

TRANSCRIPT

LEGISLATIVE COUNCIL ENVIRONMENT AND PLANNING COMMITTEE

Inquiry into Climate Resilience

Melbourne – Wednesday 20 November 2024

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WITNESS

Dr Bronwyn Lay, Strategic Lead, Climate Justice Support Unit, Federation of Community Legal Centres.

The CHAIR: Welcome back to the proceedings of the Legislative Council Environment and Planning Committee's Inquiry into Climate Resilience in Victoria. We are joined by a representative from the Federation of Community Legal Centres. I will just read out this statement.

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Welcome. My name is Ryan Batchelor. I am Chair of this committee and a Member for the Southern Metropolitan Region. I will ask the committee to introduce themselves.

David ETTERS HANK: Hi, David Ettershank from Western Metropolitan Region and Deputy Chair of the committee.

Wendy LOVELL: Wendy Lovell, Northern Victoria Region.

Sarah MANSFIELD: Sarah Mansfield, Western Victoria Region.

Melina BATH: Melina Bath, Eastern Victoria. Hello.

John BERGER: John Berger, Southern Metro.

Melina BATH: And Gaelle Broad is from Northern Victoria.

The CHAIR: She will be back in a second. For the Hansard record, if you could please state your name and the organisation you are appearing on behalf of.

Bronwyn LAY: I am Dr Bronwyn Lay from the Federation of Community Legal Centres, Victoria.

The CHAIR: Thanks, Bronwyn. We will invite you to make an opening statement and then we will just dive into questions, if that suits.

Bronwyn LAY: I would like to acknowledge and pay my deep respects to the First Peoples of Victoria and acknowledge that sovereignty was never ceded. I acknowledge the traditional owners past and present and their ongoing care of country since time immemorial. In the spirit of truth-telling of the Yoorrook commission we can also recognise that all discussions about climate resilience must acknowledge the damage and destruction the legacy of land use planning has done to country and First Nations peoples over the past 250 years. In the spirit of treaty we must find ways forward to collectively care for country and respectively recognise that First Peoples' knowledge is integral to the legitimacy of any decisions about how we relate to land.

I would also like to acknowledge the invaluable contribution of Professor Murray Raff to this submission when he was with the federation's climate justice support unit. He has since retired and is currently sailing the coast of New Zealand.

Thank you for this opportunity to expand on the work that community legal centres are doing to ensure Victorians are climate resilient. The federation is the peak body for Victoria's 50 community legal centres. As climate impacts increase, community legal centres have been actively engaged in disaster response and climate justice work. The sector plays an important role in providing advice and representation to clients impacted by climate change and extreme weather events as well as working with communities to strengthen their preparedness and resilience. Community legal centres enable climate resilience in communities by offering

holistic place-based services. They use an integrated approach, collaborating with other organisations as well as delivering on really important community legal education.

The sector is responsive and effective in enabling communities to prepare for and recover from climate change impacts. While some communities and individuals have the capacity to prepare for climate impacts and increase their collective resilience, many do not. Most often these are the communities that community legal centres see and work with. Climate change compounds pre-existing legal needs and also creates new legal needs. The demand for legal help from community legal centres has grown because of ongoing climate disasters and impacts that directly affect and widen pre-existing inequalities in the Victorian community.

Community legal centres are an invaluable free legal assistance provider for those most affected by climate change, in particular those who face legal barriers to effective recovery, such as those living in economic, environmental and social precarity. The federation is concerned that as climate change impacts increase in frequency and severity, community legal centres will be expected to meet this rising demand for legal assistance, often in very complex areas of law. The areas of law increasingly relevant to Victorians impacted by climate change include planning, tenancy, insurance, consumer law, human rights and discrimination, family violence, obligations of public utilities and essential services, social security, financial rights, employment, rights to information and rights to community consultation. In the four years since Black Summer, Victorians have had many inquiries, given advice and done casework in all of these areas.

