

Proposal for an Inspector General of Emergency Management for NSW

revised October 2023

Why is an Inspector-General needed?

The disaster threat environment for NSW is rapidly worsening and the need for climate adaptation grows ever stronger. Recent bushfire and flood disasters show that continuous review and improvement of emergency operations is essential and must be independently overseen. Without this, increasing risks to the community and government cannot be adequately addressed.

The ad hoc disaster-inquiry cycle is slow, inefficient and ineffective. Internal agency processes are inconsistent and lack objectivity, transparency and tangible outcomes. Agencies struggle to examine operational errors, sometimes avoiding them. Agencies resist external scrutiny. Coordination between emergency agencies could be much better. The NSW Bushfire Coronerial (yet to report) has highlighted serious issues with how bushfires are investigated¹. IBG in a detailed paper has shown how existing review systems are inadequate².

In 2014 both Queensland and Victoria established an independent Inspector-General of Emergency Management to address these issues and oversee all emergency services in their state³. Comparable bodies exist for other powerful functions of high consequence within NSW including law enforcement, the military, transport and security⁴.

The 2020 Royal Commission into National Natural Disaster Arrangements wrote at length on the importance of 'accountability and assurance mechanisms' for disaster management and recommended they be established nationally and in all states⁵.

But NSW does not have such an organisation to provide independent and routine oversight of the operations of the Rural Fire Service, State Emergency Service, Marine Rescue NSW, NSW Fire & Rescue and, specifically for bushfires, the National Parks and Wildlife Service and Forestry Corporation. The State Emergency Management Committee is not a credible alternative to an independent body as it is founded in agencies, chain-of-command and committees. The Reconstruction Authority was not designed to fill this gap.

A well-constructed Inspector General would provide assurance to government and the public that emergency management in NSW is efficient and continuously improved. It would improve safety for volunteers and communities. It would increase effectiveness and reduce all the costs of emergency operations - in loss of life and property, environmental damage and impact on people and budgets. These costs are high and incurred by communities, government, volunteers and the insurance industry.

¹ Coroners Court of NSW, Bushfires Inquiry hearings Day 53 (<https://www.youtube.com/watch?v=roeJ9a6Jw38>), Day 54 (<https://www.youtube.com/watch?v=qK1ZUmohJV0>), Day 78 (<https://www.youtube.com/watch?v=GISdn1tWDGk>)

² *Learning from past fire operations for future success* (IBG 2023) (<https://independentbushfiregroup.org/reports/>)

³ <https://www.igem.qld.gov.au/>, <https://www.igem.vic.gov.au/>

⁴ <https://www.igis.gov.au/>, <https://www.lecc.nsw.gov.au/>, <https://defence.gov.au/mjs/igadf.asp>, <https://www.atsb.gov.au/>

⁵ <https://www.royalcommission.gov.au/natural-disasters>

Inspector-General of Emergency Management:

Essential features

Establishment & reporting

- An independent and statutory body within the NSW Government.
- Reporting directly to both the minister and parliament.

Role, functions & powers

- Reduce the impact and cost of emergencies to government, volunteers and communities.
- Independent oversight of all emergency agencies and operations in NSW.
- Provide assurance to government and community.
- Promote and ensure continuous improvement in emergency operations.
- Direct and oversee lessons management processes in a consistent way across the emergency sector.
- Establish and manage a Lessons Learned Centre (of excellence) to support continuous improvement.
- Determine direction and priorities for emergency management research funding together with the Chief Scientist and the Reconstruction Authority.
- Power to review or investigate any emergency services operation, publicly and transparently, when possible, or confidentially when necessary.
- Power to access all necessary documents and personnel.
- Power to make recommendations to the agencies, government and parliament on how to improve operations and effectiveness.
- No involvement in day-to-day or disaster emergency operations.

Capacities

- Internal expertise in emergency operations across the sector.
- Ability to commission additional expert and independent input and research.
- Ability to address issues across the emergency sector in an integrated way.
- Ability to consult widely and as determined necessary.
- Ability to track and report on progress in the adoption and success of recommendations made by itself and other processes.

Background information

1. What the Royal Commission said

Extracts below are from the final report of the Royal Commission into National Natural Disaster Arrangements (28 October 2020)⁶.

Recommendations (page 45)

Recommendation 24.2 An independent accountability and assurance mechanism for each state and territory

Each state and territory government should establish an independent accountability and assurance mechanism to promote continuous improvement and best practice in natural disaster arrangements.

Chapter 24 Assurance and accountability

Summary (page 502)

24.1 Inquiries into natural disasters are complex, time consuming and, generally, costly. They provide insights, observations and recommendations. Many recommendations are accepted by governments – and then disappear. Further, details of monitoring and implementation are not communicated to the public – and then there is another disaster and another inquiry, often into the same subject matter.

