

DISASTER READINESS FOR THE
LEGAL ASSISTANCE SECTOR:

DISASTER LEGAL
ASSISTANCE IN
QUEENSLAND

STAGE 1

REPORT +
PROPOSAL



TOWNSVILLE
COMMUNITY
LAW

January · 2021

The project is jointly funded under the Commonwealth/State Disaster Recovery Funding Arrangements 2018 to deliver a model for disaster legal assistance over 12 months (the 2020-2021 FY).

Although funding for this product has been provided by both the Australian and Queensland Governments, the material contained herein does not necessarily represent the views of either Government.



Australian Government



**Queensland
Government**

contents

Executive Summary	6
Introduction	8
About Townsville Community Law.....	9
Outcomes & outputs.....	9
Part 1: The context of the project	10
Historical Context.....	11
Disasters, communities & the environment.....	12
Disaster	12
Our experience of disasters	12
A shared responsibility requires collaboration	13
Disaster response capability and surge capacity	13
Disaster legal needs	14
National issues	14
Jurisdictional (State) issues	17
Disaster legal needs includes disaster resilience	18
Authorising environments.....	19
Legal assistance sector	19
Disaster management.....	20
Global standards.....	21
Disaster norms	21
Human rights norms.....	21
Disaster legal assistance funding & resourcing.....	22
Global models.....	22
National funding triggers.....	23
Queensland’s funding triggers	23
Other issues.....	24
The Royal Commission into National Natural Disaster Arrangements	24
Part 2: The proposal	27
New alignments & processes	28
An overview of the components	28
Component 1: Disaster legal needs	30
Disaster geography	31
Disaster demography	32
Thematic issues.....	32
Component 2: Disaster legal assistance planning	33
Jurisdictional planning.....	34
District & local planning	34
Membership of disaster management groups	36
Component 3: Disaster legal assistance plans.....	36
State disaster legal assistance plan	37
District disaster legal assistance plans.....	37

Local disaster legal assistance plans (LDLAPs)	37
Component 4: Disaster legal assistance	37
The role of generalist & specialist services	37
Prevention	38
Preparedness	38
Response	39
Recovery	39
Continuity of operations planning	39
Component 5: Disaster Legal Assistance Forum	40
Terms of reference	40
Steering committee	41
Meetings	41
Component 6: Best practices and training needs (STAGE 2)	41
Part 3. Operational details	42
Overview of arrangements at all levels	43
State level arrangements	44
District & local arrangements	45
Disaster districts	46
Local government areas	47
Disasters & borders	47
Appendix A: Disaster Legal Assistance Models	49
Bundaberg	50
Charleville	50
Dalby	51
Far North	51
Gladstone	52
Gold Coast	52
Gympie	52
Innisfail	53
Ipswich	53
Logan	53
Longreach	54
Mackay	54
Maryborough	54
Mount Isa	55
Redcliffe	55
Rockhampton	56
Roma	56
Sunshine Coast	56
Toowoomba	57
Townsville	57
Warwick	57
Appendix B: Existing & proposed new lexicon	58
Existing lexicon	59
Proposed new lexicon	62

figures

Figure 1: Overview of Disaster Legal Assistance (Continuous Feedback) Model	29
Figure 2: Disaster Legal Assistance (Continuous Feedback) Model with Disaster Cycle	30
Figure 3: Inputs for Assessment of Disaster Legal Needs	31
Figure 4: Overview of Disaster Legal Assistance Planning	33

main tables

Table 1: Disaster Legal Needs and National Priority Client Groups	15
Table 2: Disaster Legal Needs and Family & Civil Law Priorities	16
Table 3: Other (non NLAP Priority) Disaster Legal Needs	17
Table 4: Alignment of RLAFS, Disaster Districts and SA3s	35
Table 5: Overview of Model of Jurisdictional Governance Arrangements & Alignments	43
Table 6: Overview of Disaster Legal Assistance Model of State-wide / Specialist Arrangements & Alignments	44
Table 7: Overview of Disaster Legal Assistance Model District / Local Alignments and Arrangements	45
Table 8: Pairing Disaster Districts (without RLAF) with Existing RLAFS	46
Table 9: District Grouping and Alternative Grouping of Districts	48

Executive Summary



This proposal completes the first stage of the project Disaster Readiness for the Legal Assistance Sector.

The Introduction describes the project, its scope and identified goals, outcomes and outputs. These all coalesce in a proposal for a state-wide model for disaster legal assistance.

Part 1 looks at the context of the project. Context includes historical perspectives on funding, planning and provision of disaster legal assistance by the legal assistance sector. The sector includes Legal Aid Queensland, Community Legal Centres, Aboriginal and Torres Strait Islander Legal Services, Family Violence Prevention Legal Services and Pro Bono Services. This Part considers the scope of the project, how disasters are defined and experienced by communities, and how the climate crisis manifests through environmental and extreme weather events. It locates the project as a climate crisis project. It notes the importance of a comprehensive approach (working throughout the disaster cycle) and recognises that responding to disaster is a shared responsibility that requires collaboration. Further, this Part identifies that disaster response capability and surge capacity are critical considerations.



Part 1 confirms that little is known about disaster legal needs and highlights the importance of this process and the need for further research in this area. Disaster legal needs include the need to build disaster resilience. This Part notes that best practices can help to build resilience and capacity within the legal assistance sector and within communities. This Part observes the key to a successful shared approach is ensuring an alignment between the legal assistance sector and disaster management's authorising environments. Ensuring consistency with guiding norms at international and jurisdictional levels is also critical. These norms include guiding standards on disaster prevention, resilience and response, on human rights, and on legal assistance funding and provision.

Part 2 sets out the proposal as an example of community-based disaster risk management, specialised emergency planning and emergency management networks. Part 2 introduces and describes the proposal's model Disaster Legal Assistance and its component alignments and processes: Disaster Legal Needs Assessment, Disaster Legal Assistance Planning, Disaster Legal Assistance Plans and Provision of Disaster Legal Assistance. It also introduces the likely outcomes and outputs of Stage 2 Disaster Legal Assistance Best Practices and Disaster Legal Assistance Training.

Part 3 sets out the high-level operational details of Disaster Legal Assistance. This incorporates an overview of arrangements (alignments and processes) at Jurisdictional (State), District and Local levels. This Part describes the stakeholders in each of the processes. Each tier of collaboration is set out in detail including who is involved from disaster management and legal assistance sectors and the outcomes of assessment and planning processes.

Part 3 proposes alignments and processes to ensure equity of access across Queensland as well as contingency planning for when disaster affects more than one District or Locality.

Appendix A sets out the proposed model by District (across 22 districts) and by Locality (across 76 localities). This Appendix sets out relevant District and Local disaster management groups and plans and legal assistance collaborative planning groups and legal assistance providers.

Appendix B sets out existing and proposed lexicon.

Introduction



This proposal is the result of a limited desktop review about the provision of legal assistance within the phases of disaster management (the disaster cycle). The observations form a proposal for consideration by Queensland's legal assistance and disaster management sectors.

The legal assistance sector includes Legal Aid Queensland, Community Legal Centres, Aboriginal and Torres Strait Islander Legal Services, Family Violence Prevention Legal Services and Pro Bono Services. This proposal is the first stage of the project Disaster Readiness for the Legal Assistance Sector. The first stage proposes a state-wide, tiered, collaborative model for readying Queensland's legal assistance sector to assess disaster legal needs, to engage in disaster legal assistance planning, develop disaster legal assistance plans and provide disaster legal assistance.

▲ We invite comment on this first stage proposal and its components.

The second stage will focus on identifying disaster legal assistance best practices and disaster legal assistance training and will consolidate the project's work into an overarching model of disaster legal assistance for Queensland.

The project is an important one; the impacts of climate change mean that our communities are facing a climate crisis, which includes more frequent and more extreme weather events. The climate crisis is a social justice and intergenerational equity issue and its impacts are, and will be, felt first and disproportionately by people experiencing discrimination and disadvantage (CLCs Australia, 2019). This means that disaster legal assistance is a priority area for the legal assistance sector.

+ About Townsville Community Law

Townsville Community Law is a non-profit, community legal centre located in the regional city of Townsville that provides legal and related support services to communities across North Queensland.

Townsville Community Law has a history of working within its own community during and after disasters, including monsoonal and flooding events (1998, 2010 - 2011, 2012, 2019), tropical cyclones (Tessi-2000 and Anthony-2011); severe tropical cyclones (Justin-1997, Larry-2006 and Yasi-201), industry downturn events (sugar, bananas and fishing) and most recently the COVID-19 pandemic. Collating Townsville Community Law's experience and views about how to 'build back better' (A key Sendai Framework priority) was the impetus for the project's funding application.

+ Outcomes & outputs

The project's anticipated outcome is to build the capacity of Queensland's legal assistance sector and progressively realise a comprehensive approach to the disaster legal assistance across the disaster cycle (during prevention, preparedness, response and recovery) and disaster resilience, and thereby improve outcomes for communities affected by disaster.

The project proposes the development of a state-wide model that:

- articulates the importance and role of the legal assistance sector in disaster management (Stage One)
- describes best practices of collaborative service delivery, regional service planning, and best practices and training for the legal assistance sector (Stages One & Two), and
- is recognised and embedded within Queensland's disaster governance and management arrangements.

Part 1: The context of the project

+

+

The project is not the legal assistance sector's first contemplation of its role in disasters. We considered contextual issues across six broad themes:

- + The historical context of disaster legal assistance*
- + Disasters, communities and the environment*
- + The legal needs of those affected by disaster*
- + Authorising environments for legal assistance and disaster governance and management*
- + Relevant global norms and standards*
- + Funding arrangements and resourcing for disaster legal assistance*

+ Historical Context

The legal assistance sector has been responding to disasters for decades. Despite the sector's efforts, at times it has not effectively marshalled its collective resources, and some communities have experienced unequal access to disaster legal assistance.

The legal assistance sector has largely engaged in immediate post disaster response and recovery phases and rarely in other disaster phases. The targeting of services has not proactively aligned with the comprehensive approach of Prevention Preparedness, Response and Recovery (PPRR) or with concepts of risk reduction and resilience building.

Legal needs and legal assistance mapping processes have not considered disaster legal assistance within geographic, demographic or thematic areas of priority, nor have they investigated service delivery or identified gaps in service availability. Australian jurisdictions have not used evidence-based processes to assess or map disaster legal needs.

Funding has been allocated on a reactive basis in three principal ways. Firstly, by resourcing legal assistance providers on a geographic basis, such as funding to generalist centres in communities affected by disaster (for example, providing funds to legal assistance services in Townsville after cyclone or monsoonal flooding). Secondly, on a demographic or thematic basis such as providing funding to specialist centres that assist a particular cohort or address a particular issue (for example, providing funding to Tenancy Advocacy). Thirdly, on a state-wide operational basis (for example, providing funding to a state-wide provider such as Legal Aid Queensland).

Increasingly, disaster legal assistance funding has been nationalised (for example, the federal Government's COVID-19 and Bushfire Legal Help funding programs in 2020), and the funding distribution reveals a choice that includes a mixture of providers.

The legal assistance sector's engagement with disaster governance has been informal. For example, legal assistance providers engage with local recovery groups and provide outreach clinics at disaster recovery hubs. Service delivery has not followed evidence-based disaster legal needs assessments, nor has it taken a systematic approach to the human rights issues arising from disasters despite the importance of doing so.

More recently during the pandemic, service delivery has begun to take account of important factors such as the increased incidence of interpersonal violence, the negative impacts of social isolation and the critical issue of intersectionality. Evaluation of these services is not yet available but will undoubtedly provide some interesting insights into contemporary disaster legal needs and models of service delivery.

Resources allocated by legal assistance providers hasn't formally addressed the issues of disaster response capability, surge capacity or cross locality collaboration – at least in the way disaster management literature suggests they deserve. Many legal assistance providers do not have formal continuity of operations plans and lack critical awareness of best practices, training needs and operational capacity building opportunities.

+ Disasters, communities & the environment

The project is not only concerned with natural events or location-based or geographic communities, even if they represent an obvious example of the need for disaster legal assistance. A critical theme of the project is ensuring equity of access within and across communities. In the [Disaster Lexicon](#) community is defined as:

“[A] group with a commonality of association and generally defined by location, shared experience, or function. A social group which has a number of things in common, such as shared experience, locality, culture, heritage, language, ethnicity, pastimes, occupation, workplace, etc.”

