

Community Legal Centres Queensland Webinar

2 June 2022

*Climate change and legal need:
What do we know? Where are the gaps?*

Monica Taylor QUT School of Law | Faculty of Business and Law

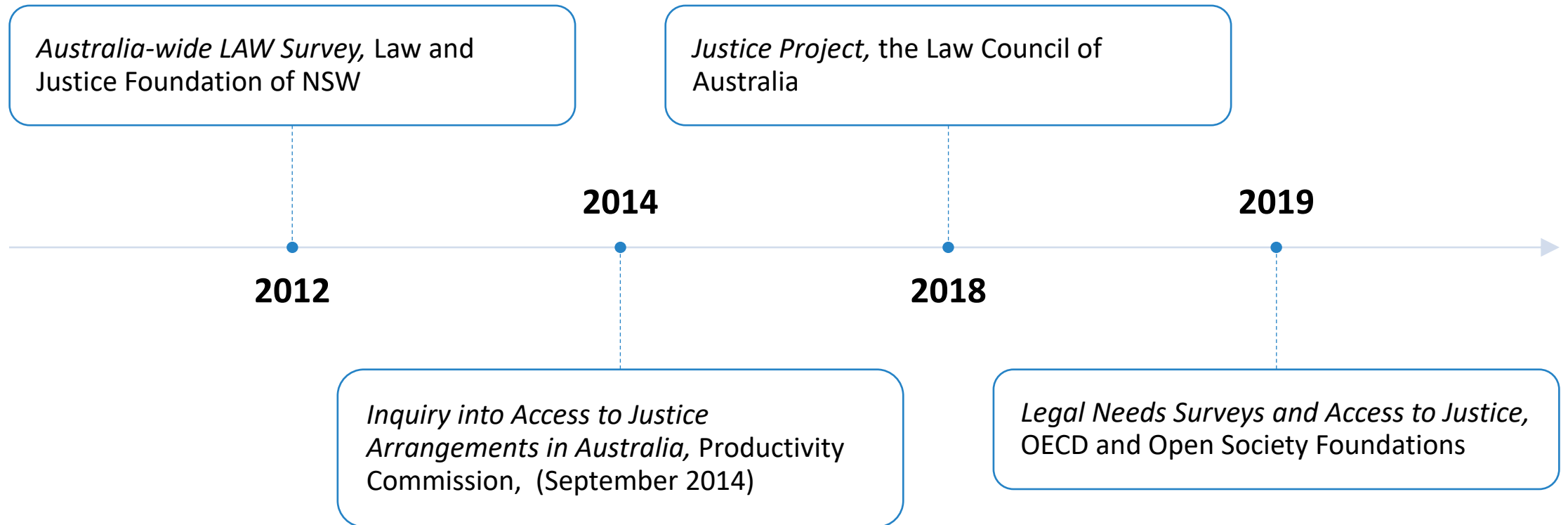
monica.taylor@hdr.qut.edu.au



Webinar overview

- First... what do we know?
- Civil law need and climate impacts (disasters and slow onset)
- Social science literature and CLC priority clients
- Extreme heat as a likely factor in generating civil legal need
- The role of geography in estimating climate-induced legal need
- Where to from here?

Legal need surveys establish ‘problem clustering’ for vulnerable cohorts of the community. Australia’s most disadvantaged people experience multiple and intersecting legal problems that often go unaddressed.

