

Community legal centres' disaster response



Acknowledgement of Country

We work on unceded Gadigal Country in the Eora Nation, and pay our respects to Gadigal Elders, Traditional Owners and Custodians, past and present. Sovereignty was never ceded.

We also acknowledge the Traditional Owners, Custodians and Elders of the lands on which our member centres work across this continent. Always was and always will be, Aboriginal land.

About this report

This report was prepared by Alice Jones-Rabbitt, Special Projects Coordinator at Community Legal Centres NSW. All information is correct as of November 2021.

Front cover

The view from Mid-North Coast Community Legal Centre's front door during the height of the 2019/20 summer bushfires.

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Introduction

Community legal centres are vital services that are flexible and responsive in times of crisis. We're able to mobilise quickly, make and sustain connections within our communities, and support people in times of vulnerability and hardship.

Community legal centres across NSW form a vital part of the safety net that help protect marginalised people and communities from the social and economic impacts of crises, like extreme weather events and the Covid-19 pandemic.

Our communities are often first and hardest hit by extreme weather conditions. People experiencing financial hardship, First Nations people, people who are homeless, people with disabilities, and people living in rural, regional and remote communities, are time and time again left with inadequate protection from climate catastrophes such as bushfires, flooding, extreme heat or cold, hailstorms, and more.

Alongside the physical and psychological impacts, crises like these can create or exacerbate serious legal issues, including problems with insurance claims, housing and tenancies, income and social security, credit and debt, family violence and family law, destroyed documents and wills, and more.

In 2020, community legal centres in NSW received Commonwealth Government funding to support the sector's response to the Summer 2019 Bushfires and to the COVID-19 pandemic. Centres have used the funding in a variety of ways, including providing outreach to bushfire-affected communities, boosting digital service delivery, increasing staff capacity, and developing self-help resources.

Community legal centres are best-placed to respond to the needs of their communities during and after natural disasters and other crises. However, temporary or short-term funding, while welcome, can create inefficiencies and uncertainty. Sufficient and sustainable baseline funding will enable us to respond quickly and efficiently in times of crisis when our communities need us most.

Background

In 2020, community legal centres in NSW received Commonwealth Government funding via Legal Aid NSW to support the sector's response to the Summer 2019 bushfires and to the COVID-19 pandemic.

Nine centres received Bushfire Recovery funding including four specialist centres and five generalist centres in bushfire-affected regions. Centres each received \$150,000 to provide services to individuals and communities affected by bushfires. This funding was distributed around September 2020 and was provided for a 12-month period. Centres were not required to apply for this funding and had general discretion over its use. In response to the COVID-19 pandemic and its impact on service delivery and capacity, centres were also able to apply for 12-month Commonwealth Government funding via Legal Aid NSW to assist with frontline services (COVID funding). Centres were required to outline how the funding would be used in their applications. Most centres in NSW were successful and received between \$60,000 and \$200,000 in funding. This funding was received by centres around November 2020.

In June 2021, Community Legal Centres NSW commenced a process to gather reflections from centres on their experiences with this funding, and on the impact of services delivered through these funding programs. CLCNSW conducted interviews with all 9 centres that received both Bushfire Recovery and COVID-19 Frontline Services funding, as well as an additional 3 interviews with centres that received only COVID-19 Frontline Services funding. Interviews were conducted by phone or video call, with one centre providing a detailed written response. Due to time and resource constraints, CLCNSW did not attempt to interview each centre, however, all centres were invited to share their responses via an online survey. Only one centre provided a response via this survey without an interview.