Disasters in 2019-2020 have been truly catastrophic – bushfires that cost the economy A\$20 Billion - quadruple the impact of the Black Saturday fires (Filkov, 2020) and flood events impacting 100 million hectares across Queensland costing A\$5.6 Billion (Deloitte, 2019). These events were closely followed by the ongoing COVID-19 pandemic. As time goes by, changes in the average climate and climate extremes put Australia at increased risk of impacts from natural disasters (CSIRO, 2020). Natural disasters include drought, bushfires, heat extremes, heatwaves, dust storms, floods and flash floods, extreme sea level events, hail and damaging storms, and tropical cyclones. These events impact on health and wellbeing, the environment, agriculture and water, infrastructure and the economy. These impacts create legal issues for communities and individuals.

The legal assistance sector’s position on climate change places disaster legal assistance as a climate crisis project that mitigates and addresses the impacts of disaster on our communities (CLCS Australia, 2019). It is also worth noting the developing area of disaster justice (Watanabe, 2020).

● Disaster

Disaster is defined in many ways. The project uses the definition from the [Disaster Management Act 2003](#) (Qld) (the DMA):

“A disaster is a serious disruption in a community, caused by the impact of an event, that requires a significant coordinated response by the State and other entities to help the community recover from the disruption.”

Using this broad approach provides flexibility for a multiplicity of contingencies and helps ‘future proof’ the proposal. The DMA defines ‘event’ very broadly and includes natural events and those caused by human acts or omissions.

● Our experience of disasters

The project arose through discussions about the need to consolidate the legal assistance sector’s experience of disasters, which encompass local projects (at provider level) to state-wide projects (at peak association level) to national projects (at program level).

For local legal assistance providers, their community’s experience is their own experience

– their staff and volunteers are often impacted alongside their clients and communities. In disaster prone areas, legal assistance providers may intuitively and informally follow the levels of activation: alert, lean forward, stand up and stand down and yet, incredibly, they don't actively plan to do so. They may also intuitively follow the disaster cycle or the comprehensive approach and again, don't actively plan to do so.

- **A shared responsibility requires collaboration**

Disaster risk and response management and resilience building are a distributed responsibility, shared by all levels of government, with critical involvement and ownership by individuals, communities and the private sector. The legal assistance sector bears specific responsibility within this paradigm. It is apparent that the sector accepts this role and wants to actively collaborate with the disaster management community. Within the notion of shared responsibility, collaboration requires three prominent characteristics: interorganisational structures; trusting relationships; and role clarity (Curnin and O'Hara, 2019). Curnin and O'Hara (2019) suggest that role clarity is central to facilitating the other two characteristics, and enhancing collaboration in the recovery phase.

Shared responsibility also includes the dynamics of multisector stakeholder value systems where values and priorities need to be aligned so community responses can be developed in a way that is human sensitive, and tailored to and aligned with public needs and priorities (Pathak, Zhang and Ganapati, 2020). Studies on multi-sectoral collaboration also reinforce the importance of 'the four Cs': communication, coordination, collaboration, and cooperation (Quarshie and Leuschner, 2020).

- **Disaster response capability and surge capacity**

What is the legal assistance sector's disaster response capability? Disaster response capability is the ability to provide resources or personnel to help manage a disaster in a local area. It includes surge capacity which is the ability to manage increased demand on services or influx of clients during a sudden onset crisis through three aspects of staff, space and materials (Kearns, Cairns and Cairns, 2014).

Flexible surge capacity is touted as a necessary evolution (Glantz, Phattharapornjaroen, Carlstrom and Khorram-Manesh, 2020) and includes the extra and adjustable human and material resources that can be mobilised by activating nonprofessional but educated staff and different but accepted facilities in a fast, smooth, and productive way. In legal assistance sector terms, it might include the use of volunteer and pro bono services, paralegal and student clinic resources (Finger et al, 2011). Four essential elements need to be direct to affected areas: Staff (competency and availability), Stuff (equipment and materials), Structure (physical infrastructure), and System (responsibility, management, coordination) (also called the 4s) (Glantz et al, 2020).

+ Disaster legal needs

Legal needs are ubiquitous in contemporary society, cutting across many aspects of everyday life and having broad implications for physical, emotional and social well-being (Coumeralos et al, 2012). Genn's (1999) approach identified justiciable problems as "a matter experienced by a respondent which raised legal issues, whether or not it was recognised by the respondent as being 'legal' and whether or not any action taken... to deal with the event involved the use of any part of the civil justice system."

This project proposes a new term: disaster legal needs. Put simply, disaster legal needs are legal issues or justiciable problems that are related to, or arise out of disaster. Disaster legal needs are what disaster legal assistance seeks to address. An assessment of disaster legal needs will inform disaster legal assistance planning and ultimately help stakeholders arrive at disaster legal assistance plans. Despite comprehensive work across humanitarian and civil justice needs there is no definition of disaster legal needs or method of assessment. Further, no comprehensive disaster legal needs analysis been done.

Limited disaster legal needs research has been done in Australia, New Zealand, the United States and Japan. These studies catalogue the legal problems that arise in post-impact relief, very early recovery and recovery and reconstruction phases. The studies draw their conclusions from the legal problems that came to the attention of legal assistance providers, rather than any methodological analysis, including analysis outside the immediacy and aftermath of the event itself.





























Aside from legal issues arising, legal services have been identified as critical to post impact disaster recovery (Gurtner, Cottrell and King, 2011).

Stage 2 will develop disaster legal needs matrices for use in state-wide, district and local planning processes.

- **National issues**





The [*Legal Australia-Wide Survey Legal Need in Australia*](#) is Australia's foremost legal needs study. It mentions one-off disaster initiatives without providing any substantial commentary (Coumeralos et al, 2012). Pleasance (2014) observes the importance of timely one-off interventions but that timeframes are dictated by triggers for funding. He also notes interventions are generally collaborative or joined up responses, and assist with a broad range of legal issues, including the interconnected problems that disaster victims face. The [*National Legal Assistance Partnership 2020-2025*](#) Agreement's (NLAP Agreement) National Priority Client Groups correlate with known disaster legal needs (both in Australia and overseas) (Clause A3(a)-(k)).





Table 1: Disaster Legal Needs and National Priority Client Groups

NATIONAL PRIORITY CLIENT GROUPS	 Australia	 USA	 Japan	 NZ
	<i>Aboriginal and Torres Strait Islander people (Indigenous persons)</i>			
<i>Children and young people (up to 24 years)</i>				
<i>Older people (65 or Aboriginal and Torres Strait Islander people aged over 50 years)</i>				
<i>People experiencing, or at risk of, family violence</i>				
<i>People experiencing, or at risk of, homelessness</i>				
<i>People in custody and/or prisoners</i>				
<i>People residing in rural or remote areas</i>				
<i>People who are culturally and linguistically diverse</i>				
<i>People with a disability or mental illness</i>				
<i>People with low education levels</i>				
<i>Single parents</i>				

Apparent disaster legal needs also match Commonwealth family law priorities (Clause A13(a)-(d)) and Commonwealth civil law priorities (Clause A15(a)-(h)). Disaster legal needs research notes specific criminal law issues that make comparison difficult (Clause A17(a)-(c)).





Table 2: Disaster Legal Needs and Family & Civil Law Priorities

FAMILY LAW PRIORITIES	 Australia	 USA	 Japan	 NZ
<i>Matters where the safety or welfare of children are at risk</i>	●	// USA, Japan and New Zealand included general references to family law needs arising out of disaster.		
<i>Matters involving allegations of family violence</i>	●			
<i>Complex issues living arrangements, relationships and financial support of children</i>	●			
<i>Property settlement matters if they are experiencing financial disadvantage or at risk of homelessness</i>				

COMMONWEALTH CIVIL LAW PRIORITIES	 Australia	 USA	 Japan	 NZ
<i>Bankruptcy matters</i>	●	●		
<i>Consumer law matters</i>	●	●	●	●
<i>Employment matters</i>	●	●	●	●
<i>Extradition matters</i>	// Not Applicable.			
<i>Human rights and anti-discrimination matters</i>	●	●	●	●
<i>Insurance law matters</i>	●	●	●	●
<i>Migration matters</i>	●	●	●	●
<i>Social security law matters</i>	●	●	●	●

Disaster legal needs studies also identify additional areas of legal need beyond NLAP priorities. Some are related to Commonwealth priorities, for example elder abuse involves priority clients (older persons) and a priority areas of law (such as family violence and human rights).

Table 3: Other (non NLAP Priority) Disaster Legal Needs

OTHER LEGAL NEEDS AND ISSUES	 Australia	 USA	 Japan	 NZ
<i>Elder Abuse</i>	●	●	●	
<i>Wills and Estates</i>	●	●	●	
<i>Loss of identification and personal documents</i>	●	●	●	●
<i>Housing Tenancy</i>	●	●	●	
<i>Housing Ownership</i>	●	●	●	
<i>Media</i>				●
<i>Taxation</i>	●	●	●	●
<i>Regulatory (including public health)</i>	●	●	●	●

The NLAP Agreement provides legal assistance providers with discretion to include other priorities: “[T]he list of Commonwealth civil law areas is for guidance only. The legal assistance sector should consider how to best meet civil law need collectively (arising from Commonwealth or State laws).” (Clause A16) Obviously many other needs can arise in disasters. As Quigley (2015) noted of the legal impacts of Hurricane Katrina, “unprecedented circumstances create unprecedented legal questions.”

• Jurisdictional (State) issues

The Queensland Legal Assistance Forum’s (QLAF) Strategic Plan 2019-2021 and its policy statement: Collaborative Service Planning in Queensland complement the NLAP Agreement including allowance for designation of jurisdictional priorities (Clause A6-A7). Disaster legal assistance could be designated as a jurisdictional priority.

Queensland’s Evidence and Analysis of Legal Need Report (2019) provides an important evidence base for the legal assistance sector. While it did not assess disaster legal needs per se, it provides detailed evidence of legal need for matters that are known disaster legal needs that align with NLAP Agreement priorities (see Table 1-3). The Report mapped priority client groups and provided regional snapshots based on 82 SA3 regions across Queensland. Regional

Legal Assistance Forums (RALFs) undertaking disaster legal assistance planning can easily use the SA3 areas within their own district (see Table 4).

The Department of Justice and Attorney-General's (DJAG) Court Services Mapping Project also charts legal and related services across Queensland, and in particular around busy Court districts. This data could form part of any disaster legal needs assessment and disaster legal assistance planning processes.

The [2016 Updated Evidence and Analysis of Legal Need](#) notes the importance of intersectionality: "it is important to note that considerable overlap occurs between many of the priority groups for public legal assistance with target groups experiencing multiple disadvantage." For example, financially disadvantaged persons include 24% from a CALD background and 18% with low education levels. People with multiple disadvantage often have a high legal need and low legal capability. Research also emphasises social vulnerability as an important factor in determining the likely impact of disaster on particular groups, including gender, demographic characteristics such as racial, ethnic, and minority social identities, socio-economic status and disability (Fatemi et al, 2017).

Legal needs are obviously linked to health, wellbeing and community impacts. Deloitte (2019) reported that flood events can have lasting community impacts on mental health, alcohol misuse and family violence, and can exacerbate chronic disease. Other identified impacts remain difficult to measure, but includes community dislocation, crime, employee retention, school enrolment and completion (Deloitte, 2019).

• Disaster legal needs includes disaster resilience

Studies after Hurricane Katrina reveal that people continue to experience disaster related legal issues up to a decade after the event (Quigley, 2015). This reflects critical individual and community resilience issues. The [Queensland Strategy for Disaster Resilience](#) describes resilience as "[A] system or community's ability to rapidly accommodate and recover from the impacts of hazards, restore essential structures and desired functionality, and adapt to new circumstances." The Strategy makes clear the legal assistance sector's likely shared responsibility includes:

- Understanding our exposure to disaster risks.
- Preparing business continuity plans.
- Contributing to the social and economic recovery of affected communities.
- Considering the prevention and reduction of risk as part of our core activities.

Stage 2 will include best practices that address these issues.

Resilience also raises issues of equity and scale of disaster legal assistance services. The effects of natural disasters are greater on people living in poverty, who are more vulnerable to such events (Fatemi, 2017). Accordingly, any offering of professional services must be equity-oriented (Domínguez, 2020). Biased recovery service allocation (for example to high-income people due to their ability to negotiate with the system) is a post-disaster recovery barrier

(Rouhanizadeh et al, 2019). Other commonly noted barriers to obtaining legal help include accessibility issues such as telephone responsiveness, delays in responding, availability of appointments, lack of services locally and physical access due to distance (Mulherin, 2015).

Hoffman (2009) suggests that much can be done to anticipate and address the needs of vulnerable groups during catastrophic events. Adequate planning will help minimise the extent to which these groups suffer disproportionately and experience devastating outcomes. Further, distributive justice theories justify allocation of scarce resources to members of vulnerable populations even if they require more intensive care or disproportionately large resource investments compared with others (Hoffman, 2009).

