

Disaster Legal Help Victoria

Volunteer Information Package

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Disaster Legal Help Victoria

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Briefing on recovery activities

- The DLHV partners have been co-ordinating with the State Government about how our response will take shape.
- We have commenced initial on-the-ground assistance, with lawyers, in Bairnsdale last week and this week, providing information and advice.
- We have already received an overwhelming response to our [online expression of interest form](#) with close to 300 lawyers registering their interest to assist with the legal response.
- It is likely our response will need to continue for months as people become aware of their legal problems and seek help.
- We may not call on every volunteer, but we're very grateful for every expression of willingness to help.

About Disaster Legal Help Victoria (DLHV)

- A collaboration between legal sector organisations to provide legal assistance and information to Victorians affected by a disaster
- Member organisations:
 - Victoria Legal Aid
 - Federation of Community Legal Centres
 - Justice Connect
 - Law Institute of Victoria
 - Victorian Bar
 - Victoria Law Foundation

Background to DLHV

- 2009 Bushfires:
 - Great need for legal assistance across affected communities
 - Joint response effort by a range of legal assistance partners and the private profession
 - Resulted in the formation of Bushfire Legal Help two days after the fires, which was later renamed Disaster Legal Help Victoria (DLHV)
 - Responded to over 2165 enquiries and provided ongoing legal advice and assistance to 800 people, through a phone line and relief centres
 - Advocated for bushfire victims' voices to be heard during the Royal Commission process



Background to DLHV

Since 2009 -

- DLHV has been deployed in the context of smaller disasters, including the Wye River fires, and apartment fires at the Lacrosse and Neo200 buildings.
- In light of the learnings of that work, we created a new Disaster Assistance Plan in October. Our plan retains the DLHV focus on early intervention, with the capacity to provide ongoing assistance in complex matters as needed.

Legal need post-disaster: the evidence

- Significant unmet legal need arises in the aftermath of disaster
- There is a strong link between legal and social problems, and with those there is an associated lack of capacity to effectively deal with legal problems
- Effective provision of legal assistance for traumatised clients in the aftermath of disaster can be a key component in resolving legal and social problems which would otherwise impede recovery
- Commonly recurring matter types include insurance, tenancy, credit and debt, and government grants

Our model for legal assistance

- Experience shows that the bulk of people need information, limited advice, and referral, rather than ongoing casework assistance
- We seek to engage with councils and other key parts of the disaster response system, to integrate legal assistance into disaster response
- Lawyers from across the legal sector receive basic training and materials, to help at recovery centres and community meetings
- Disaster Legal Help phone advice line offers information and advice
- Disaster Legal Help website contains information sheets and other resources

Telephone advice and information

Disaster Legal Help phone line

- The **Disaster Legal Help phone line** is a priority line staffed by lawyers in VLA's Legal Help service and provides legal information, advice and referrals for people affected by disasters.
- Tel: **1800 113 432**, Monday to Friday, 8:00 am to 6:00 pm

Legal Information

- The DLHV website contains 22 information sheets on different legal topics commonly related to natural disasters. These [information sheets](#) can be downloaded from the DLHV website.
- The website address is <http://www.disasterlegalhelp.org.au/>

On-the-ground assistance

- Disaster Legal Help Volunteers can provide free legal advice, assistance and referrals to Victorians affected by a disaster.
- This could involve visiting recovery centres or community meetings in the impacted areas to provide on-the-ground assistance. This may involve work and/or travel during or outside of your normal working hours.
- Please discuss with your manager before submitting an expression of interest.

