

Victoria's draft Adaptation Action

Plans 2027-31

We welcome the opportunity to provide feedback on Victoria's draft Adaptation Action Plans 2027-31 ('AAPs'). The community legal sector in Victoria 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.

The Federation of Community Legal Centres Vic ('the Federation') supports the key positions of the Victorian Council of Social Services in its response to this consultation. This submission builds upon that submission with a focus on issues specific to community legal centres. We also **attach** our submissions to the inquiry into Climate Resilience, and the Inquiry into the 2022 Flood Event in Victoria, which we draw upon in this submission.

About the Federation

The Federation is the peak body for Victoria's 50 community legal centres. Our members are at the forefront of helping those facing economic, cultural or social disadvantage and whose life circumstances are severely affected by their legal problem.

The Federation established a Climate Justice Support Unit (CJSU) to support Victorian community legal centres to embed climate and disaster justice in their organisations, with the community and across the sector, and to guide communities through all phases of adaptation, prevention, response and recovery. The CJSU works with community legal centres to build their capacity and capabilities to better identify the impacts of climate change on the rights and justice of individuals and communities, and to provide advice and representation to clients impacted by climate change and extreme weather events. More information about the CJSU and the work that community legal centres undertake in the climate justice space are available on the Federation's website: [Climate Justice - Federation of Community Legal Centres](#).

The Federation is an active partner in Disaster Legal Help Victoria (DLHV), which is a partnership between the Federation, Victorian Aboriginal Legal Service (VALS), Justice Connect, Victoria Legal Aid, the Law Institute of Victoria and the Victorian Bar. DLHV plays a vital role in coordinating the legal sector's response to disasters. =.

Summary of recommendations

Set out below are a summary of our recommendations, with specific AAPs in bold:

1. The AAPs should recognise the role of community legal centres (alongside other community organisations) as part of climate change adaptation plans, including their roles in:
 - supporting communities to prepare for, and responding to, the increasing demands and complexity of legal needs as negative climate change impacts accelerate (building upon **Action 6** of the **Health and Human Services AAP**)
 - engaging in and collaborating with partners in community-led adaptation (including under **Action 2** of the **Built Environment AAP**)

- creating and implementing organisational adaptation plans, so they can continue to deliver services in the context of increasing heat and disasters, and associated increases in demand and complexity (under the **Health and Human Services** AAP).

This recognition should include equipping community legal centres for these roles through flexible and long-term funding.

2. **Actions 1 and 4** of the **Health and Human Services** AAP should be extended to consider climate change impacts on the justice system, including impacts on courts, prisons and detention centres.
3. The AAPs should be strengthened by considering the role of the law in promoting climate change adaptation, including by investigating the use of the Victorian Charter of Human Rights in emergency management and in the legal enforceability of the AAPs.
4. The AAPs should expand **Action 1** of the **Built Environment** AAP to include requiring systematic inclusion of climate and disaster justice considerations in all decision-making.
5. We recommend that justice, equity, human rights, and self-determination for Aboriginal and Torres Strait Islander peoples should be included as guiding principles across all the AAPs.
6. We recommend that all the AAPs should be specific about who is at the greatest risk of climate impacts, and how they are at risk, including people in contact with the legal system, such as people in prisons or detention centres.
7. The AAPs should embed First Nations self-determination and leadership in climate adaptation by:
 - resourcing and supporting First Nations organisations, Traditional Owner groups and communities to lead preparedness, resilience, response and recovery their communities, and increase First Nations leadership in government adaptation and emergency management arrangements
 - fully implementing Recommendations 45 and 46 of the Yoorrook Justice Commission in its report *Yoorrook for Transformation*¹
 - aligning them with Victoria's commitments under the National Agreement on Closing the Gap, including priority reforms of shared decision-making, strengthening the community-controlled sector and transforming government organisations.²

¹ Yoorrook Justice Commission, *Yoorrook for Transformation* (Summary Report, July 2025) <https://cdn.craft.cloud/06ad3276-b3d9-4912-bcbb-37795aade9a8/assets/documents/Yoorrook-For-Transformation_SummaryReport_Accessible.pdf> ('*Yoorrook for Transformation*').

