



Inspector-General for Emergency Management
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To the Inspector-General for Emergency Management

Inquiry into the 2019-20 Victorian Fire Season: Disaster recovery and coordinated legal assistance

We welcome the opportunity to provide input into the Inquiry into the 2019-20 Victorian Fire Season, focusing on the importance of a coordinated legal sector response to disasters and emergencies. We emphasise the importance of increased awareness of the importance of resolving legal issues for people affected by disaster, and of the need for funding and support for the coordination of free legal assistance.

Disaster Legal Help Victoria (**DLHV**) is a joint initiative of Victoria Legal Aid, the Federation of Community Legal Centres, the Law Institute of Victoria, the Victorian Bar and Justice Connect.¹ It brings together the diverse skills and resources of the community, institutional and private parts of the legal sector to help reduce and respond to the widespread and complex legal needs that are present in the aftermath of disasters. It was originally formed to provide free legal support for those affected by the February 2009 Victorian bushfires.

DLHV provides free legal advice, assistance and referrals to Victorians affected by a disaster. If a disaster occurs, local lawyers and DLHV volunteers may visit the affected community to meet with anyone needing legal information and assistance, as well as providing remote assistance. DLHV has responded to disasters ranging from major bushfires, to floods, to urban apartment building fires.

In the aftermath of the 'Black Summer' bushfires of the summer of 2019/20, DLHV has undertaken activities including:

- In-person advice, information and casework for people in affected communities in East Gippsland and North East Victoria;
- Telephone information and advice through the Disaster Legal Help telephone advice line; and

¹ Disaster Legal Help Victoria website, www.disasterlegalhelp.org.au.

- Online and hard copy legal information, distributed throughout Victoria and on the dedicated DLHV website.

As at 17 April 2020, DLHV has, in response to these recent bushfires:

- Participated in local networks to develop responses;
- Answered more than 125 calls and referrals on the dedicated DLHV phone line;
- Provided legal information and advice to dozens of people through volunteer lawyers on the ground at Bushfire Recovery Centres at Bairnsdale, Corryong and mobile recovery units;
- Triage and referred 16 requests to lawyers offering pro bono assistance (Justice Connect);
- Through local and specialist community legal centres, provided legal assistance to more than 45 individual clients, in relation to a range of legal issues; and
- Worked with non-legal services to build capacity to identify non-legal need.

DLHV provides the following brief submission, informed by its experience in responding to the bushfires during the 2019-20 fire season, and in responding to disasters over the last decade.

Increased legal need following bushfires and disasters

It is now well-recognised that legal assistance is an important element in the recovery of disaster-affected communities. Empirical research demonstrates the strong link between legal problems and social problems. It shows that legal needs, if left unmet, tend to lead to other social and legal problems.² In turn, this can prevent individuals and families from re-establishing their lives following a disaster, and stall the recovery of disaster affected communities.

Legal need following disasters varies according to the nature and scale of the disaster, and the community affected. Insurance-related problems are a recurrent area of significant legal need,³ but it is DLHV's experience that need also frequently occurs in a range of areas including residential tenancy, family violence, and fencing disputes. DLHV's online resources provide information on common legal issues people experience in the aftermath of disasters, ranging from managing debt to personal injury entitlements, and replacing lost or destroyed

² See Pleasence, P., Balmer, N. & Sandefur, R. (2013) *Paths to Justice: A Past, Present and Future Roadmap*, UCL Centre for Empirical Legal Studies, London.

³ See Townsend, J. "Natural disasters: designing services to respond to legal need" (2016) 31(9) *Australian Environment Review*; and Legal Aid NSW *Response to Issues Paper on Natural Disaster Funding Arrangements* (2014), http://www.legalaid.nsw.gov.au/__data/assets/pdf_file/0003/19722/Submission-Natural-Disaster-Funding-Arrangements-June-2014-final.pdf

title documents. Disasters both create new legal needs and can exacerbate underlying legal and financial stress.

People impacted by disaster are often not regular users of free legal assistance services. For example, many small business owners and farmers are affected by disaster. This means it is important to give careful consideration to the most appropriate services for help-seekers where existing free legal assistance services may not address key areas of legal need.

Best practice in disaster legal assistance

Following the Black Saturday bushfires in 2009, a review of the provision of legal assistance made recommendations that the “*provision of legal assistance services in the event of a natural disaster should be recognised as an integral and vital aspect of community recovery and included in emergency plans.*”⁴ In DLHV’s view, there is increasing awareness on the part of a range of service providers and local councils of the importance of legal assistance as an element in community recovery. However, there is still some way to go in ensuring that free legal assistance is integrated seamlessly into local networks and community recovery plans, and in ensuring that those plans are implemented in a way which gives people affected by disasters timely access to legal advice and assistance.

It is equally important to include legal needs considerations in activities designed to prepare for, prevent or mitigate the impacts of disasters. This was powerfully illustrated by feedback from a community member who attended a bushfire legal education session run by DLHV in November 2019 (these focus on precautionary issues including insurance coverage, financial health checks and record keeping). The information in that session prompted one family to increase its insurance coverage, meaning that when the loss they suffered in the fires was somewhat reduced. As natural disasters and emergencies become more frequent, more intense and of longer duration, there is a need to build capacity in the legal assistance sector to meet legal need and to work to more strongly embed legal triage, referral and information into trauma informed recovery and response planning or services. DLHV’s partnership model has proven effective, leveraging local community based lawyers as well as the goodwill and commitment of volunteers in the legal community.

Recommendations

DLHV proposes that the Inspector-General:

1. Recommends that the Victorian government and local authorities recognise the importance of effective legal assistance as an essential element of reducing the impact of disasters and ensuring the recovery of Victorians (and Victorian communities) affected by them;

⁴ Bushfire Legal Help, *Legal assistance and community recovery after the 2009 Victorian bushfires*, <https://www.probonocentre.org.au/wp-content/uploads/2015/08/NA2JPBC2010-BushfireLegalHelpReport-36.pdf>

2. Recommends that government and local authorities recognise provide adequate funding and resources for:
 - (a) Investing additional resources for existing legal services to meet increased demand, and ensure existing entry points for free legal help are tailored to people affected by bushfires and other disasters;
 - (b) Recruiting, training and managing volunteers to provide free legal assistance to people affected by bushfires and other disasters;and
 - (c) Dedicated sector coordination to ensure services are sharing information, making appropriate referrals and working together to ensure people receive free legal assistance for a range of common legal matters.

DLHV would be pleased to discuss this submission further. Please do not hesitate to contact us if you have any questions in relation to this submission.

Warm regards

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