Sector Development Grants to support projects that increase value-added production, support supply-chain efficiencies, product diversification and market expansion in six targeted industries (apiculture, aquaculture, dairy, forestry, horticulture and viticulture).¹⁹³ Applications for both of these grants closed in mid-2020.¹⁹⁴

While the federal and state governments provided a vast amount of financial assistance following the Black Summer Bushfires, the Victorian IEGM's Phase 2 Report and the Senate Committee's Final Report have identified some weaknesses in the design and delivery of this assistance. The Victorian IEGM's Phase 2 Report, which focuses on the progress and effectiveness of Victoria's immediate relief and recovery arrangements, identifies several challenges in disaster recovery funding and financial assistance in Victoria. These challenges include (but are not limited to) the following:

- while it is well known that recovery is a prolonged process, recovery funding tends to be short term which undermines organisations' ability to develop medium and long-term recovery plans and objectives;¹⁹⁵
- the application and eligibility requirements for community and individual grants and funding are inflexible, onerous, confusing and distressing for affected individuals and communities and do not reflect the person-centred and trauma-informed approach to recovery supported by the Victorian Government;¹⁹⁶
- the timing of grant application and funding deadlines creates distress, anxiety and perceptions of unfairness in affected communities as they fear missing opportunities or being required to apply when they have not fully identified their recovery needs and priorities;¹⁹⁷ and
- while communities were motivated to invest in preparedness activities following the Black Summer Bushfires, this was not well supported by the available funding opportunities.¹⁹⁸

With respect to the second bullet point above, a key problem identified by the Victorian IEGM is the re-traumatising effect of requiring disaster-affected people to repeatedly tell their stories to prove their eligibility for different forms of financial assistance.¹⁹⁹ The Victorian IEGM recommended (among other things) that government work with the emergency management sector to develop a recovery funding model that enables short, medium and long-term recovery planning and resourcing.²⁰⁰ He further recommended that government develop a comprehensive, person-centred, trauma-informed recovery financial assistance system with: clear and transparent eligibility criteria; flexibility in the timing of application processes; streamlined application processes; and proactive outreach from relevant government agencies to support communities to access funding.²⁰¹

The Senate Committee's Final Report documented similar problems in relation to financial assistance for recovery. Notably, unlike the Victorian IEGM's report, the Committee's report was not limited to any one jurisdiction. The problems identified by the Committee included the following: the highly competitive nature of grant application processes, which can create competition between community groups or even between community groups and local council; the fact that some application processes pit local community groups directly against much more well-resourced applicants, such as councils and other government entities; the lack of time or capacity in some community groups — many of which are run by volunteers, who are themselves managing their own recovery — to participate in a competitive grant application process and then to administer projects if approved; and the re-traumatising effect of requiring disaster-affected people to repeatedly tell their stories to different entities in order to prove their eligibility for different forms of financial assistance.²⁰² This latter issue has also been identified by the Victorian IEGM's Phase 2 Report, the Bushfire Royal Commission, the NSW Bushfire Inquiry and, more recently by the 2022 NSW Flood Inquiry.²⁰³ Indeed, the 2022 NSW Flood Inquiry identified this as one of the two most commonly raised issues at the Inquiry, with the other being the slowness of grant processing and allocation.²⁰⁴ This issue could potentially be addressed through developing consent-based information-sharing mechanisms for government and non-government actors involved in providing financial assistance for recovery.

4. Community-led recovery

4.1 Community-led recovery in policy and planning documents

As discussed in section 1.1 above, the National Principles for Disaster Recovery are a set of principles developed collaboratively by the federal, state and territory governments and the Australian Red Cross. While the National Principles for Disaster Recovery are not legally binding, they have been influential in shaping disaster recovery policy in Australia, having been endorsed by many instruments at the federal and state/territory levels. One of the seven National Principles for Disaster Recovery is “use community-led approaches”.²⁰⁵ According to this principle, “successful recovery is community-centred, responsive and flexible, engaging with community and supporting them to move forward”.²⁰⁶ More specifically, the principle provides that recovery should:

- assist and enable individuals, families and the community to actively participate in their own recovery;
- recognise that individuals and the community may need different levels of support at various times;
- be guided by the community’s priorities;
- channel effort through pre-identified and existing community assets, including local knowledge, existing community strengths and resilience;
- build collaborative partnerships between the community and those involved in the recovery process;
- recognise that new community leaders often emerge during and after a disaster, who may not hold formal positions of authority; and
- recognise that different communities may choose different paths to recovery.²⁰⁷

The Australian Disaster Recovery Framework endorses the National Principles for Disaster Recovery and the community-led approach to disaster recovery. It states that “recovery doctrine in Australia commits to recovery efforts being designed for and maintaining focus on a community-led and locally managed model, even when coordination efforts are escalated to an inter-jurisdictional or national level”.²⁰⁸ Appendix A to the Framework is a set of “Characteristics of Successful Recovery Programs”, which were developed by the Community Outcomes and Recovery Sub-Committee of ANZEMC.²⁰⁹ One of the characteristics is community-led recovery, which involves seeking to engage and enable communities throughout all stages of recovery, including leveraging local knowledge and aspirations as the basis of some aspects of planning.²¹⁰

Policy and planning documents in Victoria and NSW also endorse the National Principles for Disaster Recovery and adopt a community-led approach to recovery, although the term ‘community-centred’ is sometimes used, seemingly interchangeably. In Victoria, the Resilient Recovery Strategy adopts the National Principles for Disaster Recovery and identifies four strategic priorities to improve recovery in Victoria. One of the strategic priorities is to “deliver people and community-centred recovery” which means “better recognis[ing] the individual and diverse needs within communities and deliver[ing] recovery engagement, planning and activities in partnership with all parts of the community”.²¹¹ The community-led or community-centred approach to recovery is also reflected in the Victorian State Emergency Management Plan, the Eastern Victorian Fires 2019–20 State Recovery Plan, and the Recovery Framework. The latter two documents were developed specifically to guide the recovery from the Black Summer Bushfires and are discussed below.

