



Climate Crisis

CLCs Australia National Position Paper December 2019

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HOW TO USE THIS PACKAGE?

This package has been developed to clarify and support a national position for Community Legal Centres on the Climate Crisis. It is divided into three main documents, recognising the differing needs of CLCs.

1. CLCs Australia National Position Paper on the Global Climate Crisis

How can this be used?

- This may be used or inform public or media statements; meetings with Governments; and as key consistent messages in any public communications.
- Text may be copied, or the relevant pages printed.
- A copy of this will be available on CLCs website.

2. CLCs Australia Commitments and operational guidance

How can this be used?

- This may be used by CLCs for public commitments on what CLCs are doing to address the climate crisis; to consider in strategic services adjustments; and to inform practical operational or policy decisions or practices by CLCs.
- Elements of this (e.g. our commitments) may be used as a public document.

3. Elements and Impacts – background information and how the climate crisis impacts our sector and clients

How can this be used?

- This may be used to understand how the climate crisis may impact services or programmes delivered by CLCs (e.g., ‘context or thought starters’ for strategic, operational or funding planning); to increase staff and volunteers understanding of the role of, and implications for, CLCs; or as background information (e.g. for community education projects etc).
- This is not intended to be used as a public document.

CLCS AUSTRALIA POSITIONS ON THE GLOBAL CLIMATE CRISIS

CLCs Australia acknowledge that the laws and customs of Aboriginal and Torres Strait Islander nations cared for the Australian continent and islands for more than 60,000 years. Our laws must continue to protect this land and its inhabitants, in the future. We pay our deep respects to their Elders past, present and emerging.

We are facing a **climate crisis** - one of the most urgent challenges facing Australia and the planet.

Heatwaves, fires, floods and storms (all examples of extreme weather events) are increasing as a result of the climate crisis - threatening people’s homes, livelihoods, health, quality of life, employment and the natural environment that sustains us.

The climate crisis is a **social justice and intergenerational equity issue**. In Australia, the impacts will be felt disproportionately by the people and communities our sector works with, as well as increasing the risks and burdens for future generations - with fundamental human rights likely to be negatively impacted.

The climate crisis impacts are, and will be, felt first and **disproportionately by people experiencing discrimination and disadvantage**. Community Legal Centre's are frequently at the forefront of responding to the legal needs of these communities. Those with the fewest resources and protections to respond; those least able to have their voices heard in the development of mitigation and adaptation policies; and those who may be less equipped to deal with the transformative social, economic and technological changes.

The cost of inaction is significant. Failing to reduce the impacts of the climate crisis will result in greater poverty and inequality. There are **mitigation and adaption strategies** that governments, communities and individuals can, and must take, now. We must all play our part in addressing this climate crisis.

The community legal sector urges that the climate crisis and environmental impacts are accounted for in all government decision-making - specifically recognising the severity and disproportionate burden that will be borne by people experiencing discrimination and disadvantage.

As a sector, we also commit to key actions recognising our role in working with people and communities to ensure they can access the legal help they need, and in contributing to a fairer and more just society.

Calls for Action

The community legal sector supports **immediate action for Australia by Commonwealth, State, Territory and local government** to:

1. **Rapidly reduce emissions** - set emission targets in line with the Paris Agreement to limit warming to 1.5°C, including targets to **achieve a carbon neutral Australia by 2050**.
2. **Ensure a just transition to a carbon neutral economy**

- Implement a credible, low-cost and equitable plan to transition to a clean economy
 - Ensure transition empowers people and communities to have a say in decisions that affect them and provides targeted support for people experiencing discrimination and disadvantage as well as affected workers and communities.
3. **Provide adequate incomes to support the transitions and peoples' resilience**
 4. **Ensure people live in affordable, climate-safe homes**
 5. **Help communities respond to the climate crisis**

All responses to the climate crisis must support and coincide with other efforts to build a fairer, more sustainable future for people and planet.

