

**The Victorian Legal Profession's  
Disaster Plan:**

**DISASTER LEGAL HELP VICTORIA**

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## **Background and Purpose**

The Victorian Legal Profession's Disaster Plan (the "**Plan**") sets out guidelines for Disaster Legal Help Victoria ("**DLHV**") to follow in responding to the legal needs of victims and their families in the aftermath of a disaster.

The principal goals of the Plan are to identify:

- the circumstances in which the Plan will need to be activated
- the legal service providers who will form the partnership of DLHV
- the key roles of each DLHV partner
- a clear and common brand under which DLHV will operate
- the key external agencies with whom DLHV will need to collaborate

DLHV consists of the DLHV Partners listed below. However, it may add new organisations if there is a consensus view that this is necessary.

DLHV evolved out of the response to the 2009 bushfires. At that time the consortium developed a logo, a website and a set of factsheets.

## **1. Who are the DLHV partners?**

DLHV partners are:

- Federation of Community Legal Centres (Victoria)
- Law Institute of Victoria
- Public Interest Law Clearing House
- Victoria Law Foundation
- Victoria Legal Aid
- Victorian Bar
- Victorian Legal Assistance Forum project team.

Contact details for key persons within each organisation are set out in Appendix A.

## **2. Defining Disaster: when will the Plan be activated?**

In determining when to activate the Plan, it is important to understand the emergency management framework in Victoria and to reach a useful definition of disaster for the purpose of DLHV and its resources.

#### a) Victoria's Emergency Management Framework

The Emergency Management Manual Victoria (the “**Manual**”)<sup>1</sup> provides a framework for assessing emergencies. Certain characteristics in that Manual will be useful to consider when determining whether to activate the Plan.

It is important to note that the Manual prefers the term *emergency management* rather than the more traditional term *disaster management* for a number of reasons. One of these is the fact that there is no widely accepted definition of the term *disaster*. For the purposes of emergency management in Victoria, the word *emergency* also includes the concept of *disaster*.

According to the Manual, emergencies are characterised by some or all of the following:

- They are disruptive to individuals and communities
- They are not part of day-to-day experience and are outside normal life expectations
- They are unpredictable in occurrence and effects
- They require a response for which normal local resources may be inadequate
- They have a wide range of effects and impacts on the human, built and natural environments
- There are complex needs in dealing with them
- They can be of sudden onset
- They are destructive of human, animal and/or plant life, health, property and/or the environment
- They overwhelm normal prudent protective measures.

In Victoria, there are no legal formalities or declarations required to initiate or escalate response or recovery activities. State emergency management arrangements (particularly in response and recovery) are intended to permit the situation to be assessed, and to provide for the graduated marshalling and utilisation of the resources required to deal with it, under systems set up under the relevant overall plan and the participating agencies' own plans.

#### b) Defining Disaster for DLHV

For the purposes of this Plan, and with consideration to the characteristics above, a disaster shall be understood as:

an unanticipated and unexpected event that causes injury, death or property damage on a large scale that may give rise to complex legal issues for the victims and/or their families<sup>2</sup>.

examples of such events are (a) an earthquake, flood, wind-storm or other natural event; and (b) a fire; and (c) an explosion; and (d) a road accident or any

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<sup>1</sup> <http://www.oesc.vic.gov.au/home/policy+and+standards/oesc+-+emergency+management+manual+vic+manual+pdf>

<sup>2</sup> Based on the definition of mass disaster adopted in The New York State Bar Association's Mass Disaster Response Plan.

other accident; and (e) a plague or an epidemic; and (f) a warlike act; and (g) a hi-jack, siege or riot; and (h) a disruption to an essential service.<sup>3</sup>

Not every event that meets the above definition of disaster will warrant activation of the Plan. Certain events may occur that will not give rise to immediate legal needs. For such disasters, legal assistance may be appropriately provided through existing infrastructure and services.

### c) Activating the Plan

If a disaster occurs in Victoria, the VLAF project manager will convene a teleconference of the DLHV partners as soon as practicable. The teleconference should decide whether or not the Plan is activated and should discuss the nature of the response.

## **3. Key roles of each DLHV partner**

The following key services can be implemented by each DLHV partner. Not every service will be appropriate for every disaster and discretion will be used to determine the scale of services rolled out to respond, based on characteristics of the disaster, scope of assistance required and resources at the time.

Some of these services will be rolled out by the individual DLHV partner and some will be done in collaboration with other agencies.