The NSW Recovery Plan — both the previous version dated November 2016 and the current version dated December 2021 — adopt the National Principles for Disaster Recovery, including the community-led approach to recovery. While the December 2021 version of the Plan defines community-led recovery using the same wording as the National Principles, it does not elaborate further on what this means.²¹² The November 2016 version of the Plan, which was in force at the time of the Black Summer Bushfires, provided a little more detail by including a list of bullet points explaining the meaning of community-led recovery.²¹³ These bullet points appear to be drawn from the National Principles for Disaster Recovery and do not provide sufficient information to decipher how exactly the NSW Government envisaged community-led recovery working in practice.

4.2 Community-led recovery in Victoria following the Black Summer Bushfires

Following the Black Summer Bushfires, the Victorian Government adopted two key documents to guide the state's recovery: the Eastern Victorian Fires 2019–20 State Recovery Plan; and the Recovery Framework. These documents provide information about how the Victorian Government envisaged the community-led approach to recovery operating in practice. They explain that a community-led approach moves beyond a “traditional community engagement method”, where the community simply provides input or is engaged through a process determined by the government.²¹⁴ Instead, Bushfire Recovery Victoria (BRV) and local governments would support the creation of Community Recovery Committees, which would develop their own recovery plans and be supported to bring their plans to life.²¹⁵ Community Recovery Committees (CRCs) would therefore be the key mechanism for both understanding community needs and implementing effectively within communities.²¹⁶ Indeed, the Plan contemplated that BRV would actually transition from leading recovery activities itself to providing funding and support to CRCs to allow them to lead their own recovery.²¹⁷

Thus, in Victoria, Community Recovery Committees have been the primary mechanism through which the Victorian Government has sought to implement its community-led approach during the recovery from the Black Summer Bushfires. As discussed in section 2.2 above, one Municipal Recovery Committee and 22 Community Recovery Committees formed. One of the 22 Community Recovery Committees (Alpine Shire) appears to effectively operate at municipal level as it is coordinated by the local council and BRV with participation from community members from across the municipality. The 22 Community Recovery Committees were formed in three main ways: (1) through pre-existing community groups expanding their remit or setting up a sub-committee; (2) as new groups being initiated by communities in response to the bushfires; or (3) through an expression of interest process run in partnership by BRV and local council.²¹⁸ Two local councils (Towong and East Gippsland) also appointed dedicated recovery staff for defined geographical areas to support Community Recovery Committees, with Towong appointing five Local Area Recovery Officers and East Gippsland appointing seven Place Managers.²¹⁹

The Victorian approach appears to have been motivated by a desire to support communities to genuinely lead their own recovery, rather than merely being consulted in the recovery process. However, in his Phase 2 Report, the Victorian IGEM identified several issues in how the community-led approach operated in practice. These issues included the following.

- **Role clarity:** There was a lack of clarity regarding the respective roles of councils, existing service delivery organisations and BRV regarding recovery service delivery and supporting community-led recovery initiatives.²²⁰ However, this did improve over time as BRV and councils started to build more productive and positive relationships.²²¹
- **Support for Community Recovery Committees:** At the time of writing, CRCs can access (at no cost) a ‘Support Services Catalogue’, which is a panel of professional service providers such as workshop facilitators, communications specialists, project management, mentoring

and wellbeing professionals.²²² While CRC members have reported that this support was much needed, it was not available from the time of the establishment of the CRCs, with most BRV resources only becoming available in December 2020.²²³

- **Meaning of 'community-led recovery':** While there is broad consensus about the importance of community-led recovery, governments, councils and recovery agencies do not have a shared understanding of what this means in practice.²²⁴ Specifically, the extent to which communities can make or have control over decisions is unclear.²²⁵
- **Burden on individual members of Community Recovery Committees:** As community members, CRC members are likely to be managing their own recovery and supporting neighbours, friends and family to recover.²²⁶ Understandably, many CRC members have reported experiencing high levels of fatigue and stress due to the workload involved in being a CRC member.²²⁷ This was aggravated by a lack of clarity and guidance regarding the exact roles and responsibilities of CRCs, which contributed to some CRCs taking on very heavy workloads.²²⁸

In light of these issues, the IGEM recommended that the Victorian Government work with councils and communities to strengthen: a common understanding of community-led recovery; the role of communities in recovery planning; and the support, training and resources required to enable community-led recovery.²²⁹

In relation to the first issue above, as the IGEM noted in his Phase 2 Report, the lack of clarity regarding roles and responsibilities was “not entirely unexpected” given that BRV was established following the Black Summer Bushfires and, therefore, needed time to develop and refine its overall role in recovery and establish productive relationships with councils and other local organisations.²³⁰ Regarding the second issue, the ad hoc establishment of BRV following the Black Summer Bushfires may also explain why much-needed support for CRCs was not immediately available, becoming available only later in the recovery process. The fact that BRV has been transformed into a standing agency for disaster recovery — Emergency Recovery Victoria — may mitigate these issues during future disaster recovery operations.