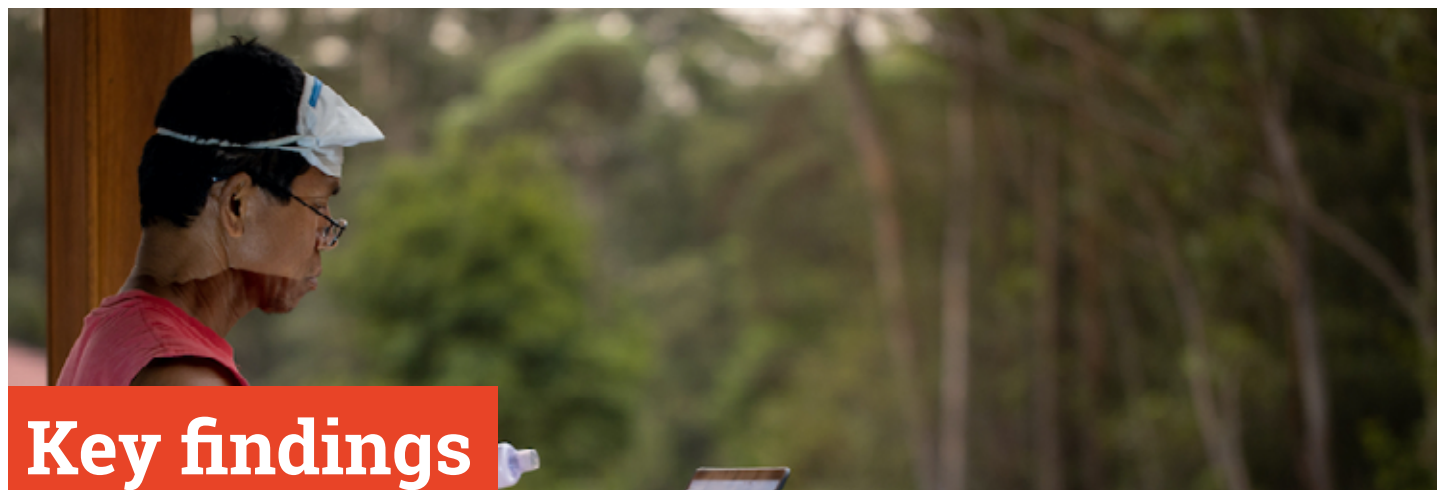
Notes

In addition to COVID-19 funding for frontline services, all centres received COVID-19 funding for ICT support. The impact and use of ICT-related funding has not been considered in this report, however anecdotal feedback indicates the ICT funding is regarded as having been highly useful in upgrading centres' systems and processes to enable transition to remote operation. The impact of changes implemented with the ICT funding will likely be long-term and enable greater flexibility for staff as well as more efficient, secure, and responsive service-delivery.

Due to the timeline of the bushfires, COVID-19 pandemic as well as subsequent natural disasters in NSW, there is difficulty in distinguishing the impact of individual funding streams. There is also difficulty in distinguishing the centres' response to discrete crises as they may overlap considerably.

This report does not comment on the impact of the disasters or the funding on the number of clients assisted or the types of matters. This is due to the limited scope of the project, and the significant variation in centres' use of the funding and collection of data. This could be considered later.

As much as possible, centres have not been identified in this report.



Key findings

- 1. Community legal centres are agile organisations and are able to provide responsive services to the community during disasters.**
- 2. The impact of disasters on individuals and communities is extensive and multi-dimensional and may result in immediate-, medium-, and/or long-term legal issues.**
- 3. Centres' capacity to make rapid service adjustments in response to changes in demand is limited by being already stretched at baseline funding levels.**
- 4. The delayed delivery of both sources of funding impacted centres' ability to respond to the legal and related needs of their communities.**
- 5. While additional funding is always welcome, there are inefficiencies created by one-off and short-term funding, including in relation to training and recruitment of staff and reporting obligations.**
- 6. There were several examples of good collaboration and coordination between community legal centres and other community and government stakeholders and service providers, but there is room for improvement in collaboration and coordination between centres.**
- 7. Centres are calling for ongoing, sustainable funding in the regions and areas of law that will be most heavily impacted by ongoing natural disasters.**



Ability to respond

Interviewees agreed that community legal centres are best-placed to respond to the needs of their communities, including during or after a natural disaster and in other times of crisis such as the COVID-19 pandemic. Centres are generally more agile compared to other legal services and can deliver more responsive and adaptive services tailored to their communities, whether that is to an issue affecting a geographic area or client demographic, or to a changing or emerging area of law. Community legal centres play a crucial role in their community and many have long-term and strong relationships with local organisations, stakeholders, and individuals.

While centres are best placed to provide disaster response services, their capacity to do so is limited by the availability of resources. Some centres were not able to respond effectively to the bushfires or COVID-19 until additional funding was received. Once resources allowed, however, centres were generally able to hit the ground running and meet increased demand for legal services, stakeholder engagement, and CLE and other outreach.

