

CASPR research report:

# Policy Windows



Climate and  
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Group

CASPR Research Report: Policy Windows

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# Executive summary

This report presents an analysis of policy change in the potential window of opportunity opened following a disaster. Through a summary of relevant literature and consideration of case studies drawn from Australia's recent history, the report finds that:

- > major, transformative change is anomalous, despite the position of the academic literature
- > the most frequently observed policy changes after a disaster are minor or incremental.

Of these minor and incremental changes, those that are proactive, rather than reactive, in nature are better placed to mitigate and adapt to a changing climate and, therefore, reduce the impacts of future disasters.

The implications of these findings are applied to Australia's 2019–20 bushfire season with the following findings:

- > No state or national inquiry into the bushfires has had within its scope the investigation of climate change mitigation in order to combat worsening bushfire seasons; such discussion would likely require significant, transformative policy change.
- > The unprecedented influx of national and international donations has opened a window of opportunity for policy development in relation to recovery and relief, as demonstrated by the recent establishment of permanent bodies designed to coordinate donations and volunteers. The merit in establishing these bodies lies in their capacity to develop strategies to anticipate and accommodate relief and recovery efforts for future disasters.
- > A term of reference common to all inquiries currently under way is 'preparation', reiterating the need for a proactive policy approach to combat the likely increase in bushfires in a changing climate.

The preliminary conclusions suggest that, particularly in this current window of opportunity after the Black Summer bushfires, a shift to pursuing more proactive policy changes may be more practical for producing policies that are effective in mitigating the effects of future bushfires.

In particular, this report recommends that:

- > On receiving inquiry reports, special attention should be paid to recommendations for land-management practices that are in keeping with a changing climate. These should be evidence based and location specific. Future land-management practices have policy implications across multiple government sectors such as tourism, infrastructure and conservation.
- > Priority should be given to inquiry recommendations that encourage increased communication and an integrated approach, for example, recommendations establishing united advisory and governing bodies that comprise people from a variety of government sectors. Coordination and cooperation are critical to ensure successful outcomes in times of crisis.

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# Abbreviations

ACF	Advocacy Coalition Framework
APH	Parliament of Australia
CZM	Coastal Zone Management
DEW	Department for Environment and Water (SA)
DHI	Danish Hydraulics Institute
IGEM	Inspector-General for Emergency Management
IPCC	Intergovernmental Panel on Climate Change
PM	Prime Minister of Australia
PPRR	prevent, prepare, respond, recover
SAFECOM	South Australian Fire and Emergency Services Commission

# Introduction

According to the literature, policy change can be major or minor in nature. Major or transformational change is often seen as coming about due to new understandings of a problem, with the result being entirely new policies implemented to reflect this understanding. Minor, small or incremental change, in comparison, is generally understood as amendments or changes that build on existing policy. Although the literature discusses major change as being feasible if all the required elements come into alignment, usually in the window of opportunity following a disaster, case studies indicate that the literature in this area is flawed (Boin & Hart, 2001; Brunner, 2008; Nohrstedt, 2008; Schneider, 2009). In actuality, major change, if understood by this definition, is incredibly rare – an anomaly in the general course of policy change. Factors leading to this may include the inherent economic or political risk that comes with pushing for transformational policy change. For example, a large number of houses and buildings around the globe are becoming increasingly more at risk due to rising sea levels. In many areas, the retreat approach has been raised as a potential solution. This would see structures moved further inland or on to higher ground to prevent them from becoming inundated. This potential solution has been raised for coastal cities such as the Gold Coast. However, it is an unpopular policy option due to the financial cost of relocation or buying back affected land, and the associated political risk. Property rights are strong, including in Australia, with many home owners potentially perceiving the policy as negatively impacting the value of their home and key asset. This would result in opposition to the policy from the general public, and elected officials running the risk of losing their seat in the next election if they continued to push the policy against their constituents wishes (Gibbs, 2016). Politicians and policymakers are careful to avoid this level of political risk in decision-making where at all possible, thus rendering many significant policy change options untouchable.