While the first two issues listed above are arguably implementation challenges, the final point relates to the Victorian Government’s vision for community-led recovery. As stated above, the Victorian Government envisioned departing from the “traditional community engagement method” and ultimately transitioning leadership for recovery from BRV to CRCs. Relatedly, in his Phase 2 Report, the Victorian IGEM stated:

It has been repeatedly suggested to IGEM that in operationalising community-led programs, the community end up with higher than necessary workloads. This stress is compounded by the fact that many community members are also managing significant personal impacts from emergencies. Stakeholders and community members have noted that it would be more effective for the community-led component of recovery to mean 'community-supported and consulted'.²³¹

The IGEM's statement highlights a mismatch between the Victorian Government’s vision for community-led recovery and the preferences of at least some affected communities. Indeed, it indicates that some communities may actually prefer the “traditional community engagement method” that the Victorian Government sought to depart from. It should, however, be noted that this is only likely to be true if their needs and preferences are genuinely listened to and reflected in the design and implementation of recovery programming. More generally, it should be noted that community preferences on this issue are likely to vary. They may differ between and within communities, at different stages of the recovery process, and in relation to different aspects of recovery. This points to the need for the community-led approach to be implemented in a flexible manner and without an assumption that all communities will wish, and be able to, take on the same level and types of responsibilities.

4.3 Community-led recovery in NSW following the Black Summer Bushfires

Compared to Victoria, there is significantly less publicly available information about what types of recovery arrangements were implemented at local and community level in NSW following the Black Summer Bushfires. As discussed in section 2.3 above, various local recovery arrangements were established. Several councils formed their own Municipal Recovery Committees. Additionally, Community Recovery Officers (CROs) were positioned across 22 fire-affected local government areas in NSW for a period of 12 months to support communities in their recovery.²³² The CROs were appointed by and embedded within local councils, while being jointly funded by the NSW and Federal Governments.²³³ In April 2021, the 22 CRO positions were extended for a further 12 months and their mandate was expanded to include flood recovery; a 23rd CRO position was also created.²³⁴ While there do not appear to have been any further government announcements regarding CROs, and this 12-month extension has now elapsed, several local councils in NSW have advertised CRO positions in mid-to-late 2022, indicating that at least some CRO positions continue to exist.

Unlike Victoria, NSW does not have Community Recovery Committees. However, several Community Resilience Networks (CRNs) were active both before and after the Black Summer Bushfires, as part of a pilot program run by the OEM. Amongst other functions, CRNs were intended to serve as a reference group for Municipal Recovery Committees, and to provide input to formal recovery strategies. However, there is limited publicly available information about if and how CRNs have played this role during the recovery from the Black Summer Bushfires. Moreover, it should be noted that the composition of CRNs varies: some CRNs comprise community members, some comprise local agencies, and some comprise a mix of both. In light of the above, there is insufficient publicly available information to analyse how NSW has implemented the principle of community-led recovery following the Black Summer Bushfires. What is clear from the available information is that NSW does have a policy commitment to community-led recovery and that some institutional arrangements have been implemented to support this approach, namely Municipal Recovery Committees, Community Resilience Networks and council-based Community Recovery Officers.

5. Mental health and psychosocial support

5.1 The impacts of bushfire exposure on mental health and wellbeing

In 2021, a team of researchers associated with the University of Melbourne published the “10 Years Beyond Bushfires Report” summarising the results of a longitudinal study examining the impacts of the Victorian 2008–2009 bushfire season.²³⁵ The research followed 1,000 people across the 10-year period following the fires and focused on their evolving mental health and wellbeing. The study cohort included many people affected by the ‘Black Saturday’ bushfires, which occurred on Saturday 7 February 2009. The Black Saturday bushfires resulted in Australia’s highest ever loss of human life from a bushfire, with 173 fatalities.²³⁶ In addition 3,500 buildings and over 2,000 homes were damaged or destroyed, leaving many homeless.²³⁷

The Beyond Bushfires Report provides invaluable insight into the long-term impacts of bushfire exposure on mental health and wellbeing. For the purposes of the research, participants were categorised as belonging to low, medium or high impact communities. Five and ten years after the bushfires, 22% of participants from high impact communities reported symptoms consistent with a diagnosable mental health disorder including post-traumatic stress disorder (PTSD) and depression.²³⁸ This was more than twice as high as participants from low impact communities.²³⁹ Factors which were associated with poor mental health included: fearing for one’s life during the fires; experiencing the death of a loved one from the fires; and separation from loved ones during the fires.²⁴⁰ Additionally, participants who experienced a major life stressor following the fires — such as relationship breakdown, loss of income or loss of accommodation — were also more likely to have poor mental health outcomes.²⁴¹

Among those who had moderate to high levels of bushfire exposure, many of those who did not quite meet the threshold of a diagnosable condition still experienced difficulties with adjustment over the 10 years following the fires,²⁴² indicating the prevalence of sub-clinical mental health impacts. While the Beyond Bushfires Report identifies that bushfire exposure can cause long-term and significant mental health impacts, it equally provides evidence of resilience and recovery. Ten years after the bushfires, 66.5 per cent of participants across high, medium and low impact communities reported they felt ‘mostly’ or ‘fully’ recovered. There were also many reports of post-traumatic growth, particularly for people from high-impact communities. The types of post-traumatic growth reported by people involved in the Black Saturday Bushfires, whether personally or professionally, included: strengthened relationships and new social connections; development and use of new skills or rediscovery of old skills; engagement in creative activities; an enhanced sense of personal strength; and increased appreciation of life.²⁴³

5.2 Mental health and psychosocial support in disaster recovery

During and following a disaster, it is essential to provide both mental health services and psychosocial support to affected communities. Psychosocial support is a broad concept which encompasses non-clinical services designed to meet the overlapping psychological and social needs of individuals, families and communities. In the context of an emergency, psychosocial support entails facilitating and strengthening resilience within individuals, families and communities to recover from the emergency.²⁴⁴ It includes (amongst other things) psychological first aid, support groups, education about normal reactions to stressful events and coping mechanisms, play activities for children and creating child-friendly spaces, and supporting the continuation of community social and cultural life. Unlike clinical services, psychosocial support does not need to be implemented by specialised health professionals; it can generally be implemented by lay people with appropriate training and supervision.