24.2 Australia has a history of more than 240 previous inquiries related to natural disasters. As a nation, we need to do more than just identify lessons from past disasters, we need to learn our lessons and follow through with action. If a recommendation is not accepted, reasons should be provided for doing so. If it is accepted, steps should be taken to implement as soon as practicable, and to monitor, and report on, the extent of implementation.

24.3 While state and territory governments maintain primary responsibility for management of natural disasters, Australian, state and territory governments should also be accountable for their respective responsibilities. This includes understanding and communicating the extent to which they are contributing to, and tracking, disaster mitigation, preparedness, response and recovery.

24.4 An approach to continuous improvement and best practice that has worked successfully for some states is the establishment of an Inspector-General for Emergency Management. Similar arrangements would be desirable for other jurisdictions.

The importance of accountability (page 503)

24.6 Accountability is a core component of effective governance, made up of four key elements – transparency, answerability, enforcement and responsiveness.

24.7 In an emergency management and disaster risk context, accountability is required of all those with responsibility for disaster management on behalf of others, including federal, state and local governments, businesses and non-government organisations.

24.8 The United Nations Office for Disaster Risk Reduction (UNDRR) highlights characteristics of accountability governance arrangements at these levels, including:

- *at the national level:*
 - *efforts by government agencies directed and coordinated towards disaster risk reduction*

⁶ <https://www.royalcommission.gov.au/natural-disasters>

- funds (eg from public sources) which are spent
 - information gathered by officials made more widely available
 - assets accruing to those institutions and other actors remaining under appropriate control, and
 - service to the community demonstrated.
- at the community level:
 - devolved structures that enable participation
 - access to information
 - capacities of communities to influence plans and actions
 - inclusion of vulnerable groups in decision-making
 - participatory monitoring and evaluation systems, and
 - high level of volunteerism for disaster risk reduction.

24.9 As the UNDRR notes, 'governments need to create the necessary conditions in order to make accountability a living reality. These conditions are appropriate policies, enabling legislation, necessary institutional arrangements or reforms, allocation of sufficient resources, definition of clear roles and responsibilities, and effective enforcement mechanisms'.

The value of independent assurance bodies (page 509)

24.41 The 2009 Victorian Bushfires Royal Commission and the 2011 Queensland Floods Commission of Inquiry both recommended ongoing evaluation and reporting on implementation of their inquiries' recommendations, which provided the basis for establishing a formal external assurance body, the IGEM. These recommendations were made in the wake of two of Australia's biggest disaster events.

24.42 The Victorian and Queensland IGEMs have developed and maintained monitoring and assurance frameworks for emergency management, against which the capacity, capability and performance of the emergency management sector is to be assessed. They are independent, and report to Parliament. In establishing the IGEMs, Victoria and Queensland have provided their respective emergency management sectors with an important resource for 'reassurance and a calibration and a feedback mechanism, particularly for people who are involved in real-time performance monitoring'.

2. Current NSW situation

- **Internal reviews**
 - Emergency agencies have their own internal review and lessons management processes.

Issues with internal reviews

- Few happen.
- Despite some recent improvements at the policy level⁷, they vary in quality. Some continue to be poorly supported and ineffective.
- Often not blame-free, and with little encouragement for self-critique.
- Tend to avoid some major issues.
- Often lack transparency and outcomes that are identifiable and promulgated.

⁷[https://media.opengov.nsw.gov.au/pairtree_root/2c/b1/c6/65/31/47/4a/ea/ab/cb/27/c5/7e/94/0c/cf/obj/ResNSWL LessonsManagementFrameworkBOOK.pdf](https://media.opengov.nsw.gov.au/pairtree_root/2c/b1/c6/65/31/47/4a/ea/ab/cb/27/c5/7e/94/0c/cf/obj/ResNSWL%20LessonsManagementFrameworkBOOK.pdf)

- **Public inquiries**
 - NSW public inquiries, (eg. NSW Bushfire Inquiry⁸, NSW Flood Inquiry⁹)
 - NSW parliamentary inquiries (eg. Select Committee on the Response to Major Flooding across NSW in 2022¹⁰)
 - NSW Coronial inquiries (eg. NSW Bushfires Coronial Inquiry¹¹)
 - Commonwealth Royal Commissions (eg. Royal Commission into National Natural Disaster Arrangements¹²).

Issues with public inquiries

- Time constraints, limited terms of reference and political aspects.
- Inquiry members usually lack specialist operational area expertise.
- Slow delivery of findings. Coronial inquiries may not report for years after the event (eg. 2019/20 Bushfires Coronial report is not expected until late 2023 or even 2024).
- While there are many submissions to public inquiries, a large proportion are personal, in response to emotional experiences and sometimes uninformed.
- Agencies often adopt a defensive response to external scrutiny.
- Little or no independent expertise is used to analyse operational information. Information and guidance from the agencies involved may be self-serving, incomplete or inaccurate.
- Current public review processes (inquiries, coronials) are ad hoc and occasional, and often a response to public concern and/or media attention.
- No continuity or ongoing focus on improvement. Inconsistent tracking and reporting on how inquiry recommendations are being implemented and if they are delivering desired outcomes.
- Little opportunity for independent critical analysis (e.g. the efficacy of VLAT aircraft use in heavy forests in NSW).
- Little or no opportunity for personnel within some response agencies to make constructive criticism. It is often discouraged in favour of a 'united front' to avoid reputational damage to agencies and government and can lead to personal consequences.