On-the-ground assistance – things to remember

- **Asking whether a person identifies as Aboriginal or Torres Strait Islander:** Asking if people seeking our help identify as Aboriginal or Torres Strait Islander is an important part of “closing the gap” between Aboriginal and non-Aboriginal justice outcomes. It is important to ask rather than make an assumption based on appearance or other attributes.
- **Be respectful of client’s gender:** By asking new clients about their gender identity, rather than making assumptions, we make sure the information we're recording about them accurately reflects who they are and how they identify. This is important for our clients to feel included, safe and supported when using our services.
- **Family Violence or self harm:** Recognise the presence of safety risk indicators. Look and listen for the ABC (attitudes, behaviours and context)

Information recording requirements

- Volunteers will use a simplified Legal Advice Record (LAR).
- LAR's will be stored by Victoria Legal Aid (VLA) and destroyed after seven years.
- The client will need to sign off to permit VLA to store their records.

Legal Advice Record

Today you'll be given a limited legal service to help with your legal issue. This means you can get advice but, unless you qualify for further help, the service will be only about what happens today. If you need ongoing help, your volunteer lawyer can discuss this with you. Lawyers have a duty to keep your information confidential and protect your privacy. Any information you give won't be shared with anyone else except for helping with your legal issue today.

The legal volunteer group has lots of lawyers and helps many people. It is possible that it might help someone else involved in your legal matter or someone you might know. The lawyer you speak to today won't access information about anybody else connected to your case and they won't share information about you except with their supervisor or with your permission.

Any records from your discussion with a lawyer today will be stored by Victoria Legal Aid (VLA) and may be destroyed after seven years. You can access copies of information by requesting this from VLA.

I, _____ agree to receiving services as described above. Signed _____

Session details

Practitioner name VLA Staff Date _____

Interview location Start time _____ Approx. time taken (optional) _____

Client details

First name _____ Last name _____

Postal address _____ Postal code _____

Date of birth _____ Gender _____

Email address _____ Phone number _____

Indigeneity status (tick relevant box)

Non-Indigenous Aboriginal Torres Strait Islander Both Aboriginal & Torres Strait Islander Not asked, Not stated.

Problem outline (attach if required)

Factors (tick if relevant)

PI Indicator

Not in stable housing

Insurance-related

Small business-related

Legal advice provided (attach if required) Information only

Referrals provided (attach if required)

Follow up required (attach if required)

Info To do what Method (by SMS, email)

Legal Professional Obligations

Volunteers must comply with the following LP obligations:

1. Managing conflict of interest

- Volunteer lawyers will be providing a **limited legal service**, which means they aren't required to do conflict checks before giving advice.
- Volunteers must give the limited legal service **script** to clients (its on the Legal Advice Record form) and request **consent for VLA to store the record** before giving advice
- Advice must be a one-off service. Volunteers should give a referral for any ongoing help needed.

Legal Professional Obligations

2. Insurance

- Volunteer lawyers from DLHV partner agencies must be registered with their agency to be covered under the **Professional Indemnity Insurance** of their agency.
- Volunteer lawyers who are **not** from DLHV partner agencies will need to be registered with Victoria Legal Aid to be covered to record that they have appropriate coverage.

Legal Professional Obligations

3. Record keeping

- Volunteer lawyers must record all advices on the **LAR forms**.
- These will be collected and stored by Victoria Legal Aid.

4. Supervision requirements

- Volunteer lawyers who are subject to a **supervision condition** must have appropriate oversight from their supervisor.

Legal Professional Obligations

5. Scope of advice

- Volunteers must only provide basic information and advice on **disaster related issues**.
- More complex matters or matters not directly related to the disaster should be referred through **referral networks**.

