



TOWNSVILLE
**COMMUNITY
LAW**

CLCQ Conference 2021

17 June 2021

DISASTER LEGAL ASSISTANCE



**Community
Legal Centres
Queensland**

Townsville Community Law & Disasters

Our history of disaster legal assistance:

- © Floods (1998, 2010 - 2011, 2012, 2019)
- © Severe Tropical Cyclone Justin (1997)
- © Tropical Cyclone Tessi (2000)
- © Severe Tropical Cyclone Larry (2006)
- © Tropical Cyclone Anthony (2011),
- © Severe Tropical Cyclone Yasi (2011)

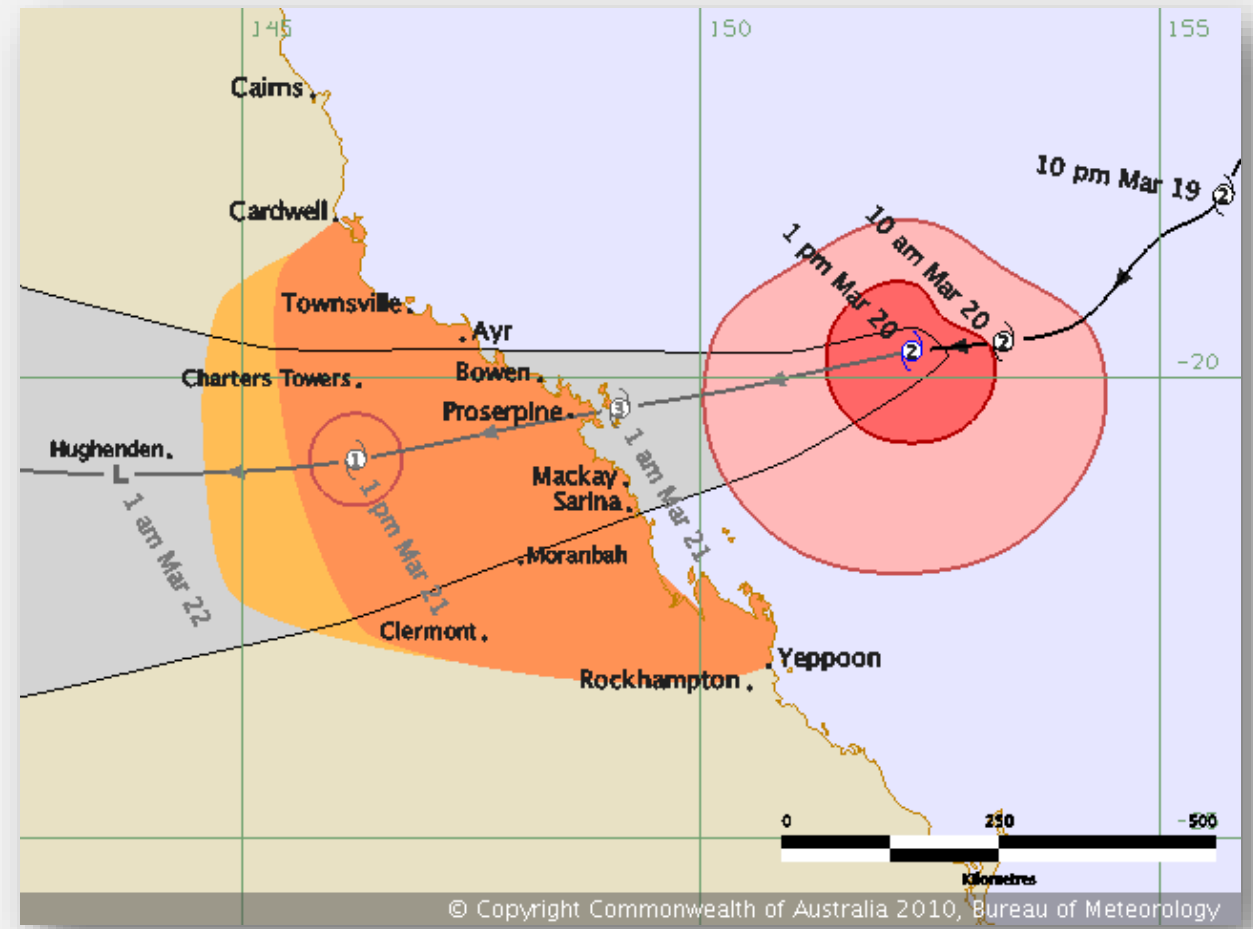
Townsville experiences a major disaster every 2.5 years



Recurring Déjà vu

“There will be a report on the Bushfire Legal Help in the next few months I think, and this may well assist others to put plans in place. Looking down the barrel of TC Ului this weekend, we are again hopelessly prepared to respond collectively to these sorts of matters.”

