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Submission to the Independent Review of Commonwealth Disaster Funding

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Submitted by: Community Legal Centres NSW

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

In recent years, individual Community Legal Centres have received different tranches of Commonwealth funding to provide legal services in response to disasters. This has been very welcome and has allowed Community Legal Centres to meet the legal need that arises in the wake. This includes matters in the immediate aftermath such as replacing lost documents, insurance, domestic and family violence, and social security. In the medium and long term, legal need changes and centres work on matters related to family law, tenancy, employment and insurance. Statistics also show an uptick in credit, debt and bankruptcy work, both for individual consumers but also for small businesses trying to cope after a disaster.

In 2020, eight Community Legal Centres received Commonwealth funding to increase their capacity to respond to bushfire-affected communities. They used the support to add additional advice lines, higher advice and casework limits, and backfill existing positions. It also allowed centres to provide outreach services to bushfire-affected communities, develop and maintain relationships with other disaster response services, attend Disaster Recovery Committees and build new referral pathways with local organisations.

In June 2023, seven Community Legal Centres in NSW received funds under the 2022-23 Floods in NSW and Queensland additional legal assistance, over a year after the funding was announced. This funding is one-off, for a period of four years and is designated to provide legal assistance for specific disasters. None of the funding is for future events, disaster preparedness, or Community Legal Education. The funding was delivered over two years after the events occurred. There was no consultation about legal need or needs of centres who received the funding.

While the funding has provided flexibility for centres to meet the legal need in the best way for their client group and for their individual centres, a lack of clarity from the Commonwealth and delays in the delivery of funding means that any learning about effectiveness of the response and an understanding of legal need at each phase of a disaster will be limited because data collection is inconsistent across the centres and jurisdictions. The Commonwealth has advised that this funding will not be renewed which means that centres will lose the additional capacity at the end of the funding agreement and with it, lose the experience and skills and knowledge of staff on disaster-related legal matters.





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

Commonwealth funding for legal assistance related to disasters should be ongoing, secure and delivered in a timely way. People and communities impacted by disasters experience a range of problems including legal problems and our members see an increased demand for legal assistance following a disaster. Disasters generate specific legal need, as well as exacerbate other existing or new legal issues. This may be in the immediate aftermath of a disaster but we know that the long-tail of disasters is felt in the months and years following the disaster event. Legal issues related to housing and tenancy, insurance, employment, consumer, property, domestic and family violence legal issues are prevalent and deeply connected with the extreme weather events and their aftermath.

Community Legal Centres play a crucial role in disaster response because they have long-term and strong relationships with local organisations, stakeholders, and community members. Community Legal Centres can mobilise quickly, deliver flexible grassroots responses and fill service gaps. Community Legal Centres' experience shows that following a disaster, people want to get advice and support from people they feel confident will be around for the long-term. Community Legal Centres understand the interplay between disadvantage, trauma, and legal need within their communities. They are already trusted sources of advice and support, and their community embeddedness affords them insights that other services cannot match.

Funding Community Legal Centres to deliver community legal education to improve non-legal organisations' understanding of disaster-related legal need and legal issues will build community-resilience and contribute to reducing their disaster risk. This investment in prevention and preparedness would help communities by reducing the likelihood and complexity of disaster-related legal issues.

This funding should be ongoing to recognise the work delivered by Community Legal Centres related to all stages of the disaster cycle – prevention, preparedness, response and recovery. Prevention and preparedness is key to enabling Community Legal Centres to deliver flexible and effective services during and after a disaster. Place-based Community Legal Centres are embedded in local communities and are well-positioned to support their communities in disaster preparedness and community development related to a variety of legal problems. Specialist and state-wide Community Legal Centres hold expertise in specific areas of law and communities including social security, insurance, domestic and family violence and tenancy. This expertise is often drawn upon during and after a disaster for frontline services as well as supporting place-based Community Legal Centres other stakeholders.

Commonwealth funding could also support sector-wide preparedness and response including workforce training and the development of systems and processes, and coordination for disaster response by the legal assistance sector. Funding would support centres and the broader sector to be disaster ready, including better placed to effectively respond to communities impacted by disaster.

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

Our experience is that the processes for Commonwealth disaster funding for legal assistance is unclear and often ad hoc and reactive. Greater transparency and consultation about funding processes and distribution would improve accountability and deliver more certainty for community legal centres and would likely lead to better legal outcomes for people most at risk of harm from bushfires, floods, cyclones, and other climate disasters as a matter of public interest. There is also value in funding to





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support participation in higher-level planning to allow the legal assistance sector to respond in a coordinated way to meet the needs of the community.

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

In our experience, the funding roles of the Commonwealth, NSW and local governments during disaster events are not clear. Commonwealth funding to community legal centres is generally provided to the NSW Government to distribute to community legal centres. There is often a lack of transparency and duplication, leading to delays in decision-making and communication and to the flow of funding. Where Commonwealth funding is provided to community legal centres in multiple states or territories, we have experienced inconsistencies in the implementation of the same funding between the jurisdictions. They're often onerous or inconsistent reporting obligations placed on to the funding. This was the experience with Commonwealth disaster funding received in 2020 and more recently, the 2022-23 Floods in NSW and Queensland additional legal assistance funding.

Long funding allocation times can restrict the community legal sector's ability to respond to the legal needs of local communities. Negotiations between Commonwealth and State Governments about payment details such as when the payments will be made, or how the funds will be disbursed takes time that impacted communities can ill-afford. A faster, more streamlined process for disbursement is required.

Processes for distribution of Commonwealth disaster funding to community legal centres should be streamlined. This will enable community legal centres to quickly mobilise resources to locations where they're most needed without compromising business-as-usual service delivery; meet demand for services; deliver flexible grassroots responses and fill service gaps.

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

It is clear there will be ongoing disasters related to the impact of climate change, and community legal centres will play a crucial role in supporting individuals and communities through these crises. Despite this important role, community legal centres receive no dedicated recurrent funding to contribute to disaster recovery efforts or to prepare for future disasters.

Ongoing funding would enable community legal centres to continue to respond to future disasters, allow them to undertake long-term service and business continuity planning, engage and retain suitably qualified staff, and respond quickly and flexibly to meet the emerging needs of local communities.

Additional government funding is required to boost the capacity for community legal centres to plan and prepare for disasters. This will enable the sector to more-effectively triage client matters on a state-wide basis, divert resources into crisis locations as needs arise, and for centres to have the baseline capacity required to enable quick scaling-up of vital community support in times of crisis. Many government funding contracts require non-government organisations to expend all allocated funding in any given year, with no automated approval for rollovers; this is one example of a funding arrangement that prevents the community legal sector from responding to disasters as effectively and quickly as possible.

Government needs to better appreciate the critical role of place-based, non-government, community responses in times of disaster. We can and do deliver incredible and critical services in times of crises,





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but we do need to be better supported to do so. The non-government sector, and the community legal services sector specifically, needs to be better resourced so that we have more capacity to respond and scale up.

Climate shocks will become more frequent and the people who experience deep and persistent disadvantage who comprise the clients of Community Legal Centres will be among those who experience the worst effects. We need to start thinking about building the resilience of communities, through their community organisations, to respond to these repeated events.



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