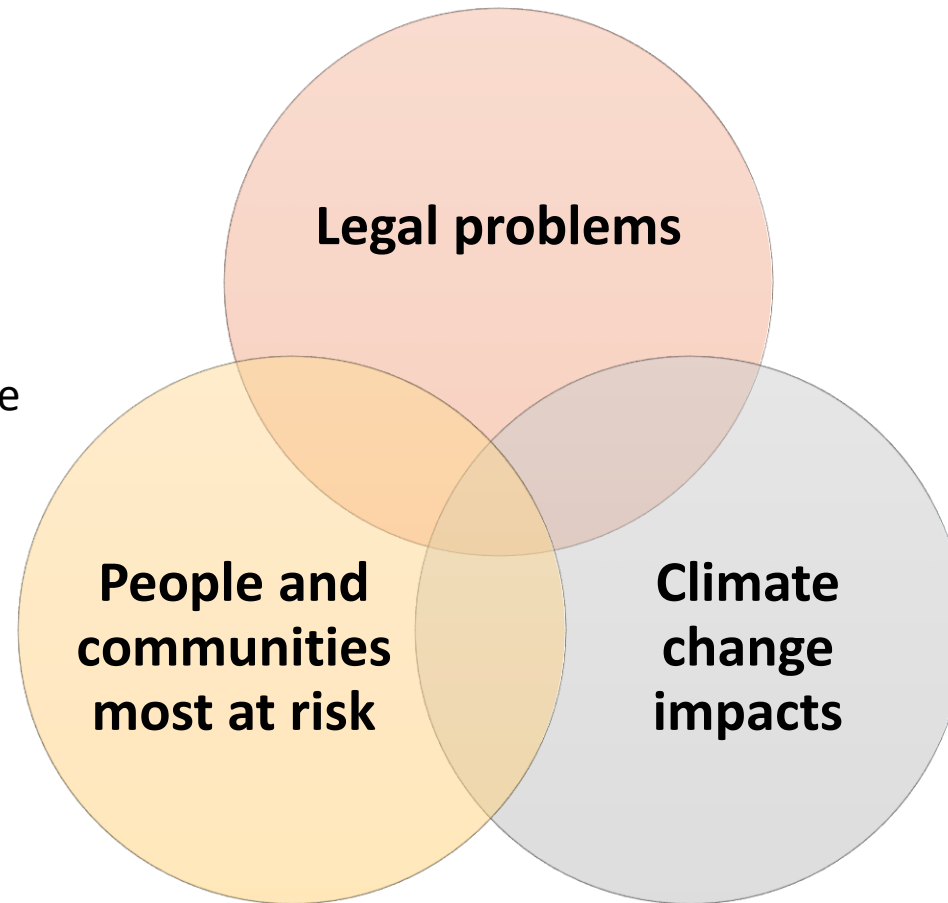


Multiple, intersecting drivers and responses

CLC clients are...

- Children and young people
- Indigenous Australians
- Older people
- People at risk of family violence
- Homelessness
- Prisoners & people in custody
- Rural and remote
- People with disability
- People with mental illness
- Culturally linguistically diverse
- Single parents
- Low education levels

A3 National Priority Client Groups, NLAP



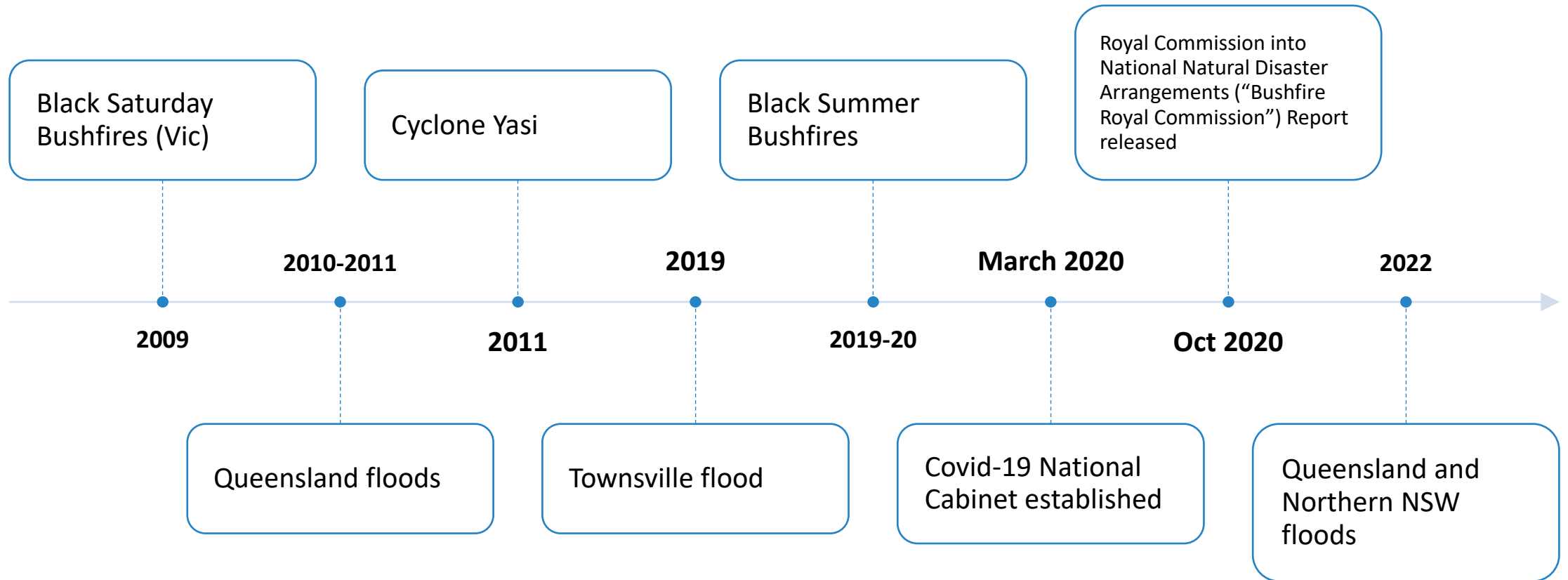
Common legal issues...