CLCS AUSTRALIA OUR COMMITMENTS

In recognition of the tremendous challenges presented by climate crisis and the devastating nature of its impacts - and particularly the unique and severe pressure it will place on the clients of our legal assistance services, and the demands on our services themselves – CLCs Australia, commits to:

1. **Promote awareness of the issue of climate crisis, the impacts it will have on people experiencing discrimination and disadvantage and Australia's obligations under international law.** This includes contributing to the broader climate crisis debate by utilising our networks to communicate with politicians, the media and community on the importance of action on climate crisis to avoid the worst impact on people experiencing discrimination and disadvantage
2. Undertake **strategic advocacy and law reform** to support legislative and policy changes that incorporates consideration of the climate crisis into government decision-making.
3. **Promote awareness of the increasing demands on the legal assistance service sector** as a result of the impacts of climate crisis.
4. **Support and participate in measures to mitigate the impacts of climate crisis.**
5. **Promote participation** by CLCs Australia staff as well as the broader sector in professional development about climate crisis impacts and how the legal profession and legal assistance services sector needs to respond.

The role of CLCs varies through the services we offer – from a community legal education, information and referral, advice and casework, as well as law reform and advocacy. The Calls for Action and Key Elements and Impact guide CLCs in focus areas that we may prioritise for 'Climate Crisis' projects.

Not every individual CLC will have the resources and capacity to do all the above, this commitment applies to the network of CLCs Australia and may be expressed differently in individual CLCs.

For example, some CLCs may run, or are already running 'climate crisis projects' such as:

- Peoples and communities that experience disadvantage and discrimination may require legal support in looking at climate crisis resilience measures in their tenancy agreements – or specific community education projects about the climate crisis, the impact and resiliency measures available.
- Workers may require legal support in ensuring working conditions are fair in the transition to a low emission future.
- Preparations to support the consequences of natural disasters covering civil, family and criminal practice.
- Test cases for law reform and advocacy may include projects looking at climate impacts on particular communities, corporate accountability or ensuring that voices of those most impacted are amplified. This may be focused through Environmental Defenders Office Australia.

For example, some CLCs may also work with, or collaborate with, established networks to support (e.g. Environmental Defenders Office Australia, Lawyers for Climate Justice, Action Ready)

- Legal representation for the climate crisis movement may include activities such as legal defence for individual or groups of activists or advocacy work to protect freedoms of expression and assembly. This is likely to be through several groups already operating.
- The legal sector to demonstrate a sector-based community of practice concerned on the climate crisis that may include participation in the climate movement, joint advocacy statements or submissions on climate related issues.

For example, some CLCs do, or may work on 'Climate Justice' projects

'Climate Justice' is used to position the climate crisis beyond only an environmental or physical issue, highlighting that climate change intersects with justice, human rights, environmental and equity issues. The term 'climate justice' infers that those who are least responsible for climate change most often disproportionately experience the impacts of the climate crisis. 'Climate Justice' can also refer to legal action on climate change issues.

Lawyers and the community sector speaking out on climate justice, provides perspectives, authority and expertise from working in communities facing disadvantage who are, and will, face the brunt of the climate crisis. The sector can also bring legal expertise, sharing a perspective that anticipates the levels of conflict and legal challenge in an uncertain future, and may propose conflict resolution solutions. Some examples of how some CLCs are, or may work on 'Climate Justice' include:

- Proactively include climate justice in our work – include climate justice sessions in our CPD and conferences, build our sector's confidence to speak on these issues and work with our clients on these issues
- Proactively include climate justice in our law and policy reform submissions - e.g. climate readiness in rental housing is in the second demand of the Make Renting Fair Campaign in WA – and climate justice will be relevant to a great many area of our policy work. See www.makerentingfairwa.org.au
- Join with other community organisations to make public statements about climate justice issues. It can be hard to know our place in this debate – but - an example: when governments announce funding for new gas infrastructure on the basis of providing jobs, and the community legal sector is silent leaving it to the environment organisations to speak out, we do our community a disservice, those public funds would be better directed to creating jobs in the sectors to transition away from fossil fuels.