Legal Professional Obligations

6. Public comment

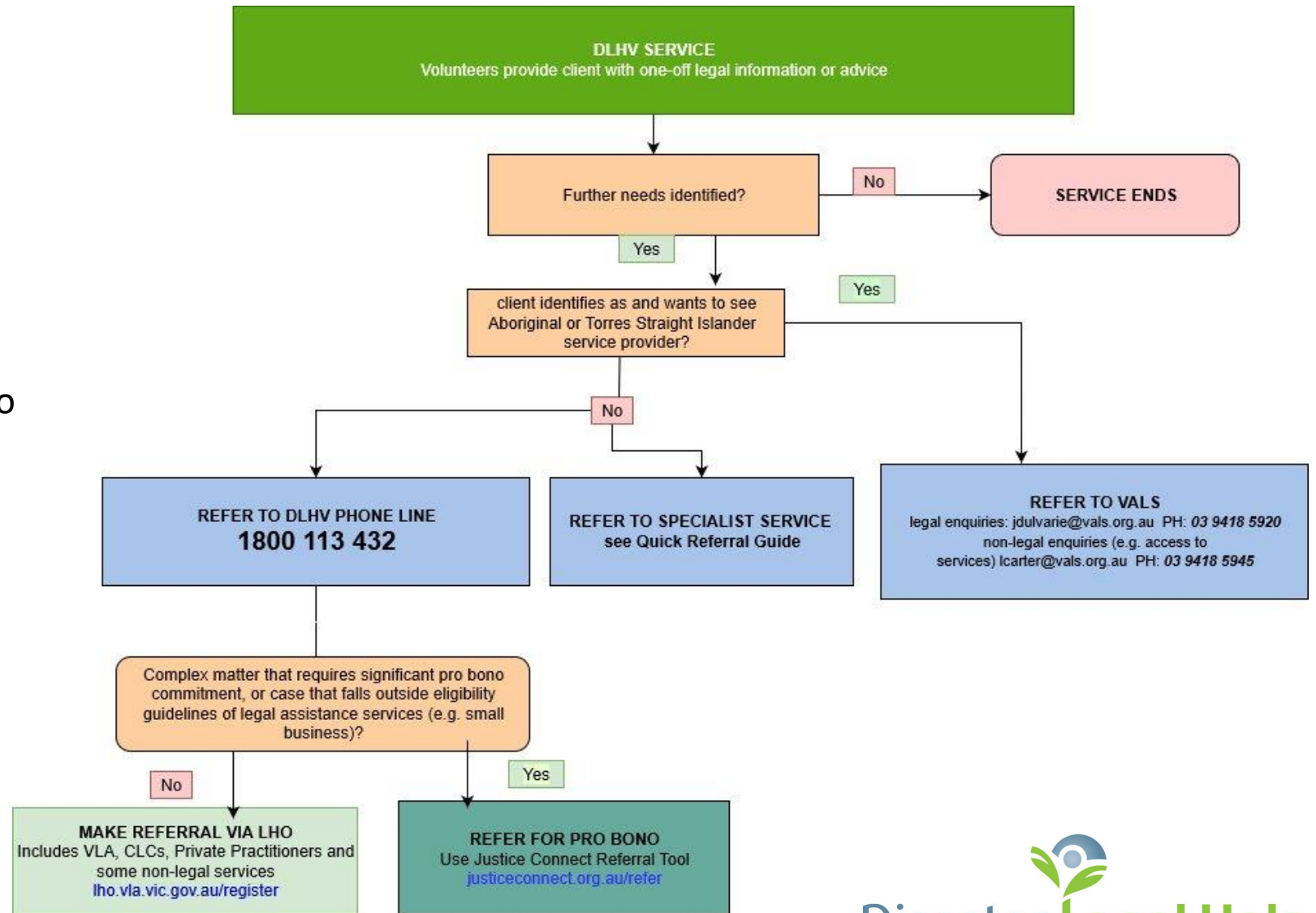
- DLHV has appointed a single spokesperson to respond to media enquiries.
- VLA and LIV are coordinating media for DLHV.
- If approached by media, you can direct them to VLA/LIV communications teams.
- If you do wish to comment on the work you're doing, be mindful of your legal obligations.
- Avoid commenting on specific cases.