Similarly, the Brooking-Berns (2008) *Operational Guidelines* reinforce the need to ensure non-discriminatory disaster relief and are based in human rights principles of equality and non-discrimination. They suggest “[T]o calibrate the provision of assistance to the needs of the people affected, however, is not a violation of the principle of non-discrimination; rather, it reflects an appropriate human rights-based approach to humanitarian aid delivery”, and, further “in order to be able to implement non-discriminatory assistance and protection activities, it is essential to know who the potential beneficiaries are and what their specific needs are” (Brooking-Berns, 2008).

+ Authorising environments

Authorising environments explain and frame how organisations and agencies have authority to deliver on their functions (Moore, 2014). They include formal (hard) authorities (legislative and policy) and informal (soft) authorities (strategic relationships) within which roles and responsibilities are set and clarified. Both disaster governance and legal assistance have well-articulated, largely formal authorising environments and yet both also rely heavily on informal relationships in many aspects of their functionality and operations.

• Legal assistance sector

The legal profession in Queensland is governed by complex legislative and regulatory regime (Legal Profession Act 2007 (Qld)) and provider-specific laws such as the Legal Aid Queensland Act 1997 (Qld). Key policies set the environment, including (partly) defining the ‘legal assistance sector’. The NLAP Agreement collectively refers to legal assistance providers, Family Violence Prevention Legal Services and legal assistance peak bodies that may operate within a jurisdiction (Clause 98(m)). Each of those listed collectively are also defined in the Agreement (Clause 98).

The NLAP Agreement takes its direction from the *National Strategic Framework for Legal Assistance*. Under the NLAP Agreement, the State’s role includes policy and strategic guidance and sector planning and development (Clause 26). The NLAP Agreement provides a rationale for disaster legal assistance as follows:

National and jurisdictional emergencies

A12 The legal assistance sector should endeavour to ensure the continued delivery of legal assistance services during national or jurisdictional emergencies, taking into consideration:

- (a)** the safety of individuals who will be responsible for the delivery of legal assistance services;
- (b)** the safety of those in receipt of legal assistance services; and
- (c)** the appropriateness of continuing to deliver legal assistance services during a national or jurisdictional emergency.

The NLAP Agreement defines pro bono services even though it does not apply to them (Clause 98(r)). The NLAP definition mirrors the nationally recognised *definition for pro bono* used by the *Australian Pro Bono Centre*. In Queensland, both the *Queensland Law Society* and *Bar Association of Queensland* have active pro bono committees and policies. Other sources of legal assistance exist within the tertiary education sector (such as *clinical legal studies* units) and the corporate sector (such as in-house counsel). Van Leeuwen and Gissing (2019) note that potential exists to enhance the role of the business sector as part of a nationwide whole-of-community approach to emergency management.

● **Disaster management**

The Government's *Queensland Disaster Management 2016 Strategic Policy Statement* informs the state's strategic approach to disaster management. The disaster management sector in Queensland and Queensland's Disaster Management Arrangements (QDMA) are defined by the *Disaster Management Act 2003* and set out in the *Queensland State Disaster Management Plan* (the State Plan) as compiled by the Queensland Disaster Management Committee. Further, the *Standard for Disaster Management in Queensland* (the Standard) establishes the performance requirements for all entities involved in disaster management.

The *Queensland Emergency Risk Management Framework* is an evidence-based risk assessment methodology to evaluate the potential impacts of hazards, recognise areas of exposure and their vulnerability, and identify subsequent risks to communities. Additionally, the *Queensland Strategy for Disaster Resilience* aligns with international best practice - the Sendai Framework for Disaster Risk Reduction 2015-2030 and provides an overarching framework to empower Queenslanders to factor in resilience measures and activities as they anticipate, respond and adapt to changing circumstances.

+ Global standards

Global standards are important components of relevant authorising environments – they represent global best practice and guide Australia’s actions in the domestic sphere. Various global norms inform and are relevant to disaster legal assistance, including disaster management, risk and resilience, human rights in disasters and international disaster response law.

• Disaster norms

The *Sendai Framework for Disaster Reduction 2015-2030* (the Sendai Framework) is led by the *United Nations Office for Disaster Risk Reduction* (UNDRR) and is reflected in *Australia’s National Disaster Risk Reduction Framework*, the *National Strategy for Disaster Resilience* and our State Strategies and Plans including the *Queensland Strategy for Disaster Resilience*. The Sendai Framework includes relevant principles for civil society involvement (arts 24(o), 27(h) and 36(a) and (c)). Additionally the *Sustainable Development Goals* include disaster-related resolutions, for example in *Disaster laws and policies that leave no one behind*.

International Disaster Law (IDRL) has also developed *Guidelines* for the domestic facilitation and regulation of international disaster relief and initial recovery assistance *adopted* by the General Assembly with a range of *commentary*.

• Human rights norms

A successful disaster response must place human rights at the centre (Concannon and Lindstrom, 2011). Rice (2017) similarly notes “[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.”

According to the United Nations High Commissioner for Human Rights (2013) employing a human rights-based approach during a disaster response ensures that plans, policies, and processes of international assistance adhere to rights and obligations outlined by international law and human rights treaties. A rights-based approach works to build capacity and make duty-bearers meet their obligations rather than taking a simply charitable approach.

Key components include:

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

In the area of international human rights, relevant standards include the *Siracusa Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights* (the Siracusa Principles), the *Johannesburg Principles: National Security, Freedom of*

Expression and Access to Information (the Johannesburg Principles) and the recent International Law Commission's (ILC) Draft Articles on the Protection of Persons in the Event of Disasters (The Draft Articles) (A/RES/71/141).

The Draft Articles assert that the inherent dignity of the human person shall be respected and protected in the event of disasters (Art 4) and that persons affected by disasters are entitled to the respect for and protection of their human rights (Art 5), particularly the most vulnerable (Art 6). Australia suggested the Draft Articles will usefully serve as a guide for States in implementing their prevailing international obligations and welcomed the confirmation that existing human rights conventions continue to apply in disaster situations.

The Brookings-Berns Project identified four areas of human rights protection arising in disasters:

- Protection of life, security, and physical, mental and moral integrity.
- Protection of rights related to basic necessities of life.
- Protection of other economic, social and cultural rights.
- Protection of other civil and political rights.

Within each of these four areas, relevant human rights principles were identified. These identified human rights should be considered in the assessment of disaster legal needs. While the context of this work is based in IDRL principles, much of it is directly transferable to domestic settings.

Increasingly, international jurisprudence reveals that individuals and communities will seek remedies under a range of human rights norms after disaster: See *Oneryildiz v Turkey* App no 48939/99 (ECtHR, 30 November 2004) and later cases. This might have consequences for Queensland's Human Rights Act 2019 and its application to disasters (Sec 48(3)).

+ Disaster legal assistance funding & resourcing

Funding for disaster legal assistance is an important consideration. To date, funding has largely been based on a one-off, reactive model. This proposal is not premised on funding allocations being made to the legal assistance sector. However, funding of disaster legal assistance is a critical part of the picture, both in providing support for the implementation of the proposed model and in other areas such as considering disaster legal needs in a more methodical way, and assisting with surge capacity in the event of disaster. This proposal and the disaster legal assistance model does provide a framework for reconceptualising how the legal assistance sector is funded.

● Global models

In the United States a memorandum of understanding exists between the American Bar Association (ABA) and the Federal Emergency Management Agency (FEMA). The flow of resources is predicated on a Stafford Act Presidential Declaration pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act 42 U.S.C. § 5121 (2018). VanSingel (2019) describes a unified approach to providing free legal assistance through Disaster Legal Services

programmes. Despite this, the US model has serious limitations. Seidenberg (2005) reported that during Hurricane Katrina, because of lost capacity of local providers, it took Southern Louisiana Legal Services (SLLS) over a week to be admitted to serve clients in FEMA Disaster Relief Centers, even though the group is partially funded by the federal government and had extensive experience working with disadvantaged citizens. The Memorandum also reveals a virtual monopoly over funding allocations.

● National funding triggers

Australia has no formalised funding triggers for disaster legal assistance, or allocations for needs assessment or planning. Funding has generally been sought and distributed on the basis of immediate (and short to medium term) disaster legal needs from the impact of floods, cyclones, storms, bushfires, industry downturns and pandemic. Recently the legal assistance sector has witnessed the nationalisation of funding with significant injections of funding in two areas: *Bushfire* and the *COVID-19 Pandemic*. Historically, funding allocations are generally made by state and territory Governments through their Attorney Generals' Departments or Communities Departments. These jurisdictional arrangements will continue unchanged post-Williams v Commonwealth (2012) 86 ALJR 713.

● Queensland's funding triggers

Queensland's DJAG Legal Assistance Strategy and Funding includes a *process for applying for emergency investment* that states the "Queensland Government invests in responses to urgent and unexpected community legal needs that arise from emergencies such as natural disasters." The policy relates to a previous funding model (LPITAF), but the process remains in place and legal assistance providers can use it to *apply* for funds. The application process has three key considerations:

1. The application demonstrates there is an urgent and unexpected community legal need arising from an emergency
2. The application proposes an appropriate response that will efficiently and effectively address the community legal need
3. The applicant is best placed to deliver the response

The process provides broad guidance for use of this discretionary funding pool. One might presume that urgent and unexpected community legal need arising from an emergency is the same as disaster legal need and an appropriate response that will efficiently and effectively address the community legal need is the same thing as disaster legal assistance. Importantly, it appears that this funding 'trigger' is not dependent upon federal or state disaster arrangements or funding allocation processes. This allows it to be used throughout the disaster cycle and as part of a comprehensive approach.

• Other issues

An important element of any disaster response is resourcing outside traditional government funding programs. All legal assistance providers have stable core funding that potentially allows provision of disaster legal assistance without specific funding allocation. However, other resources through pro bono services, law schools and other models of service delivery can help to increase capacity.

The existing spread of legal assistance providers across Queensland will not automatically provide equity of access to all Queenslanders. A level of North-South Cooperation is expected to develop as part of the process of disaster legal needs assessment and disaster legal assistance planning. This should be encouraged firstly between better resourced districts and those with fewer or limited resources. Importantly this should also include a process to pair districts for when one is so impacted by an event that are completely unable to offer disaster legal assistance. The mapping exercise later in this proposal suggest some possible North-South collaborations.

+ The Royal Commission into National Natural Disaster Arrangements

The Royal Commission into National Natural Disaster Arrangements (the Bushfire Royal Commission) provides recent support for this proposal. The Bushfire Royal Commission's [*Final Report*](#) recommended the need for disaster legal assistance, noting:

- Natural disasters create increased demand for free legal advice in relation to insurance claims, and that legal service providers continue to receive requests for such assistance after the disaster event: (¶20.37) (RCNDA, 2020)
- Legal assistance services play a vital role in supporting the recovery of disaster-affected communities. They provide support and services to people and communities during and after a disaster. They can be both complementary to, and partners of, government in community recovery: (¶21.26) (RCNDA, 2020)
- The delivery of legal assistance services is a key example of non-government recovery support which would benefit from greater planning. Following a natural disaster, numerous legal issues can arise, including in relation to insurance, family law and family violence, tenancy and housing and social security issues: (¶21.46) (RCNDA, 2020).

The Bushfire Royal Commission noted that during the 2019-2020 bushfires, the legal assistance sector mobilised a response to support affected individuals but there were a number of issues that arose due to the absence of pre-planning or strategic framework. They noted that in NSW, there was no pre-agreed framework to activate regarding the legal sector's response to disasters, which led to a longer period of confusion around roles and responsibilities in the response, and less clarity in public-facing communication in the initial periods of disaster response: (¶21.46) (RCNDA, 2020). The Commission also noted Legal assistance was part of the Bushfire Recovery Fund. (22.104) (RCNDA, 2020).

The Commission recognised the evolving work of this Project:

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. There is merit in considering whether similar processes could be replicated nationally

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.

In respect of recovery support, the Commission noted:

22.14 Recovery support to individuals in the early relief stage includes material aid to address basic needs, such as water, food and clothing, emergency and temporary accommodation and shelter. Once the immediate crisis passes, recovery support generally includes financial assistance and specialised services, such as legal assistance...

22.100 There are also gaps in the assistance provided through the DRFA in respect of certain needs that regularly arise out of natural disasters. We have previously noted that a number of social issues can emerge after a natural disaster, such as family violence, and this can lead to an urgent demand for legal assistance and social services. There is also the question of limited access to funding for environmental and ecological recovery and rehabilitation; or for indirect economic impacts, such as the loss of tourism following a natural disaster.