Administration of funding

Most centres commented on the administration of both the Bushfire Recovery and COVID funding by Legal Aid NSW. Centres were appreciative of the additional funding, recognising that the new legal and related needs created by the bushfires and the pandemic could not be met without additional resources.

Timeliness

While centres appreciated that setting up new funding streams takes some time and effort, there was general agreement that there was too great a delay in delivering the funding to centres, especially given the emergency nature of the funding. This delay restricted their ability to respond effectively to the immediate and short-term legal needs of their communities. This was raised particularly regarding the Bushfire funding, which was received in September 2020, roughly six months after the end of bushfire season. The COVID funding was received around November 2020, following a more rigorous application process. This was roughly eight months after the beginning of the first lockdowns in NSW. The delay in confirming that funding would be available, uncertainty regarding the amount of funding centres would receive, and the timeline for delivery of funding, meant that centres were unable to properly prepare for project implementation, including beginning recruitment, which further delayed delivery of services to the community.

Image: Financial Rights Legal Centre senior solicitor Jen Lewis (second from left) and solicitor Naomi Delaney (far right) with two members of the local St Albans Rural Fire Service.

Both the bushfires and COVID led to an immediate increase in demand on some centres, particularly those in regions affected by the bushfires as well as those that provide services in areas of law particularly impacted by disasters - for example, employment, insurance, and social security law. Some centres were able to respond to these immediate- and short-term needs prior to receipt of the funding by re-allocating existing resources or using budget reserves. For example, to free up resources for disaster response, some centres reduced the number of advice shifts provided or re-prioritised casework. This enabled staff to respond to urgent or immediate needs, like attending Disaster Recovery Committees, responding to new or more complex legal matters, or developing CLE and self-help resources. This pivot, however, had consequences on the workloads and wellbeing of staff, as well as for core services.

Application process, reporting and short-term funding

Most centres reflected positively on the application process (where applicable) and reporting mechanisms, noting the experience was more streamlined than other funding processes including core funding, and similar funding available through other NSW Government departments. There was no application process required for the Bushfire Recovery funding. Both Bushfire Recovery and COVID funding was provided for 12-months. Some centres commented that synchronising the reporting timeframes with other funding administered by Legal Aid NSW would be more efficient. Some centres commented that the process for applying for adjustments to their reporting timeline or other funding processes were administratively cumbersome.

Centres also reflected on the challenges associated with short-term funding. Most centres recognised that many legal problems directly related to the bushfires and COVID may not develop or appear at the centre immediately, and the indirect or flow-on legal problems may arise many months after an event. This made it difficult for a centre to report on the whole impact of the disasters within a 12-month timeframe.

While any additional funding is welcomed by the sector, short-term funding can create some inefficiencies, particularly with recruitment. This is discussed in greater detail below (point 3). The Bushfire Recovery and COVID funding enabled centres to expand their services to the community in response to short-term or temporary need, however, as the funding ends, services will most likely contract to pre-funding levels. This may impact community expectations around response times and opening hours and may result in a change of casework guidelines.

Recruitment with short-term funding

The majority of centres interviewed used part or all of the additional funding to employ new staff, including solicitors, CLE workers, Aboriginal Liaison Officers, and paralegals. These new positions supported centres to increase access to, and awareness of, the centre, provide more legal and related services and/or respond to the greater demand on the centre.

Many centres reflected on the challenges in recruitment of new staff with short-term funding, for example, attracting people to short-term contracts, particularly where the role required expertise in particular areas of law. In addition, a considerable investment is required by the centre to train new staff. Training may relate to a specialised area of law and/or particular client demographics. These issues may have affected centres' ability to make use of funding as soon as possible and limited the overall impact of the funding on delivering services to individuals and communities. These challenges are

consistent with those experienced by the sector more broadly and are not unique to these funding streams, however, the issues are compounded by the short-term nature of these funding streams.

Some centres were able to circumvent these issues by increasing the days of existing part-time staff, extending temporary contracts, recruitment of previous employees or volunteers, and/or re-deploying current staff to tasks or matters requiring greater expertise, and using the additional funding to backfill positions. However, these options were not available to all centres.