Feedback and complaints

- Volunteer lawyers should let their clients know about options to provide feedback or make a complaint about the service they received.
- Clients should send feedback and complaints to the Disaster Legal Help Victoria Coordinator - DisasterLegalHelp@vla.vic.gov.au

Referral Model

- DLHV volunteers can give once off limited advice and information.
- If the client needs further legal assistance you should refer clients to the DLHV Phone Line (unless the clients is seeking help from an ATSI service).
- The DLHV Phone Line can refer the client to eligible legal and non-legal services or pro bono work.



Pro-bono referrals

- Referrals for pro bono assistance from the private legal profession can be made via Justice Connect
- When is someone eligible for pro bono referrals?
 - Individuals, families and small businesses that cannot afford the assistance they need are eligible
 - Civil law matters (e.g. tenancy, credit and debt, insurance)
 - Pro bono is best used when other services cannot assist, or where a matter is complex or requires significant resourcing
- Refer people to Justice Connect to be matched with pro bono using the Pro Bono Referral Tool at justiceconnect.org.au/refer

Refer someone to Justice Connect


If you already know the service that you want to refer someone to, you can select the service on the next screen.

For bushfire referrals, please continue.

If you do not know which part of Justice Connect to refer someone to, this tool will help you quickly and easily refer someone in need of legal assistance to Justice Connect, with confidence that your referral is a good match for our services.

Generally, eligibility for a legal service depends on location, type of problem, and passing an income and assets test.

[✔ How we use and what we do with you and your client's information](#)
View our [privacy policy](#) and [disclaimer](#).

I'm not a robot  reCAPTCHA
Privacy · Terms

[Get Started →](#)

How pro bono referrals are managed by Justice Connect

- Justice Connect will triage referrals of people and small businesses for pro bono assistance
- Justice Connect will prepare matters for placement with firms, and match matters with firms via the Pro Bono Portal
- Firms can register interest in accepting pro bono referrals and accessing the Pro Bono Portal using [this form](#).

The screenshot shows the Justice Connect Pro Bono Portal interface. At the top left is the Justice Connect logo. On the top right, a user profile for Kate Fazio, Admin, is displayed. A teal navigation bar contains links for Home, Opportunities, Expression of Interest, Firms, Firm Users, JC Staff, Settings, and Help. Below the navigation bar, the 'Opportunities' section is visible, featuring a search bar with a 'Clear Search' button, a '+ New Opportunity' button, and a 'Direct Opportunities' link. A 'Filter' section includes a 'Search' button. A 'Sort by:' section offers dropdown menus for 'Added on', 'Closing date', 'Pending EOIs', and 'Accepted EOIs'.

Key legal issues: insurance (1)

- Insurance has been a critical issue in the aftermath of every Australian disaster in recent years
- The key message is straightforward:
If in doubt, make an insurance claim. If your claim is declined, exercise your rights to have the decision reviewed.

Key legal issues: insurance (2)

- The rights of consumers under insurance contracts are protected under the *Insurance Contracts Act 1984* (Cth), which imposes a duty of 'utmost good faith' (s13)
- The General Insurance Code of Practice provides consumer protections.
- Dispute resolution processes, both internal (IDR) processes and external (AFCA), provide an important means of vindicating consumer rights

Key legal issues: insurance (3)

Tips on insurance issues post-disaster:

- The ICA can help clients find out if they have a policy;
- Entitlement to emergency accommodation is part of many policies;
- Up-front payment is available in circumstances of financial hardship (see GICOP 7.7);
- The GICOP provides for time limits for decisions on claims;
- Rights of review can be exercised (IDR and EDR);
- Even a settlement can be reopened post-disaster (GICOP 9.3)

Insurance claims triage checklist questions (4)

- Do you have insurance?
- Do you know who your insurer is? If you don't, check your bank statement and or phone records?
- Do you know what your insurance policy covers you for?
- Are your insurance premiums up to date?
- If you have insurance have you made a claim with your insurer?
- If you have made a claim are you having problems with your insurer?