22.104 During the 2019-2020 bushfires, a number of assistance measures were provided under the National Bushfire Recovery Fund. These measures include: coordinated clean-up assistance, immediate assistance to local governments and legal assistance services to support bushfire relief and recovery¹⁵⁸ – see Appendix 24: Recovery Supports. These measures could be developed into pre-agreed recovery programs, given the overlapping responsibilities between Australian, state and territory governments and the reliance on state and territory governments for the delivery of specific initiatives.

There may be more responsive mechanisms to target funding and other support to the legal assistance sector during and after a natural disaster. For example, consideration could be given to the use of pre-existing Commonwealth funding mechanisms with the States and Territories including natural disaster funding arrangements and legal assistance funding arrangements.

The Commission recommended:

Recommendation 22.5 Develop nationally consistent, pre-agreed recovery programs

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's response* to the Bushfire Royal Commission was issued in November 2020. The Commonwealth Government supports recommendation 22.5:

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.

This may be an explicit recognition of this project and its proposed outputs and outcomes.

Part 2: The proposal



Disaster legal assistance is an example of community-based disaster risk management. It promotes the involvement of potentially affected communities in disaster risk management at the local level. This includes community assessments of hazards, vulnerabilities and capacities, and their involvement in planning, implementation, monitoring and evaluation of local action for disaster risk reduction.

Disaster legal assistance seeks to build the capacity of Queensland's legal assistance sector to take a comprehensive approach to assisting communities affected by disasters. This requires working through the entire disaster cycle (prevention, preparedness, response and recovery) in a planned, timely and intuitive way, building empowerment and resilience. The approach also seeks to balance important principles around disadvantage and vulnerability, be client centred, be collaborative and integrated, and scalable and adaptable.

The proposal recommends the creation of new emergency management networks (EMN) and in particular planned multi-organisational networks (PMONs). PMONs are defined as a formal organisational structure which organized legally before the incidents occur to guide the coordinated actions across jurisdictions, autonomous social organisations, and sectors in confronting disasters. In particular the proposal seeks to build mixed multi-organisational network (MMONs) – new interorganisational relationship patterns, which form new ties between the organisation and the organisation outside the normal set (Lutz et al, 2008; Du et al, 2020). In this case between the legal assistance sector and the disaster management sector.

Du (2020) suggests collaboration is a driver of multi-organizational success in EMNs. A diversity of actors is also important (Yeo et al, 2017; Drabek, 2018), though working within a framework aids collaboration (Kapucu et al, 2016). Network response depends on six main factors that influence network performance: communication, information communication infrastructure, organisational attributes, trust, structure, and other factors (Du et al, 2020).

The proposal is also an example of specialised emergency planning, which can include sectors such as health and education (Alexander, 2013) and undoubtedly can also include the legal assistance sector.

+ New alignments & processes

Disaster legal assistance suggests new alignments and processes at state-wide, district/regional and local levels. Queensland's legal assistance sector seeks to align itself with Queensland's disaster management arrangements, governance and frameworks in a consistent manner at each level.

This Part describes the disaster legal assistance model in overview, and state, district and local versions are described in the following part. The proposed alignment and its components are collectively called disaster legal assistance. It represents both a comprehensive approach and a model of service delivery. It is the name of the process and the product.

The proposed alignment is consistent with the legal assistance sector's current strategic frameworks at federal and state level. These frameworks require adherence to certain principles including focus on priority clients and areas of work, and on facilitating engagement with tiered collaborative planning processes at jurisdictional, regional and local levels. The proposed alignment also reflects disaster governance's authorising environment including relevant legislation, plans, guidelines and standards.

The process of alignment will combine state, district and local planning processes between the legal assistance sector and the disaster management sector to provide:

- 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.
- Processes that are evidence based: disaster legal needs.
- Opportunity to build capacity and create better community outcomes through disaster legal assistance best practices and disaster legal assistance training.

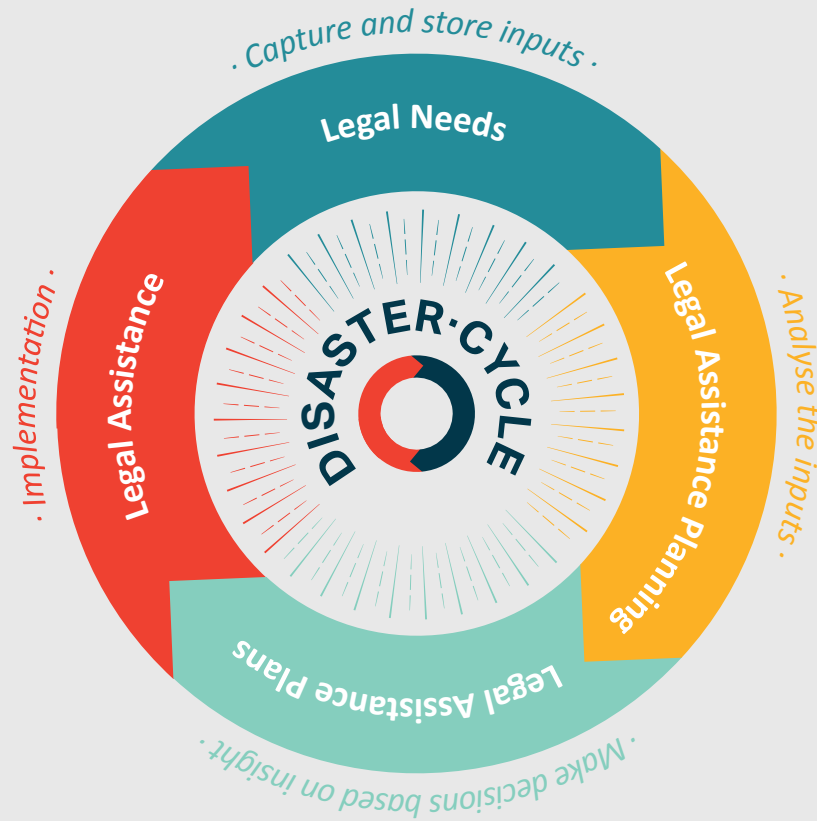
+ An overview of the components

The components include:

1. Disaster legal needs
2. Disaster legal assistance planning
3. Disaster legal assistance plans
4. Disaster legal assistance
5. Disaster Legal Assistance Forum
6. Disaster legal assistance best practices

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



Each stage of disaster legal assistance reflects critical stages of continuous feedback loops. Within each process, various sub-models work to provide alignment and outcomes. For example, Disaster Legal Assistance Planning will occur across three tiers and with input from various levels. Superimposed over the disaster cycle gives us a sense of how disaster legal assistance works by providing continuous feedback for itself but also reflecting the comprehensive approach and opportunities for evaluation and lessons management.

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



+ Component 1: Disaster legal needs

The first component of disaster legal assistance is assessing disaster legal needs. This process is the starting point for disaster legal assistance but also a dynamic process that can occur at any stage. For example, it might arise as a result of insights drawn from providing disaster legal assistance. The process of assessing disaster legal needs is characterised by the use of collaborative service planning on two tiers: jurisdictional (state) and regional (district) legal assistance forums. It can also involve local planning as needed, or as an alternative to regional processes if appropriate – for example where regional planning processes such as RLAFs do not exist.

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. But not every problem necessarily requires a legal solution and not everyone who experiences a problem will require legal assistance (Mirlees, 2020).

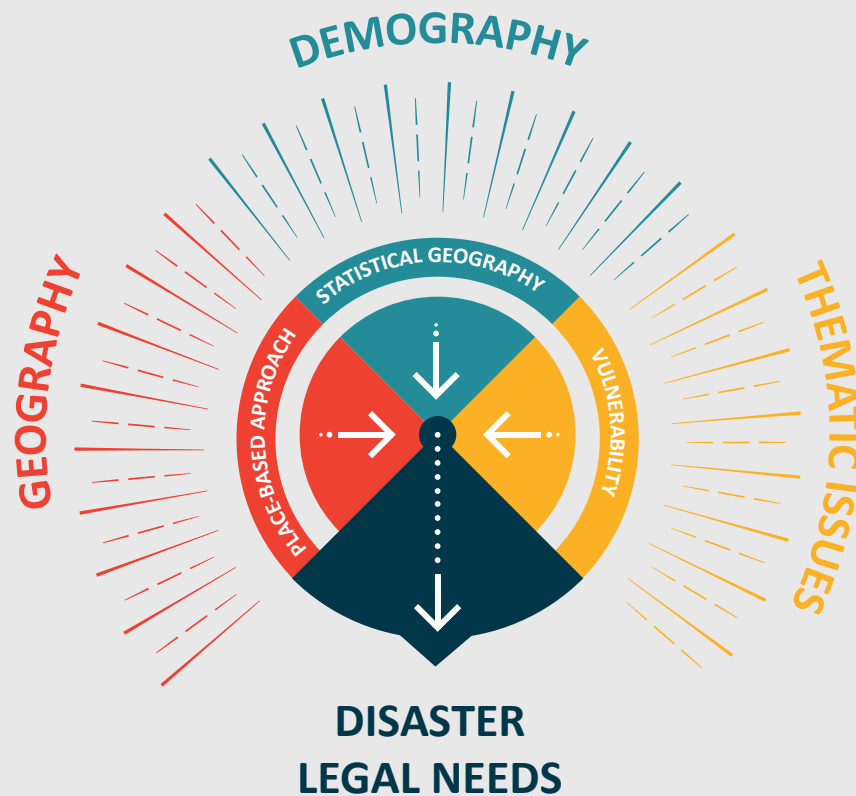
At state level, jurisdictional collaborative service planning will be undertaken by Queensland Legal Assistance Forum (QLAF), its specialist forums and by a newly established forum – Disaster Legal Assistance Forum (Disaster LAF). State level assessment will involve identifying broad trends in the presentation of legal need across the State (NLAP Agreement, clause B15(a)).

At a regional and local level, regional legal assistance forums (or local legal assistance providers) will undertake collaborative service planning (NLAP Agreement, Clause B19).

This planning will involve identifying the level of legal need in the relevant geographic locale (Clause B19(a)), and identifying local level systemic issues that affect legal assistance in addressing legal and other social needs (Clause B19(b)).

Methods of assessing disaster legal needs are still to be developed but will include consideration of geographic, demographic and thematic issues. A matrix for assessing disaster legal needs will be included in Stage 2 – Best Practices.

Figure 3: Inputs for Assessment of Disaster Legal Needs



- **Disaster geography**

Disaster legal needs will include known, foreseeable (such as seasonal) or likely disasters. Needs can be assessed by reference to geographic resources such as the [*Queensland Natural State Hazard Assessment*](#) which assesses global, state and natural hazards. The assessment of natural risks includes a range of contingencies such as tropical cyclones, severe weather events, riverine flooding, coastal inundation, heatwave, bushfire and earthquake. Other events such as [*tornadoes*](#) occur infrequently and would be considered under extreme weather. Assessment will include elements of a [*place-based approach*](#).

Districts and locales have a historical record of past experiences and disaster governance will have already undertaken planning around known risks. District disaster management plans and local disaster management plans already contain details of risks and hazards. Additional resources include [historical cyclone tracking maps](#), [severe storm archive maps](#), BOM flood gauges and [flood history](#), storm or tidal surge projections, [coastal hazard](#), [property maps](#), BOM [heatwave](#) patterns, Landsat fire histories, Earthquake heat maps, and overall resources such as the [Queensland Hazard and Risk Priority Map](#) and the Southeast Queensland Hazard and Risk Priority Map.

● Disaster demography

Understanding local demography is another key to assessing disaster legal needs. The Australian Bureau of Statistics [Statistical Geography](#), and the Queensland Government Statistician's Office's [Queensland Regional Profiles](#) allow for various report types, datasets, and regions including diverse statistical divisions (LGA 2016, SA2, SA3, SA4, Greater Capital City SA 2016, State Electoral District 2017, Resource Region and State), and for groups of regions. This will be particularly helpful when looking at issues of North-South Cooperation and intra-district collaboration. The impact of disasters on specific populations within communities is also known to a certain extent. For example, the Queensland Government has already developed a state framework for [People with vulnerabilities in disasters](#).

Demographic data can be combined with evidence-based legal needs report data such as [Queensland Evidence of Legal Need](#) and the LAW Australia-Wide Legal Needs Survey for [Queensland](#). Disaster legal needs ought to be assessed in a methodical manner. Mulherin (2015) suggests three methodological streams:

- Service provider data (who uses legal services (demographics), help sought for what legal issues, how people come to the services, the pathways people take).
- Quantitative surveys (Mirlees-Black (2019) suggests a range of sampling methods and techniques).
- Qualitative studies of particular needs.

