

Professor Hugh Durrant-Whyte  
NSW Chief Scientist and Engineer  
Level 6, 52 Martin Place  
SYDNEY NSW 2000

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## Re: February-March fish death event in the Darling Baaka River at Menindee

Dear Professor Durrant-Whyte,

The NSW Reconstruction Authority (the Authority) was established in December 2022 and is a NSW Government statutory corporation responsible for improving how NSW plans for natural disasters and to support communities across the state recover from natural disasters faster. The Authority has a coordinating role in NSW's critical planning for natural disasters through engagement with communities, businesses, and all levels of government.

The Authority is writing to you about the independent review into the February-March fish death event in the Darling Baaka River at Menindee, and to take the opportunity to provide information about the Authority's role and function in preparing for, and responding to, events of this nature, and our role in the state emergency framework.

### **The *NSW Reconstruction Authority Act 2022* (the Act)**

The role and powers of the Authority are underpinned by legislation and regulation, the *NSW Reconstruction Authority Act 2022*, and the *NSW Reconstruction Authority Regulation 2023*. The primary object of the Act is set out in section 3, which states:

"The primary object of this Act is to promote community resilience to the impact of disasters in New South Wales through:

- a) disaster prevention, preparedness and adaption, and
- b) recovery and reconstruction following disasters."

Section 6 of the Act *defines disaster to* mean the following:

"In this Act, *disaster* includes the following-

- (a) natural disasters, including, for example, bushfires, coastal hazards, cyclones, earthquakes, floods, heatwaves, landslides, severe thunderstorms, tornadoes and tsunamis,
- (b) hazards caused by natural disasters including air pollution, water and soil contamination and water insecurity,
- (c) other emergencies in relation to which the Minister has requested assistance from the Authority,

- (d) other emergencies in relation to which –
  - (i) a public authority, including a Minister other than the Minister administering this Act, has requested assistance from the Authority, and
  - (ii) the Authority has agreed to provide assistance,
- (e) events, incidents or matters, or classes of events, incidents or matters, prescribed by the regulations.

The Authority has wide reaching functions and powers under the Act to achieve its dual objectives.

### **The role of the NSW Reconstruction Authority**

The Authority will improve how NSW plans for disasters and support communities across the state recover from them faster.

The Authority leads four key disaster functions:

- Mitigation and adaptation including public infrastructure, homes and land use planning
- Local preparedness including education and community information
- Community-centred recovery, and
- Long-term rebuilding and reconstruction.

To reduce the impact of disasters, the Authority will complete critical planning and preparation with communities, businesses and government before a natural disaster occurs.

When disasters do occur, the Authority will start recovery swiftly and coordinate reconstruction efforts across government, communities and other stakeholders.

The Authority acts as a:

- Planner – preparing for disasters through our plans and engagement with communities and councils
- Funder – receiving and administering State and Commonwealth government grants and other funding mechanisms
- Consent Authority – approving land use and construction works
- Developer – coordinating development of homes and infrastructure.

The benefits of this approach include:

- reducing impact through disaster preparation and up-to-date planning
- administering reconstruction funds quickly and efficiently
- approving works promptly through simplified planning processes
- completing reconstruction faster to improve resilience to future disasters.

### **The role of the NSW Reconstruction Authority in relation to the fish deaths at Menindee**

On 19 April 2023, the Environment Protection Authority declared the fish deaths in Menindee as a ‘pollution event’ under the *Environment Administration Act 1991* stating it would investigate potential causes contributing to the event. The EPA continues water testing of the Darling Baaka River.

As the February-March fish death event in the Darling Baaka River at Menindee was not declared a natural disaster, the role of the Authority was limited to that of coordinating and administering

funds. The Authority provided funding for eligible individuals, community groups and businesses to stimulate the economy and aid recovery of those affected.

The Authority maintains a regional presence in the far west of NSW through its Central West, Orana and Far West regional team, with staff members who live in the communities in which they serve. This enables the Authority to provide support and guidance to inform early actions to aid and guide community recovery, from (or shortly after) the point of impact.

### **Funding for the fish death event in the Darling - Baaka River at Menindee**

The NSW Reconstruction Authority allocated funds for the clean-up of the dead fish under the Disaster Relief Arrangements (DRA) while awaiting a decision about whether the event was declared a Natural Disaster, an Agricultural Natural Disaster, or an event of another type. In the intervening period, the National Emergency Management Authority (NEMA) has indicated that the costs associated with clean-up will be covered under Disaster Recovery Funding Arrangements (DRFA).

I hope this information assists in your Inquiry and provides greater clarity on the role and functions of the NSW Reconstruction Authority.

Yours sincerely,



Simon Draper  
Signed on 27 Jun 2023, 15:26 AEST  
Chief Executive Officer

NSW Reconstruction Authority