Key legal issues: tenancy (1)

- An issue especially in urban disaster (such as apartment building fires)
- Key protections are provided by the *Residential Tenancies Act 1997* (Vic) (“RTA”)
- VCAT is the forum with jurisdiction to deal with tenancy disputes

Key legal issues: tenancy (2)

- The RTA covers tenancies, rooming house residency rights, and some other categories of tenure
- A tenancy exists where exclusive possession is given in exchange for consideration (*Radaich v Smith*): note that the RTA is presumed to apply (see s507 RTA)
- After disaster, issues often arise in relation to termination of tenancy, rental arrears, recovery of bond, and condition of premises

Key legal issues: tenancy (3)

Tips on tenancy issues post-disaster:

- Tenancies terminate only in accordance with the Act (not simply because the premises are no longer occupied)
- Termination is ordinarily by issuing a notice to vacate, then applying to VCAT for an order for possession
- Termination for rental arrears may occur when a tenant falls 14 days in arrears, but relief under s331 RTA is available if repayment is likely
- Landlord or tenant may terminate if premises are unsafe or unfit
- VCAT can make orders restraining landlord conduct in breach of RTA

Key legal issues: credit and debt (1)

- Problems relating to financial hardship commonly arise post-disaster, sometimes related to insurance issues
- Financial counsellors are an important part of the post-disaster response
- The key message is: **seek advice at an early stage – some relief is available in circumstances of financial hardship**

Key legal issues: credit and debt (2)

- The National Credit Code (part of the *National Consumer Credit Protection Act 2009* (Cth)) sets out important consumer rights
- The Banking Code of Practice forms a part of credit, and also provides consumer protections
- Dispute resolution processes, both internal (IDR) processes and external (FOS), provide an important means of vindicating consumer rights
- National Credit Code provides a right to variation in circumstances of financial hardship

Key legal issues: government grants

- State grants are usually administered by DHHS, which provides fact sheets on eligibility
- These grants are not subject to any meaningful right of merits review
- Sometimes, advice might be needed on Centrelink entitlements arising in the aftermath of disaster – refer these to a specialist service

Stepping through the information pack

An information pack containing resource on key areas of law can be found at the [end of this presentation](#).

We will also share further resources with volunteers who are selected to help.

Managing health and wellbeing

- **Marc Rowley**, Psychologist, from Assure service to talk about managing mental health and wellbeing
- See [DLHV bush fire volunteers Maintaining Resilience overview VT & Customer interactions](#)
- **Susan Hamley**, Health, Safety and Wellbeing Manager , VLA to talk about general safety guidance to the group about fatigue, driving, fire safety
- See [This Tip Sheet](#) which provides recommendations for Volunteers of the DLHV for staying safe whilst working within bushfire zones. These safety tips complement safety procedures and guidance that are already in place within your respective employers.

Questions?

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Self-care resources

People may be at risk of developing depression and anxiety after experiencing a traumatic event like a bushfire, flood, cyclone or earthquake.

Click on any of the below resources to learn more about how to manage



Helping frontline staff after a major event

Following a major event, impacted customers are often relying on the support provided by frontline staff across many organisations. These include those providing services in face-to-face environments, via telephone, online and in some cases, in home based settings. A wide range of industries such as banking, insurance, education, transportation, health, legal and local, state and federal government agencies will be involved.

Many of these customers will be experiencing a range of emotional responses to the personal impact recent events have had on them, their family members, their colleagues, their friends and their community. Some may have had no direct impact but are struggling to deal with the severity of the event and the way it has impacted those in the world around them.