Use of funding

Centres used the additional funding in a variety of ways according to the needs present in their communities, as well as the needs of their centre. Most centres used part or all of the funding to recruit new legal staff to support the new or bolstered legal services and projects. Many centres also used at least part of the funding for CLE and related community engagement work. This was consistent across both funding streams.

The funding supported centres to:

- » **Increase the capacity of the legal service, for example through additional advice shifts, higher advice and casework limits, or backfilling existing positions.**
- » **Provide outreach services to bushfire-affected communities as well as other communities in NSW.**
- » **Develop and maintain relationships with new and existing stakeholders, for example by attending Disaster Recovery Committees and building new referral pathways with local organisations.**
- » **Update existing self-help resources, for example making factsheets in multiple languages.**
- » **Develop new community legal education and self-help resources on topics related to the impact of COVID-19, such as employment and social security issues, and the impact of bushfires and natural disasters.**
- » **Deliver community legal education programs to affected communities.**
- » **Develop other digital tools including intake and referral tools.**
- » **Generally increase access to services through digital campaigns.**

Collaboration

A majority of centres were involved in some level of collaboration with other services, particularly in the response to the bushfires but also related to COVID.

Generally the reflections were positive and centres spoke of the willingness of other legal services to support their centre, for example, offers of both administrative and legal assistance from other CLCs and offers of pro bono services to centres in bushfire-affected regions. In response to the bushfires, regional centres worked collaboratively with their nearby Legal Aid NSW teams to minimise duplication of services and make effective referrals. Regional centres also developed stronger relationships with local community stakeholders including organisations and groups in new areas or demographics. There was strong consensus that maintaining these relationships into the future will be critical to centres' capacity to be responsive to communities' needs, particularly in regions where natural disasters will almost certainly continue to occur.

Some centres were limited in their ability to collaborate with other centres, for example on CLE, due to the timeframes of their projects or the impact of delayed recruitment.

There is also room for improved collaboration between centres and other legal services. Some ideas for improved collaboration included:

- » Greater coordination between centres where catchment areas or client demographics may overlap;
- » Improved and easier referral pathways and processes in the sector;
- » A role for Community Legal Centres NSW to facilitate the sector's coordination; and
- » Pro bono support including secondments is welcome but could be more effective, for example secondees with more experience or expertise to reduce the training and supervision burden on centre staff.



Preparedness for the future

There is broad consensus that there will be ongoing natural disasters related to the impact of climate change, and centres will play a crucial role in supporting individuals and communities through these crises. Many centres commented on their ability to respond to future disasters or crises, as well as provided feedback on how they may be supported to provide a better response.

A recurring theme in centres' responses was the need for sufficient and sustainable baseline funding. Temporary or short-term injections of funding, while welcome and appropriate in some cases, create inefficiencies and burdens for centres. A higher level of baseline funding would enable centres to plan services into the future, retain staff, maintain strong relationships in the community and provide consistent services to a high standard. In addition to calls for sufficient baseline funding, feedback from centres included:

- » Community legal centres should be seen as partners in Government's emergency response frameworks from the outset.
- » There is a need for improved and streamlined referral pathways between centres.
- » If future funding is available, faster confirmation and delivery of the funding to centres would help.

Centres also commented that the combined experiences of the bushfires and COVID-19 prompted individual centres to adapt their organisations and service delivery models. These adaptations included enabling more remote working, development of accessible resources for clients that will be applicable to other crises, and strengthening community engagement, particularly with emerging client groups. These changes will help centres to be more agile and to provide a more efficient disaster response in the future.

Appendix 1. Participating Centres

Bushfire Recovery and COVID-19 Frontline Services

These community legal centres were:

- » Tenants Union of NSW
- » Welfare Rights Centre
- » Financial Rights Legal Centre
- » Justice Connect
- » Mid North Coast Community Legal Centre
- » Illawarra Legal Centre
- » Shoalcoast Community Legal Centre
- » Central Tablelands and Blue Mountains Community Legal Centre
- » Northern Rivers Community Legal Centre

COVID-19 Frontline Services

The centres that provided reflections were:

- » Seniors Rights Service
- » Kingsford Legal Centre
- » South West Sydney Legal Centre
- » Immigration Advice and Rights Centre (via survey response)