Other approaches measure [justice gaps](#) through categorisation, which may be worth considering in post-disaster assessment.

● Thematic issues

Mulherin (2015) suggests qualitative studies of particular needs. This could include particular disaster events or particular disaster related issues. For example, Khouri's (2017) work on court and dispute resolution processes in the aftermath of the Christchurch earthquake (Khouri, 2017).

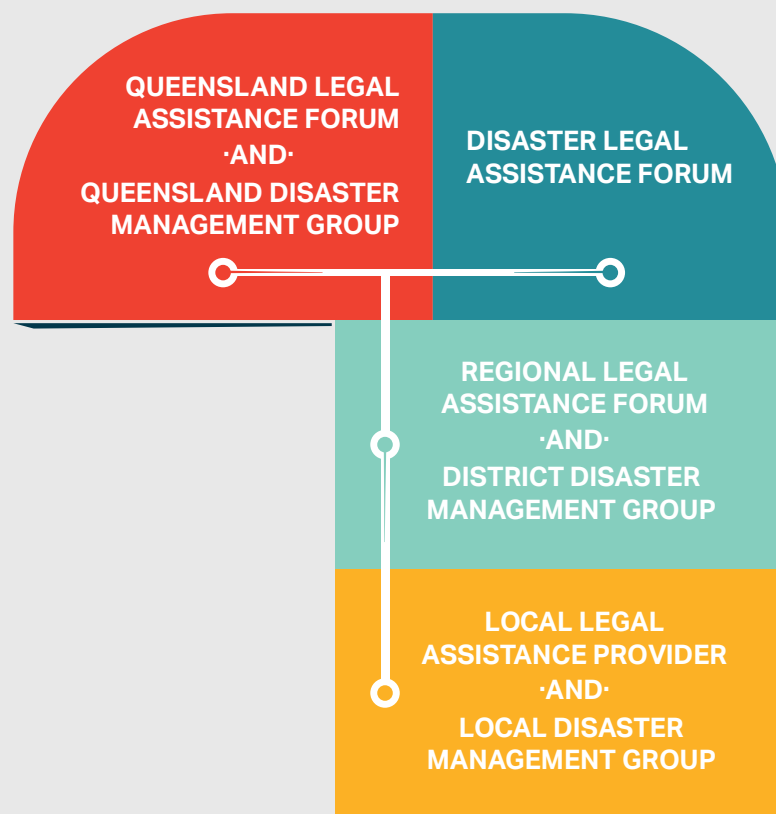
+ Component 2: Disaster legal assistance planning

The second component of disaster legal assistance is the process of disaster legal assistance planning. This component comprises jurisdictional (state) forums and regional legal assistance forums engaging in collaborative service planning as prescribed by the NLAP Agreement (Schedule B). As previously noted, the focus of planning under the NLAP Agreement can include disaster planning (Clause B14).

Disaster legal assistance planning includes tripartite processes (tiers): State, District, Local. The nature, type, extent and outcomes of planning will differ across each tier depending on a number of factors including the assessment of disaster legal needs and distinct community character. In each case, output will include a collaborative service plan that:

- aligns with complementary disaster governance levels and is developed in collaboration with disaster governance actors
- observes and reflects the principal terms of reference of the legal assistance actors, i.e. Their role, purpose and utility
- is actionable and reviewable within the continuous feedback model.

Figure 4: Overview of Disaster Legal Assistance Planning



• Jurisdictional planning

Jurisdictional collaborative service planning is the highest tier of disaster legal assistance planning. QLAF and Disaster LAF will conduct this process. It will reflect NLAP Agreement obligations (Clause B15) and include:

- Assessing state-wide disaster legal needs (Component 1).
- Collaborating with disaster governance actors to conduct state disaster legal assistance planning.
- Building partnerships across the State's legal assistance sector and with other relevant stakeholders, including national legal centres (Clause B15(b)).
- Considering opportunities for improved coordination and targeting of services within the legal assistance sector and across other service providers (Clause B15(c)).

• District & local planning

This involves two tiers of planning – district and local levels. Local collaborative service planning by regional legal assistance forums (or local legal assistance providers) is an expectation (Clause B19) of the NLAP Agreement and will include:

- Assessing district and local disaster legal needs (Component 1).
- Collaborating with disaster governance actors to conduct district and local disaster legal assistance planning.
- Developing an approach to service delivery in the local area and monitor progress (Clause B19(c)).
- Building partnerships with relevant stakeholders operating within the relevant locale (Clause B19(d)) and
- Considering opportunities for improved coordination and targeting of services within the legal assistance sector and across other service providers (Clause B19(e)).

Importantly, the NLAP Agreement provides for invitation of other services to engage in collaborative service planning (Clauses B17, 20). This provides a clear avenue for engaging with district and local disaster management and recovery groups. Regional legal assistance forums undertaking district and local level disaster legal assistance planning will be able to use SA3 areas from within their own district.

Table 4: Alignment of RLAFS, Disaster Districts and SA3s

REGIONAL LEGAL ASSISTANCE FORUM	DISASTER DISTRICT	SA3
Cairns	<i>Far North, Innisfail</i>	<i>Cairns (North), Cairns (South), Far North, Innisfail – Cassowary Coast, Port Douglas – Daintree, Tablelands (East)</i>
Townsville	<i>Townsville</i>	<i>Charters Towers – Ayr – Ingham, Townsville</i>
Mackay	<i>Mackay</i>	<i>Bowen Basin North, Mackay, Whitsunday</i>
Mount Isa	<i>Mount Isa</i>	<i>Carpentaria, Mount Is, Mount Isa Region, Northern Highlands</i>
Rockhampton	<i>Rockhampton, Gladstone, Longreach</i>	<i>Biloela, Central Highlands, Gladstone, Rockhampton</i>
Bundaberg	<i>Bundaberg, Maryborough</i>	<i>Bundaberg, Burnett, Hervey Bay, Maryborough</i>
Maroochydore	<i>Sunshine Coast, Gympie</i>	<i>Buderim, Caloundra, Maroochy, Nambour, Noosa, Noosa Hinterland, Sunshine Coast Hinterland, Gympie – Cooloola</i>
Caboolture	<i>Sunshine Coast</i>	<i>Caboolture, Caboolture Hinterland</i>
Ipswich	<i>Ipswich</i>	<i>Forest Lake, Oxley, Ipswich Hinterland, Ipswich Inner, Springfield, Redbank</i>
Toowoomba	<i>Toowoomba, Charleville, Dalby, Roma, Warwick</i>	<i>Darling Downs (West), Maranoa, Darling Downs (East), Granite Belt, Outback South, Toowoomba</i>
Southport	<i>Gold Coast</i>	<i>Broadbeach, Burleigh, Coolangatta, Gold Coast North, Gold Coast Hinterland, Mudgeeraba, Tallebudgera, Nerang, Ormeau, Oxenford, Robina, Southport, Surfers Paradise</i>
Logan	<i>Logan</i>	<i>Beaudesert, Beenleigh, Browns Plains, Jimboomba, Loganlea, Carbrook, Springwood, Kingston</i>
Brisbane	<i>Brisbane, Redcliffe</i>	

• Membership of disaster management groups

Engaging with disaster governance at all levels is a key aspect of disaster legal assistance planning. This involves developing an understanding between the Queensland Legal Assistance Forum (QLAF), the Queensland Disaster Management Committee (the State Group) and related Disaster Management governance.

This understanding will focus on the inclusion of disaster legal assistance and disaster legal assistance planning in State, District and Local Disaster Management Planning processes, including membership of the State Disaster Management Group (DMA, sec 19), District Disaster Management Groups (DMA, sec 24), and Local Disaster Management Groups (DMA, sec 33).

Engagement would include involvement in meetings of disaster management groups (DMA, sec 38) and possible committee membership (DMA, sec 48). Responsibility for developing a shared understanding would be as follows:

- QLAF forms an understanding with the Queensland Disaster Management Committee about the commitment to, and progressive realisation of, disaster legal assistance.
- QLAF assists regional legal assistance forums to engage in disaster legal assistance planning with (and potentially membership of) district and local groups.
- Disaster LAF provides direct support to QLAF and RLAFs through its specialist functions.

+ Component 3: Disaster legal assistance plans

The third component of disaster legal assistance planning is disaster legal assistance plans, which will be developed as follows:

- The inclusion of disaster legal assistance (tiers, roles and responsibilities) in the [Queensland State Disaster Management Plan](#) at Appendix C.
- The inclusion of disaster legal assistance within disaster management plans at [State](#) (DMA, sec 49), [District](#) (DMA, sec 53) and [Local](#) (DMA, sec 57) levels.

Disaster legal assistance plans will be formulated and progressively realised as sub-plans (functional plans) (State Disaster Management Plan 2.4, 7.2.3, 7.2.5.) to:

- The Queensland State Disaster Management Plan (x 1)
- District Disaster Management Plans (x 22 districts)
- Local Disaster Management Plans (as appropriate and negotiated)

- **State disaster legal assistance plan**

The State Plan is promulgated pursuant to Part 3, Division 1 of the DMA (DMA, secs 49-52). Ideally, the State Plan will reference the roles and responsibilities of the legal assistance sector in a State Disaster Legal Assistance Plan in Appendix C (DMA, sec 49(b)). This would recognise the overall model of disaster legal assistance. The detail provided would be as is usually contained in entries in Appendix C. A State Disaster Legal Assistance Plan template will be developed in Stage 2 – Best Practices.

- **District disaster legal assistance plans**

District Disaster Management Plans (DDMPs) are promulgated pursuant to Part 3, Division 2 of the DMA (DMA, secs 53-56). District Disaster Legal Assistance Plans are envisaged as functional sub-plans to each of the 22 DDMPs. Ideally, every disaster district would at least have a District Disaster Legal Assistance Plan. As noted, each District Disaster Legal Assistance Plan is drawn from disaster legal needs for the district through disaster legal assistance planning and details the anticipated provision of disaster legal assistance for that district. A District Disaster Legal Assistance Plan template will be developed in Stage 2 – Best Practices.

- **Local disaster legal assistance plans (LDLAPs)**

Local Disaster Management Plans (LDMPs) are promulgated pursuant to Part 3, Division 3 of the DMA (DMA, secs 57-60). Local Disaster Legal Assistance Plans are envisaged as functional sub-plans to the LDMP. Ideally, every Local Government Area would at very least have a Local Disaster Legal Assistance Plan. As noted, each Local Disaster Legal Assistance Plan is drawn from disaster legal needs for the local area through disaster legal assistance planning and details the provision of disaster legal assistance for that local area including local legal assistance providers and disaster legal assistance contact points. Example Local Disaster Legal Assistance Plan templates will be developed in Stage 2 – Best Practices.

+ Component 4: Disaster legal assistance

While disaster legal assistance describes the overarching model, it also describes the provision of legal assistance to individuals likely to be or actually affected by disaster. Disaster legal assistance is provided after disaster legal needs assessment, disaster legal needs planning and in accordance with disaster legal assistance plans. Disaster legal assistance describes the provision of legal assistance across the disaster cycle. The DMA sets out Guiding Principles for disaster management across four phases: prevention, preparation, response and recovery. [Historical approaches](#) have recognised the importance of working in a comprehensive way.

- **The role of generalist & specialist services**

Legal assistance providers target a diversity of clients and circumstances, and prioritise different areas of work. The NLAP Agreement provides common areas of service focus around priority clients (Schedule A, Clause A3), priority areas of law (Schedule A, Clauses A13-A17) and financial disadvantage (Clause 98(h)). All of these NLAP priorities align with disaster legal

needs. Despite this, the role each agency plays within disaster legal assistance will naturally depend on geographic location, resources (disaster response capability, surge capacity, allocated funding) and areas of competence and expertise.

The study [Access all Areas: Specialist Services Accessibility Project Final Report](#) (2014) noted the importance of the community legal centres' mixed model of service delivery. Many legal assistance providers offer legal advice in a particular area of law or to a particular target group. Generalist CLCs are located throughout the state and offer legal advice and assistance to people within their catchment across a range of legal areas. Some generalist CLCs also offer specialist advice in some areas.

Given the mix of providers, it makes sense that within the context of disaster legal assistance services could be offered as follows:

- State-wide services will engage in state-wide responses.
- Specialist services will engage in specialist responses within their service or catchment area.
- Generalist services will engage in regional and local responses.

In cases where services are themselves impacted by disaster, it will be necessary for others to provide disaster legal assistance until continuity of operations can be reached. To some extent this already occurs through agencies such as Legal Aid Queensland through [Natural Disaster Legal Help](#).

