

Disaster, Disability and the Law

Presented by

Matilda Alexander - CEO

Acknowledgement of Country

I begin today by acknowledging the Jagera and Turrbul people, Traditional Custodians of the land from which I come to you today, and pay my respects to their Elders past and present. I extend that respect to all Traditional Custodians of the lands which our attendees are on, and any Aboriginal and Torres Strait Islander peoples here today.

We acknowledge the stories, traditions and living cultures of Aboriginal and Torres Strait Islander peoples on this land and commit to building a brighter future together.



About QAI

Queensland Advocacy for Inclusion (QAI) is an independent non-profit advocacy organisation and specialist community legal centre for people with disability.

Our Purpose

To advocate for the protection and advancement of the needs, rights and lives of people with disability in Queensland.

What we do

Systems advocacy directed to attitudinal, law and policy change.

Individual advocacy providing specialist advocacy to people with disability in Queensland.

Our services

- Mental Health Law
- Human Rights Law
- Justice Support Advocacy
- Supported Accommodation Inquiry Support
- NDIS Appeals Advocacy
- Young Peoples Advocacy
- Education Advocacy
- Disability Advocacy Pathways



Disasters

Storms



Floods



Cyclones



Air
pollution



Bushfires



Heatwaves



Legal impacts



Housing



Employment



Social security



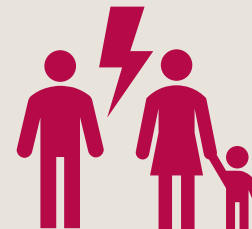
**Credit, bankruptcy &
insurance matters**

Other frequent problems include:

Family law



**Domestic &
family violence**



Disability impacts

A study by the University Centre for Rural Health in Lismore found that people with disabilities and their support workers are more likely to have their houses flooded and still be displaced six months after the flood event.

The study also found people with disability were at greater risk of Post-Traumatic Stress Disorder.

This ABC article also shone a light on the issue.

South-east Queensland flood emergency posed particular and urgent problems for people with disabilities

By Sarah Richards

Posted Tue 15 Mar 2022 at 5:39am



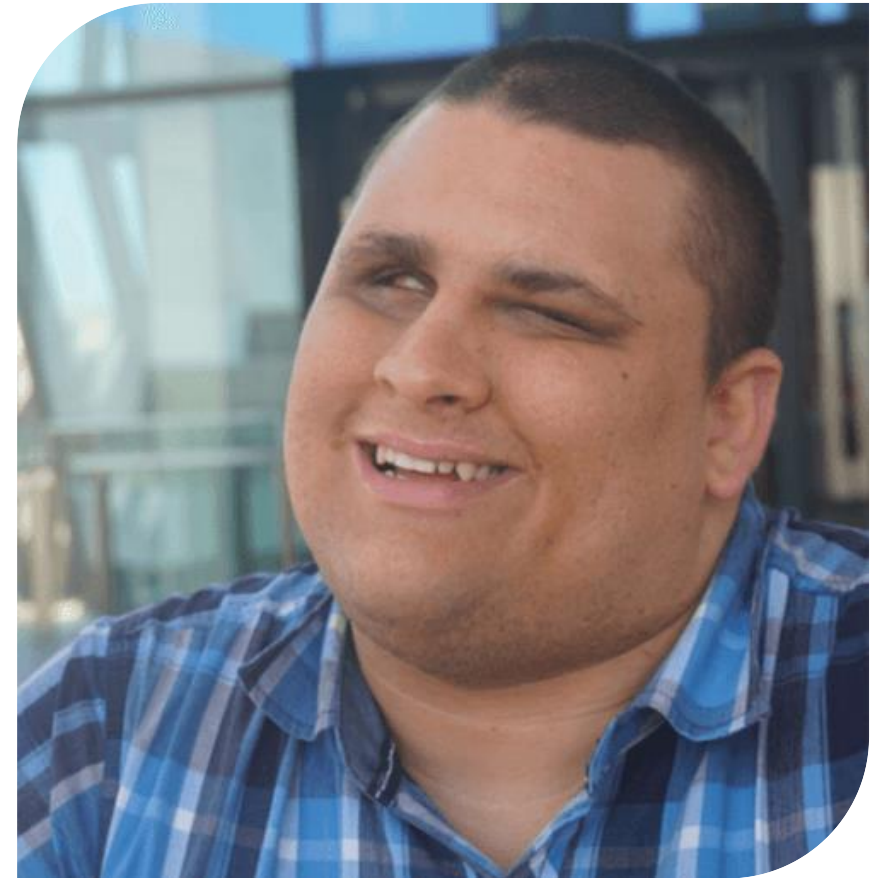
Marayke Jonkers said people turned to social media for assistance. (Supplied: Marayke Jonkers)

