
REVIEW OF NATIONAL NATURAL DISASTER GOVERNANCE ARRANGEMENTS

TERMS OF REFERENCE

Endorsed by NEMMM 9 December 2022

CONTEXT

The *Royal Commission into National Natural Disaster Arrangements* (Royal Commission) provided recommendations for how the Australian, state, territory and local governments should work together to better prepare for, respond to, and recover from naturally occurring, rapid onset events that cause serious disruption to communities or regions. The increasing frequency and severity of disaster events will likely result in consecutive and compounding events impacting communities and regions that will place increasing stress on existing emergency management arrangements.

The Royal Commission noted the importance of effective national coordination to support Australia's natural disaster arrangements and decision making. This includes informed and strategic leadership, timely policy advice to elected officials, and a robust and accountable approach to national coordination.

In light of these findings the Royal Commission recommended the re-evaluation of national governance arrangements in relation to natural disasters to ensure that arrangements are equipped to cope with the increasing disaster risks and relevant policy matters.

Recommendations included:

Recommendation 3.1 – Forum for Ministers

Australian, state and territory governments should restructure and reinvigorate ministerial forums with a view to enabling timely and informed strategic decision-making in respect of:

- 1) Long-term policy improvement in relation to natural disasters*
- 2) National preparations for, and adaption to, natural disasters, and*
- 3) Response to, and recovery from, natural disasters of national scale or consequence, including, where appropriate, through the National Cabinet or equivalent intergovernmental leaders' body.*

The Royal Commission found that a subordinate group of ministers could lead, monitor and track progress of the development of long-term, national strategic policy aimed at making Australia resilient to natural disasters, reporting to first ministers. On 13 November 2020, National Cabinet established the National Emergency Management Ministers' Meeting (NEMMM) to drive and coordinate implementation of the Royal Commission's recommendations. There is a need to consider the extent to which complex challenges that inhibit progress on strategic national policies can be escalated by the NEMMM to the Prime Minister and first ministers for consideration where necessary. There also remains a

need to consider the extent to which existing ministerial forums have the ability to direct strategic policy initiatives with purpose and urgency, effective shared responsibility and effective collective action, noting that some national frameworks and strategies have taken years to gain national endorsement. Considerations need to be consistent with the broader Federation Architecture governance and structure, including findings of the Conran Review and any outcomes of the Ministerial Councils Review being undertaken by First Secretaries.

Recommendation 3.2 – Establishment of an authoritative disaster advisory body

Australian, state and territory governments should establish an authoritative advisory body to consolidate advice on strategic policy and relevant operational considerations for ministers in relation to natural disasters.

The Royal Commission found that to respond to a crisis, the Prime Minister and first ministers should have the ability to request advice directly from an advisory body. The functions of the new advisory body should align with the NEMMM (or relevant forum that meets the intent of recommendation 3.1) so that there is clear authority for the advisory body to collate efforts across governments. The Royal Commission found that the structure and processes of the Australia-New Zealand Emergency Management Committee (ANZEMC) are not appropriate for the new advisory body given the ANZEMC's focus on policy matters rather than operational decision making.

Objective

Using the findings of the Royal Commission as its foundation, the Review of National Natural Disaster Governance Arrangements (Review) will focus on how national governance arrangements can be more effective to serve the current and future state of national natural disaster preparedness, adaptation, response, recovery, resilience and long-term policy requirements in Australia.

Specifically, the Review will identify opportunities to broaden the remit of the NEMMM (or relevant forum that meets the intent of recommendation 3.1) consistent with the intent of recommendation 3.1, noting this recommendation spans a range of long-term strategic policy issues that are broader than the time-limited implementation of the Royal Commission's recommendations. It will also consider opportunities to address recommendation 3.2 regarding establishment of an authoritative disaster advisory body, noting the Royal Commission's finding that the ANZEMC is not the appropriate mechanism.

A review of national governance arrangements for disaster management, risk reduction and recovery should consider the extent to which the various governance bodies and subsidiary committees are conducive to effective decision making and collaboration between jurisdictions, promote effective implementation and delivery of outcomes supporting collective responsibility and collective action, and whether they have the correct membership, resourcing and scope of responsibilities to achieve this.

Scope

1. The Review will take a broad view of disaster management governance arrangements and with regard to the existing bodies of NEMMM, ANZEMC, the Mitigation and Risk Sub-committee of ANZEMC, the Community Outcomes and Recovery Sub-committee of

ANZEMC, and all ANZEMC Working Groups and Reference Groups; including how they can be improved or if alternate governance structures would be more effective for national coordination across the disaster management continuum (prevention, preparedness, response, relief, recovery, reconstruction, risk reduction) and across both policy and operational matters. The Review should also clarify the role these bodies should play during a major crisis, including how they interact with the national governance arrangements for other types of specific disasters or crises.

2. It will also examine the strategic relationship between NEMMM and entities such as the Australasian Fire and Emergency Service Authorities Council (AFAC) and the Commissioners and Chief Officers Strategic Committee (CCOSC).
3. It will also examine whether the role of the National Crisis Committee (NCC) should be refreshed to ensure national coordination is supported by arrangements that are nationally endorsed, and accountable, noting the Royal Commission's finding in this regard (paragraph 3.97 of the Royal Commission's report).
4. It will also have regard to the Royal Commission's finding that development of public policy for disaster management that has national implications should be led by governments and their agencies so that the policy development process can benefit from consideration of all aspects of natural disasters, and ensure appropriate accountability, noting that a body such as AFAC is a not-for-profit company representative of fire and emergency services members who are primarily operationally driven. AFAC has expertise in emergency management but limited ability to consider holistically broader risks in which the sector does not have expertise.
5. The Review should consider the role of an authoritative advisory body, and how that would fit into the broader governance architecture. This may result in changes to ANZEMC, or consideration of alternative arrangements.
6. The Review will consider the findings of any other relevant reviews such as the First Secretaries review on the role of Ministerial Councils in progressing national priorities, the Conran Review and/or prior reviews of ANZEMC and its functions.
7. The Review will consider the strategic policy, project and administrative support required by the national governance arrangements to support the delivery of the arrangements and functions of the constitutive bodies.
8. The Review will consider the need for national governance bodies to oversee strategic programs of work and the scope of the resources, funding and capacity required to deliver and support this.

Governance and reporting

This Review will be led by an Independent Review Lead. A Working Group consisting of representatives from the Australian, state and territory governments and the Australian Local Government Association will be established to support the Review on behalf of the NEMMM, led by the Independent Review Lead. The Independent Review Lead will, through this

Working Group, host a series of focused discussions, and include the private sector and academia where appropriate.

The Independent Review Lead will deliver a report to the Australian Government Emergency Management Minister as the Chair of NEMMM in the first half of 2023. The report will then be provided to NEMMM for consideration, providing recommendations and practical steps to be taken to ensure national governance arrangements are fit-for-purpose for the current and future state of natural disasters in Australia. Any revisions to national governance arrangements will be progressed to First Ministers for agreement.