The Inter-Agency Standing Committee’s Guidelines on Mental Health and Psychosocial Support in Emergency Settings (the IASC MHPSS Guidelines) reflect the insights of numerous agencies and practitioners worldwide and are widely recognised as an authoritative source on best practice for MHPSS in emergencies.²⁴⁵ The IASC Guidelines use the composite term “mental health and psychosocial support” (MHPSS) to refer to any type of support that aims to protect or promote psychosocial well-being and/or prevent or treat mental disorders.²⁴⁶ A central concept of the IASC MHPSS Guidelines is a pyramid model, which represents a layered system of complementary supports that meet the needs of different groups. The pyramid model, depicted in Figure 1 below, reflects the insight that restoring basic services and security and providing adequate psychosocial support are foundational to the mental health and psychosocial well-being of an emergency-affected population, and that providing this security and support reduces the percentage of the population that will require specialised psychological or psychiatric interventions.



Figure 1: Intervention pyramid for mental health and psychosocial support in emergencies, reproduced from the IASC MHPSS Guidelines

As depicted in Figure 1 above, the MHPSS pyramid has four layers of intervention, with the bottom level being required by the entire emergency-affected population and each subsequent layer being required by a progressively smaller segment of the population.

- At the bottom of the pyramid is basic services and security, which refers to promoting the well-being of all people by (re)establishing security, adequate governance and services that address basic physical needs (i.e., food, shelter, water, basic health care).²⁴⁷
- The second layer of the pyramid is community and family supports, which encompasses a broad range of activities that facilitate the role of family and community networks and activities in enhancing individual mental health and psychosocial well-being. Some examples of activities in this category include family tracing and reunification, assisted mourning and communal healing ceremonies, mass communication on constructive coping methods, and the activation of social networks.²⁴⁸
- The third layer of the pyramid is focused, non-specialised supports. This encompasses more focused individual, family or group interventions. This includes basic mental health care by primary health care workers but also psychological first aid and other interventions delivered by non-health specialists.²⁴⁹
- The fourth and final layer of the pyramid is specialised services, which refers to psychological or psychiatric supports for people with mental health disorders whose needs exceed the capacities of existing primary/general health services.²⁵⁰

The layers of the MHPSS pyramid are complementary in two ways. First, implementing interventions at the lower level of the pyramid generally reduces the need for interventions at higher levels. For example, protracted loss of housing can have serious impacts on mental health and wellbeing; rapidly restoring housing can reduce these impacts, thus reducing the need for higher-level interventions. Secondly, the service providers delivering interventions at the lower levels of the pyramid can play an important role in identifying and referring people who require higher-level interventions. For example, providers operating at the bottom layers of the pyramid can identify people who are experiencing acute reactions or resorting to harmful coping mechanisms after a disaster and refer them to specialised supports.²⁵¹

Psychological first aid is one the key types of psychosocial support for people affected by an emergency, disaster or other traumatic event. At its core, psychological first aid entails providing humane and compassionate support to a person affected by a traumatic event. Psychological first aid is not a set of pre-determined actions. Instead, it entails listening carefully to the needs of affected people and linking them with the information and practical support they need, with an emphasis on interacting with them in a way that instils hope and promotes calmness, connectedness and self-efficacy.²⁵² Psychological first aid does not involve directly encouraging people to talk about their experiences of disaster, although it does involve listening to people if they wish to do so. Like other elements of psychosocial support, psychological first aid can be provided by lay people with appropriate training and supervision.

The stepped-care model of mental health support, which is sometimes referred to as matched-care, is closely related to the MHPSS pyramid model. Like the MHPSS pyramid model, the stepped-care model is a hierarchy of interventions that begins with the least intensive and most widely needed interventions, with subsequent steps representing increasingly intensive interventions that are generally required by fewer people.²⁵³ Whereas the MHPSS pyramid model has a systemic approach focused on how to structure and coordinate MHPSS for emergency-affected populations, the stepped-care model is more centred on the individual. The stepped-care model comprises three steps. Level 1 comprises psychological first aid, with the aim to provide information and support to foster a sense of safety, control and hope.²⁵⁴ Level 2 comprises more targeted and structured interventions designed to assist people to navigate common difficulties following an emergency or other traumatic event. These interventions are appropriate for situations where psychological first aid is not sufficient, but the individual does not have a diagnosable mental health disorder. That is, they are appropriate for treating subclinical mental health impacts and aim to decrease the likelihood that the individual will go on to develop a diagnosable mental health disorder. There are several programs that may be implemented as Level 2 interventions, including:

- PM+ (Problem management plus), which was developed by the World Health Organization;²⁵⁵
- Skills for Psychological Recovery, which was developed by the National Center for PTSD and the National Child Traumatic Stress Network in the US;²⁵⁶ and
- SOLAR (Skills fOr Life Adjustment and Resilience), which was developed through an international collaboration between disaster and mental health experts led by Phoenix Australia – Centre for Posttraumatic Mental Health at the University of Melbourne.²⁵⁷

Level 3 comprises evidence-based interventions targeting mental health disorders, including trauma-focused therapies designed to treat posttraumatic stress disorder (PTSD), which are delivered by mental health specialists. In terms of how the MHPSS pyramid model and the stepped-care model relate to one another, the three steps in the stepped-care model map onto the top two layers of the MHPSS pyramid (i.e., specialised services and focused, non-specialised supports). Importantly, Levels 1 and 2 may be delivered by people who are not qualified mental health specialists; they may be delivered by other health practitioners and even by lay people with adequate training and supervision. This is critically important because, in theory, it permits task shifting. Task shifting refers to allowing people who do not normally have competencies for specific services to deliver those services.²⁵⁸ It can be used as a mechanism to increase access to health care in situations where demand outstrips supply, including emergency settings.