This example also reflects a general theme in the literature that community attitudes are important when it comes to pushing for any kind of change, major or minor. In complex policy areas, such as the environment or health, for changes to be successfully implemented, the community must be involved and feel a sense of ownership. If changes to policy go against community attitudes or values, there will be little political support for implementation and increased chances of its failure (Australian Public Service Commission, 2018).

Due to the rarity of major policy change occurring during windows of opportunity, this paper will consider the potential for smaller changes, despite the pessimism of the literature.

## Minor or incremental change

On their own, minor changes can have a big impact, as reflected in the case studies presented below. However, if an integrated approach were to be taken in which smaller changes were made across relevant policy areas, there would be further potential for a larger goal to be achieved, thus creating greater overall impact. This approach is, however, not without its limitations. For complex problems that involve the whole of government, there is the problem of coordination across diverse sectors, such as conservation, planning and tourism. There are also issues in relation to resource sharing, given the lack of vertical coordination between Commonwealth, state and local governments (Tol, Klein, Jansen, & Verbruggen, 1996). Despite these issues, this approach may provide a way for policy changes to be made in relation to problem areas that are currently politically charged, such as climate change, as amendments to current policy are more likely to be accepted than entirely new legislation (Tangney, 2019).

It is also notable that these incremental changes may be proactive or reactive in nature. The evidence provided by case studies examined below suggests that proactive policy has the potential to be more effective.



# SECTION 1 | Proactive and integrated policies: The case of South Australia's coast

South Australia's coastal management strategy provides an example of proactive policy. Proactive policy can be defined as policy that is developed, designed and implemented to avoid or mitigate the effects of future concerns before the projected events or impacts occur. Sea level rise, degradation and other coastal concerns can often be dealt with pre-emptively because they are, by nature, 'slow-burn' disasters that can largely be predicted and mapped. The IPCC Working Group III (1990) stressed that coastal nations should immediately begin implementing adaptation strategies as a matter of urgency, not because there was necessarily imminent threat, but because there were opportunities to avoid adverse impacts. However, these opportunities have a shelflife with the options for effective adaptation reducing as the impacts of climate change increase or accelerate.

The IPCC CZM also detailed the importance of an integrated, rather than sectoral, policy approach to coastal management. Sectors relevant to coastal management include agriculture, tourism, recreation, fisheries, housing, infrastructure and conservation (IPCC Working Group III, 1990).

Policy is more effectively implemented when it encompasses the integration of all the relevant sectors of government and considers the unintended effects of the sectors on one another (Tol et al., 1996). For example, policies seeking to combat sea level rise by building a sea wall may impose a diseconomy on the conservation of coastal ecosystems.

Further, the integration of sectors can lead to burden and cost sharing by creating networks that share infrastructure and knowledge (Tol et al., 1996). However, it is important to note that coordination across sectors can be burdensome and complicated.

## Windows of opportunity

Disasters, or 'focusing events', have often been studied with reference to their capacity to create 'windows of opportunity' for policy change.

Birkland (1997) defined focusing events as sudden, disruptive disasters or social pinch points that direct public attention. For example, South Australia's metropolitan coast experienced several storm events and high tides in the early 1960s that damaged beachfront properties. These events engendered concerns surrounding coastal management and caused local governments to commission a report from The University of Adelaide now known as the Culver Report (Department for Environment and Heritage, 2005). The Culver Report led to the establishment of a beach protection authority, namely, the Coastal Protection Board (DEH, 2005).

The establishment of the Coastal Protection Board under the *Coastal Protection Act 1972* (SA) was an important policy decision because it not only utilised the window of opportunity provided by the beachfront property damage suffered in the 1960s, but it also *expanded* the window of opportunity. According to Brown et al. (2017), windows of opportunity can be manipulated and expanded by the decisions made within them; by making decisions that enlarge adaptive capacity there will be more opportunity for policy change in the future. Thus, by using the initial window of opportunity to establish a beach protection authority, additional opportunities were created for future policies that furthered the objects of the board.