To collaboratively build climate resilience to future climate impacts the community legal sector is committed to realising climate justice to ensure equity and fairness going forward. Victoria can be climate-resilient and equitable if it embraces a legal and policy environment that, one, recognises impacts of climate change on daily life, proactively works to protect against climate injustice and gives adequate remedies for the climate harm that occurs. As climate change impacts increase, Victoria faces infrastructure fragility and planning law challenges. Community legal centres are concerned that the current policies do not adequately address the risk of harm to Victorian communities and the ecosystems they depend upon. Climate resilience depends on healthy human communities, a secure built environment and thriving ecosystems. If Victorian communities are not climate-resilient, legal need will inevitably arise, as will compounding impacts such as financial stress, family violence, housing precarity and health issues.

Of all Australian states, Victoria has the legislative and policy environment to ensure Victorians are climate-resilient, all of us, and that our laws embed climate justice considerations. We have the groundbreaking *Climate Change Act*, the Victorian adaptation action plans and the Victorian Charter of Human Rights and Responsibilities. These are all headliner legislative and policy tools which can lay the foundations for a holistic, genuinely just response to climate change. The treaty process also is particularly vital to the realisation of climate justice in Victoria. We also have a robust community legal sector who are leading the way on responding to climate-related legal needs. In this context we look forward to the findings of this very important inquiry and working with the Victorian Parliament to ensure climate resilience.

The CHAIR: Thanks very much, Bronwyn. I might kick off. One of the things you talked about was the impact that the failure of essential services has on some of the most vulnerable in the community, particularly related to climate and disaster events. We have heard evidence at prior hearings about the intensification of storms, the intensification of weather events and the increasing vulnerability that some communities have to loss of power and loss of telecommunications. I wonder if you could provide us with a bit more evidence on what the impacts of those losses of essential services are on vulnerable clients that you see and what recommendations or obligations you think might be necessary for the providers of those essential services, whether they be, for example, power or telecommunications.

Bronwyn LAY: Thanks for your question. Just to clarify, we are the peak body. It is our members who actually see the clients and the communities, so I can just speak on behalf of community legal centres. That issue of the reliance upon essential services, particularly communications and power, has come up a lot with our members, not only in current issues that have occurred, particularly in the outage in February – I think that is in the submission – but also when there are compounding impacts, that compounding impact that there is a natural hazard or a disaster that occurs and the compounding impacts of the power going out. So the issues that are of concern that community legal centres have seen are questions around the obligation to provide these services or provide backup services when there are essential health needs, such as somebody who might be on oxygen or have respiratory needs. There is also concern around the obligations to provide communications.

There were situations in Gippsland at certain times where there was a fire and the power had gone out. There was no access to the ABC, and the mobile phone towers had gone as well. Not only are they a region that has had a lot they have gone through in terms of trauma from the Black Summer fires – so there is that impact that occurs on them – but also they were questioning what their obligations were: ‘Do I stay or do I go?’ That also comes down to questions around the legal rights of people on the ground when they do not have proper communication as provided by this intersection of essential services, because one of the problems as well is that there is a differentiation between communications being a Commonwealth responsibility and a lot of the other essential services being Victorian responsibilities. So that has also been a problem for community legal centres in trying to figure out how to get some rights for the people they are working with when they have got this jurisdictional problem. So it was the health needs, it was the inability to access information in relation to hazards or disasters that were coming over the hill – that they knew were coming over the hill before the communications went down – and there was also the issue of loss of livelihood and financial risk. There were issues around small businesses and homes and farms losing stuff that was refrigerated when the power outages occurred. Who is going to pay for that? Is there a consumer issue there? Who is responsible? Will there be insurance-related needs? This goes back to the concern that we have as a sector that the compounding impacts of climate change are not just biophysical, they are also legal and social.

The CHAIR: We are a committee; we make recommendations. How do you think we tackle that problem with a series of recommendations?

Bronwyn LAY: I think what is coming out from the sector and a lot of the discussions we have where we try to address the legal needs of communities in relation to disaster and climate justice is that there is a need for a thorough look at a holistic approach to a lot of these issues. A lot are dressed in jurisdictional silos, such as insurance and tenancy, but they have a lot of impacts upon each other and we could see this with the communications as well as the essential services. We would recommend having a good look at those compounding impacts across jurisdictions, what occurs as a result and the abrogation of rights that may occur as a result of that.

