Pro Bono Response to Natural Disasters

By Olivia Roney

In October 2023, the Centre released its Report on Pro Bono Response to Natural Disasters.

The Report synthesises insights from 34 organisations across Australia, including legal aid commissions, community legal centres, referral schemes and law firms into 27 key national recommendations on pro bono best practice in this context. For a full list of contributors, please see here.

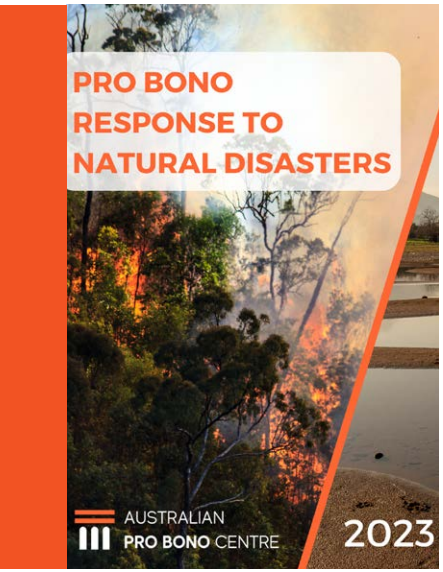
The Report briefly describes the disaster response landscape in New South Wales, Victoria, Queensland, South Australia, Western Australia, and Tasmania. It highlights areas of law that have arisen from natural disasters across Australia, focusing on the last five years. It extracts key learnings and recommendations for pro bono practitioners to consider when offering their support during live disasters in each jurisdiction, and how they might better support disaster resilience and preparedness outside of live disasters.

The Report identifies key areas of law and legal issues that have arisen or been exacerbated by natural disasters, such as:

- Insurance and insurance claims;
- Housing, tenancy, and accommodation, including issues with temporary and emergency housing, and displacement;
- Credit and debt matters, and bankruptcy;
- Property, including property damage and planning laws;
- Social security rights, including challenging Centrelink decisions;
- Accessing disaster relief payments;
- Lost or destroyed documents, including identity and title documents, and issues related to not having identity documents in the first place;
- Commercial and small business matters;
- Parenting and child support;
- Domestic and family violence, including restraining orders;
- Employment law;
- Wills and estates;
- Coronial inquests and commissions of inquiry;
- Consumer goods and services, including scam support, hire purchase agreements and lemon cars;
- Use of donations for disaster relief and compliance with fundraising laws;
- Risks of informal volunteering;
- Liability of individuals or informal groups during disasters; and
- Deregistration of organisations who had not complied with document lodging.

A snapshot of key recommendations from the Report include:

1. Preparedness: Pro bono providers should assist communities with disaster preparedness in addition to providing direct support during and in the aftermath of disasters.



2. Established partnerships: Pro bono providers should be building and maintaining partnerships with community legal centres and pro bono referral schemes outside of live disasters. Pro bono providers should not be attempting to establish new relationships during live disasters.

3. Long-term commitment: Pro bono support should reflect the long tail of disasters and support should be extended beyond a live disaster.

4. Responsiveness to need: Pro bono providers should work alongside their community partners and be responsive to the stated needs of disaster affected communities, and the legal assistance sector.

5. Local-first and place-based: Pro bono providers should recognise the role of locally-led and place-based responses by working with local legal assistance providers and local pro bono providers.

6. Support for First Nations-led responses: Pro bono providers should consider how they can support First Nations-led disaster response, as well as incorporate culturally informed practice into their response.

7. Engagement of in-house lawyers: Referral schemes should consider engaging more with in-house pro bono lawyers to undertake disaster response work.

8. Careful consideration as to attendance in disaster-affected communities: Pro bono providers should consider the appropriateness of and need to physically attend recovery centres. When pro bono support is required in the immediate aftermath, it should be at the request of the legal assistance sector.

9. Trauma-informed training: Pro bono providers should be engaging in trauma-informed practice and culturally informed training. This training should be undertaken year-round, and not for the first time when a disaster occurs.

10. Eligibility for pro bono assistance during disasters: The Centre should facilitate discussion with the sector and issue guidance on the definition, eligibility and means tests for receiving pro bono assistance during natural disasters.

"Congratulations to the [Australian] Pro Bono Centre on the release of this report! It is an exciting step for the sector as a whole to be considering best practice models for disaster – related legal assistance, and given the likely state of summer and the years ahead, is timely and important. The report is detailed and interesting and I hope serves as a valuable tool for those engaged in supporting communities impacted by extreme weather events."

—Melanie Kallmier, Legal Services Manager and Solicitor at the Mid North Coast Legal Centre

There is an increasing need for legal assistance providers to deliver disaster response assistance, as proven by the frequency and severity of disasters in Australia in the past five years. The Centre hopes that these insights can serve as a blueprint for the pro bono sector's involvement in the natural disaster legal response into the future. ■

Olivia Roney joined the Centre in October 2022 as a Policy and Project Officer. With a background in social entrepreneurship and systems change, she is the recipient of a Good Design Award and was recognised as a Young Social Pioneer by the Foundation for Young Australians. Olivia is a Director of Pride by Side, a global network of experts building the capacity of LGBTIQ+ initiatives, and was nominated for Out for Australia's 30 Under 30 in 2023 and 2022. She holds a Bachelor of Laws and a Bachelor of Business (Economics) from the Queensland University of Technology, and was admitted to practice in New South Wales in 2022. In 2024, she joins Johnson Winter Slattery as a graduate.

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