> Email to LAQ colleague (13 July 2010)





Where to
from here?

The Model: Disaster Legal Assistance

Report & Proposal January 2021

Contents:

- © Context of the proposal
- © The Proposal
- © Operational Details
- © Disaster Legal Assistance Models
- © New Lexicon

DISASTER READINESS FOR THE
LEGAL ASSISTANCE SECTOR:

DISASTER LEGAL
ASSISTANCE IN
QUEENSLAND

STAGE 1

REPORT +
PROPOSAL



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January • 2021

The Components

Disaster Legal Assistance has 6 components:

- © Disaster Legal Needs
- © Disaster Legal Assistance Planning
- © Disaster Legal Assistance Plans
- © Disaster Legal Assistance
- © Disaster Legal Assistance Forum
- © Disaster Legal Assistance Best Practices



The Tiers

Disaster Legal Assistance operates over 3 tiers:

1. State (Jurisdictional)

Queensland Legal Assistance Forum

2. District (Regional LAFS)

Regional Legal Assistance Forums

3. Local (if needed)

Local Services

The Legal Assistance Sector will collaborate with the Disaster Management Sector at each tier in planning processes

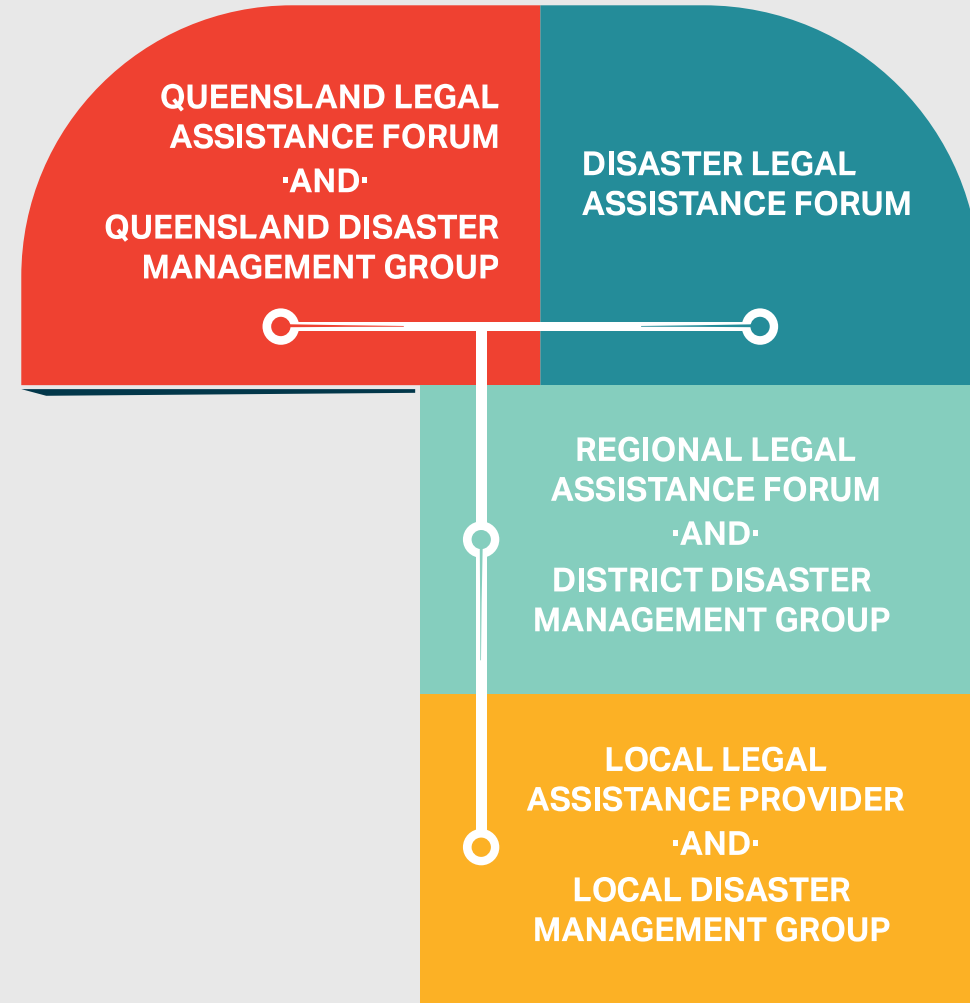


Collaboration

Disaster Legal Assistance operates over 3 tiers:

- © At each tier legal assistance and disaster management will engage in collaborative processes including *Disaster Legal Assistance Planning* (State-wide plan)
- © State (Jurisdictional) and District (Regional) tiers processes will lead to *Disaster Legal Assistance Plans* (sub-plans)
- © Planning at Local level can occur where District (Regional) frameworks (e.g RLAFS) don't exist

Figure 4: Overview of Disaster Legal Assistance Planning



Model Outcomes

Disaster Legal Assistance will drive:

- © New processes: disaster legal needs assessment and disaster legal assistance planning.
- © New collaborations and outputs of those processes: disaster legal assistance plans.
- © New outcomes of those processes: disaster readiness.
- © Evidence-based processes: disaster legal needs.
- © Opportunity to build capacity and create better community outcomes



Figure 1: Overview of Disaster Legal Assistance (Continuous Feedback) Model



Continuous Feedback

- © The overall model uses a process (continuous feedback loop) that sits alongside the disaster cycle and mirrors the comprehensive approach. Each process contributes continuous feedback.
- © The assessment of disaster legal needs is both the starting point of planning for disaster legal assistance and an outcome of what is learned from the experience of disasters and providing disaster legal assistance.
- © Just as the disaster cycle is continuous, so too has disaster legal assistance been conceived.

Figure 2: Disaster Legal Assistance (Continuous Feedback) Model with Disaster Cycle



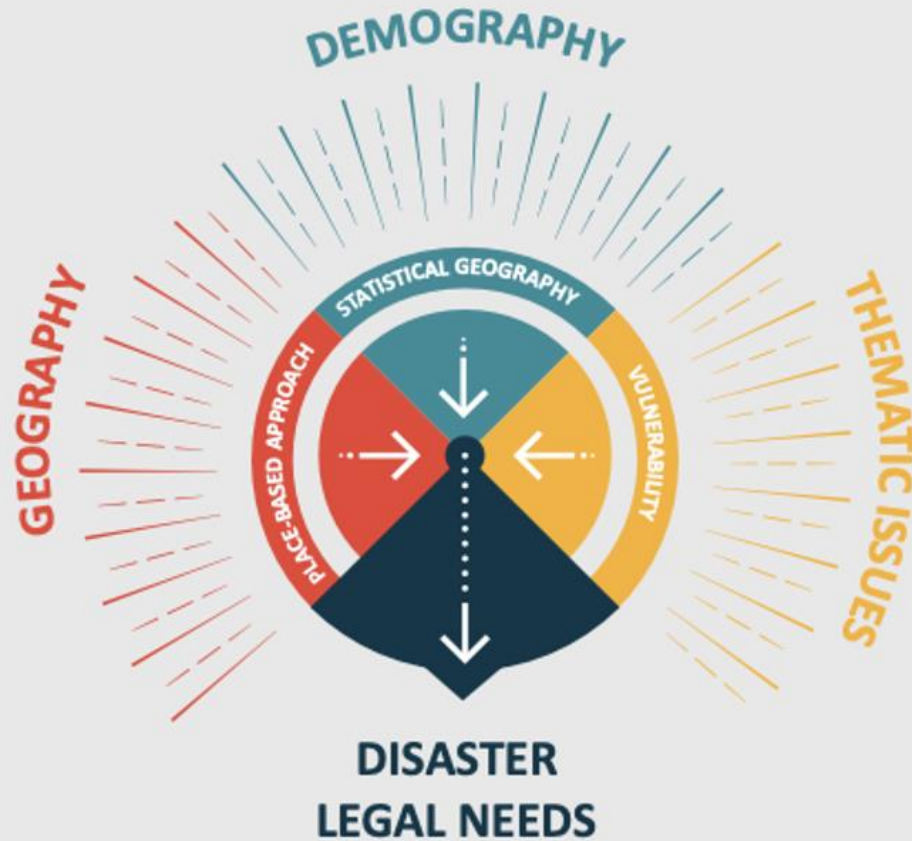
Complements Disaster Cycle

Each stage of Disaster Legal Assistance complements the Disaster cycle:

- ◎ Prevention
- ◎ Preparedness
- ◎ Response and
- ◎ Recovery

The model has a natural starting point at Assessment of Disaster Legal Needs which aligns with the Recovery phase

Figure 3: Inputs for Assessment of Disaster Legal Needs



Disaster Legal Needs

"What then is legal need? Legal problems can be defined as disputes for which there is potentially a legal resolution . They can range from the relatively minor to those that can have a considerable impact, such as eviction from housing or unfair dismissal from a job." (Mirlees, 2020).