² 'The Victorian Closing the Gap Implementation Plan', *First Peoples-State Relations* (18 December 2025) <<https://www.firstpeoplesrelations.vic.gov.au/victorian-closing-gap-implementation-plan>>.

Expanding the vision of the AAPs

The AAPs present a critical opportunity for transformative adaptation. We see key opportunities to strengthen the draft AAPs, including by:

- Recognising the impact of climate change in creating and exacerbating legal needs and the justice system, including on community legal centres
- Recognising the role of the law in promoting or hindering climate change adaptation
- Centring justice, equity and human rights, and self-determination for Aboriginal and Torres Strait Islander peoples, including by recognising the disproportionate impacts of climate change on those who already experience disadvantage.

Recognising the role of the law and community legal centres in climate change adaptation

A key gap in the AAPs is that they fail to recognise the impact of climate change upon legal needs and the justice system. Indeed, apart from embedding climate risk in decision-making processes under **Action 1** of the **Built Environment Adaptation Action Plan**, the AAPs make no real reference to the law. The **Health and Human Services Plan** also makes no reference to the increased demand on legal services in responding to climate change impacts, while singling out the need to expand the capacity of the mental health and wellbeing system (**Action 6**).

In part, this reflects the need to expand the vision of the AAPs so they take a structural, rather than individual, approach to climate change – an approach that recognises the strength and expertise of communities, the need for investment in social resilience in communities, and that recognises that a crucial part of climate change adaptation involves adaptation through social infrastructure and people as well as physical infrastructure.

Climate change compounds and creates legal need

As discussed more fully in our attached submission, climate change compounds pre-existing legal needs and creates new legal needs. The figure below indicates some of the legal needs related to climate change, although it does not fully capture the extent of these legal needs.³

³ The figure below is from Federation of Community Legal Centres Vic, *Climate Resilience* (Submission, Legislative Council Environment and Planning Committee, Parliament of Victoria, July 2024) 14
<https://assets.nationbuilder.com/fclc/pages/715/attachments/original/1721023292/Federation_Submission_-_Inquiry_into_Climate_Resilience.pdf?1721023292>.

Climate related legal need

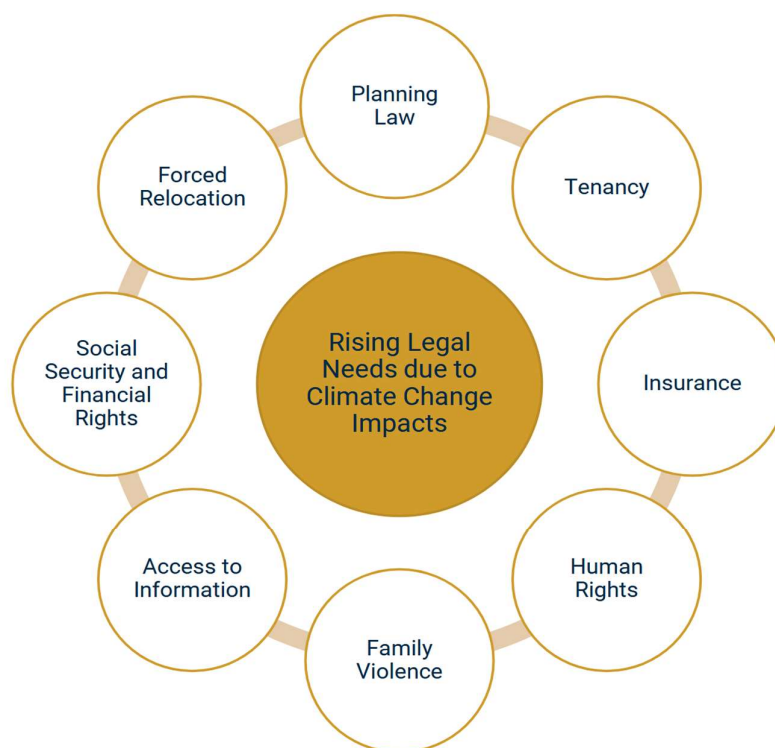


Figure 1: Legal needs arising from climate change

Source: Federation of Community Legal Centres Vic, [Climate Resilience](#) (Submission, Legislative Council Environment and Planning Committee, Parliament of Victoria, July 2024) 14.