Tenancy, employment, credit/debt, consumer, disability, mental health, insurance, administrative, domestic violence

Climate change brings...

Floods, bushfires, storms, extreme heat, air pollution, reduced water quality, drought, food insecurity, environmental depletion, allergens

Recent timeline of some extreme weather events in Queensland and other parts of Australia



Civil law need and climate impacts?

Civil law issues arising from extreme weather events

- Some evidence from the Bushfire Royal Commission
- Some evidence from program delivery in Queensland and Victoria (Disaster Legal Help)
- International evidence i.e., USA, New Zealand, Japan
- Increasing awareness through current affairs and media stories e.g., ABC Law Report

Civil law issues outside the disaster cycle

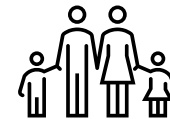
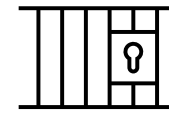
- Legal issues arising from slow onset climate change are harder to spot
- No framework for the sectors to understand what the hidden legal need is, when it is likely to arise, how to best service that need
- Extreme heat may be an important contributing factor (employment, tenancy, administrative)

Structural climate vulnerability underpins disasters

- Climate justice responses address underlying social, economic and political drivers that make people susceptible to the impacts of climate change

Climate impacts on priority groups

- Look at the social science evidence of climate change impacts on priority client groups, and their climate adaptation needs.
- Emphasis on intersectionality, and tailored responses for each community.
- Caution about language and labelling of certain groups as 'the most vulnerable'
- Essential that impacted people and communities have a voice in adaptation responses (procedural justice, and justice-as-recognition)



People with disability (PWD) and their carers?

- Inclusive planning in times of disaster

- Interrelated issues increase the vulnerability of PWD and their support networks to disaster: transport, living situation, social connectedness, assistance animals, everyday discrimination, assistive technology needs.

Michelle Villeneuve et al, 'Applying a Person-Centred Capability Framework to Inform Targeted Action on Disability Inclusive Disaster Risk Reduction' (2021) 52 *International Journal of Disaster Risk Reduction* 101979.

- International evidence that PWD experience greater challenges during recovery and require more support post-disaster (Hurricane Katrina)

Laura M Stough et al, 'Barriers to the Long-Term Recovery of Individuals with Disabilities Following a Disaster' (2016) 40(3) *Disasters* 387.



Children and young people?

56% - humanity was doomed

75% - the future is frightening

83% - people have failed to care for the planet

52% - family security will be threatened

39% - hesitant to have children



Elizabeth Marks et al, *Young People's Voices on Climate Anxiety, Government Betrayal and Moral Injury: A Global Phenomenon*, The Lancet, 7 September 2021.

