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# Submission to the Independent Review of Commonwealth Disaster Funding

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**Consent option:** Publish with name

**Submitted by:** Community Legal Centres Queensland

## Q1. What experience have you had with Commonwealth disaster funding support?

We note that it is a matter of public record that community legal centres (CLCs) are seriously underfunded. In 2014, the Productivity Commission recommended an immediate injection of \$200 million to the legal assistance sector to account for chronic underfunding. Despite a persistent funding shortfall, evidence shows that CLCs deliver a benefit-cost ratio of 18:1. Any new injection of funds to deliver legal services for low- or no-income clients is always welcome, and our observations below are made in this funding context.

CLCQ is the peak body for community legal centres in Queensland. Our 32 members deliver free legal information, advice, casework and representation to people on low or no incomes. In recent years, CLCs have been developing their expertise on legal issues arising from Queensland disasters, most notably the 2022 SEQ flood, but also the 2011 Brisbane flood, 2019-2020 bushfires, and many tropical cyclone events across central and northern parts of the state.

In 2022, the Commonwealth Attorney-General's office identified several community legal centres in South-East Qld and NSW as deserving of disaster funding to deliver legal assistance arising from the 2022 SEQ/NNSW flood event. An election commitment named several CLCs whose geographic location and/or clientele were worthy of flood-related legal assistance, and they would receive \$250,000 pa for four years. This commitment was subsequently budgeted, and centres have received paperwork (but await funds) to deliver services.

Our observations are:

- \* There was a lack of sector consultation. As a peak body, CLCQ would have welcomed the opportunity to provide our sector's perspective on funding package design, funding timeframes, service delivery models, and reporting requirements.
- \* Individual centres experienced almost 12 months delay from the initial announcement to confirmation they would receive funding. This resulted in significant service disruption, with many centres not being able to guarantee ongoing staff employment contracts. This uncertainty is highly disruptive as it undermines CLCs' ability to retain staff and do workforce planning.
- \* Centres have reported confusion about what constitutes 'flood-related' matters for data collection purposes. NSW and Queensland centres have received different information from respective





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state funders about what legal services are in scope and how 'flood-related' activities should be counted to satisfy data collection/reporting obligations.

\* To our knowledge, funds are not permitted to be used for disaster preparation and planning phases, or interagency coordination and collaboration. Nor are funds available for centres to deliver preventative legal work (in particular, advocacy and law reform) to improve laws that are not 'disaster ready.' In our view this work is just as important as individual assistance, and funds should always be allocated for centres to deliver broader systemic work and stakeholder engagement.

Another issue our sector regularly observes is the misalignment between funding timeframes and the long tail of disaster legal need. Clients often present with a legal problem 5+ years after a flood event, having experienced a slow but causally connected series of issues with underlying legal problems. More flexible timeframes that are not pegged to short-term disaster responses would be beneficial.

## **Q2. How could Commonwealth funding support communities to reduce their disaster risk?**

Laws and systems that exacerbate disaster risk are many and varied. Law and policies that are not accessible, equitable or human rights-respecting can compound disadvantage, impede recovery, and undermine community resilience. Our sector regularly sees tenancy law, insurance, employment, consumer, property, domestic and family violence legal issues intensify and exacerbate in the aftermath of disasters. However, there is a lot of preventative legal work that can be done across these and other areas of law to reduce disaster risk and harms that follow; to make laws 'disaster ready'. Commonwealth funding in areas of law reform and policy work could assist our sector to advocate for better laws that reduce a person's level of disaster risk.

Funding CLCs to deliver community legal education activities to improve broader (non-legal) community partners' knowledge of the legal dimension of disaster-related problems would also reduce community disaster risk. This could be regarded as community resilience-building. This sort of investment would help communities to be better prepared for disasters, reducing both the likelihood and complexity of legal problems arising post-disaster.

Resilience and capacity building should be considered both in relation to the legal assistance sector, and to communities at highest risk. For the community legal sector, the funding of a nationally led training program for centres, and the development of best-practice response programs that could be adapted for local need and scaled up quickly to deal with surge demand, would be of significant benefit. In terms of building community resilience, it is now regrettably predictable that certain locations will experience climate-induced disasters in the next few years, or indeed every few years. It would make sense to invest in these communities to build their capacity to manage the legal issues that will arise when these disasters inevitably hit. Centres in these locations should be supported to be disaster ready.

## **Q3. Please describe your understanding of Commonwealth disaster funding processes.**

As highlighted above, based on recent experience our sector has found Commonwealth disaster funding processes to be rather opaque. Improved transparency and accountability about funding processes would deliver more certainty for community legal centres and would increase our trust in government procurement objectives. Greater transparency and accountability would likely lead to better legal





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outcomes for people most at risk of harm from bushfires, floods, cyclones, and other climate disasters as a matter of public interest.

**Q4. Are the funding roles of the Commonwealth, states and territories, and local government, during disaster events clear?**

In our experience, funding roles are not clearly delineated and this can lead to more onerous reporting obligations. Community Legal Centres Queensland is experiencing reporting duplication at present, with monthly and quarterly reporting both required for a 12-month project under the 2021 & 2022 Qld Flooding – Category C – Flexible Funding Grants Program (Round 1). We have been advised that grantees are required to report more frequently to enable the state entity (Queensland Reconstruction Authority) to on-report to the Commonwealth.

**Q5. Is there any further information you would like to provide?**

Our sector has an important contribution to make in ensuring that disaster responses are fair, just, equitable and human rights-respecting.

Disasters are a lens through which existing vulnerabilities are exacerbated and highlighted. Research shows that disaster payments can often entrench inequalities along socio-economic lines. An example would be any Commonwealth relief and recovery package (i.e., disaster recovery payments) that assists individuals to preserve their private property interests, but which delivers little for those who own fewer material assets, for example renters, people on fixed incomes, people living in public or community housing, and people experiencing homelessness.

Disaster injustice is particularly relevant for First Nations peoples, who comprise 11% of our client base across Queensland. Disasters can result in experiences of grief and loss in ways that are non-material, and more profound than for non-Indigenous people. Connection to Country is about a deep relationship to the lands, seas, and skies and all the living things, including plants and animals. It is far more than a physical attachment to a geographical place. It provides a sense of belonging and is part of an identity. Damage to land, sea and waterways as a result of climate disasters equates to damage to self and to the spirit; when Country is harmed, so is the self. This dynamic is further heightened by fact that First Nations peoples have contributed the least to climate change (which is driving extreme weather events) but who nonetheless bear the full spiritual brunt of its impacts. Accordingly, the provision of any Commonwealth relief and recovery assistance to disaster affected communities must always centre the unique cultural rights and perspectives of First Nations peoples and communities.