3. Existing models

- **Inspector-General of Emergency Management, Victoria**

<https://www.igem.vic.gov.au/>

- Established in 2014 by the Emergency Management Act 2013.
- An independent statutory role providing assurance to government and the community in respect of emergency management arrangements and fostering their continuous improvement.
- Reports to the Minister for Emergency Services, and is assisted in the performance of functions and exercise of powers by an office within the Department of Justice and Community Safety.
- Conducts a range of assurance activities, and through these, connects with a wide range of stakeholders responsible for performing a variety of emergency management roles.
- Develops the Assurance Framework for Emergency Management in consultation with sector partners. The framework includes measures for assessing the capacity,

⁸ <https://www.nsw.gov.au/nsw-government/projects-and-initiatives/nsw-bushfire-inquiry>

⁹ <https://www.nsw.gov.au/nsw-government/projects-and-initiatives/floodinquiry>

¹⁰ <https://www.parliament.nsw.gov.au/committees/listofcommittees/Pages/committee-details.aspx?pk=277>

¹¹ <https://www.coroners.nsw.gov.au/coroners-court/upcoming-inquests/nsw-bushfires.html>

¹² <https://naturaldisaster.royalcommission.gov.au/>

capability and performance of the emergency management sector, supports continuous improvement and promotes a coordinated sector-wide approach to assurance activities such as debriefs, reviews, evaluations, and investigations.

- Undertakes objective reviews, evaluations and assessments of Victoria's emergency management arrangements and the sector's performance, capacity and capability.
- Through reliable, evidence-based information, identifies what is working well and where improvements can be made in the state's emergency management arrangements. This includes monitoring the implementation of recommendations and actions identified through reviews to ensure they are effective and sustainable in the long-term.
- At the request of the minister, provides advice to the minister on any matter relating to the IGEM's functions.
- Evaluates statewide training and exercising arrangements to maintain and strengthen emergency management capability.
- Monitors and reports to the minister on the implementation progress of recommendations in relation to the emergency management sector, including under the under IGEM's Annual Forward Plan of Reviews and the Victorian Emergency Management Strategic Action Plan.

- **Inspector-General of Emergency Management, Queensland**

<https://www.igem.qld.gov.au/>

- Formalised in 2014 as a statutory position under the Disaster Management Act 2003.
- Reports to and advises the Minister for Fire and Emergency Services about issues relating to IGEM functions.
- Primary role is to enable confidence in Queensland's emergency management arrangements.
- Vision is to drive continuous improvement in emergency management.
- Purpose is to enhance emergency management in Queensland through collaborative leadership, partnerships and innovation.
- Responsible for providing the Premier, Government and people of Queensland an assurance of public safety, through the establishment and implementation of an assurance framework to direct, guide and focus work of all agencies, across all tiers of Government to the desired outcomes of the disaster and emergency management arrangements for Queensland.
- Produced the Queensland Disaster Management Lessons Management Framework.
- Reviews and assesses the effectiveness of disaster management arrangements within Queensland.
- Reviews and assesses cooperation between entities responsible for disaster management, including whether disaster management systems and procedures employed by those entities are compatible and consistent.
- Establishes standards for disaster management, reviews and assesses performance against these standards and regularly reviews the standards.
- Monitors compliance by Queensland government departments with their disaster management responsibilities.
- Identifies and improves disaster and emergency management capabilities, including volunteer capabilities and opportunities for cooperative partnerships.
- Manages a review program which identifies issues, risks and gaps and recommends priorities for improvements.
- Monitors and evaluates the progress of review recommendations.
- Supported by the Office of the IGEM, through planning, developing and conducting a range of review and assessment projects, consulting stakeholders, to enable confidence in Queensland's disaster and emergency management arrangements.

4. Cost

To establish an effective Inspector General office, we estimate the base annual recurrent cost in the range of \$15 million. Recurrent funds would cover audit, basic investigations and oversight of the lessons learned systems. Subject to approval, the IGEM would have access to additional funds for investigation of what worked and what didn't in response to major events. For example, there is much still to be learned from Black Summer so a detailed factual summary for that season could be an early priority.

Cost of an IGEM would be offset (with multipliers) by savings to:

1. bushfire operations - \$ millions to \$ hundreds of millions depending on the season
2. volunteer time and effort - \$ millions to \$ tens of millions depending on the season
3. losses to communities - up to \$ hundreds of millions
4. Coronial and other one-off inquiries - cost of the current coronial would by now be many \$ millions
5. Recovery operations - up to \$ hundreds of millions.

Resources for an IGEM could be initially offset by reallocating consolidated funds budgeted to the Reconstruction Authority.