The CHAIR: Do you think any additional obligations are required on service providers with respect to that?

Bronwyn LAY: I will take that on notice, because we are still formulating that as a sector.

The CHAIR: I might just leave it there. Mr Ettershank.

David ETTERS HANK: Thank you, Chair. Thank you for coming along and joining us today. In your submission you talk about the development of a new flood plain model that will not subject land users to the cascading and compounding impacts of climate change. Thinking about, for example, either the Maribyrnong township, which has been there for a long, long time and where flooding has been a clear and present danger, and I suppose Kensington Banks, where it was much more of a surprise, what does this recommendation actually mean by way of practical application?

Bronwyn LAY: By way of practical application – this is where I really wish Professor Murray Raff was with us today, because his expertise has infected the sector. In terms of what this practically means, I think it is stated in the submission: the availability and the flexibility of flood plain planning provisions that are responsive to data as it emerges – being very responsive to data as it emerges, effectively. One of the recommendations in there is ensuring that the precautionary principle is across a lot of this. So we are not only taking into account data, we are also taking into account future climate risks in these areas. So practically that would mean a collation of all of that data as well as an assessment of the possible future risks in those regions, and then incorporation of that into the flood plain management.

David ETTERS HANK: I just want to get that in the context of potential greenfields developments where a precautionary principle should be applied, and it is very easy to do. I think this has confounded a number of committee members. Where you have got towns and suburbs that are subject to regular inundation or have just discovered they are, how is that actually reflected in flood plain management modelling, and have you had a specific legal focus that you have brought to that question?

Bronwyn LAY: No. I am going to caveat this: the community legal sector does not have a lot of expertise in planning law, and so I do not either. What we are seeing is the impacts of the lack of expertise and the lack of access to that expertise in communities and a desire to have more of it so we can also answer questions like

that. I can take that on notice and get back to some of the experts within our sector. But as a sector, like you, we are confounded by a lot of this and looking forward to solutions as well.

David ETTERS HANK: They do seem to fit the wicked problem.

Bronwyn LAY: Yes, exactly. It is a very wicked problem.

David ETTERS HANK: Okay, if you could take that on notice, that would be great. Perhaps when Professor Raff has finished his yachting or whatever that would be fabulous. In your submission you talk about the situation of the Rivervue residents who now have obviously put a lot of money into long-term leases of their units. I think, as I understand it, they are virtually unsellable. Does the federation have a position on what sort of redress or options may be open to those residents?

Bronwyn LAY: No, we do not, actually. So that is another wicked problem, in effect. There is a lot of work that the Consumer Action Law Centre has been doing, which is one of our members, around one of those problems of insurance, so I would defer to their expertise in this case.

David ETTERS HANK: Okay. WESTjustice have been deploying sort of interdisciplinary teams of legal, financial planning and social work. I was wondering if you were familiar with that and if you could share some of that information with the committee?

Bronwyn LAY: That is across the community legal sector; it is not just WESTjustice. I mean, I can say Gippsland Community Legal Service was active in that after the Black Summer fires, and there was a very close relationship. I mean, community legal centres have always done interdisciplinary work – this is nothing new – but there is an expansion in relation to disaster and climate issues. So Gippsland Community Legal Service is working very closely with financial counsellors and social workers and doing a lot of outreach of that type. But also there has been an expansion into having more people who are in the planning section or able to deal with local council or have more relationships with local council as a result of these legal needs that are emerging. So it is Gippsland Community Legal Service; ARC Justice has been doing that in response to the 2022 floods, they ramped up that interdisciplinary approach; and Eastern Community Legal Centre has been doing that for a long time. But also the relationship –

David ETTERS HANK: Before we do that, I just want to focus on – and unfortunately the clock runs against us. In terms of this initiative, is this something that has been done pretty much entirely in isolation by the community legal services, or does it fit within a broader services plan that has been agreed with the state government and councils and suchlike?