● Prevention

Prevention would occur within a tiered, collaborative approach whereby QLAF (through its Disaster Legal Assistance Forum) assists the legal assistance sector to engage with mitigation strategies such as developing and delivering community legal education. This would occur with input from other relevant agencies such as the [Community Legal Education Assistance Forum](#).

Each disaster type requires tailored mitigation approaches that respond to disaster-specific impacts and gaps in current disaster reduction efforts (de Vet, 2019). Tailored mitigation approaches can be considered as part of disaster legal assistance planning processes. Further detail on specific approaches to prevention will be included in Stage 2 – Best Practices.

● Preparedness

Disaster legal assistance planning and plans are a central method by which regional forums and local legal assistance providers can engage in preparedness activities, including the development of:

- Continuity of operations plans.
- Disaster legal assistance plans at state, district and local levels.

Further detail on approaches to preparedness will be included in Stage 2 – Best Practices.

■ Continuity of operations planning

Preparedness occurs at a district and local level where regional legal assistance forums can plan for and assist legal assistance providers to develop continuity of operations plans. Continuity planning should be undertaken to assist in the continuity of service during an event and re-establishment of service, post event. Non-government organisations will provide appropriate training for their staff (and possibly volunteers) to ensure they are skilled and prepared for the function their agency/organisation provides. Further detail on approaches to continuity of operations will be included in Stage 2 – Best Practices.

● Response

The response phase includes post-impact relief and the transition to very early recovery. The type, scale and extent of response will be determined by disaster legal assistance plans. Response occurs at a state, district and local level in accordance with the disaster legal assistance plans which include:

- Engaging with Disaster Coordination Centres (DCCs) and Disaster Management Groups (DMGs).
- Observing levels of activation.

Providing disaster legal assistance:

- Engaging with Human and Social Recovery to assist with immediate legal needs of persons displaced or severely affected by an event (DCDSS).
- Deployment of personnel and volunteers.
- Explore the offer of assistance pathway for broader reach (Queensland State Disaster Management Plan, 8.3.3-8.3.4.).

● Recovery

Response occurs at a state, district and local level in accordance with the disaster legal assistance plans which include:

- Engaging with Disaster Coordination Centres (DCCs) and Disaster Management Groups (DMGs).
- Observing levels of activation.

Providing disaster legal assistance:

- Engaging with Human and Social Recovery.
- Using principles for community recovery and service provision to inform service delivery.

Local recovery plans pertain primarily to managing the general conditions, coordinating the controlling of resources, measuring opportunities and barriers, managing the public input, and

presenting a future view of the recovery (Rouhanizadeh et al, 2019). Dominguez (2020) asserts a systemic, equity-focused, and strengths-based approach to disaster recovery to ensure equity of access. She also advocates a humanitarian-tiered response for under-served communities (Dominguez, 2020).

+ Component 5: Disaster Legal Assistance Forum

The fifth component and a critical part of the proposal is the creation of a new, specialist legal assistance forum: a Disaster Legal Assistance Forum (Disaster LAF). The aim the forum is to encourage cooperation and collaboration between legal assistance service providers providing disaster legal assistance and to promote good practice across legal assistance services in the delivery of legal and related services to disaster affected individuals and communities.

The Disaster LAF will form part of jurisdictional collaborative service planning:

- Considering and report on the outcomes of local collaborative service planning where appropriate (NLAP, Clause 15(d)).
- Incorporating the outcomes of local collaborative service planning processes (NLAP, Clause 15(e)).
- Providing a forum for sharing best practice and promoting innovation (NLAP, Clause 15(f)).
- Providing guidance and oversight of local collaborative service planning (NLAP, Clause 15(g)).

● Terms of reference

The proposed terms of reference of Disaster LAF are:

- To promote cooperation and collaboration between regional legal assistance forums and legal assistance service providers working with disaster affected individuals and communities.
- To promote good practice across legal assistance services in the delivery of legal and related services to disaster affected individuals and communities.
- To advise the Queensland Legal Assistance Forum (QLAF) on issues relevant to provision of legal services to disaster affected individuals and communities.
- To lead discussions around systemic change and advocacy between legal assistance service providers working with disaster affected individuals and communities.

• Steering committee

A steering committee will be established to guide the work of the Disaster Legal Assistance Forum and will include representatives from:

- Legal Aid Queensland
- Aboriginal and Torres Strait Islander Legal Service (ATSILS)
- Queensland Indigenous Family Violence Legal Service (QIFVLS)
- Community Legal Centres Queensland
- Department of Justice
- Queensland Law Society
- Bar Association of Queensland.

Nominees to the forum should include individuals with experience providing legal services to disaster affected individuals and communities.

• Meetings

Disaster LAF will meet at least twice a year and on an ad hoc basis as needed – for example in the lead up to a known likely event or after an event. Community Legal Centres Queensland will chair and provide secretariat support to Disaster LAF. Funding to support the attendance of regional service providers should be considered.

+ Component 6: Best practices and training needs (STAGE 2)

A second stage after service design, is to look in more detail at each of the components and how they can be achieved. This will include how disaster legal needs can be assessed, how disaster legal assistance can be planned and delivered by best practices including induction and training needs of the legal assistance sector.

The project will also seek input from the QLAF's [Best Practices and Evidence Base Working Group](#) and other key stakeholders.

Part 3.

Operational details



This section looks at the operational details of how disaster legal assistance can be based on existing structures and authorising environments.

The details of alignment between the structures can be set out in a series of figures. It is easiest to see how disaster legal assistance works from a series of overviews:

- + An overview of the entire model of disaster legal assistance including all three tiers of alignment: A Model of Jurisdictional Alignment of Levels of Governance at State, District and Local Levels.*
- + An overview of district and local alignments: A Model of District and Local Alignments.*
- + An overview of gaps in district alignments and alternative pairings for disaster districts and regional legal assistance forums: Pairing of Disaster Districts.*
- + An overview of District alignments across the 22 Disaster Districts with Local Disaster Management Groups (LDMG) and Regional Legal Assistance Forums (Legal Assistance Sector) and District Law Associations (Pro Bono).*

+ Overview of arrangements at all levels

An overview of the disaster legal assistance model can be seen across all tiers and operating environments.

Table 5: Overview of Model of Jurisdictional Governance Arrangements & Alignments

PHASE	STATE LEVEL		DISTRICT LEVEL		LOCAL LEVEL	
PREVENTION AND PREPAREDNESS	Queensland Disaster Management Committee (QDMC)	Queensland Legal Assistance Forum (QLAF)	District Disaster Management Group (DDMG)	Regional Legal Assistance Forums (RLAFs)	Local Disaster Management Group (LDMG)	Local Legal Assistance Providers (LAP)
	State Disaster Coordinator (SDC)	+ Legal Aid Queensland (LAQ)		▶ Cairns		
RESPONSE	State Disaster Coordination Group (SDCG)	+ Queensland Law Society (QLS)		▶ Townsville		
		+ Community Legal Centres Queensland (CLCQ)		▶ Mackay		
		+ Aboriginal and Torres Strait Islander Legal Service		▶ Mount Isa		
RECOVERY	Queensland Disaster Management Committee (QDMC)	+ Queensland Council of Social Service (QCOSS)	District Recovery Groups (DRG)	▶ Bundaberg	Local Recovery Groups (LRG)	Local Legal Assistance Providers (LAP)
	State Recovery Coordinator (State Disaster Recovery Team)	+ LawRight		▶ Maroochydore		
		+ Queensland Indigenous Family Violence Legal Service		▶ Caboolture		
	State Recovery Policy and Planning Coordinator (QLD Reconstruction Authority)	+ Department of Justice and Attorney General		▶ Ipswich		
		Functional Recovery Groups		Disaster Legal Assistance Forum		
		▶ Woodridge				
		▶ Brisbane				

+ State level arrangements

State level is the highest level of arrangements between disaster governance (across PRR) and the legal assistance sector. In respect of these arrangements, the proposed model of alignment incorporates specialists and state-wide services.

Table 6: Overview of Disaster Legal Assistance Model of State-wide / Specialist Arrangements & Alignments

STATE LEVEL ARRANGEMENTS			
PHASE	DISASTER GOVERNANCE	LEGAL ASSISTANCE	STATEWIDE & SPECIALIST SERVICES
PREVENTION AND PREPAREDNESS	Queensland Disaster Management Committee (QDMC)	Queensland Legal Assistance Forum (QLAF) + Legal Aid Queensland (LAQ)	Regional Legal Assistance Forums (RLAFs) ▶ Legal Aid Queensland (LAQ)
	State Disaster Coordinator (SDC)	+ Queensland Law Society (QLS)	▶ Aboriginal and Torres Strait Islander Legal Service
RESPONSE	State Disaster Coordination Group (SDCG)	+ Community Legal Centres Queensland (CLCQ)	▶ Queensland Indigenous Family Violence Legal Service
		+ Aboriginal and Torres Strait Islander Legal Service	▶ ADA Law
	Queensland Disaster Management Committee (QDMC)	+ Queensland Council of Social Service (QCOSS)	▶ Basic Rights Queensland
RECOVERY	State Disaster Management Committee (QDMC)	+ LawRight	▶ Caxton Legal Centre
	State Recovery Coordinator (State Disaster Recovery Team)	+ Queensland Indigenous Family Violence Legal Service	▶ EDO
	State Recovery Policy and Planning Coordinator (QLD Reconstruction Authority)	+ Department of Justice and Attorney General	▶ LawRight
	Functional Recovery Groups	Disaster Legal Assistance Forum	▶ LGBTQ+ Legal Centre
			▶ Prisoners' Legal Service
		▶ Refugee and Immigration Legal Service	
State Disaster Management Plan (SDMP) DMA Sec 49			
State Disaster Legal Assistance Plan (SDLAP) DMA Sec 49(2)(b)			

+ District & local arrangements

One of the key details of disaster legal assistance is the proposed alignment at district and local levels. This proposed model of alignment incorporates Disaster Districts, Local Disaster Areas (Local Government Areas) with Regional Legal Assistance Forums, District Law Associations and Local Legal Assistance Providers.

Table 7: Overview of Disaster Legal Assistance Model District / Local Alignments and Arrangements

DISTRICT & LOCAL LEVEL ARRANGEMENTS				
DISTRICT LEVEL			LOCAL LEVEL	
DISTRICT DISASTER MANAGEMENT GROUPS (DDMG)	DISTRICT LAW ASSOCIATION (DLA)	REGIONAL LEGAL ASSISTANCE FORUM (RLAF)	LOCAL DISASTER MANAGEMENT GROUPS (LDMG)	LOCAL LEGAL ASSISTANCE PROVIDERS (LAP)
District Disaster Management Plan (DDMP) DMA Sec 53			Local Disaster Management Plan (LDMP) DMA Sec 57	
SDistrict Disaster Legal Assistance Plan (DDLAP) DMA Sec 53(2)(b)			Local Disaster Legal Assistance Plan (LDLAP) DMA Sec 57(2)(b)	

+ Disaster districts

Queensland has twenty-two (22) Disaster Districts listed at Appendix B of the Queensland State Disaster Management Plan. Disaster districts are the second (or middle) tier of disaster governance arrangements in Queensland. Disaster districts are smaller than SA4 but significantly larger than SA3. Each disaster district includes one or more Local Government Areas (LGA), with each local area comprising a Local Disaster Management Group.

Regional Legal Assistance Forums exist in [12 areas](#) though the areas are not related to any specific statistical division. They do represent areas with an office of Legal Aid Queensland – i.e. Legal Aid Queensland divisions. Ten (10) Disaster districts did not have a dedicated Regional Legal Assistance Forum. Established Regional Legal Assistance Forums should be able to fill these voids as follows:

Table 8: Pairing Disaster Districts (without RLAF) with Existing RLAFS

DISASTER DISTRICT	EXISTING RLAF
Charleville, Dalby, Roma, Warwick	Toowoomba
Gladstone, Longreach	Rockhampton
Gympie	Maroochydore
Innisfail	Cairns
Maryborough	Fraser Coast
Redcliffe	Brisbane/Woodridge

Each Disaster District will have own unique model of disaster legal assistance and disaster legal planning and its own disaster legal assistance plan. [District Disaster Management Plans](#) are found on the Queensland Police Service website in compliance with section 56 of the Disaster Management Act 2003.

- ## Local government areas

The 22 Disaster Districts cover 77 local government areas. [Local Disaster Management Plans](#) are listed alphabetically online. Local disaster legal assistance plans are ideally developed wherever possible.