5.3 Commonwealth

Prior to the Black Summer Bushfires, the Federal Government's policy and planning documents for emergency response and recovery did not address MHPSS. Since the Black Summer Bushfires, the Federal Government (specifically, the National Mental Health Commission) has developed a National Disaster Mental Health and Wellbeing Framework. Although this Framework was endorsed by all jurisdictions in June 2022,²⁵⁹ at the time of writing it is not publicly available. Another important development is that the Federal Government has drafted a National Mental Health Action Plan for Emergency Services Workers.²⁶⁰ This draft plan is also not publicly available.

Following the Black Summer Bushfires, the Federal Government introduced the Supporting the Mental Health of Australians Affected by Bushfires measure (the Mental Health Bushfires Measure), which received \$76 million of funding over two years.²⁶¹ The Mental Health Bushfires Measure had four components. The first component was the Bushfire Recovery Access Program, which provided counselling, psychological therapy and other mental health support for individuals, families and emergency services workers affected by the bushfires. Under this Program, people directly affected by the Black Summer Bushfires could access: up to 10 free sessions of distress and trauma counselling; and 10 subsidised sessions of psychological therapy. The subsidised psychological therapy could be accessed in person or via telehealth, as part of two programs entitled Medicare Bushfire Recovery Initiative and Medicare Bushfire Recovery Telehealth Initiative. While emergency services workers who responded to the Black Summer Bushfires were eligible to access the free counselling and subsidised psychological therapy, additional funding was also allocated for specialist organisations, such as the Black Dog Institute, to provide emergency services workers and their families with trauma care services.²⁶²

To facilitate quick access to psychological therapy, the Medicare Bushfire Recovery Initiatives did not require assessment and referral by a doctor, which is usually required to access subsidised therapy in Australia.²⁶³ Individuals that used all 10 therapy sessions could subsequently access therapy in the same way as other people using Australia's public health system. That is, they could seek a doctor's referral for psychological therapy, entitling them to a prescribed number of subsidised sessions per calendar year. During the COVID-19 pandemic, this was temporarily increased from 10 to 20 sessions, meaning that bushfire-affected individuals could theoretically access a total of 30 subsidised sessions of therapy per year (in addition to the 10 free sessions of counselling mentioned above). It should be noted, however, that Australia has a shortage of mental health professionals, especially in rural and regional areas, and that 'gap' payments (i.e., the difference between a professional's fees and the government subsidy) can be financially prohibitive.

The second component of the Mental Health Bushfires Measure was providing trauma-informed care training to emergency services personnel who attended the bushfires and employers of front-line emergency staff.²⁶⁴ In practice, this training appears to have been provided to a broader group, including general practitioners and other health professionals; it also appears to have included other types of lower level MHPSS interventions such as psychological first aid. For example, Phoenix Australia – Centre for Posttraumatic Mental Health received federal funding to train emergency services workers and health professionals in psychological first aid and trauma-informed care.²⁶⁵ The third and fourth components of the Mental Health Bushfires Measure were, respectively, coordination of mental health services and supporting communities in recovery, both of which appear to have been implemented primarily through providing funding to Primary Health Networks (PHNs).²⁶⁶ PHNs were granted funding to hire Bushfire Trauma Response Coordinators to help individuals and communities to navigate the available mental health support and to assist in coordinating the various types of support available.²⁶⁷ PHNs also received funding to provide small community grants of up to \$10,000 for activities at the grass-roots level to strengthen social connectedness and peer support activities, as well as assertive outreach initiatives to prevent suicide and identify individuals at risk.²⁶⁸

The Senate Committee gave detailed consideration to the mental health impacts of the Black Summer Bushfires. In its Interim Report, the Senate Committee stated that the submissions it received “overwhelmingly recommended” that funding be maintained for the Medicare Bushfire Recovery Telehealth Initiative beyond the planned end date of 30 June 2022.²⁶⁹ It noted that these services were of considerable benefit to regional, rural and remote areas, where mental health services may not be readily available.²⁷⁰ The Committee ultimately recommended that both the Medicare Bushfire Recovery Initiative and Medicare Bushfire Recovery Telehealth Initiative be made permanent, with both initiatives properly funded over the forward estimates.²⁷¹ The soundness of this recommendation is underlined by: the Beyond Bushfire Report’s findings regarding the long-term mental health impacts of bushfire exposure; the fact that, for some individuals, mental health needs may emerge or be exacerbated during the years after bushfire exposure, in some cases due to the cumulative impact of subsequent disasters or additional stressors;²⁷² and the fact that between 13 and 18 sessions are required for 50 per cent of people to reliably improve in psychological therapy.²⁷³

In its response to the Senate Committee’s Interim Report, the Federal Government noted, but did not adopt, the recommendation to extend the Better Access Bushfire Recovery Initiatives. The Initiatives ended, as planned, on 30 June 2022 (i.e., approximately two-and-a-half years after the fires).²⁷⁴ Additionally, from 1 January 2023 onwards, the number of subsidised psychological therapy sessions available to people using Australia’s public health system reverted to its pre-COVID level of 10 sessions per calendar year.²⁷⁵ People affected by the Black Summer Bushfires can still access government subsidies for in-person or telehealth psychological therapy.²⁷⁶ However, they are now required to access therapy through the standard procedure, meaning that they are entitled to a total of 10 subsidised sessions per year following assessment and referral by a doctor.