This notion is demonstrated in the West Beach sand management project. Sand moves northward along Adelaide's metropolitan shoreline, which has left some beaches, such as West Beach, critically depleted of sand. As such, the board, in conjunction with the Department for Environment and Water and local councils, commissioned the Danish Hydraulics Institute (DHI) to undertake a report investigating the causes of and solutions to the problem. The DHI report provided recommendations for sand replenishment and the result was funding for \$20 million worth of additional sand and the construction of a sand recycling pipeline (\$28.4 million) (Government of South Australia, 2019).

## The advocacy coalition framework

The successful implementation of the proactive, adaptive policies pushed by the Coastal Protection Board can be explained by the advocacy coalition framework (ACF) as theorised by Paul A Sabatier and Hank Jenkins-Smith (1994). The ACF is a theoretical lens for explaining changes in policy. It observes 'coalitions' with conflicting political beliefs competing for power and policy influence.

The Coastal Protection Board fits the definition of a 'coalition' as it comprises people from a variety of backgrounds (elected officials, researchers, lobby group

leaders etc.) who are united by a political belief and operate with a non-trivial degree of coordination (*Coast Protection Act 1972 (SA) s8*).

Coalitions are often successful if they are able to effectively exploit 'external shocks', that is focusing events. The ACF explains that the coalition with the system best equipped to receive new information and solve issues arising from focusing events situates itself in a position of power. For example, the information and solutions offered by the DHI report and supported by the board were germane to the degradation being observed at West Beach and offered feasible solutions.

Further, a coalition will prove itself best equipped if it is able to provide research, solutions and appropriate lobbying power before a 'disaster' occurs. In the case of the West Beach sand management project, the report had been prepared before there was a damaging storm surge or big event. However, due to triaging of resources, the project had to wait until the degradation at West Beach became critical to be awarded the required funding. This reinforces the logic of proactive policy planning.

It is also important to note that although South Australia's coastal management strategies provide an example of proactive policies, there is currently a strong political alignment that has made this policy implementation more achievable.



## SECTION 2 | Reactive policies: Responding to bushfires and floods

In comparison to the more proactive policies observed in South Australia in relation to coastal management, Australia's bushfire and flood policies, with subsequent amendments following the occurrence of such disasters, have been predominantly reactive in nature. This is consistent with historical implementation of the broadly adopted 'prevent, prepare, respond, recover' (PPRR) approach in Australia, which has been in use since the early 1980s. Implementation of PPRR in Australia has long been critiqued for a tendency to focus efforts on responsive and reactive considerations at the expense of prevention and preparedness (Howes et al., 2013; Rogers, 2011). It is notable, however, that in the following case studies of both bushfires and floods, there appears to be some correlation between the predictability of a disaster and how proactive or reactive the policy response has been.

### Bushfires

The majority of resources allocated to bushfires are spent on responses to fires and on recovery, rather than being directed towards building resilience within communities, bushfire research or developing a more proactive approach to mitigating the effects of such disasters. An almost perfect illustration of this is the lead-up and response to the 2019–2020 bushfire season, now known as the 'Black Summer'. There were some preventive measures in place, mainly aimed at reducing fire intensity and preventing fire-related deaths. Bushfire mitigation strategies involved preventing arson and reducing the available fuel through prescribed burning. According to the Parliament of Australia (2010), there were also measures taken to protect life and assets in populated areas and attempts made to make communities more resilient to fire through increasing risk awareness and through education campaigns. However, this pales in comparison to the response to these fires. Thousands of personnel were involved in fighting the fires: 3000 Australian Defence Force reservists, 3700 firefighters and support crew, 440 emergency personnel and more than 240 overseas firefighters from the United States, Canada, New Zealand and elsewhere. More than 500 aircraft and 750 vehicles were employed, with Prime Minister Scott Morrison also committing \$14 million to leasing overseas aircraft to use in the effort. Further,

the Prime Minister pledged a further \$2 billion in aid to help the country recover after the fires (BBC, 2020).