Bronwyn LAY: It has not been agreed with the state government and councils, but that is what we are working towards.

David ETTERS HANK: So it is entirely funded by the community legal services.

Bronwyn LAY: Well, it is funded by the state government. There was funding in relation to the disasters that hit both in Black Summer and the floods, and these are the initiatives and the responses that were appropriate to communities that community legal centres initiated. Subsequent to that and as a result of the learnings of that, there have been collaborative partnerships that have grown. In relation to, I would say, ARC Justice and Eastern Community Legal Centre, they have been given funding, with Centre for Just Places for Jesuit Social Services and ourselves, to initiate collaborative action plans within the Campaspe and Yarra Ranges regions, which is exactly stretching into these very placed based, local responses that are interdisciplinary with lots of different types of organisations. So it is not just community legal centres on their own and not just community service organisations on their own but also reaching across to local councils, emergency management and bringing more voices to the table around what to do in relation to climate change adaptation in those regions.

David ETTERS HANK: Thank you very much.

The CHAIR: Ms Bath.

Melina BATH: Thank you very much, and thank you for mentioning Gippsland. That is my home space in Eastern Victoria Region. And you did say bushfires. We have had the trifecta of pain over there with bushfires,

we have had floods in the Latrobe Valley and we have had storms in Mirboo North and its environs. I am interested in what the state government can do. I feel like there is fatigue – there is environment fatigue, we will say. Can you reflect on what Gippsland Community Legal Service is saying to you about that fatigue? And what can state government do to better support people in terms of information to, one, address that fatigue but also equip people to have better knowledge around their rights and opportunities to – I will not say ‘fight back’ – understand the legal things that they have got to navigate through? How can state government either help residents or help you to assist residents?

Bronwyn LAY: Thanks for your question. The Gippsland Community Legal Service has been one of our forerunners in moving this work ahead. You did not mention an earthquake. There was an earthquake there at one point as well.

Melina BATH: That is right. It is small by comparison to everything else, but yes indeed.

Bronwyn LAY: I just want to acknowledge that Gippsland has gone through a lot and also acknowledge the work of Gippsland Community Legal Service, who also do this work, which is interdisciplinary and very embedded within their community, and acknowledge the fatigue, which is also trauma. I think that there is more of an emphasis or a need for more emphasis on a trauma-based approach, a trauma-informed approach, with service delivery, and that has been very apparent in Gippsland because of these multiple disasters and the fatigue in between. There is also our understanding of preparation, adaptation, response and recovery. Gippsland and other areas have really illustrated – we can see this in the work that our member does down there – that they are dealing with all of these simultaneously. On our traditional cycles and our knowledge of what disaster risk reduction is, what climate change adaptation is, I am very proud of services like Gippsland Community Legal Service, who have – and the state government can assist with this – increased their literacy and their understanding of disaster risk reduction and climate change adaptation and how it relates to their work and how they can respond to it. But there are also those nuances of what the particular needs of a community going through multiple disasters are, so funding for these services, funding for the relationships to embed themselves within communities and other community service organisations, as I was mentioning before, so that there is a collaborative approach and it is not working in silos.

In terms of the fatigue and the trauma, we do need more evidence on this and we need more evaluation. We have had a bit of evaluation on the services that have been provided by Gippsland and by Hume Riverina, which has been very heartening. But it is that holistic, relational, trust-based approach, and that is something that is, being place based, very much in relationship not only to your community but also to the region and the biophysical risks of the region. I think the state government can support those kinds of initiatives that are interdisciplinary and interorganisational. One of the problems – climate change is a wicked problem – all of us dealing in our different areas have is that we have to upskill in all these different modes of knowledge. I am sure you are experiencing this. I have experienced this for the last seven years working in this space, and I still do not feel like I know enough to have solutions. However, those collaborative knowledges and having those conversations with each other that are facilitated allow for co-creative knowledge to occur and also to build relationships so we can trust other people’s knowledges when we do not have them.