+ Disasters & borders

The [Royal Commission into National Natural Disaster Arrangements](#) noted “[N]atural disasters do not respect state and territory borders, much less local government boundaries” (RCNNDA, 2019). Disasters often impact on multiple areas. For example, Tropical Cyclone Esther and related flooding (Feb-March 2020) impacted on four (4) local government areas across three (3) disaster districts: Barcoo, Bulloo, Diamantina, Mornington. Similarly, the Eastern Queensland Bushfires (Oct-Dec 2019) impacted on five (5) local government areas: Gladstone, Livingstone, Noosa, Somerset and Toowoomba. The 2019 Monsoon event impacted across numerous LGAs.

The disaster legal assistance model must take account of this issue and support collaboration by:

- Assessing disaster legal needs as they apply across the State, within districts and in localities.
- Encouraging collaborative disaster legal assistance planning within and across districts, and if needed, between districts.
- Facilitating collaborative disaster legal assistance within and across districts and if needed between districts.

Grouping districts might assist collaboration. The manner in which groupings are created might include those who are proximate to each other. Further, and in the event that district groupings are impacted by single or related events, alternate grouping could be identified to provide disaster legal assistance until such time as continuity of operations can be achieved.

Table 9: District Grouping and Alternative Grouping of Districts

GROUP	DISTRICT GROUPING	GROUP
1	Far North, Innisfail, Townsville	Mackay, Rockhampton, Gladstone
2	Mackay, Rockhampton, Gladstone	Far North, Innisfail, Townsville
3	Mount Isa, Longreach, Charleville	Toowoomba, Dalby, Warwick, Roma
4	Bundaberg, Maryborough, Gympie	Mount Isa, Longreach, Charleville
5	Toowoomba, Dalby, Warwick, Roma	Sunshine Coast, Redcliffe
6	Sunshine Coast, Redcliffe	Bundaberg, Maryborough, Gympie
7	Ipswich, Logan	Brisbane, Gold Coast
8	Brisbane, Gold Coast	Ipswich, Logan

The most obvious place for this detail is within disaster legal assistance plans:

- Described in full in the State Disaster Legal Assistance Plan.
- District arrangements within district disaster legal assistance plans.
- Local roles in local disaster legal assistance plans.

Obviously factors that might need to be considered include:

- The potential for paired districts to be affected by a single event and if so alternative pairings.
- The resources within districts and whether the pairing is sensible (for example Ipswich).
- The relative resource base within the paired districts including surge capacity.

Appendix A: Disaster Legal Assistance Models [by district and locality]

+

+

This Appendix includes the district and locality model applied to each of the 22 Disaster District, noting:

- + The disaster district and its district disaster management plan.*
- + The regional legal assistance forum aligned with that district.*
- + The district law association associated with that district.*
- + Local disaster management groups within the district and their local disaster management plans.*
- + Legal assistance providers within that locality.*

Districts are listed alphabetically, and the tabulated alignment models the relationships between agencies for assessment of disaster legal needs, disaster legal assistance planning and plans and the provision of disaster legal assistance.

Further, the Department of Justice and Attorney General's Geographical Priority Areas are aligned and indicated by an asterisk. While this policy measure may not current, it identifies areas of need for generalist services. Many of these LGAs are Aboriginal and Torres Strait Islander communities where there exist that have coinciding high levels of the indicators of legal need, a high proportion of adults likely to experience legal need, high levels of socioeconomic disadvantage and low levels of servicing.

In each case the district disaster management plan includes contextual information about disaster risk assessment and hazards.

> Bundaberg

Plans

Bundaberg's [District disaster management plan](#) is available

50

DISASTER DISTRICT	LOCAL DISASTER MANAGEMENT GROUPS (Local Government Areas)	LOCAL LEGAL ASSISTANCE PROVIDERS	DISTRICT LAW ASSOCIATION	REGIONAL LEGAL ASSISTANCE FORUM
BUNDABERG	<u>Bundaberg Regional</u>	Legal Aid Queensland Bundaberg ATSILS Bundaberg Taylor Street Community Legal Service Bundaberg (Outreach) Taylor Street Community Legal Service Childers (Outreach) Taylor Street Community Legal Service Gin Gin (Outreach)	Bundaberg	
	<u>North Burnett Regional</u>	Taylor Street Community Legal Service Taylor Street Community Legal Service Biggenden (Outreach) Taylor Street Community Legal Service Gayndah (Outreach) Taylor Street Community Legal Service Eidsvold (Outreach) Taylor Street Community Legal Service Mundubbera (Outreach) Taylor Street Community Legal Service Monto (Outreach) ATSILS (Murgon) ATSILS (Hervey Bay)	Fraser Coast	Bundaberg

> Charleville

Plans

Charleville's [District disaster management plan](#) is available

DISASTER DISTRICT	LOCAL DISASTER MANAGEMENT GROUPS (Local Government Areas)	LOCAL LEGAL ASSISTANCE PROVIDERS	DISTRICT LAW ASSOCIATION	REGIONAL LEGAL ASSISTANCE FORUM
CHARLEVILLE	<u>Bulloo Shire</u>	ATSILS Charleville TASC National Charleville (outreach)		
	<u>Murweh Shire</u>			
	<u>Paroo Shire</u>	ATSILS Cunnamulla (Satellite) TASC National Cunnamulla (outreach)		
	<u>Quilpie Shire</u>			

> Dalby

Plans

Dalby's [Disaster district management plan](#) is available

DISASTER DISTRICT	LOCAL DISASTER MANAGEMENT GROUPS (Local Government Areas)	LOCAL LEGAL ASSISTANCE PROVIDERS	DISTRICT LAW ASSOCIATION	REGIONAL LEGAL ASSISTANCE FORUM
DALBY	Western Downs Regional	TASC National Dalby		

> Far North

Plans

The Far North's [District disaster management plan](#) is available

DISASTER DISTRICT	LOCAL DISASTER MANAGEMENT GROUPS (Local Government Areas)	LOCAL LEGAL ASSISTANCE PROVIDERS	DISTRICT LAW ASSOCIATION	REGIONAL LEGAL ASSISTANCE FORUM
FAR NORTH	Aurukun Shire*			
		Legal Aid Queensland Cairns		
	Cairns Regional*	QIFVPLS Far North Qld ATSILS Cairns Cairns Community Legal Centre		
	Cook Shire	Legal Aid Queensland Cairns Cooktown (outreach)		
	Croydon Shire			
	Douglas Shire	Legal Aid Queensland Cairns Mossman (outreach)		
	Etheridge Shire			
	Hope Vale Aboriginal Shire*	Legal Aid Queensland Cairns (outreach)		
	Kowanyama Aboriginal Shire*			
	Lockhart River Aboriginal Shire*			
	Mapoon Aboriginal Shire*		Far North	Cairns
	Mareeba Shire	Cairns Community Legal Centre Mareeba (outreach)		
	Napranum Aboriginal Shire*			
	Northern Peninsula Area Regional*			
	Pompuraaw Aboriginal Shire*	ATSILS Normanton (Satellite)		
	Tablelands Regional	Cairns Community Legal Centre Atherton (outreach) Legal Aid Queensland Cairns Tully (outreach)		
	Torres Shire*	ATSILS Bamaga (Satellite)		
	Torres Strait Island Regional*	ATSILS Thursday Island		
Weipa Town				
Wujal Wujal Aboriginal Shire*	Legal Aid Queensland Cairns (outreach)			
Yarrabah Aboriginal Shire*				

> Gladstone

The Gladstone District

Plans

Gladstone's [District disaster management plan](#) is available

DISASTER DISTRICT	LOCAL DISASTER MANAGEMENT GROUPS (Local Government Areas)	LOCAL LEGAL ASSISTANCE PROVIDERS	DISTRICT LAW ASSOCIATION	REGIONAL LEGAL ASSISTANCE FORUM
GLADSTONE	Banana Shire	Central Queensland Community Legal Centre Biloela (outreach)		Rockhampton
	Gladstone Regional	ATSILS Gladstone Central Queensland Community Legal Centre Gladstone (outreach)	Gladstone	

> Gold Coast

Plans

The Gold Coast's [District disaster management plan](#) is available

DISASTER DISTRICT	LOCAL DISASTER MANAGEMENT GROUPS (Local Government Areas)	LOCAL LEGAL ASSISTANCE PROVIDERS	DISTRICT LAW ASSOCIATION	REGIONAL LEGAL ASSISTANCE FORUM
GOLD COAST	Gold Coast City*	Legal Aid Queensland Southport ATSILS Southport Gold Coast Legal Service Southport, Kirra, Ormeau My Community Legal Centre	Gold Coast	Southport

> Gympie

Plans

Gympie's [District disaster management plan](#) is available

DISASTER DISTRICT	LOCAL DISASTER MANAGEMENT GROUPS (Local Government Areas)	LOCAL LEGAL ASSISTANCE PROVIDERS	DISTRICT LAW ASSOCIATION	REGIONAL LEGAL ASSISTANCE FORUM
GYMPIE	Cherbourg Aboriginal Shire*			Maroochydore
	Gympie Regional*	Taylor Street Community Legal Service Tin Can Bay (outreach) Taylor Street Community Legal Service Gympie (outreach)	South Burnett	
	South Burnett Regional*			

> Innisfail

Plans

Innisfail's [District disaster management plan](#) is available

DISASTER DISTRICT	LOCAL DISASTER MANAGEMENT GROUPS (Local Government Areas)	LOCAL LEGAL ASSISTANCE PROVIDERS	DISTRICT LAW ASSOCIATION	REGIONAL LEGAL ASSISTANCE FORUM
INNISFAIL	Cassowary Coast Regional	Cairns Community Legal Centre Innisfail (Outreach) NQWLS (Outreach)	Far North	Cairns

> Ipswich

Plans

Ipswich's [District disaster management plan](#) is available

DISASTER DISTRICT	LOCAL DISASTER MANAGEMENT GROUPS (Local Government Areas)	LOCAL LEGAL ASSISTANCE PROVIDERS	DISTRICT LAW ASSOCIATION	REGIONAL LEGAL ASSISTANCE FORUM
IPSWICH	Ipswich City	Legal Aid Queensland Ipswich Legal Aid Queensland Inala ATSILS Ipswich HUB Community Legal Booval (outreach) HUB Community Legal Goodna (outreach) HUB Community Legal Springfield (outreach) TASC National Ipswich SALVOS Legal	Ipswich	Ipswich
	Somerset Regional			

> Logan

Plans

The Logan's [District disaster management plan](#) is available

DISASTER DISTRICT	LOCAL DISASTER MANAGEMENT GROUPS (Local Government Areas)	LOCAL LEGAL ASSISTANCE PROVIDERS	DISTRICT LAW ASSOCIATION	REGIONAL LEGAL ASSISTANCE FORUM
LOGAN	Logan City*	Legal Aid Queensland Woodridge ATSILS Beenleigh YFS HUB Community Legal Browns Plains (outreach)	Logan/Scenic Rim	Woodridge
	Scenic Rim Regional	HUB Community Legal Beaudesert (outreach)		

> Longreach

Plans

Longreach's [District disaster management plan](#) is available

DISASTER DISTRICT	LOCAL DISASTER MANAGEMENT GROUPS (Local Government Areas)	LOCAL LEGAL ASSISTANCE PROVIDERS	DISTRICT LAW ASSOCIATION	REGIONAL LEGAL ASSISTANCE FORUM
LONGREACH	Barcaldine Regional			
	Barcoo Shire			
	Blackall Tambo Regional			
	Longreach Regional			
	Winton Shire			

> Mackay

Plans

Mackay's [District disaster management plan](#) is available

DISASTER DISTRICT	LOCAL DISASTER MANAGEMENT GROUPS (Local Government Areas)	LOCAL LEGAL ASSISTANCE PROVIDERS	DISTRICT LAW ASSOCIATION	REGIONAL LEGAL ASSISTANCE FORUM
MACKAY	Isaac Regional			
	Mackay Regional*	Legal Aid Queensland Mackay ATSILS Mackay Mackay Regional Community Legal Centre Mackay Regional Community Legal Centre Sarina (outreach)	Mackay	Mackay
	Whitsunday Regional	Mackay Regional Community Legal Centre Bowen (outreach) Mackay Regional Community Legal Centre Proserpine (outreach) Mackay Regional Community Legal Centre Canonvale (outreach)		

> Maryborough

Plans

Maryborough's [District disaster management plan](#) is available

DISASTER DISTRICT	LOCAL DISASTER MANAGEMENT GROUPS (Local Government Areas)	LOCAL LEGAL ASSISTANCE PROVIDERS	DISTRICT LAW ASSOCIATION	REGIONAL LEGAL ASSISTANCE FORUM
MARYBOROUGH	Fraser Coast Regional*	Taylor Street Community Legal Service Maryborough (outreach) Taylor Street Community Legal Service Tiaro (outreach) Taylor Street Community Legal Service Burrum Heads (outreach)	Fraser Coast	