The information summarised above indicates that following the Black Summer Bushfires the Federal Government has predominantly focused on funding psychological therapy and counselling, which are level 3 interventions under the stepped-care model of mental health care. It has also provided some funding for level 1 interventions. Based on publicly available information, the Federal Government does not appear to have funded level 2 interventions such as PM+, SPR and SOLAR. There are compelling reasons for funding level 2 interventions: first, as discussed above, level 2 interventions aim to decrease the likelihood that individuals will go on to develop a diagnosable mental health disorder; and secondly, they permit task shifting from psychologists and other mental health professionals to other health professionals and trained lay people, which is critical to meeting needs in the context of Australia’s shortage of mental health professionals.²⁷⁷

5.4 Victoria

At the time of the Black Summer Bushfires, Victoria had state and municipal-level plans and institutional arrangements that addressed MHPSS for people affected by disasters. Victoria’s arrangements for disaster recovery were outlined in the State Emergency Relief and Recovery Plan (SERRP). The SERRP identified “psychosocial support” as both a relief and recovery activity, and identified that this includes psychological first aid, emotional and spiritual care, case management, counselling and mental health services, community information sessions and community engagement.²⁷⁸ Under the SERRP, psychosocial support was to be led by municipal councils with support from the Australian Red Cross (ARC) and the Victorian Council of Churches’ Emergency Ministry (VCC-EM).²⁷⁹ Where municipal councils could not meet demand, a request for support could be escalated to the then Department of Health and Human Services (DHHS), which was the lead coordinating agency for psychosocial support.²⁸⁰

The SERRP referred to a Victorian Government policy document entitled ‘Psychosocial Support: A Framework for Emergencies’.²⁸¹ This Framework identifies the principles and considerations that should underpin a psychosocial recovery process and acknowledges that individuals and communities are affected in different ways and require different supports. The Framework adopts the pyramid model from the IASC MHPSS Guidelines, although it adapts the pyramid diagram to explicitly identify the types of interventions that are implemented at each level. The interventions identified for the bottom level of the pyramid (basic services) are service hubs, housing and income support, information and briefings. At the second level (community and family supports), the interventions listed are community development, school supports, men’s sheds, personal support, bereavement support groups, and case support. At the third level (focused non-specialised supports), the interventions identified are counselling, grief services, and general practice. At the fourth and final level of the pyramid (specialised supports) the intervention identified is mental health services. The pyramid diagram from the Framework is replicated in the SERRP.²⁸²

In addition to these state-level documents and arrangements, Municipal Emergency Management Planning Committees were required to plan for psychosocial support in their Municipal Emergency Management Plans. The Municipal Emergency Management Plans of the three municipalities worst affected by the Black Summer Bushfires (East Gippsland, Alpine and Towong) all listed the ARC and VCC-EM as providers of psychosocial and personal support in relief and nominated additional local providers, including Gateway Health and Primary Care Partnerships.²⁸³ The ARC and DHHS were also represented on the Municipal Emergency Management Planning Committees of the councils affected by the Black Summer Bushfires.²⁸⁴

Victoria’s main post-event recovery plan — the Eastern Victorian Fires 2019–20 State Recovery Plan, which covered the 12 to 18-month period from August 2020 onwards — also has a strong emphasis on psychosocial support. Published in August 2020 by Bushfire Recovery Victoria, the Plan identified “people and wellbeing” as one of the five “lines of recovery”. This line of recovery was to be led by DHHS.²⁸⁵ One of the priorities under this line of recovery was psychosocial recovery, which the Plan defined as “all individuals and communities are aware of, and have access to, appropriate psychosocial support services which are tailored to unique recovery needs, strengthen resilience and are also available to isolated and vulnerable people and communities”.²⁸⁶ The Plan identified actions under this priority to be implemented during the following 12 to 18 months. These actions were:

- providing a Bushfire Case Support Program to help people impacted by the fires to access relevant services and support;
- providing counselling and mental health support services;
- providing public communications and information sessions to help communities understand the impacts of trauma, self-care strategies and caring for others;
- providing tailored psychosocial support for key population groups (e.g., Aboriginal and Torres Strait Islander peoples, culturally and linguistically diverse communities);
- supporting access to tailored bereavement, grief and loss services; and
- providing funding for a range of community-based initiatives through the Bushfire Mental Health Plan to promote health and wellbeing, early intervention, community inclusion, social connectedness and social recovery capital.²⁸⁷

Psychosocial support actions were also listed under the “children, youth and families” line of recovery, which identified the need to address the specific needs of children and young people, as well as to address family violence and sexual assault.²⁸⁸ This part of the Plan identified actions such as: providing

mental health support in government and non-government schools, including additional psychologists and social workers; monitoring increases in demand for family violence services and facilitating additional support and information on referral pathways to specialist family violence services; and supporting local councils in affected areas to deliver primary prevention initiatives.²⁸⁹ While the Plan refers to a Bushfire Mental Health Plan having been developed by 30 June 2020,²⁹⁰ this document does not appear to be publicly available. In addition to the psychosocial support actions identified in the Plan, individuals affected by the Black Summer Bushfires in Victoria were eligible to access the initiatives funded by the Federal Government discussed in section 5.3 above, including 10 free counselling sessions and subsidised sessions of psychological therapy. Further, the Gippsland and Murray Primary Health Networks (which covered the geographical areas in Victoria that were worst affected by the Black Summer Bushfires) made use of the federal funding for “Bushfire Trauma Response Coordinators” by each hiring a person to fill this role.