Challenges stimulated by climate change issues and cascading legal needs include:

- **Access to justice:** Communities affected by climate change and disasters may face barriers in accessing justice, such as lack of information, resources and legal representation. During a crisis, the need to prioritise safety and other urgent needs also makes it even more difficult to address legal needs.
- **Human rights protections:** Climate change and disasters can have significant impacts on human rights, including rights to life, health, housing, food and water. Legal and policy strategies aimed at protecting and promoting human rights in the context of climate change and disasters are essential in preventing certain communities from being disproportionately affected or discriminated against.
- **Liability and accountability:** Holding decision makers accountable for actions that determine the level of risk mitigation and subsequent impacts of extreme weather is crucial to ensuring that they take responsibility for their decisions.
- **Planning and environmental protections:** Addressing the root causes of climate change and disasters requires strong environmental protections and equitable planning, land and hazard risk management laws and policies.⁴

⁴ Federation of Community Legal Centres Vic (n 3) 11.

The role of community legal centres in climate change adaptation

Community legal centres are the first legal responders to community needs related to extreme weather impacts or slow onset climate impacts. As discussed in more detail in our submission into the Inquiry into the 2022 floods, community legal centres also play a role in building community resilience. Trust built with community members through long-term, place-based relationships is critical to the effective delivery of climate adaptation services.

This occurs through attendance at recovery hubs, ongoing community legal education, referral pathways adapted to climate-related legal need and working with communities at all levels of preparation, response and recovery. Specialist community legal centres like the Consumer Action Law Centre, Tenants Victoria, Social Security Rights Victoria and others work closely with place-based community legal centres to ensure that increasingly complex and interconnected legal issues (such as insurance, housing, family violence and Centrelink issues) are addressed holistically and with expertise. As discussed below, community legal centres work with many communities which experience climate impacts first and worse due to structural inequities and marginalisation.

Through their integrated services approach, they join with a wide range of other community service organisations to meet the needs of their communities in a collaborative manner. There is a need to invest in place-based community organisations, including community legal centres, so they can invest in understanding and communicating climate risks, engage in and collaborate with partners in community led adaptation. Community legal centres' holistic, intersectoral, place-based approach is best practice for reducing disaster risk and adapting equitably to climate change. Community legal centres' role in building community resilience is also relevant to **Action 2** of the **Built Environment** AAP (improving climate risk and emergency management guidance and information so households, communities and industry better understand climate risks and resilience).

Community legal centres also focus on early intervention, avoiding the escalation of legal problems and providing holistic support in partnership with other community service professionals. They are therefore a critical part of the social infrastructure that would enable collective action on preparedness.

Community legal centres also engage in policy and advocacy work by identifying opportunities to better embed climate risk and principles of climate justice across the law. As noted below, changes in the law should be recognised as a key part of climate adaptation too.

As well, community legal centres not only witness the experience of climate injustice and hardship on their communities but also live through the same challenges. The impacts of climate change on frontline staff also need to be considered in adaptation plans, including through adequate funding to create and implement organisational adaptation plans so they can continue to deliver services in the context of slow-onset climate change impacts and disaster events, and associated increases in the demands and complexity of their services.

As mentioned, CLCs are currently invisible in the AAPs. The AAPs need to recognise the increased legal need that is created by climate change, and the consequent increase in resourcing required. The AAPs would be strengthened by expanding their vision to recognise the strength and expertise of community service organisations in building community resilience, in providing information to the public, and in early intervention and responding to disasters, including community legal services.

Recommendation 1: The AAPs should recognise the role of community legal centres (alongside other community organisations) as part of climate change adaptation plans, including their roles in:

- supporting communities to prepare for, and responding to, the increasing demands and complexity of legal needs as negative climate change impacts accelerate (building upon **Action 6** of the **Health and Human Services AAP**)
- engaging in and collaborating with partners in community-led adaptation (including under **Action 2** of the **Built Environment AAP**)
- creating and implementing organisational adaptation plans so they can continue to deliver services in the context of increasing heat and disasters, and associated increases in demand and complexity (under the **Health and Human Services AAP**).