What could 'measures to mitigate the impacts of climate crisis' for CLCs¹ look like?

Community Legal Centres Australia recognise that there are some practical measures in their own operations that they can take to reduce emissions. While individual Centres may have to undertake feasibility checks, some simple operational standards may include:

CLCs Australia commits, in our offices (pending feasibility/access and cost effectiveness) to:

1. **Reduce, Reuse, Recycle** – including finding alternatives to single use products, systematic reuse and recycling in our practice.
2. Choosing clean, **renewable energy** supplier and energy efficient products as available, and reducing total energy use in our offices annually.
3. Migrating financial services away from banks that invest in high-emission industries
4. **Reducing our footprint** through transport choices we make:
 - a. Air transportation only when necessary, using the most direct route possible.
 - b. Where public transport is available for business travel, this will be preference.
 - c. In instances where hire vehicles are required, electric vehicles will be the preference (as available and practical).
 - d. Preferring meeting opportunities such as video conferences, phone meetings and online meetings where possible.

1. ¹ This is point 4 of 'Our Commitments'

5. For **catered meetings**, conferences and events hosted by CLCs Australia, as possible, vegan / vegetarian catering will be the preference – recognising that after fossil fuels, the food industry – and, particularly the meat and dairy sector – is one of the most important contributors to climate crisis.
6. Prepare for **consequences of natural disasters** in the protection of staff and service clients.
7. Provide opportunities for staff to **participate in actions** aimed at addressing the climate crisis.
8. **Monitoring of climate crisis projects** that we participate in.

KEY ELEMENTS AND IMPACTS

The Rights and Experiences of Particular Communities and Groups

While this package reflects positions primarily focused on Australia, we recognise that globally, the poorest, and those least responsible for the climate crisis, are, and will, disproportionately experience the impacts of the climate crisis and bear the greatest burden - including people in our neighbouring countries and territories.

- We stand in solidarity with the world's most vulnerable communities in regions experiencing the most extreme climate impacts. We recognise that globally, a strong and urgent response to the climate crisis is needed.
- Adaptation to climate change needs to help vulnerable communities with resources and solidarity - and this support needs to guarantee universal access to food, shelter, basic services and an inclusive energy transition.
- Longstanding inequalities (including gender inequality) risk being further reinforced in responses to the climate crisis. Re-addressing these need to be included in the design of any climate crisis responses.

*We acknowledge that many of the people and communities our sector works with are more at risk as a result of the climate crisis than others living in Australia. People and communities that experience **disadvantage and discrimination** and are likely to be more vulnerable to climate crisis impacts.*

Aboriginal and Torres Strait Islander People and Communities

- In addition to the disproportionate burden experienced by many Aboriginal and Torres Strait Islander people as a result of their experiences of discrimination and disadvantage, the climate crisis will have cultural impacts, including the potential loss or movement of culturally significant species and places. Remote and isolated communities may be particularly vulnerable to the impacts of climate crisis.
- As custodians of significant areas of land and traditional ecological knowledge, Aboriginal and Torres Strait Islander people must be empowered and supported to guide climate and energy policies, mitigation strategies and decision-making.
- Aboriginal and Torres Strait Islander people and communities must also be free to exercise self-determination in making decisions about their land and sea, including to adapt to the impact of climate crisis.

Low income earners tend to live in areas more likely to be adversely affected by climate breakdown, have less choice and control over the dwellings they live in and have far less ability to move or make other necessary adjustments to their living circumstances. As a result, they are less able to cope, adapt and recover.

Older people and very young children are more likely to be adversely affected by health related impacts of climate crisis; impacts of extreme weather events increase the risks of homelessness; drought has a demonstrable impact on mental health; people living in areas of marginal land are more likely to be impacted by vector borne disease and people who are unable to afford high power costs are more likely to be exposed to heat related stress.