In his Phase 2 Report, the Victorian IGEM stated that it was too early to assess the mental health initiatives introduced following the Black Summer Bushfires.²⁹¹ The IGEM did, however, identify some key issues and trends relating to the provision of psychosocial support during the Black Summer Bushfires and the early recovery period. Regarding the psychosocial support provided during the fires, the IGEM identified that — in addition to the support provided by ARC and VCC-EM, as contemplated under the planned arrangements — there were many reports of community members and groups spontaneously and informally providing psychosocial support when this support was either unavailable or insufficient, even though they themselves were directly impacted by the fires.²⁹² This included Bush Nurses and Remote Area Nurses, ARC volunteers from impacted areas (as opposed to ARC volunteers from non-impacted areas), and church groups from affected communities. While this demonstrated community resilience, the IGEM observed that there was little formal planning or coordination in place at the local, regional or state level to support or relieve these community members.²⁹³

In terms of psychosocial support during early recovery, while individual preferences vary, the IGEM reported that, during early recovery, communities generally preferred “low key” support such as someone regularly popping in for a cup of tea and a chat, as opposed to more formal, clinical services.²⁹⁴ They also generally preferred face-to-face support rather than telehealth appointments, and support from people living locally rather than external providers that would come and go.²⁹⁵ Noting these general preferences, the IGEM found that there was too much emphasis on clinical mental health support in the very early stages of recovery.²⁹⁶ This finding accords with the MHPSS pyramid model and the stepped-care approach, both of which emphasise that many disaster-affected people will not require specialised clinical services and may, instead, be able to cope with the psychological impacts of a disaster by accessing lower-level interventions such as psychological first aid.

The IGEM identified that, based on the feedback from stakeholders, individuals, and communities on mental health and psychosocial support, some recurring themes and issues emerged.²⁹⁷

- There is a need for face-to-face, door-to-door outreach to farmers and people living in remote areas who are unlikely to travel into an office, clinic or hub and/or unlikely to seek help.²⁹⁸
- Some of the stress and anxiety felt by communities could be alleviated not through mental health interventions, but by better assisting them to resolve other recovery needs (e.g., housing) and by supporting them to prepare for future fires, which could ease their worry.²⁹⁹
- There is a need for recovery agencies to share their knowledge, assessment tools and findings with one another, to avoid the need for community members to share the same information multiple times, including information about their experience of the fires.³⁰⁰

The second point above is consistent with the MHPSS pyramid model, which emphasises that restoring security and meeting basic needs are the foundation for promoting the mental health and psychosocial

wellbeing of disaster-affected populations. The third point above echoes the issue discussed in section 3.2 above about the potentially re-traumatising effect of requiring affected people to repeatedly tell their stories of loss to different entities to prove their eligibility for different forms of assistance.

A key component of the Victorian Government's planned psychosocial support was the Bushfire Case Support Program. Under this Program, case support workers were assigned to individuals who were significantly affected by the Black Summer Bushfires. They generally provided 'case support' meaning information, referrals and advice, and assistance with paperwork. More intensive support, referred to as 'case management', was also provided based on need; this involved more hours per week over a longer period. The IGEM referred to the Bushfire Case Support Program as the "backbone" of Victoria's psychosocial support offering, reporting that individuals and communities were "overwhelmingly positive" about the Program.³⁰¹ He found that the Program was an important source of practical and moral support for fire-affected individuals and families, but that a lack of long-term resource planning created unnecessary uncertainty for the agencies, workers and the people participating in the Program.³⁰²

Another example of a successful MHPSS initiative is the Victorian Bushfire Recovery Project implemented by Phoenix Australia – Centre for Posttraumatic Mental Health at the University of Melbourne, with state government funding. The Victorian Bushfire Recovery Project provided training and mentoring to frontline workers, volunteers, health professionals and community leaders to enable them to provide appropriate stepped care mental health support to people impacted by the Black Summer Bushfires. In line with the stepped-care model, three levels of training were offered. A total of 943 community leaders, emergency services workers and recovery workers participated in training on trauma-informed care and psychological first aid, which are level 1 interventions; 77 health and recovery workers completed training on the SOLAR Program, which is a level 2 intervention; and 328 mental health specialists participated in training on trauma-focused cognitive behavioural therapy, which is a level 3 intervention.³⁰³

The SOLAR Program mentioned above is a brief, five-session program that helps people build skills to look after themselves and recover following a traumatic event.³⁰⁴ It comprises six modules focusing on skills for healthy living, managing strong emotions, getting back into life following disaster, coming to terms with disaster, managing worry and rumination, and maintaining healthy relationships.³⁰⁵ The SOLAR Program does not need to be implemented by mental health professionals; instead, it can be run by trained 'coaches'.³⁰⁶ The SOLAR coaches trained through the Victorian Bushfire Recovery Project have delivered more than 150 sessions for community members who have experienced significant ongoing distress and mental health concerns following the Black Summer Bushfires and other subsequent disasters. The SOLAR program has shown significant potential for preventing the onset of more serious mental health conditions, which would require level 3 interventions. Considering Australia's shortage of psychologists and the prevalence of sub-clinical yet significant distress in disaster-affected populations, level 2 interventions like the SOLAR Program have a critical role to play.