- © An assessment of Disaster Legal Needs will be undertaken within each tier
- © Each assessment will consider disaster legal needs against 3 areas



Human Rights

“A community prepared to effectively respond to a natural disaster will have a disaster response plan in place. A successful disaster response is one that places the rights of humans at the center.” Rice (2017)


Rights-based approach:

- © Capacity development
- © Participation
- © Transparency
- © Accountability
- © Non-discrimination




"For 10 years, Southeast Louisiana Legal Services has been on the frontlines helping people recover from the storm."

Laura Tuggle, Southeast Louisiana Legal Services



The Royal Commission into National Natural Disaster Arrangements presented its report to the Governor-General on 28 October 2020. The report was tabled in Parliament on 30 October 2020.

- 21.47 We are aware of efforts, at the local level, to develop planning arrangements for the delivery of legal assistance services during a natural disaster. For example, Townsville Community Law, a community legal centre in Queensland, is undertaking the *Disaster Readiness for the Legal Assistance Sector* project. This project has been funded through the Disaster Recovery Funding Arrangements and will develop an operational model and disaster legal assistance plan which could be integrated within Queensland's disaster management arrangements.⁶⁶ There is merit in considering whether similar processes could be replicated nationally.



The Royal Commission into National Natural Disaster Arrangements presented its report to the Governor-General on 28 October 2020. The report was tabled in Parliament on 30 October 2020.

The Commission concluded:

21.48. Establishing pre-planned disaster responses for non-government sectors allows for the timely delivery of services. We recognise that any planning for these sectors must also be sufficiently flexible to support a local, on-the-ground recovery response that reflects the nature of the disaster and its impacts on existing services.

21.49 Non-government organisations should be included in recovery planning processes at the local, regional, jurisdictional and national levels as appropriate. Non-government sectors involved in response and recovery should establish their own strategies and plans to address the recovery needs that follow natural disasters.



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A national approach to national disasters

The Commonwealth Government response to the Royal Commission into National Natural Disaster Arrangements

November 2020



Recommendation 22.5 – Develop nationally consistent, pre-agreed Disaster Recovery Funding Arrangements

Australian, state and territory governments should expedite the development of pre-agreed recovery programs, including those that address social needs, such as legal assistance domestic violence, and also environmental recovery.

The Commonwealth Government **supports** this recommendation.

The Commonwealth is currently working with the states and territories to develop options on how the program could deliver more equitable, needs-based, assistance for all Australians in time for the 2020-2021 high-risk weather season. One option being explored for the 2020-21 season is to establish benchmarks within the Disaster Recovery Funding Arrangements Determination to encourage greater consistency.

Additionally, the Commonwealth is currently exploring the potential for legal assistance under the Disaster Recovery Funding Arrangements.



Future of the Project

- © QLAF supports progressive implementation across Queensland
- © Implementation to be trialled over 2020-2021 and 2021-2022
- © Trials will be at Jurisdictional (state) and District (regional) level
- © District trials will include three clustered districts (with lead agency):
 - **Townsville** Burdekin, Charters Towers, Flinders, Hinchinbrook, Palm island, Richmond, Townsville
 - **Mackay** Isaac, Mackay, Whitsunday
 - **South West Queensland** District cluster: Charleville, Dalby, Roma, Toowoomba, Warwick
- © District trials will engage each component of the Disaster Legal Assistance model





Budget 2021–22

Budget Measures
Budget Paper No. 2
2021–22

Circulated by
The Honourable Josh Frydenberg MP
Treasurer of the Commonwealth of Australia
and
Senator the Hon Simon Birmingham
Minister for Finance of the Commonwealth of Australia

For the information of honourable members
on the occasion of the Budget 2021–22

11 May 2021

Opportunity Knocks ...

- \$61.1 million over four years from 2021-22 (and \$22.9 million per year ongoing) to establish the NRRA to lead Commonwealth and national efforts to improve preparedness for and recovery from natural disasters and other hazards, and consolidate existing Commonwealth functions related to relief, resilience and recovery (including functions from the National Drought and North Queensland Flood Response and Recovery Agency, the National Bushfire Recovery Agency and EMA)



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