Melina BATH: Thank you. I have many questions, and my time is running out. You mentioned financial counsellors, and I know the Victorian financial counsellors do an amazing job. There are 300 of them across the state and some in the Eastern Victoria Region, but they are across the state anyway and in Melbourne as well. You have talked about those interdisciplinary relationships. How do you see state government supporting them, because finances are a key driver of pain in these situations, and also legal advice? How do you see your organisation working with financial counsellors, and what can government do to support Victorian financial counsellors?

Bronwyn LAY: The funding of rural financial counsellors is absolutely imperative to any kind of justice occurring in those spaces.

Melina BATH: Thank you. And I did not egg you on for that.

Bronwyn LAY: No, no. It is really important. It is really, really important, because we can address the legal needs afterwards but they are the ones who are on the front line of identification, holding the clients, and they

also have a lot more of an eye on what the remedies could be in that space. So they are absolutely vital to our work and to communities.

Melina BATH: Thank you, Dr Lay.

The CHAIR: Mrs Broad.

Gaelle BROAD: Thank you very much. ARC Justice I know are based in Bendigo, and they helped a lot in places like Rochester after the floods. Can you just talk to that experience? You mentioned that they are on the front line on the ground. How long has that process taken in assisting local communities with some of the issues that they have been confronting since the 2022 floods?

Bronwyn LAY: It is still happening. The process is still occurring. One of the legal responders – they had become frontline responders when the community asked. I just want to preface that community legal centres, because they are place-based, are often impacted by the same things that their community are impacted by. I am not sure whether you are aware of the public understanding of law survey, which was a comprehensive evidence-based report into the legal needs of Victorians and talked about how climate change is actually increasing and making more complex legal needs. Part of that is that the legal needs have a really long tail, and so in ARC Justice there are still issues being resolved. Also, climate-related legal needs – there is a cognitive dissonance in communities, so we need more education. ARC Justice are still having clients who have just realised they may have a climate-related legal need or an insurance legal need. ARC Justice, with many others who were impacted by the floods, if you ask how long in duration, are still working in that space, but they are also – and I think this is imperative if we are talking about climate justice and adaptation – simultaneously working on preparation, increasing an understanding of these legal needs within communities so that that cognitive dissonance enables people to understand their rights and be more responsive for the inevitable next time.

Gaelle BROAD: We certainly appreciate the work they have been doing on the ground, because I know the community was devastated. I am just interested because we had an issue, and this speaks a bit to some of the challenges around the infrastructure. I know in Meadow Creek, for example, there is a proposed solar farm that is very extensive. It is close to 600 hectares and will cost about \$750 million. But neighbours to that have raised concerns about the liability when it comes to insurance costs if a fire starts on their farm and then goes on to the proposed development – they are at risk of losing everything. I know you mentioned insurance earlier. We have struggled to find any clarity on that. We have raised it in the state Parliament and written to the insurance council, but do you have any thoughts? You may want to take it on notice.

Bronwyn LAY: I would like to take that on notice, actually, because we have a few issues like that arising in communities. Because this is an emerging area, there are a lot of unknown questions legally as well as otherwise, so part of our role is to seek expert advice to get answers to those questions. So I would love more information around that, because it is very similar to a lot of the issues we are seeing.

Gaelle BROAD: That would be fantastic – thank you – because, I guess, with projects popping up across the state, communities are finding it is up to individuals to get across the contracts and the information presented to them, and that insurance seems to have a bit of a black hole in it. And there are other issues that some farms have raised too. One had 17 different companies contact them wanting to develop, impacting their property. So they have got to get across a whole lot of different contracts, and it is very much on the individual to become a legal expert when they are not. So it is a challenge.

You talked about the guide and just state land, public land, and the responsibility. I had another raise concerns about the *Water Act* and who is liable for breaches of the *Water Act*, because it covers a number of different areas. But how difficult is it, when you are working with government authority, to identify who is responsible?

Bronwyn LAY: I can only speak from personal experience and say that it is very difficult. I will go back to what you were saying before – one of the big parts of access to justice is making sure that we understand our rights, we understand the law and we understand the leverages, and I have to say that the area in relation to climate change adaptation, water and planning is a very complex area of law and it is very hard to get your head around it. So I am not surprised the community cannot understand it, because also we struggle. It is a big part of our work to ensure that we get experts in to be able to make it into plain English so that we can transfer that knowledge and work with communities on it.