5.5 New South Wales

In terms of MHPSS, NSW's plans and institutional arrangements for recovery focus predominantly on mental health services and contain minimal provisions on broader psychosocial support. NSW's emergency management plans include a Health Services Functional Area Supporting Plan and a Mental Health Services Supporting Plan, both of which apply to the response and recovery phases. At the time of writing, the same versions of these Plans are in force as were in force during the Black Summer Bushfires. The Plans establish the role of State Mental Health Services Controller, who is responsible for coordinating the mental health response during an emergency.³⁰⁷ The Plans contemplate that, during the response phase, psychological first aid, triage and emergency mental health assessment and care

will be provided at evacuation or recovery centres.³⁰⁸ This may be provided through the deployment of Health Response Teams which include, among other things, mental health personnel. This is designed to enable the rapid assessment and timely management of those who may be experiencing acute psychiatric reactions or be at risk of developing psychopathology.³⁰⁹

The State Mental Health Services Controller's role also encompasses recovery; the Controller is responsible for "determining the requirements for recovery operations" and "ensuring continuing access to care and to a range of treatment options for those people affected by an emergency who may present beyond the scope of the planned response and recovery phases".³¹⁰ The Mental Health Services Plan provides a list of the mental health actions that will be implemented during the recovery phase including: mental health staff assessing and delivering appropriate mental health care for those at high risk or with established need; and education, consultation, support and referral systems for other health, non-government, GP and community providers.³¹¹ The Mental Health Services Plan provides that, in addition to the State Mental Health Services Controller, there is a Mental Health Controller for each local health district (LHD).³¹² In line with the scalable design of NSW's emergency management arrangements, the State Mental Health Controller only assumes coordination of the mental health response where an event requires a multi-area or statewide response.³¹³ Each LHD is required to have a LHD Mental Health Services Supporting Plan.³¹⁴ The Health Response Teams referred to above generally comprise personnel from the LHD.³¹⁵

The version of the NSW Recovery Plan in force at the time of the Black Summer Bushfires (i.e., the version dated November 2016) identified that ARC would provide personal support services to disaster-affected people including care and comfort, information, referral and interpersonal help through measures such as psychological first aid and outreach.³¹⁶ This information is not reflected in the Health Services Functional Area Supporting Plan or the Mental Health Services Supporting Plan. Aside from this reference to the ARC's role, and the reference to psychological first aid in the Mental Health Services Supporting Plan, NSW's emergency planning documents do not address psychosocial support. Instead, they adopt a predominantly medical perspective focused on the prevention, identification and treatment of mental illness.

As discussed above, following the Black Summer Bushfires, the NSW Government commissioned an inquiry, which focused on the response to — but not the recovery from — the fires. The NSW Bushfire Inquiry did not examine the nature and effectiveness of the mental health and psychosocial support provided to communities affected by the fires. It did, however, contain a substantial discussion of the mental health of first responders, especially fire fighters. In relation to this point, the Inquiry noted that the NSW Rural Fire Service (RFS) had made "extensive efforts" to support its members mental health and wellbeing, but nonetheless identified that more medium and long-term support would be required and, therefore, recommended that the RFS expand its in-house mental health support for all members.³¹⁷ The Inquiry discussed that fire fighters may need mental health support a significant amount of time after the event, once acute counselling services are no longer available, and that the financial cost of mental health treatment can be a barrier to access.³¹⁸ To address these issues, the Inquiry recommended that fire fighters be provided a free mental health screen post-event and gap-free treatment if required. Moreover, it recommended that a new item number be created in Australia's healthcare system to track demand for mental health services from firefighters over time.³¹⁹ At the time of writing, these recommendations have not been implemented.

Aside from the NSW Bushfire Inquiry's discussion of the mental health of first responders, there is no NSW government inquiry or review which summarises or discusses the mental health and psychosocial support provided to people impacted by the Black Summer Bushfires. It is, therefore, difficult to ascertain the full scope and nature of services provided. Government press releases reveal that the NSW Government committed \$15.3 million for mental health initiatives for affected communities.

One of the key initiatives implemented by the NSW Government was to fund 34 specialist mental health Bushfire Recovery Clinicians, which were based in affected communities across the state until June 2021.³²⁰ Bushfire Recovery Clinicians were tasked with working closely with GPs and community and welfare agencies to provide direct care and respond to local needs and issues, including the provision of outreach to isolated communities and displaced community members. It should be noted that individuals affected by the Black Summer Bushfires in NSW were eligible to access the mental health initiatives funded by the Federal Government discussed in section 5.3 above, including 10 free counselling sessions and subsidised psychological therapy. As in Victoria, Primary Health Networks in NSW used federal funding to hire Bushfire Trauma Response Coordinators.

ENDNOTES

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- 3 Alexander I Filkov et al, 'Impact of Australia's catastrophic 2019/20 bushfire season on communities and environment. Retrospective analysis and current trends' (2020) 1(1) Journal of Safety Science and Resilience 44, 54.
- 4 Journey to Recovery, above n1, 6.
- 5 Ibid.
- 6 Ibid.
- 7 Ibid.
- 8 Alexander I Filkov et al, above n3, 53.
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- 11 Ibid 49.
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- 15 See Final Report of the NSW Bushfire Inquiry (31 July 2020) <<https://www.dpc.nsw.gov.au/assets/dpc-nsw-gov-au/publications/NSW-Bushfire-Inquiry-1630/Final-Report-of-the-NSW-Bushfire-Inquiry.pdf>> 56 (Figure 2–1) (**NSW Bushfire Inquiry Final Report**).
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- 28 Eastern Victorian Fires 2019–20 State Recovery Plan (August 2020) <https://www.vic.gov.au/sites/default/files/2021-04/BRV_Statewide%20Recovery%20Plan.pdf> 13 (**Eastern Victorian Fires State Recovery Plan**).
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- 31 Ibid.
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- 36 Ibid 321–322.
- 37 Ibid 322.
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- 41 Ibid 10, 18, 24.
- 42 Royal Commission Report, above n25, 136.
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- 44 National Emergency Declaration Bill 2020, Second Reading Speech (3 December 2020) <<https://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22chamber%2Fhansard%2F11b18738-de56-4d82-82f6-2c10fddd6b2b%2F0008%22>>.
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