

Frequently Asked Questions – Disaster Recovery Legal Work



Community Legal Centres Queensland

Tips and Advice from Queensland CLC Practitioners

This FAQ sheet on disaster recovery legal work collates advice and tips by and for Queensland community lawyers who deliver disaster recovery legal work. It is intended to be a helpful first step for CLCs with little or no prior experience in responding to disasters.

The unfortunate reality is that Queensland is now experiencing more frequent and severe disasters due to the impacts of climate change. Extreme weather events will continue to compound and cascade until carbon emissions are reduced and drawn down from the atmosphere. So, a summer cyclone is more likely to be accompanied by flooding and landslides, and bushfires may occur more frequently alongside drought and heatwave conditions.

Our sector can expect to deliver increased disaster recovery legal work in the coming years.

What are common legal problems after an emergency or disaster?

Each disaster is unique in scale, location, and severity. Each community we serve is also different. Although we cannot accurately predict exactly the sorts of legal problems that our communities will face, common areas of legal practice do surface. Here's what some of our members say:

"Tenancy and housing are definitely immediate issues."

"We've found that tenancy, employment, and family law issues are pretty first order. Some of these matters can be quickly addressed and resolved. Afterwards, more longer-term issues start to emerge. Things like insurance claims (assuming your clients have insurance), assisting people to navigate government schemes like buybacks."

"Some problems can be out of left field. We noticed an issue with children getting suspended or expelled from schools at about the six-month mark [post-disaster]. Turned out this was because families had to move out of the flood zone and kids' schooling was impacted. So much trauma."

"Expect the unexpected!"

Experience from Queensland CLCs is that disasters both exacerbate 'everyday' legal problems as well as spark new and novel legal issues.

Anticipating new and different legal matters compared to just the business-as-usual work will help you better support your community when a disaster strikes.



What is the timeframe for legal need after disaster?

Disaster recovery legal work timeframes can be immediate, short-term and long-term. This can make it hard to organisationally plan for appropriate staffing around disasters, and is why sustainable funding for this emerging area of practice is so important for CLCs. Here's what some of our members say:

"Lawyers are not first responders. People first need to deal with issues like damage to property, death or injury to people, pets or livestock, emergency relief (shelter, food), having their power restored, communicating with loved ones, assessing the damage. Then, the legal issues emerge. Some matters take months or even years to resolve."

Is it worth attending an evacuation or recovery centre?

Evacuation and recovery centres are part of the disaster management response cycle but they are not the only model or opportunity for reaching clients post-disaster. They can be an effective way to reach people, but more than anything they are a useful physical space from which to build networks and referral pathways with other agencies that may be present.



Disaster experts tell us that services should 'go where the people are'. Often in disasters, it can be effective for community lawyers to join and participate in local Facebook or other social media platforms if that is where people will congregate online. What our members say:

"Social media is definitely a key entry point. We're still learning how to do this well."

"Lots of questions from the general community about insurance issues on social media. Get Legal Aid into your Facebook group!"

What other suggestions do you have for reaching clients after a disaster?

Not everyone is equally affected by a disaster. Disasters create 'winners and losers' and as a sector committed to equality, social justice and human rights, we need to plan how we deliver services so that they reach those most in need. What our members say:

"The equity piece is huge – don't just rely on recovery centre clients or people who access your service. Go and find them."

"We recommend assertive outreach! Our centre decided to go through our old client database and connect with former clients who we suspected might have been impacted by the flood. We discovered there were plenty of legal problems we could assist with."

We aim to be trauma-informed, but how does trauma manifest in disasters?

Disasters are hugely distressing events that are often life-threatening. Your clients may have felt genuine fear for the safety of their loved ones as well as themselves. Some observations from our members:

"We see a difference between clients who present for the first time in a disaster compared to clients who've coped it more than once. There is huge despair; a real sense of despondency."

"Having an integrated lawyer/social worker team approach is fantastic in disasters. That wrap around support is crucial because clients are carrying a lot of trauma, grief, loss, and sadness."

"We see clients making poor decisions or being very indecisive about their matter. The shock means that they often don't have the resilience to make decisions."

If you do not have social workers employed at your CLC, it can help to build networks with local community agencies where you can warmly refer people to access social work to help their recovery from a disaster, including emotional support alongside the legal help that you will provide. Maintaining good communication and referral pathways with other CLCs can help if your centre is unable to advise one or both parties due to a conflict of interest.

How can I support my workforce during and after a disaster?

Our staff are our most precious asset, and they are also often impacted by disasters themselves. Making operational decisions that support the mental well-being of staff during disasters is very important. Here is some feedback from our sector:

"Being told by my manager 'Look after yourself, work can wait' – well, it was a huge relief. I had no power or water, my suburb was cut off, kids' schools were closed, and I needed to do basic things like getting ice for the Esky to stop food going off. I just couldn't factor in work."

Offering staff Disaster Leave as a workplace entitlement is another way to recognise and value staff when disasters strike. For example, in CLCQ's Enterprise Bargaining Agreement, staff are provided with five days' paid Disaster Leave for employees impacted by disasters when they are not able to work from home.

Further reading

What to know more? Here is a list of resources that may be useful as you deepen your understanding about disaster recovery legal work:

- ABC Podcast, *After the Disaster* is a podcast series (15 episodes in total) offering practical tips and evidence-based advice. *After the Disaster* was produced with the support of the Australian Red Cross and the University of Melbourne, and is hosted by Dr Kate Brady <https://www.abc.net.au/listen/programs/after-the-disaster>
- Australian Disaster Resilience Knowledge Hub is a national, searchable open-source platform with lots of evidence-based information to help inform policy, planning, decision making and contemporary good practice in disaster resilience: <https://knowledge.aidr.org.au/>
- *Australian Disaster Resilience Handbook Collection (2023)* contains dedicated publications on topics such as emergency planning, community recovery, land use planning for disaster resilient communities, systemic disaster risk (and much more): <https://knowledge.aidr.org.au/collections/handbook-collection/>
- Natural Hazards Research Australia, *Australian Disaster Resilience Index* – snapshot of the capacities for disaster resilience in Australian communities: <https://adri.bnhcrc.com.au/#/>
- Disaster Legal Assistance 2023: Insights from CLCs around the country – summary of online proceedings and topics discussed: <https://cdn.communitylegalqld.org.au/wp-content/uploads/2023/12/Disaster-Legal-Assistance-Online-Forum-3.pdf>