Extreme heat

- Heatwaves are a 'silent killer' causing more deaths than any other extreme weather event.
- Defined as 'Three or more days in a row of unusually high temperatures relative to the local long-term climate and recent past.'
- South-East Queensland is a recognised climate change 'hotspot' (Garnaut, IPCC)
- Brisbane is vulnerable due to its high humidity. Urban areas are particularly heat vulnerable due to the 'heat island effect'

Yuming Guo et al, 'Projecting Future Temperature-Related Mortality in Three Largest Australian Cities' (2016) 208 *Environmental Pollution*

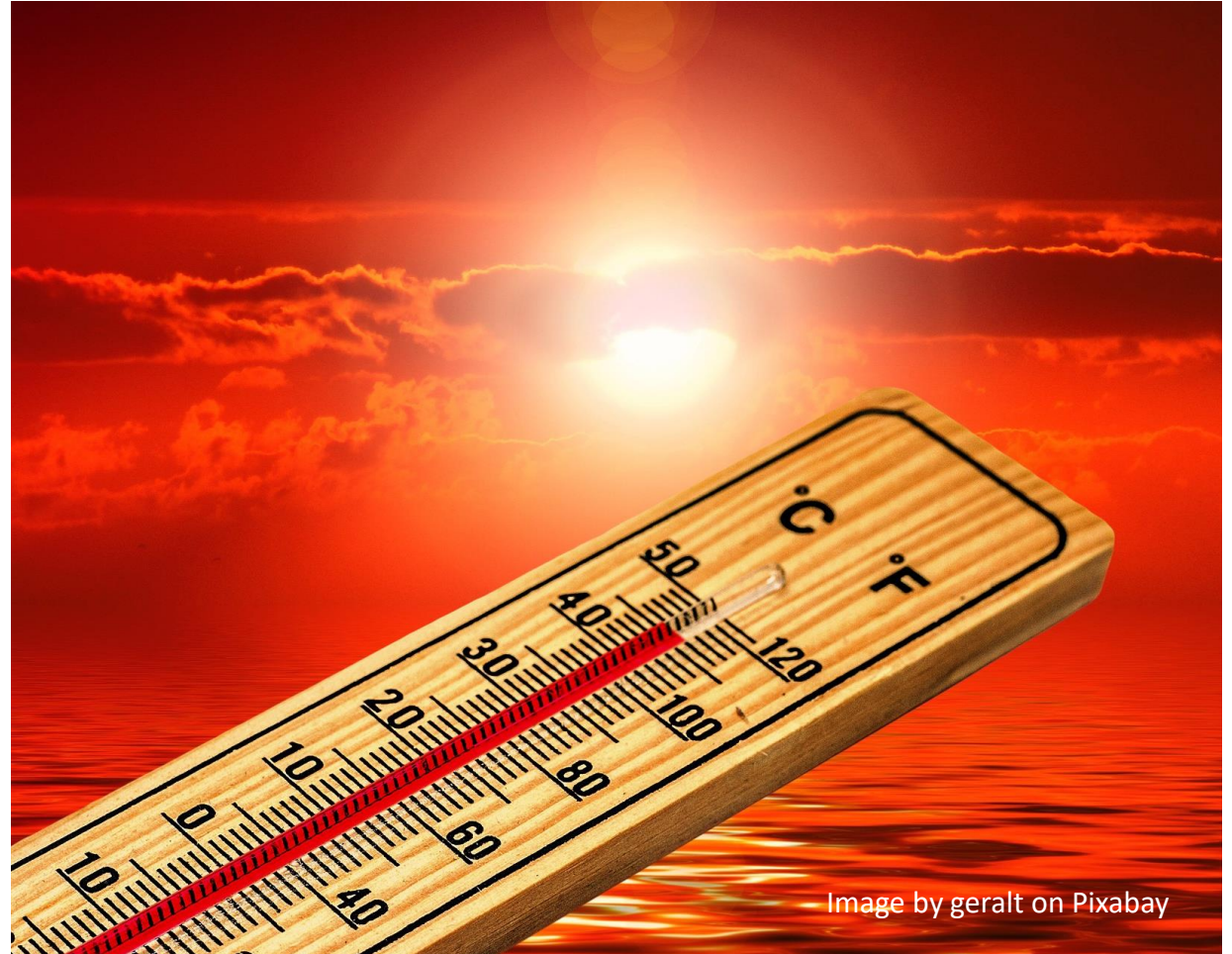


Image by geralt on Pixabay

Extreme heat

- Heatwaves are described as inherently unfair as they prey on the vulnerable
- Children, the elderly, PWD, people experiencing homelessness, people living with energy poverty/poor ventilation.
- Evidence that extreme heat can be weaponised against vulnerable people, e.g. prisoners, DFV.
- Evidence of high heat across employment law, tenancy law, administrative law.
- Coroner's Court of Queensland decisions underscore the danger of working in extreme heat
 - Inquest into the death of [Glenn Richard Newport](#) (Brisbane) 20 April 2016