› Mount Isa

Plans

Mount Isa's [District disaster management plan](#) is available

DISASTER DISTRICT	LOCAL DISASTER MANAGEMENT GROUPS (Local Government Areas)	LOCAL LEGAL ASSISTANCE PROVIDERS	DISTRICT LAW ASSOCIATION	REGIONAL LEGAL ASSISTANCE FORUM
MOUNT ISA	Boulia Shire			Mount Isa
	Burke Shire			
	Carpentaria Shire			
	Cloncurry Shire			
	Diamantina Shire			
	Doomadgee Aboriginal Shire*			
	Mckinlay Shire			
	Mornington Shire*			
Mount Isa City	Legal Aid Queensland Mt Isa Western Queensland Justice Network ATSILS Mt Isa QIFVPLS Gulf and Western			

› Redcliffe

Plans

Redcliffe's [District disaster management plan](#) is available

DISASTER DISTRICT	LOCAL DISASTER MANAGEMENT GROUPS (Local Government Areas)	LOCAL LEGAL ASSISTANCE PROVIDERS	DISTRICT LAW ASSOCIATION	REGIONAL LEGAL ASSISTANCE FORUM
REDCLIFFE	Moreton Bay Regional	Moreton Bay Community Legal Service ATSILS Strathpine Encircle (Pine Rivers) Encircle (Pine Rivers) Bribie Island (outreach) Encircle (Pine Rivers) Chermside (outreach) Encircle (Pine Rivers) Redcliffe (outreach) Encircle (Pine Rivers) Strathpine (outreach)	Moreton Bay	Brisbane

› Rockhampton

Plans

Rockhampton's [District disaster management plan](#) is available

56

DISASTER DISTRICT	LOCAL DISASTER MANAGEMENT GROUPS (Local Government Areas)	LOCAL LEGAL ASSISTANCE PROVIDERS	DISTRICT LAW ASSOCIATION	REGIONAL LEGAL ASSISTANCE FORUM
ROCKHAMPTON	Central Highlands Regional	Central Queensland Community Legal Centre Emerald (outreach)	Central Queensland	Rockhampton
	Livingstone Shire	Central Queensland Community Legal Centre Yeppoon (outreach)		
	Rockhampton Regional	Legal Aid Queensland Rockhampton ATSILS Rockhampton QIFVPLS Central Central Queensland Community Legal Centre		
	Woorabinda Aboriginal Shire*			

› Roma

Plans

Roma's [District disaster management plan](#) is available

DISASTER DISTRICT	LOCAL DISASTER MANAGEMENT GROUPS (Local Government Areas)	LOCAL LEGAL ASSISTANCE PROVIDERS	DISTRICT LAW ASSOCIATION	REGIONAL LEGAL ASSISTANCE FORUM
ROMA	Balonne Shire	ATSILS St George (Satellite)	Downs and South	Toowoomba
	Maranoa Regional	ATSILS Roma Satellite TASC National Roma		

› Sunshine Coast

Plans

The Sunshine Coast's [District disaster management plan](#) is available

DISASTER DISTRICT	LOCAL DISASTER MANAGEMENT GROUPS (Local Government Areas)	LOCAL LEGAL ASSISTANCE PROVIDERS	DISTRICT LAW ASSOCIATION	REGIONAL LEGAL ASSISTANCE FORUM
SUNSHINE COAST	Noosa Shire	Legal Aid Queensland Caboolture Suncoast Community Legal Service Noosa (outreach) Suncoast Community Legal Service Pomona (outreach)	Sunshine Coast	Maroochydore
	Sunshine Coast Regional*	Legal Aid Queensland Maroochydore ATSILS Maroochydore Suncoast Community Legal Service Suncoast Community Legal Service Caloundra (outreach) Suncoast Community Legal Service Landsborough (outreach) Suncoast Community Legal Service Maleny (outreach) Suncoast Community Legal Service Nambour (outreach)		

› Toowoomba

Plans

Toowoomba's [District disaster management plan](#) is available

57

DISASTER DISTRICT	LOCAL DISASTER MANAGEMENT GROUPS (Local Government Areas)	LOCAL LEGAL ASSISTANCE PROVIDERS	DISTRICT LAW ASSOCIATION	REGIONAL LEGAL ASSISTANCE FORUM
TOOWOOMBA	Lockyer Valley Regional			
	Toowoomba Regional	Legal Aid Queensland Toowoomba TASC National ATSILS Toowoomba	Downs and South West	Toowoomba

› Townsville

Plans

Townsville's [District disaster management plan](#) is available

DISASTER DISTRICT	LOCAL DISASTER MANAGEMENT GROUPS (Local Government Areas)	LOCAL LEGAL ASSISTANCE PROVIDERS	DISTRICT LAW ASSOCIATION	REGIONAL LEGAL ASSISTANCE FORUM
TOWNSVILLE	Burdekin Shire	Townsville Community Law (outreach) NQWLS (outreach)	Townsville	Townsville
	Charters Towers Regional	Townsville Community Law (outreach) NQWLS (outreach)		
	Flinders Shire			
	Hinchinbrook Shire	NQWLS (outreach)		
	Palm Island Aboriginal Shire*	ATSILS Palm Island Satellite		
	Richmond Shire			
Townsville City	Legal Aid Queensland Townsville Townsville Community Law ATSILS Townsville ATSIWLSNQ NQWLS QIFVPLS North			

› Warwick

Plans

Warwick's [District disaster management plan](#) is available

DISASTER DISTRICT	LOCAL DISASTER MANAGEMENT GROUPS (Local Government Areas)	LOCAL LEGAL ASSISTANCE PROVIDERS	DISTRICT LAW ASSOCIATION	REGIONAL LEGAL ASSISTANCE FORUM
WARWICK	Goondiwindi Regional	ATSILS Goondiwindi Care Goondiwindi Community Legal Service	Downs and South West	XX
	Southern Downs Regional*	TASC National Warwick		

Appendix B: Existing & proposed new lexicon

+

+

› Existing lexicon

The [2020 Queensland Disaster Management Lexicon](#) is a useful starting point. For the Legal Assistance Sector the [National Partnership on Legal Assistance](#) Agreement is a useful document. Terms used from that document include:

Community

A group with a commonality of association and generally defined by location, shared experience, or function. * A social group which has a number of things in common, such as shared experience, locality, culture, heritage, language, ethnicity, pastimes, occupation, workplace, etc.

Community-based disaster risk management

Promotes the involvement of potentially affected communities in disaster risk management at the local level. This includes community assessments of hazards, vulnerabilities and capacities, and their involvement in planning, implementation, monitoring and evaluation of local action for disaster risk reduction.

Comprehensive approach

The development of emergency and disaster arrangements to embrace the aspects of prevention, preparedness, response and recovery (PPRR). PRRR as aspects of emergency management, not sequential phases.

Contingency planning

A management process that analyses disaster risks and establishes arrangements in advance to enable timely, effective and appropriate responses.

Disaster

A disaster is a serious disruption in a community, caused by the impact of an event, that requires a significant coordinated response by the State and other entities to help the community recover from the disruption.

Disaster district

means a part of the State prescribed under a regulation as a disaster district.

Disaster management plan

The State group, district groups and local groups must prepare a plan (State Disaster Management Plan, District Disaster Management Plan and Local Disaster Management Plan) for disaster management in the State, disaster district and local government's area respectively.

Disaster response capability

For a local government, means the ability to provide equipment and a suitable number of persons, using the resources available to the local government, to effectively deal with, or help another entity to deal with, an emergency situation or a disaster in the local government's area.

District disaster management group

A district disaster management group is established for each disaster district. A district group consists of the persons prescribed by regulation to be members of the group.

District disaster management plan

A district group must prepare a plan for disaster management in the disaster district for the group. A district disaster management plan must be consistent with the disaster management standards and disaster management guidelines. A district group may review, or renew the effectiveness of the plan at any time, but at least once a year. A district group must ensure a copy of its district disaster management plan is available for inspection, free of charge, by members of the public.

Legal Assistance Provider

Legal assistance provider refers to individual Legal Aid Commissions, Community Legal Centres or Aboriginal and Torres Strait Islander Legal Services that operate within a jurisdiction.

Legal Assistance Sector

Refers collectively to legal assistance providers, Family Violence Prevention and Legal Services and legal assistance peak bodies that may operate within a jurisdiction.

Legal assistance services

See legal assistance providers

Levels of activation

Queensland's disaster management arrangements are activated using an escalation model based on the following levels: Alert, Lean Forward, Stand up, Stand down.

Local disaster management group

A local government must establish a local disaster management group for the local government's area.

Local disaster management plan

a local government must prepare a plan for disaster management in the local government's area. A local disaster management plan must be consistent with the disaster management standards and disaster management guidelines. A local group may review, or renew the effectiveness of the plan at any time, but at least once a year. A district group must ensure a copy of its district disaster management plan is available for inspection, free of charge, by members of the public.

Plan

A formal record of agreed emergency management roles, responsibilities, strategies, systems, and arrangements.

Planning process

The collective and collaborative efforts by which agreements are reached and documented between people and organisations to meet their communities' emergency management needs. It is a sequence of steps which allows emergency management planning to take place.

Preparedness

The knowledge and capacities developed by governments, response and recovery organisations, communities and individuals to effectively anticipate, respond to and recover from the impacts of likely, imminent or current disasters.

Prevention

Activities and measures to avoid existing and new disaster risks.

Pro Bono Services

The provision of legal services on a free or significantly reduced fee basis, with no expectation of a commercial return.¹

Recovery

The coordinated process of supporting disaster-affected communities' psychosocial (emotional and social), and physical well-being; reconstruction of physical infrastructure; and economic and environmental restoration.

Regional Legal Assistance Forum

A formalised collaborative relationship between local legal assistance providers with the purpose of assisting in reducing service duplication, engender partnering relationships between services and the forums also provide feedback to the Queensland Legal Assistance Forum on the needs of disadvantaged people.

Relief

Efforts to meet the needs of persons affected by a disaster, to minimise further loss through the provision of immediate shelter and basic human needs.

Resilience

A system or community's ability to rapidly accommodate and recover from the impacts of hazards, restore essential structures and desired functionality, and adapt to new circumstances.

Response

Actions taken directly before, during or immediately after a disaster in order to save lives, reduce health impacts, ensure public safety and meet the basic subsistence needs of the people affected.

¹ Australian Pro Bono Centre <https://www.probonocentre.org.au/information-on-pro-bono/definition/>; see also https://www.probonocentre.org.au/pro_bono_guide_for_individual_lawyers/

State Disaster Management Group

The Queensland Disaster Management Committee is the State group. The State group consists of the persons prescribed by regulation to be members of the group.

State Disaster Management Plan

The State group must prepare a plan for disaster management for the State. The chairperson of the State group must give a copy of the plan to each district and local group. The State plan must be consistent with the disaster management standards and disaster management guidelines. The State group may review or renew the plan when it considers it appropriate. The chairperson of the State group must ensure a copy of the State plan is available for inspection, free of charge, by members of the public.

Sub-plan

An annex to an existing plan, with additional statements of control/coordination arrangements and roles/responsibilities

➤ Proposed new lexicon

The project is premised on the introduction of new service models that include some proposed new terms.

Meaning of...

disaster readiness

The state of having disaster legal assistance plans and continuity of operations plans in place.

disaster legal assistance

The provision of legal assistance to individuals and communities as part of disaster management, disaster operations or disaster resilience. It includes disaster legal outreach.

disaster legal assistance planning

Collaborative planning processes between the legal assistance sector and the disaster management sector about disaster legal assistance.

disaster legal assistance plans

Tiered collaborative plans for the provision of disaster legal assistance at State, District and Local levels between the legal assistance sector and the disaster management sector.

disaster legal needs

Legal issues or problems that are related to, or raise out of disaster.

disaster legal assistance best practices

Broadly including the practices used by legal assistance providers to deliver disaster legal assistance and based on existing or new resources. For example, outreach resources include LawRight's [Legal Outreach Best Practice Guide](#).

disaster legal assistance training

A curriculum of training to prepare legal assistance providers' staff and volunteers for disaster readiness. It includes induction, ongoing training, continuing professional development and accreditation-based training.

continuity of operations plans

Business continuity planning aims to safeguard an organisation and its clients by ensuring any critical incident (illness, incapacity or natural disaster) has as little disruption as possible on normal practice operations.²



² See for example Queensland Law Society