During these interactions, frontline staff can expect that customers may express a range of emotions, even if they are trying hard not to. This may include:

- Grief and tearfulness
- Confusion and inability to retain information
- Inability to make decisions
- Anger and irritability over situations they can't influence
- A need to find a focus for angry feelings
- Emotional turbulence including fear, anxiety and sadness
- Regretting memories or losses experienced at an earlier time

The following tips might help when interacting with customers in emotional crisis:

- Communication should be predictable, familiar and respectful – some people will want to tell you their story and others won't want to talk about it at all. There is no right or wrong way to feel.
- Requiring a sense of control, normalcy and routine is an important factor in recovery – helping your customers regain access and control over their circumstances can be of major benefit to them
- Avoid asking for more detail about the experience of the customer unless they first disclose it – pushing people to share their experiences can be harmful at this early stage
- Focus on what you CAN DO to help the customer – focus on their specific needs and provide reassurance on how you can assist them
- Present information in a simple and straightforward way – write down key details or numbers
- Help them to avoid making major changes or decisions – major life decisions made during this time may not be the best decision they could make
- You don't need to share your story if you have been personally impacted – thank the customer for their concern and focus on meeting their needs

We're here when you need us
1800 808 374 • www.assureprograms.com.au

[Helping frontline staff after a major event](#): This guide provides tips that might help when interacting with customers in emotional crisis

Assure Programs



Helping yourself after a major event

We live in an increasingly turbulent world where adverse weather events, large scale accidents, and local and global conflict are becoming regular events. No matter how frequently they occur, or whether we have dealt with similar events before, they still have the potential to take a significant physical, emotional and financial toll. It is as important to look after yourself during these times as it is to look after others.

Common reactions to a major event

When a major event occurs, it is common to experience a range of emotions, behaviours and physical responses – these can be confusing and increase the distress being experienced because of the major event. Everyone will experience and process major events differently however, there are some common responses. While these may feel confusing or unpleasant, all responses are normal when reacting to a traumatic event.

Some common reactions you might have include:


- Disbelief
- Confusion or disorientation
- Feeling numb
- Fear
- Anger
- Feeling overwhelmed
- Poor memory and decreased concentration
- Difficulty sleeping, sleeping too much, or nightmares
- Guilt
- Denial
- Difficulty breathing
- Social withdrawal
- Increased heart rate
- Sadness or grief
- Appetite changes
- Feeling sick including nausea, diarrhoea, constipation, shaking, dizziness
- Lack of interest in activities

Remember, all reactions to a major event or normal, and are in no way an indication of weakness. Usually reactions are more intense in the first few weeks following a major event and will slowly dissipate, although for some people they could last for a longer period. If your reactions are having a serious impact on your ability to function and participate in day to day activities, you should seek professional help and support.

We're here when you need us
1800 808 374 • www.assureprograms.com.au

[Helping yourself after a major event](#): This guide provides tips on how to look after yourself during a major event

Assure Programs



Emotional responses after a disaster

People may be at risk of developing depression and anxiety after experiencing a traumatic event like a bushfire, flood, cyclone or earthquake.

Normal reactions

- Feeling overwhelmed
- Feeling numb and detached
- Inability to focus
- Inability to plan ahead
- Constant tearfulness
- Intrusive memories or bad dreams related to the event
- Sleep disturbances
- Constant questioning – "What if I had done x, y or z, instead?"
- "Reliving" the event and traveling different outcomes in order to be prepared should it happen again

These reactions can be severe and are at their worst in the first week, however, in most cases, they fade over a month. If a person day-to-day functioning is seriously affected for more than two months after the event, it's important to discuss it with a General Practitioner or mental health professional.

Beyond a normal reaction

If you experience any of these symptoms at any time, seek professional help:

- A sense that the emotional and physical reactions are not normal
- Thoughts of ending one's life or self-harm
- Loss of hope or interest in the future
- Avoiding things that bring back memories of what happened to the point where day-to-day tasks cannot be carried out
- Being startled easily e.g. jumping when a door slams
- Feeling overwhelming fear for no obvious reason
- Panic attack symptoms: increased heart rate, breathlessness, shakiness, dizziness and a sudden urge to go to the toilet
- Excessive guilt about things that were or weren't said or done.