 - Non-inquest findings into the death of [Oliver Max Caramin](#) (Cairns) 20 August 2021

'My apartment is literally baking': calls for minimum standards to keep Australia's rental homes cool

People are 'sweltering in poorly insulated rentals, getting sick and sometimes even dying', social services advocate says

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Thornbury resident Cass Willcocks has been sweltering through Melbourne's hot weather as her west-facing rental apartment has no internal cooling. Photograph: Christopher Hopkins/The Guardian

Opinion
Weaponised weathers: heat, Don Dale, and 'everything-ist' prison abolition

BY STELLA MAYNARD



Call for air-conditioners in 'inhumane' cells after outback heatwave triggers prison riot

By Rani Hayman and Matt Garrick

Posted Mon 31 Dec 2018 at 1:25pm



Links to: [Guardian article](#) 1 Feb 2022, [Weaponised weather blog](#) (author Stella Maynard) 2019, [ABC article](#) 31 Dec 2018

The role of geography in considering climate change-impacted legal need

Climate Council has profiled Australia's most climate-vulnerable places

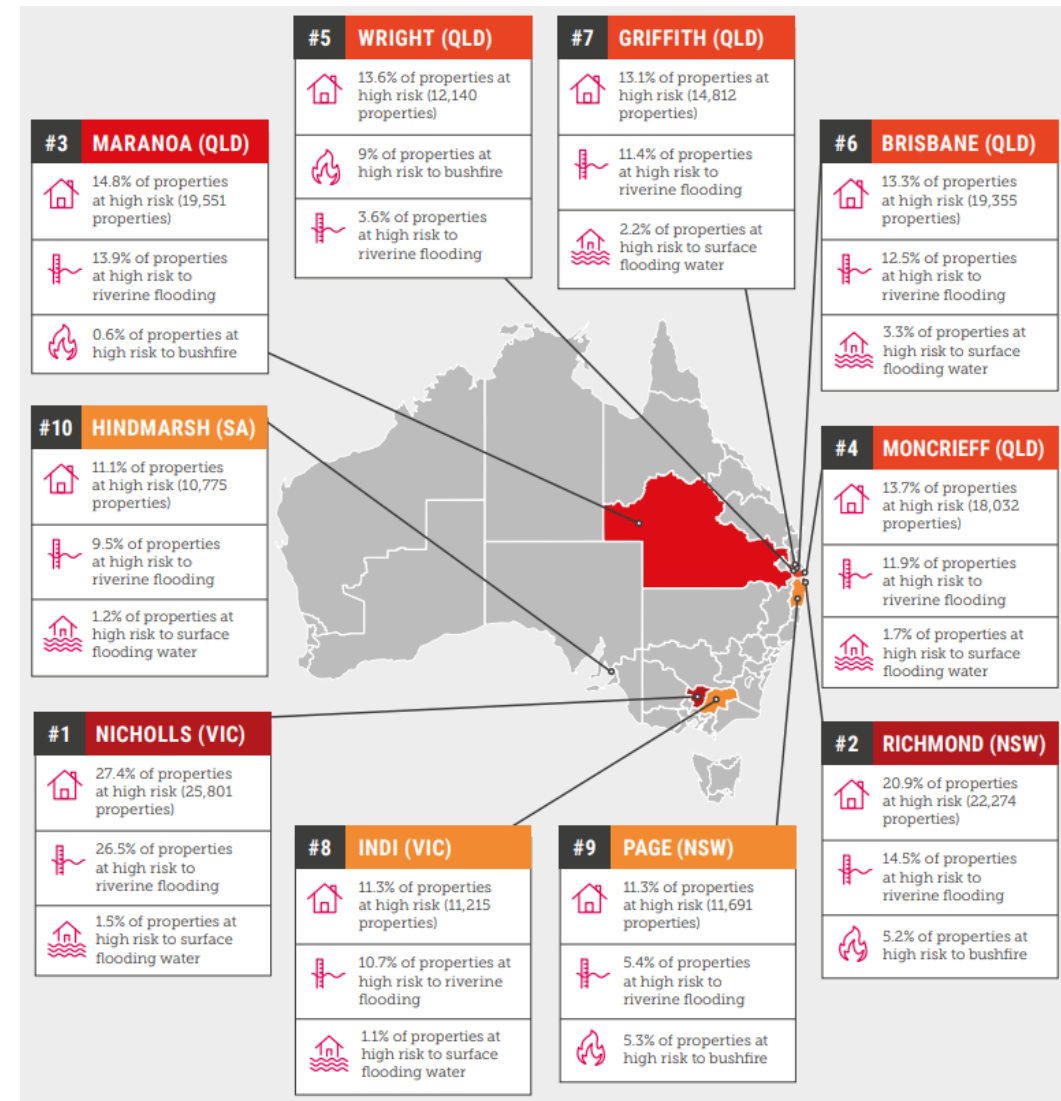
Climate Risk Map (interactive)