Examples

Case study

Brendon is totally Blind. When the building he lives in was flooded in 2022 he was left alone and forgotten about. The lift and intercom were not working, and the entrance points of his building had changed without his knowledge. He was not told of the evacuation Policies and Procedures of the building. He did not know what to do in an evacuation situation.

He reported to The Community Housing Provider (CHP) that dozens of other people with disability in the building did not have adequate emergency response plans in place. Still, today, Brendon is awaiting an adequate response from The Community Housing Provider (CHP).



Brendon

Examples

Case study

A woman with reduced mobility relies on a lift to access her inner-city apartment. She is unable to use stairs. During the flood she became trapped in her unit and for months after the flood she was unable to return to her home because it was inaccessible. Despite this, she was required to pay rent.



Stock image

QAI Resources

Our booklet **Natural disasters, disability and the law** and accompanying fact sheet cover:

- Discrimination
- Human rights
- NDIS service providers
- Duty of care
- Property and tenancies
- Insurance
- Criminal law, government and police powers
- Developing an Inclusive Emergency Response Plan
- Access to evacuation and other services



Discrimination

Denying a person with a disability:

- A safe and suitable evacuation plan
- Accessible evacuation information
- Safe and suitable accommodation
- Access to services
- Their assistance animal



Human rights

- Right to life
- Freedom of expression
- Equality
- Freedom of movement
- Health services
- Property



NDIS Service Providers

- Access to supports
- Planning for disaster
- Training to implement plan
- Plans are reviewed and updated



Duty of care

Duty of care is owed by people in a position of power, e.g. doctor, landlord etc.

Negligence requires:

- Duty of care
- Failure to do something
- You suffered harm

You can get compensation.



Duty of care

Some general examples of what support workers and organisations are required to do to fulfil their duty of care, are:

- Deliver care to you that is safe and does not put you at risk of harm.
- Ensure you have sufficient support and notify the NDIS Quality and Safeguards Commission if it is not possible for you to receive the supports you are entitled to under the NDIS.
- Organisations must have processes in place to ensure the support workers they send to care for you do not put you at risk of harm.



Property & tenancy

- A person must not refuse you access to, or use of, a property or any facilities that are open to the public because of your disability. They also cannot make you leave the property or stop using the facilities because of your disability.
- Alterations to accommodation should be allowed if you pay and return the property back to original condition.
- Assistance animals.
- You can notify the landlord you are leaving if the accommodation is unfit due to natural disaster.



Insurance

- May cover damage to property
- Damage to mobility equipment
- Costs of medical treatment
- Vet bills for assistance animal
- Discrimination in insurance is sometimes lawful, e.g. they can refuse to offer or to change terms or cost if based on data or other relevant factors.



Criminal law and police

A declaration of disaster can mean special powers to prevent or minimise:

- Loss of human life
- Injury or illness
- Property loss or damage
- Damage to the environment



Resources and links

The following services may be able to provide evacuation information and help during a natural disaster:

Get Ready Queensland

Information about preparing for a natural disaster with disability. Go to link [GetReady.qld.gov.au](https://www.getready.qld.gov.au)

Flood Check Queensland

An interactive map which gives you access to flood information and data. Go to link [FloodCheck.information.qld.gov.au](https://www.floodcheck.information.qld.gov.au)

Queensland Government's Disaster recovery support

Information about financial help and support services to help you recover if you're affected by a disaster. Go to link [qld.gov.au/community/disasters-emergencies/disasters](https://www.qld.gov.au/community/disasters-emergencies/disasters)

NDIS National Contact Centre

If there is flooding and you had to evacuate, call 1800 800 110 and press 5 if you need temporary access to services, assistive technologies, or supplies.

QAI Resources

Booklet [Natural disasters, disability and the law](#) and fact sheet [Disaster events and disability discrimination](#).

Contact us



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