The 2009 Black Saturday bushfires, which resulted in the deaths of 173 people, also saw a predominantly reactive approach to both the fires and subsequent policy change. Following recommendations from the Victorian Bushfires Royal Commission (2009), the Victorian Government revised their bushfire safety policy to adopt the national 'Prepare, Act, Survive' framework, and an entirely new emergency warning system was implemented in the state. Further, the *Emergency Management Act 1986* was amended to include a graded scale of emergency declarations that do not reach the level of a state of disaster; state emergency response plans were then also changed to reflect the amendments to the Act (Victorian Bushfires Royal Commission, 2009). The policy changes that occurred as a reaction to the Black Saturday bushfires are considered by the literature (Birkland, 1997; Boin & Hart, 2001) to be examples of building on existing policy rather than creating entirely new policy. In practice, they have proven to be quite effective particularly in preventing bushfire-related deaths.

It should be noted that, although the evidence suggests that proactive changes to policy may be more effective in combating or reducing the severity of disasters, the predominantly reactive approach to bushfires may be explained by their unpredictable nature. In comparison to coastal issues, or even floods, bushfires are less predictable. Areas of high risk can be identified, but we can't know exactly when or where a bushfire might happen. There is often little warning before a fire starts, and this makes proactive policies more difficult to implement because there is less certainty to drive political urgency to put in place responses.

## Floods

In the case of floods, though it is still largely an example of reactive policy change, there appears to a greater focus on community resilience when compared with bushfires. Consider the 2011 Brisbane floods, in which two major flooding events devastated both the Lockyer Valley and Brisbane and resulted in the deaths of 23 people. The town of Grantham in the Lockyer Valley was almost entirely swept away. In response to this disaster, the Strengthening Grantham Project was developed with a focus on helping the town adapt to a changing climate. Under this project, residents who had been impacted by the flood were relocated to a nearby ridge that had remained dry during the flash floods (Simmonds & Davies, 2011).

Other reactive responses by the Queensland Government to this disaster included the improvement of local warning systems to include the use of social media and SMS alerts, along with providing easier access to information about road conditions. The development of the *Planning for stronger, more resilient floodplains* guideline, which addresses floodplain management and land use planning, was also developed, along with the upgrade of protocols relating to disaster management (Queensland Government, 2011).

Some reactive responses to floods arguably also have a proactive element. For example, the Wivenhoe Dam was constructed after the 1974 flood event as a mitigation strategy to prevent further floods. In practice, during the 2011 floods the dam did not operate as such: water had become politicised due to the drought and the dam had been given conflicting dual operations, both water supply and flood mitigation. However, had it been employed appropriately, there would have been a proactive element to the dam's existence. Similarly, after the 2011 floods, the Queensland Government implemented the 'Get Ready Queensland' community education, media and advertising campaign. Though this was a response to the floods, the aim was to make the public more prepared for any future events, giving it a proactive aspect (Queensland Government, 2011).

This stronger focus on adaptation and resilience, and the presence of some proactive elements, may be explained by the availability of flood mapping. It is considerably easier to identify areas that may be affected in the future and to appropriately prepare for such an event in comparison to more unpredictable disasters such as bushfires.





# Policy implications

The history and literature regarding policy change in the wake of natural disasters suggests that large-scale transformative change is anomalous. As such, this paper has paid special attention to smaller-scale, incremental changes that are more politically feasible and palatable to the general public. Considering this, this report has attempted to address some of the variables that have the capacity to create real practical change from incremental policy development.

Coastal protection strategies employed across South Australia demonstrate that proactive strategies can successfully mitigate the worst effects of natural disasters. In contrast, Australia's current bushfire strategies show how policies with a strong focus on response and recovery do nothing to increase the resilience of affected communities, which may potentially leave them just as vulnerable during the next bushfire season. The dominance of the prevent, prepare, respond, recover model, which implies that there are discrete and sequential phases that are equally weighted, tends in practice to emphasise such responsive and reactive strategies, rather than promoting a proactive approach to building resilience (Heazle et al., 2013). Further, these case studies illustrate the importance of coordination and cooperation across government sectors when dealing with issues with multisectoral effects.

## 'Black Summer' bushfires

The Australian bushfires of 2019–2020 were immense in their devastation, spatially, economically, environmentally and socially. As such, these bushfires will lead to requirements for new policy development in addition to requirements for change in existing policies and practices.