<https://www.climatecouncil.org.au/resources/climate-risk-map/>

> The top 10 most at-risk federal electorates by 2030 are:

- | | |
|---------------------|---------------------|
| 1. Nicholls (Vic) | 6. Brisbane (QLD), |
| 2. Richmond (NSW) | 7. Griffith (QLD), |
| 3. Maranoa (QLD) | 8. Indi (Vic) |
| 4. Moncrieff (QLD), | 9. Page (NSW) and |
| 5. Wright (QLD), | 10. Hindmarsh (SA). |

> In these at-risk electorates, 15% of properties (165,646), or around one in every seven properties, will be uninsurable this decade.



In summary

- Increasing, professional 'on the tools' understanding about civil legal need in disasters
- Backed up by limited (but growing) evidence through industry reports
- Gaps in our understanding about civil law needs outside the disaster cycle
- Extreme heat is a likely significant climate factor, but we need empirical research
- Importance of climate literacy for our specific communities of interest



Takeaways

What does a climate justice response look like for your clients?

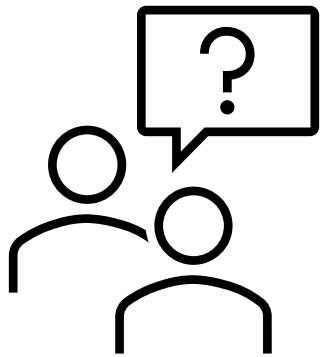
- Distributive, procedural, justice-as-recognition
- Legal work that is more preventative, less reactive?
- There is a need to avoid 'climate adaptation privilege' (Anguelovski and Pellow, 2020)

An opportunity to build your climate consciousness

- Climate conscious lawyering - Justice Brian Preston
- Subscribe to Climate Council updates
- CLCQ webinar archives, lots of useful information
- ABC Law Report archives: [Legal needs of flood victims](#) (March 2022), [Bushfire smoke, air pollution and the law](#) (Feb 2020) [Legal Aid in bushfire zones](#) (Dec 2019)

Consider local adaptation efforts and alliances

- Local government?
- *Human Rights Act 2019 (Qld)* to advocate for climate adaptation response that are non-discriminatory, fair and just



Thank you for your time

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