For immediate assistance

- Lifeline 13 11 14
- Mental Health Australia 1300 78 99 78
- Suicide Call Back Service 1300 659 467

For more information on depression, anxiety and where to get help
www.beyondblue.org.au • 1300 22 4836
info@beyondblue.org.au

[Emotional responses after a disaster](#): This guide provides tips to help identify and cope with trauma

beyondblue


Disaster Legal Help
VICTORIA

Family violence

The Lookout provides guidance for people working with clients who might have experiences Family Violence. It covers topics such as;

- **What is Family violence?**
- **What are the signs that may indicate someone is experiencing violence?**
- **How do I talk to my client about family violence?**
- **What are my responsibilities in responding to family violence?**

<http://www.thelookout.org.au/family-violence-workers/new-workers/wc>

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Insurance - General

- [Insurance fact sheet – Disaster Legal Help](#)
- [Detailed Bushfire insurance guide – Insurance Law Service](#)
- [Short Bushfire Insurance Checklist](#)
- [Information about Insurance Claim Management Services](#)

Credit and Debt Triage Checklist Questions (1)

- What type of debt is it? (e.g. home/investment property loan, car loan, personal loan/overdraft, credit card, guarantee, consumer lease, payday loan):
- Financial institution, amount borrowed, usual payment amount and total amount owing:
- Purpose of loan (i.e. Code covered if it is personal or household purpose cf. business purpose):
- Security taken and value of security:
- Last payment:
- Could they afford the loan prior to the bushfires? (i.e. were they making the required loan repayments):
- Was there any debt collection, notices of default or Court proceedings before the bushfires:
- Date of entry into contract (approximate if they are not sure - eg. about 2 years ago)

Credit and Debt Triage Checklist Questions (2)

- Is there a co-borrower, guarantor, or someone else involved in the transaction (e.g. by benefiting or arranging the transaction) which may give rise to a conflict:
- Current financial circs -
 - a. status of property/investment property/renting:
 - b. status car or any other significant assets:
 - c. source and amount of income (if any):
 - d. any other debts :
- Is there insurance?
- What does the client want?

Insurance – Motor Vehicles

- [Types of Insurance – Understanding Insurance](#)
- [Do I Have to Pay Excess – Financial Rights Legal Centre](#)
- [Deductions From Total Loss Payments – Financial Rights Legal Centre](#)
- [Rental Cars and Insurance – Insurance Law Service](#)

Financial Assistance

State payments

- [Emergency and crisis assistance fact sheet – Disaster Legal Help](#)
- [Financial crisis support – DHHS](#)

Centrelink payments

- [Crisis payment - Centrelink](#)
- [Challenging a Centrelink decision fact sheet – Disaster Legal Help](#)

Other financial matters

- [Early access to superannuation fact sheet – Disaster Legal Help](#)
- [Employment and small business fact sheet – Disaster Legal Help](#)
- [Judgement debt options fact sheet – Disaster Legal Help](#)
- [Managing debt fact sheet – Disaster Legal Help](#)

Tenancy

- [Tenancy fact sheet – Disaster Legal Help](#)
- [Accommodation fact sheet – Disaster Legal Help](#)

Wills and estates

- [Wills and estates fact sheet – Disaster Legal Help](#)
- [Deceased estates fact sheet – Disaster Legal Help](#)

Fencing

- [Fencing fact sheet – Disaster Legal Help](#)

Family law

- [Parenting, property and child support fact sheet – Disaster Legal Help](#)

Compensation

- [Personal injury entitlements fact sheet – Disaster Legal Help](#)
- [CFA compensation scheme fact sheet – Disaster Legal Help](#)

Utilities

- [Utilities fact sheet – Disaster Legal Help](#)
- [Your guide to power outages fact sheet – Disaster Legal Help](#)

Property

- [Property fact sheet – Disaster Legal Help](#)
- [Replacing lost or destroyed title documents fact sheet – Disaster Legal Help](#)