### Post-bushfire inquiries

Australia has an extensive history of conducting post-disaster inquiries, with over 30 inquiries into bushfires and over 14 inquiries into floods and other events since 1939 (Tolhurst, 2020). Many follow-up reports claim that the recommendations produced in these inquiries are often not implemented effectively, and sceptics warn that undertaking another inquiry and expecting a different result fits within Einstein's definition of insanity (Eburn & Dover, 2015; Tolhurst, 2020). The literature suggests that one reason for this is that the adversarial, quasi-judicial nature of these inquiries discourages honest accounts by witnesses and emergency response personnel for fear of civil or criminal

conviction. Eburn and Dover (2015) have suggested that retrospective investigation seeking to place blame is flawed, and that investigations with a proactive approach that acknowledges and encourages things previously 'done well' should be favoured.

South Australia, New South Wales and Victoria have decided to conduct an inquiry into the 2019–20 bushfire season. A national inquiry was announced but later set aside to make way for a national royal commission (APH, 2020).

The terms of reference vary across the current state inquiries. South Australia's terms of reference are divided into prevention, preparation, response and recovery (Government of South Australia, 2020). Victoria's inquiry is split into (1) community and sector preparedness and response and (2) relief and recovery (State of Victoria, 2020). New South Wales inquiry is to consider causes, preparedness and response (NSW Government, 2020). The royal commission is likely to include and add to the national inquiry's initial terms of reference, which focused on land practices and management (APH, 2020).

## **Policy implications**

Common themes of the present and past inquiries are investigations into communication both inter- and intrastate, land management, emergency response and swift and effective relief.

1. Communication is often one of the main points raised by emergency personnel when disaster reviews are conducted; however, despite many inquiries into communication, there have been no notable reforms (Eburn & Dover, 2015). The recent bushfires, however, have drawn attention to the need for interstate communication systems when there are multiple bushfires occurring simultaneously across state borders (State of Victoria, 2020). The aforementioned case studies demonstrate that united bodies and boards are successful in tackling communication issues; however, it is likely that on a national level such coordination may not be feasible.
2. Land management is almost always discussed in bushfire inquiries. However, some state current inquiries are set to be the first to discuss land management with reference to the changing climate. They will discuss areas that will need to be managed differently in the context of effects of climate change such as longer fire seasons, increasing droughts and higher temperatures (NSW Government, 2020; State of Victoria, 2020). Further, there is likely to be more investigation into building standards.

3. Emergency response is often the first thing reviewed in a bushfire inquiry. One new issue to be investigated is the Commonwealth's power, or lack thereof, to declare states of disaster and therefore trigger defence responses (PM, 2020). Although a major policy reform, it is likely that the potential for increased coordination and response would make such a policy decision palatable to the public.
4. The overwhelming donations received from Australian and international donors have opened a window of opportunity for policy changes regarding the way Australia manages relief and recovery resources (Cuthbertson & Irvine, 2020). Within this window of opportunity for policy change, bodies such as the National Bushfire Recovery Agency and Bushfire Recovery Victoria have already been established, and are likely to lead to further policy reform in this area.



# Preliminary conclusions

Our bushfire and flood case studies suggest that the recent bushfires have provided a window of opportunity to discuss policy reform; however, attention has been directed particularly towards bushfire policy rather than the elephant in the room: climate change. Although climate change will likely be acknowledged in the upcoming royal commission as a driver for longer fire seasons and increased intensity of fires, there has been no discussion of investigating the effects that climate change mitigation would have on Australia's bushfires.

As was the case with previous bushfires and floods, it is likely that we will see only minor or incremental policy changes following the Black Summer bushfires. However, this report suggests that a shift to a more proactive approach to bushfire policy, changing the focus from response to prevention, would be beneficial. Such an approach has been applied in relation to coastal issues. It currently appears that policymakers are attempting to suggest more of what has been done in the past, such as prescribed burning. However, due to the changing climate and the increased danger and severity of Australian bushfire seasons, this may no longer be adequate. In a context of finite available resources, this report would suggest more research into identifying bushfire mitigation strategies to cope with the increasing intensity of Australian bushfires.

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