Gaelle BROAD: Great. Thank you very much.

The CHAIR: Dr Mansfield.

Sarah MANSFIELD: Thank you. And thank you for appearing today. I am interested – in your submission you highlight the vagaries that are in the current adaptation plans, including the built environment climate change adaptation plan, which is the one that is most relevant to this inquiry. How do you think this plan could be more effective with respect to, I guess, addressing the legal barriers and opportunities people might face? Because it has been pointed out that it is very vague; there are not really accountability mechanisms in it.

Bronwyn LAY: I would love to take this on notice and go into fine detail about this later on. However, just one thing that I understand and that we have come to understand is that the Victorian adaptation plans do not have accountability or enforcement mechanisms and the reviews are not even mandatory in effect. To make these systems and have some funding to also ensure that accountability and implementation occur – I would say that would be a frontliner. Also, I just want to add that having climate justice considerations across these adaptation plans – and that is outlined in the submission – is really important in order to ensure that it is not just the biophysical impacts that are met but also the social, economic and other issues related to our Victorian communities, so viewing climate resilience beyond just the frame of biophysical mitigation.

Sarah MANSFIELD: Thank you. That I guess is linked to the issue of housing, which you cover in your submission in some detail. You tackle the issue of relocation fairly head-on and point out that that is something that is not really done directly in some of those adaptation plans. Why, from a legal and human rights perspective, is it important to address this issue of relocation, whether it is planned or forced, when it comes to housing and climate change?

Bronwyn LAY: Well, also in the submission we point out the potential future liabilities, both government and private, around some of these impacts going forward into the future. Forced relocation, planned retreat – I mean, there are lots of names for it. There are huge human rights implications for that community participation and for accountability in these kinds of decisions. I know that there are communities in other jurisdictions receiving buyback contracts when we go back to a question around complex contracts that people do not necessarily understand and do not necessarily feel they have any agency over. There are so many human rights and I would say legal issues involved in the spectre of forced relocation but also publicly managed retreat, from human rights to basic community participation and accountability for the decisions that are made. New Zealand, our neighbour over there, has quite a good and, I would say, more thorough policy around managed retreat.

Sarah MANSFIELD: Okay. And what aspects of it do you think are different or better than what we are doing?

Bronwyn LAY: They name it, so it is not just a silent thing sitting there in the background. We have seen in Queensland and New South Wales this process when it becomes forced retreat, when it is not explicitly stated in state policy and there is no process for it. So people do not feel they have given consent and communities get evacuated. There is a question around Rochester, where that whole community was evacuated very quickly – so that spectre is in Victoria as well – so I would say naming it in state policy, tackling it head-on and doing our own adaptation and preparatory work are what I do think the Victorian government has an obligation to do for communities, just like communities have an obligation to prepare for the impacts as well. Also, figuring out the complexity of the human rights around this is super important if we really want Victorians to be climate-resilient.

Sarah MANSFIELD: Thank you. You touched on it then in your answer but also in your submission – the spectre of legal liability for governments if they do not adequately address some of these climate adaptation challenges and risks. Are there any examples of that already, and what do you foresee if we do not get some of this right?

Bronwyn LAY: I will take it on notice for examples that I know, particularly around disaster liabilities and emergency services, which are kind of a tail end of not doing the adaptation and not having the foresight. So I would like to take that on notice and come back with a few cases, particularly in Victoria. It is another spectre sitting there. It is like tobacco: we did know that this was coming, so there is an obligation on governments to enable Victorian communities to prepare for climate impacts.

Sarah MANSFIELD: Thank you.

The CHAIR: Thank you. Mr Berger.

John BERGER: Thank you, Chair. Thank you for your appearance and submission to this inquiry. We have heard a few of the questioners this morning talk about the term 'climate justice'. I just want to unpack that a little bit more and how it is different or similar to climate resilience or climate action.