### a) Federation of Community Legal Centres and member community legal centres ("CLCs")

- Provide legal information, referral and advice in affected areas through local generalist CLCs
- Provide specialist legal information and advice through statewide specialist CLCs
- Staff relief centres and or advice clinics with CLC staff and volunteer lawyers
- Undertake minor ongoing casework depending on capacity
- Undertake community development work with local communities and agencies to identify and respond to local legal needs
- Assist with development and delivery of community legal education
- Coordinate and manage of CLC response.

### b) Law Institute of Victoria

- Manage communication with media
- Compile a register of volunteer lawyers who are willing to staff relief centres or provide pro bono legal assistance (to be administered by PILCH)
- Coordinate additional legal assistance from private profession if required

### c) Public Interest Law Clearing House

- Staff relief centres and/or advice clinics with pro bono lawyers
- Receive, assess and refer individual requests for pro bono legal assistance

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<sup>3</sup> This list of examples is taken from the definition of emergency in section 4 of the *Emergency Management Act 1986*.

- Coordinate panel of specialist barristers with expertise across different areas of law
  - Source and develop fact sheets
  - Coordinate information road shows in affected areas
  - Administer pro bono contribution of Victorian barristers through the Victorian Bar's Pro Bono Scheme and the private profession through Law Institute of Victoria's Legal Assistance Scheme
- d) Victoria Law Foundation
- Coordinate development of fact sheets
  - Maintain the DLHV website, updating as appropriate with disaster-specific events, roadshows, services and fact sheets
- e) Victoria Legal Aid
- Host and staff DLHV 1800 hotline and coordinate warm referral process through DLHV partners
  - Provide legal information through DLHV hotline
  - Provide ongoing legal advice and representation through legal aid lawyers
  - Coordinate relief centres and collaborate with emergency services to get space etc
  - Staff relief centres and/or advice clinics with legal aid lawyers
- f) Victoria Legal Assistance Forum
- Convene meetings
  - Maintain accuracy of the Plan, including contact lists
  - Project management for the project.
- g) Victorian Bar
- Compile a register of barristers willing to provide pro bono legal assistance to those recovering from disaster (to be administered by PILCH)
  - Coordinate panel of specialist barristers to provide secondary support to lawyers at relief centres and local CLCs (to be administered by PILCH)

#### **4. Branding and Communication**

With the creation of a single, unified response from the legal sector, DLHV will provide a 'one stop' single entry point for legal advice. One logo and one name with strong branding will be used at all times and in all communications regarding provision of legal assistance in response to disaster. Information will be available on the DLHV website [www.disasterlegalhelp.org.au](http://www.disasterlegalhelp.org.au).

At an early stage in responding to a disaster, the DLHV should appoint a single spokesperson to handle any media communication. This should occur at or soon after the teleconference that is called under section 2c) of the Plan.

Individual DLHV partners will refrain from communicating provision of legal assistance under their own agency name, unless the decision has been made not to mobilise a coordinated DLHV response.

Media releases will be agreed on by at least 3 DLHV partners before being released.

## **5. External engagement**

Collaboration with non-legal organisations is critical to any legal response. In the immediate aftermath of disaster, non-legal organisations may be the first on the scene and working closely with case managers, health service providers and other emergency services will be critical in the early stages of trauma. DLHV partners will communicate regularly with non-legal service providers in an effort to publicise DLHV services and to attract appropriate referrals from individuals.

DLHV will consider which external stakeholders will be important to work with in response to a disaster. The following agencies will be considered:

- Department of Justice
- Department of Human Services
- Local Councils in disaster affected areas
- Any statutory authority established to respond to a disaster (e.g. Victorian Bushfire Reconstruction and Recovery Authority)
- Any trustee/fund set up to administer grants of money
- Centrelink
- Insurance Council of Australia
- Financial Ombudsman Service

## **6. Periodic Meeting of DLHV partners**

The Victorian Legal Assistance Forum ([www.vlaf.org.au](http://www.vlaf.org.au)) will coordinate and chair meetings of the DLHV partners to share information about disaster management, resourcing capacity of each agency and update the DLHV website as appropriate.

## APPENDIX A

### Contact People at DLHV partners

<b>DLHV Partner</b>	<b>Contact Person</b>	<b>Contact Details</b>
Federation of Community Legal Centres (Victoria)	Executive Officer	96521500
Law Institute of Victoria	Public Affairs Manager	9607 9373
Public Interest Clearing House	Executive Director	8636 4405
Victoria Law Foundation	Executive Director	9604 8100
Victoria Legal Aid	Director of Civil, Access and Equity	9269 0234
Victorian Bar	General Manager	9225 7111
Victorian Legal Assistance Forum	Project Manager	9269 0234