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Bushfire Lawyer: small but important part in disaster recovery

Disaster recovery is complex and drawn out. The challenges people face are varied and require wide-ranging and collaborative supports.

John* and Catrina* were referred to HRCLS's Bushfire Lawyer by Gateway Health's Bushfire Recovery Case Management team in December 2020. Twelve months earlier bushfires roared across the Upper Murray, destroying dozens of homes and farms, including John and Catrina's home and newly planted orchards, permaculture and conservation farm business.

The issue below was only one of many for John and Catrina, but shows the hurdles and timelines involved. As John stated: "In some ways, the recovery has been harder than the actual fires. The fires were traumatic, but they came and went. The recovery feels like it is never-ending."

Huge task recovering post-bushfires

Since that time, John and Catrina have undertaken the massive job of disaster recovery: claiming insurance, re-planting, planning and seeking permission to re-build all whilst arranging temporary accommodation and looking after their own personal recovery. All that remained on their property of four years was a small timber shed and garden shed, their home, equipment, machinery and other sheds destroyed.

Support hard to access

One of these many steps included making an application for a Victoria Government bushfire grant, administered by Rural Finance. The amount accessible was \$75,000 for primary produced affected by the fires. However, John and Catrina's grant application was denied on the basis they did not have an active ABN at the time of the fires, one of the strict criteria set out in the grant guidelines. During interactions with grant staff, John and Catrina felt they were treated as though they were running a large farm and had not spent enough since the fires despite spending \$90,000 in irrigation alone.

Another hurdle to overcome

Due to John and Catrina's orchard business being new and literally growing, their accountant advised them they did not need an ABN. Despite extensive evidence they invested heavily in the business of primary production, as well as evidence of their total loss from the fires, the application remained denied, after appeals over several months.

Seeking justice and a fair

The HRCLS Bushfire Lawyer supported John and Catrina to make a further appeal in a last attempt to get support. The lawyer advised them of options to address their ABN issue and provide submissions regarding a recent Administrative Appeals Tribunal (AAT). In May 2021, the grant was issued on appeal.

Collaborative approach to community care

HRCLS continues to work closely with Gateway Health, Bushfire Recoveries Victoria, AgBiz and the many other services supporting fire-affected communities. Gateway Health was assigned to case management and their focus was on ensuring John and Catrina got all the financial assistance being offered.

Local lead agency praises legal response as part of recovery effort

“Gateway Health’s Bushfire Recovery Team really appreciates the support UMFC and the HRCLS team have been giving to us since the beginning of the recovery process, and my team and I have often reflected on how good it is knowing that there is legal advice available for our clients when we they need it.

“The law is a scary and confusing place for people not trained in it, but Deb and the team make it so much less scary with every interaction.

“Gateway is extremely grateful for our relationship with UMFC and its wonderful team, and we’re proud to be supporting the people of our region alongside such a wonderful service.

“The Bushfire Recovery Team has been working closely with Harley Dannatt in his role as a lawyer supporting bushfire impacted individuals and families for a number of months, and in that time have been consistently impressed with his skill, diligence, professionalism, and compassion. Working with severely traumatised individuals who are facing multiple complex issues is not easy, and it takes a particular skill-set and a strong understanding of trauma-informed practices to engage with them successfully. Harley has that and more.

“My team have often reflected on how grateful they are to have Harley’s advice and support, and how thankful their clients are for his ability to clearly and carefully walk them through the often intricate technicalities of the law, using language they can understand.

“Harley is an asset to Upper Murray Family Care, and he has been a gift to the disaster recovery sector in the North-East.”

Jarryd Williams, Manager Bushfire Recovery Program

Legal Health Check training gateway to increased understanding of legal issues

“In conversations with members of my team throughout the day, everyone agreed it was some of the better training we’ve received since being plunged into the world of video-conferencing. With every tech-hiccup that came along they managed to keep us engaged - which is no small feat.

“The team also appreciated the question and answer section at the end, where there was the opportunity to pepper HRCLS with a couple of questions.

“The presenter was very reassuring, supportive and empowering as we did the case studies, and you could see my team growing more confident in their responses as the training progressed. I was incredibly impressed, and feel that that ability she demonstrated is a real asset in any trainer.”

Jarryd Williams, Manager Bushfire Recovery Program