Bronwyn LAY: Oh, climate action. I can understand the question around the difference between climate resilience – so climate resilience may be interpreted as just ensuring, as I was stating before, the biophysical: that we have got our mitigation in place, we have put in the levees et cetera. We have got our environments and our built infrastructure, and our houses are secure. However, climate justice has a wider frame of ensuring that there is equitable adaptation so that there is fairness and equity in the decisions that we make around climate change adaptation. That means bringing in issues like not only procedural fairness for communities, community participation, but the social justice elements, and also awareness of those who may be disproportionately impacted by climate change and keeping an eye on ensuring they may need different adaptation methodologies or approaches. Climate justice is a form of climate action, but it is more about having really good policy and taking into account the whole picture of the risks that we are facing. I would say that climate resilience can be interpreted as leaving out that equity and fairness and that approach to climate impacts.

John BERGER: In terms of the areas of law and law reform, what are the most relevant ones for climate action or climate resilience?

Bronwyn LAY: That is a really hard question because there are so many and they are all embedded within each other. The big issue that our members are seeing is insurance, and I feel like that is the ambulance at the end of the cliff, in a way, but that is the legal need that they are seeing. But if we go back up, I think that the complexity of dealing with water, housing – and housing is also complex because you have got tenancy, you have got insurance, you have got planning, you have got building. What was your question again? I just got lost in all of the complexity.

John BERGER: It was about law reform and what is most relevant to climate resilience.

Bronwyn LAY: Human rights and the laws pertaining to the built environment – built and natural environment, which is everything, really. But I find it really hard to prioritise that. I am just saying that insurance and tenancy are the big issues that community legal centres are seeing, but I am not sure that is the solution. That is the ambulance at the end of the cliff, so to speak, as a metaphor.

John BERGER: Thank you.

The CHAIR: Ms Lovell.

Wendy LOVELL: Thank you. I represent Northern Victoria, and like Gippsland we have had that triple whammy of major floods, major bushfires and also major storms, particularly around Macedon and Yarra Ranges, so can I take this opportunity, please, to thank you and your sector for the work that you have done in our communities to help people through those times, particularly in Rochester and in the ongoing need for financial counselling and assistance in Rochester. I was just talking to the neighbourhood house the other day, or community house, who are fundraising to provide additional financial counselling into that community, so there is an ongoing need there. The issues around those things have been well canvassed by Ms Bath and Ms Broad.

I am going to go to a different area that is impacting our area, and that is the renewables industry. There is a need for renewable energy, but there are also the legal rights of landholders, and what we are seeing now is, in the push to build the VNI West infrastructure or solar farms, wind farms et cetera, that the legal rights of landholders seem to be being overridden, and there is very little consultation or no consultation with landholders and their legal rights are being reduced or taken away. I just wondered how we balance, or how you see there can be a better balance, for those rights of the need for infrastructure and the rights of landholders.

Bronwyn LAY: Thank you for your question. I just want to caveat that the community legal centres do not necessarily see a lot of private landholders unless they are impacted by disasters or climate disasters, so we do

not have any expertise in this. But it goes back to the complexity around the contracts and the ability and the need for community to be legally up-skilled in order to be able to have their own agency in responding to the complexity of the issue and the contracts before them. In terms of the balance, I think that goes back to that question around community participation, community self-determination and how we ensure that that happens, and I think a big part of it is knowing your legal rights, which involves community legal education. I do not have any expertise in that area and I cannot necessarily speak to it in relation to the experiences of our members, but I would say it is very analogous to a lot of the wicked problems that we are talking about in terms of ensuring that legal rights are respected and that there is a just transition so that our future is secure. Too broad?

Wendy LOVELL: I guess that comes back to better consultation in the first place as well.

Bronwyn LAY: Better consultation and I would say more resources going into literacy, because we all have to upskill in this area. There is community consultation and also individual agency over those decisions.

Wendy LOVELL: Thank you.

The CHAIR: Thank you. Dr Lay, thanks so much for coming in today and for giving us evidence. It has been really useful. You will be provided with a copy of the transcript to review shortly.

With that the committee is going to take a short break.

Witness withdrew.