

Disaster Justice

Learnings from Victoria

Presented by Dr Bronwyn Lay

Acknowledgement of Country



Acknowledgement
Aboriginal Australia Wall Map, D R Horton, Aboriginal Studies Press, AIATSIS, 1996

Disclaimer and Warning:
Not suitable for use in native title and other land claims
This map indicates only the general location of large groupings of people which may include smaller groups such as clans, dialects or individual languages in a group. Boundaries are not intended to be exact. For more information about the groups of people in a particular region contact the relevant land councils.

Victoria and Queensland – not the same

- Size – sector and distances
- Geography and cultures
- Funding environments
- Jurisdictions
- Capacity and support
- Hazards
- Emergency Management and disaster frameworks
- Different frames of risk

VICTORIA: THE JOURNEY SO FAR

- 2009 Black Saturday Bushfires = DLHV partnership born
- 2019/20 Black Summer unmet legal need and community demand = DLHV and CLC responses
- 2022 Floods = collaborative sector statewide response
- By 2025 = half Victoria's CLCs working on climate justice and disaster projects and initiatives
- Collaborative and relational model: DLHV, CLCs, CSOs, LGAs and EM, Intra and inter-state knowledge exchanges and support

DISASTER JUSTICE

- Everything feels uncertain – emerging but also compounding
- We **all** have low disaster and climate justice literacy
- New practice areas of law and community engagement
- Need organisational and service delivery resilience
- Adaptive and nimble responses demanded
- Lack of institutional recognition for fundamental shifts
- Maladaptive funding and governance environments
- Capability and capacity building: iterative CoP models
- ‘Smooosh’ of DRR cycle: concurrent and un-resourced
- Prevention and early intervention not yet recognised
- Data and evidence base insufficient
- Need for trusting collaborative relationships between unfamiliar partners

THE CLIMATE JUSTICE FIELD GUIDE

FOR COMMUNITY LEGAL CENTRES

The Federation Climate Justice Field Guide for Community Legal Centres is a journey through the learnings and experiences of Victoria's CLCs as they seek to embed climate justice into practice, organisational culture, advocacy and with the communities and lands in which they live and work.

This guide is the culmination of the lived experience of Victorian community legal centres and their communities.

It provides **insights, strategies** and **practical steps** for understanding, implementing and promoting climate justice within communities.

Providing guidance to ensure CLCs are **resilient** and can build their **capabilities**.



CLIMATE JUSTICE TOOLBOX

The Climate Justice Toolbox is an iterative resource, to which guides and resources will be added as we embark on this journey. The digital toolkit will be updated regularly as the capacity of community legal centres grows.



IDENTIFYING DISASTER LEGAL NEEDS

Extreme weather events are often followed by a long tail of legal need.

- Problems may not initially appear to be legal but eventually require engagement with legal processes
- Lack of services, community engagement or community legal education

IDENTIFYING DISASTER LEGAL NEEDS

Public Understanding of Law Survey (PULS) by the Victoria Law Foundation:

- **Climate impacts compound and exacerbate** pre-existing legal issues
- 2019–2020 bushfires **resulted in significant legal need**, with bushfire-affected individuals more likely to experience problem clustering and report adverse consequences flowing from legal issues
- **Only small number of bushfire-affected individuals linked their legal needs to the bushfires**
- **Absence of connection** between disaster and legal need is one of biggest challenges CLCs face because it **creates barriers for early intervention** and requires pre-emptive community legal education

Cascading and compounding climate impacts and legal needs

The **community lawyering** approach to disaster response and recovery incorporates:

- Local and community-led engagement
- An emphasis on relational ways of working
- Trauma-informed holistic care
- Adaptiveness and responsiveness
- A wide range of different areas of law and practice
- Integrated, holistic, place-based transdisciplinary approach best practice

Taylor and Lay (2022)

Key Learnings

- Law as second disaster: determines recovery outcomes
- Build shared language and objectives
- Patience with uncertainty and iterative approach to adapting
- Trauma informed: socio-ecological
- Harvesting and sharing learnings
- Integrated disaster justice means wearing many hats and acquiring new capabilities
- Leadership and management support for innovative approaches matters
- Limits to complexity and overwhelm: systemic and interconnected trust

Queensland experience



Aaron Finn
Director







DISASTER READINESS FOR THE
LEGAL ASSISTANCE SECTOR:

DISASTER LEGAL
ASSISTANCE IN
QUEENSLAND

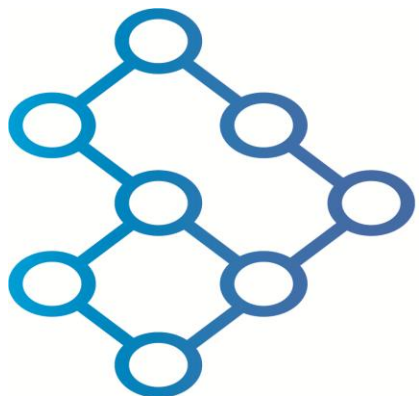
STAGE 1

REPORT + PROPOSAL



TOWNSVILLE
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January · 2021



HUB
Community
Legal



MAKE A *Difference*

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HUB
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Local Climate Disaster Risks

- High riverine flood risk (Brisbane and Bremer River catchments)
- Major events in 2011 & 2022 (property damage, displacement, long-term recovery)

Community Profile (Inala - 2021 Census All persons QuickStats)

- Younger population (Average age 34 vs QLD average of 38)
- Culturally and linguistically diverse (45% of households speak a language other than English)
- Lower income levels

HUB Community Legal

- Mid-size, generalist CLC (child protection, family, DV, civil & criminal law)
- Community-based and co-located with HUB Community Projects & Inala Youth Services

How climate disaster demand has been transforming our work?

- Strengthened community networks
- Broadened service scope
- Intensified service delivery



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Victoria & Queensland

Shared Approaches

- Disaster work as part of everyday practice
- Community-embedded legal support with a trauma-informed approach
- Importance of peer support networks

Key Distinctions

- Geography and Service Reach
- Community of Practice - Coordination and Tools
- First Nations Leadership and Inclusion

Experience responding to disasters

- Jacqui Cavanagh (Senior Lawyer)
Disaster Recovery and Preparedness Service



Today's presentation

2011 SEQ Floods

2022 Floods and Rain event – southern Qld

2025 ex-Tropical Cyclone Alfred



3. Key Learnings and reflections

It's important to collaborate with other professionals

Connect with clients through referral pathways

Keep an eye out for new emerging legal issues

There are real service gaps in helping people get ready, or do resilience work₂₃

Scenario Part One

Five days before Christmas, extreme heat warnings continue across Queensland. The community legal centre (CLC) is operating at half capacity, with many staff on leave. Those remaining are handling urgent cases at court, conducting outreach, or finalizing documents.

Queensland State Emergency Service issues an urgent warning regarding Cyclone Claus, a Category 4 system rapidly approaching the southeast coast. Winds over 170 km/h have impacted northern coastal towns, and storm surges are flooding low-lying areas.

Train services across Greater Brisbane and regional Queensland were suspended at 2 PM due to power outages. Phone towers in Mackay and Bundaberg are down, worsening communication issues.

The cyclone is expected to make landfall near the Sunshine Coast within 12 hours, bringing destructive winds, heavy rainfall, and flash flooding. Townsville and Rockhampton are already experiencing severe flooding with homes suffering extensive damage.

Evacuation orders are in place for the Gold Coast, Bribie Island, Sunshine Coast, and surrounding coastal areas, including schools, hospitals, and aged care facilities. Despite warnings, courts remain operational, forcing duty lawyers to continue work while advising clients uncertain about attending hearings.

Erratic winds hamper emergency responses. Some residents delay evacuation due to work obligations or traffic congestion. Those who stay risk being stranded without power, water, or emergency services.

Heat warnings persist for inland regions, including the Darling Downs and Central Queensland, stretching emergency resources.

How does this impact:

1. You and your family/kin
2. Your role and your organisation
3. The public and community

Flag potential legal issues and needs as you go



Scenario Part Two

Cyclone Claus has made landfall, causing widespread destruction. A State of Disaster has been declared to coordinate emergency response. All prisons and correctional facilities are now in lockdown.

The Bruce Highway is closed south of Gympie due to flooding, with police enforcing roadblocks. Your CLC receives calls from the public stranded from home asking whether they need to obey police orders.

Residents are urged to follow evacuation orders and stay updated through emergency broadcasts. Your local ABC has lost signal, and your region is only receiving emergency broadcasts through the national station with no local details.

In Brisbane, 1,000 public housing tenants are being evacuated due to storm damage and service failures. Regional hospitals and medical centres are overwhelmed with dehydration, respiratory distress, and storm-related injuries, with many running on backup generators.

Courts remain open despite evacuation orders, leaving staff at the courts uncertain about whether to continue representing clients or advise everyone to leave and fulfill the evacuation orders. Sporadic closures add to the confusion.

Your phone lines are flooded with calls for assistance or advice about evacuation orders. Residents arrive seeking shelter, mistakenly believing the centre to be an evacuation site. Staff who stayed now face isolation, unable to leave due to road closures while also supporting displaced residents seeking shelter.

Summary and Close