Refugees and Asylum Seekers

- The climate crisis is likely to result in increased conflict, displacement and movement of people around the world, including increased numbers of refugees and asylum seekers.

- Australia’s foreign policy should be directed to helping developing countries to adapt to a changing climate.
- Australia’s domestic laws should respect the right to seek asylum under international law and should treat asylum seekers with humanity and dignity.

Workers

- The transition to a low emission future will create structural changes in our economy, particularly in the way energy is produced, which is likely to affect workers in many communities. The climate crisis is also likely to impact on the working conditions of particular groups of workers.
- Workers in industries undergoing economic transition have a right to a just transition, including a voice in shaping the transition and the protection of their rights.

Activists and advocates

- Within the climate movement, there are thousands of everyday Australians who are now actively engaged in civil disobedience
- These activists have the right to access proper legal defence and the emergence of a large-scale climate activist community should not result in an increase in harsh laws, unjust treatment, or fines which reduce freedom of expression and assembly.

Examples of mitigation options

<p>Energy, Water and Waste</p> <ul style="list-style-type: none"> • Building an affordable and secure electricity network with 100% clean and renewable energy, an energy revolution can take place – ensuring this is accessible for people and communities that experience disadvantage and discrimination should be prioritised in design. • Innovations and investments that promote zero waste communities (involving government, business and communities) provide the opportunity for the growth of sustainable communities. • Introducing a more robust regulatory approach (including stopping the export of waste for incineration) that ends waste to energy incineration projects in Australia and the implementation of cleaner and safer renewable energy projects such as wind, solar and wave energy. Reducing the waste to incineration further improves public health. • Protection of natural resources at risk of climate impacts – that further provide opportunities for mitigating impacts – such as forests, oceans and reefs. 	<p>Housing, Transport and Infrastructure</p> <ul style="list-style-type: none"> • Access to affordable, reliable, safe public transport– with priority investments for locations where there is a higher proportion of low-income earners or communities that experience disadvantage and discrimination. This provides options for transport for communities that overall reduces emissions. • Affordable climate safe housing includes support for low income homeowners to access solar and energy efficiency measures. • Access to affordable, reliable natural plant-based food for all households – with priority investments for locations where there are cost and access barriers to accessing fresh fruit and vegetables. This recognises that after fossil fuels, the food industry is one of the most important contributors to climate crisis.
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Additional Details on the Calls to Action – within the role of CLCs

1. **Rapidly reduce emissions** - set emission targets in line with the Paris Agreement to limit warming to 1.5°C, including targets to **achieve a carbon neutral Australia by 2050**.
 - Set emissions reduction targets in line with Paris Agreement to limit global warming to 1.5°C
 - End subsidies for fossil fuel production and use
 - Hold corporations and companies to account for their role in emissions reductions and climate impacts.
2. **Ensure a just transition to a carbon neutral economy**
 - Implement a credible, low-cost and equitable plan to transition to a clean economy

- Ensure transition empowers people and communities to have a say in decisions that affect them and provides targeted support for people experiencing discrimination and disadvantage as well as affected workers and communities.
3. **Provide adequate incomes to support the transitions and peoples' resilience**
 - Improve the capacity of people on low incomes to meaningfully manage the transition to a clean economy and deal with climate crisis impacts, including by increasing Newstart and improving the uptake and adequacy of energy concessions.
 4. **Ensure people live in affordable, climate-safe homes**
 - Reduce energy bills and strengthen resilience to climate crisis through targeted investment in home energy efficiency and production, including mandatory energy efficiency standards for rental housing, energy efficiency and solar for social housing and Aboriginal and Torres Strait Islander communities
 - Support low-income homeowners to access solar and energy efficiency measures.
 5. **Help communities respond to the climate crisis**
 - Support communities to develop local climate crisis adaptation and resilience plans and have a voice in development of mitigation strategies
 - Support where CLCs and community and health sector organisations to adapt to climate crisis, be better prepared for emergencies and disasters, improve the resilience of the people and communities they work with and ensure continuity of services.