This recognition should include equipping them for these roles through flexible and long-term funding.

The role of the justice system in climate change adaptation

The AAPs also need to expand their vision to consider the impacts of climate change on the infrastructure and supply chains beyond the health sector (see **Actions 1 and 4** in the **Health and Human Services Plan**) to the justice system, alongside other community sector organisations. In a previous submission, we detailed the issues seen in the wake of the floods on courts, public institutions, prisons and detention centres, and observed that the Ministry of Justice in the UK had developed a strategy that included protecting justice assets such as court buildings and prisons, as well as acknowledging the cascading risks from climate change on the criminal legal system.⁵ These impacts need to be recognised alongside the impacts on the health sector's infrastructure, so that service providers can work together holistically and collaboratively to strengthen system resilience, service delivery and respond to climate change impacts collectively. This is already reflected in existing partnerships between legal and health providers, with 63 health justice partnerships in Victoria.⁶ We also discuss below the need to address the impacts of climate change on people in contact with the justice system, including those in prisons and detention centres.

Recommendation 2: **Actions 1 and 4** of the **Health and Human Services Plan** should be extended to consider climate change impacts on the justice system, including impacts on courts, prisons and detention centres.

The role of the law in climate change adaptation

The AAPs should also be strengthened by recognising the role of law in climate adaptation. Victoria should review its legislation to ensure it does not contradict or undermine actions in the AAPs and to ensure links to climate changes are acknowledged and appropriately reflected.

The AAPs should also recognise the capacity of laws to promote climate change adaptation. This includes the Victorian Charter of Human Rights ('Charter'), which emphasises the importance of human rights considerations in adaptation planning and highlights the need to protect the rights of all Victorians. There are opportunities to review existing legislation, such as emergency management legislation, to embed human rights considerations. There is also an opportunity to investigate how the Charter could be used to make the AAPs legally

⁵ Federation of Community Legal Centres Vic (n 3) 34.

⁶ 'Health Justice Partnerships across Australia', *Health Justice Australia*

<<https://healthjustice.org.au/health-justice-partnership/health-justice-partnerships-across-australia/>>.

enforceable, consistent with evolving international and comparative human rights law, which is discussed in more detail in our submission in the Inquiry into Climate Resilience.⁷

Even **Action 1** of the **Built Environment** AAP, which focuses on embedding climate risk in built environment decision-making processes, focuses on implementation, policy, guidelines and tools, rather than envisaging the law as a vehicle for climate change adaptation. We have previously recommended, for example, that climate justice and human rights principles should be embedded in all Victorian law and especially in laws concerning disaster mitigation, adaptation and response, and also that the *Planning and Environment Act 1987* (Vic) should require systematic inclusion of climate and disaster justice considerations in all decision making.⁸

Other areas of the AAPs that could be strengthened include **Actions 8, 9 and 10** of the **Health and Human Services** AAP, which relate to the adaptation of social housing but do not include legislative change as a vehicle for adaptation. For example, Tenants Victoria has previously recommended establishing a disaster renting law framework to support disaster-affected renters to remain living in their homes, or return faster, after a disaster.⁹

The AAPs should also be strengthened by using law and policy to ensure accountability for progress, including by sufficiently resourcing a body to coordinate implementation of the AAPs and by creating and implementing a plan to report regularly against the progress of the AAPs.

Recommendation 3: The AAPs should be strengthened by considering the role of the law in promoting and undermining climate change adaptation, including by:

- reviewing legislation to ensure it does not contradict or undermine actions in the AAPs and to ensure links to climate changes are acknowledged and appropriately reflected.
- investigating the use of the Victorian Charter of Human Rights in emergency management and in the legal enforceability of the AAPs
- using law to support **Actions 8, 9 and 10** of the **Health and Human Services** AAP in relation to the adaptation of social housing
- using law and policy to ensure accountability for the progress of the AAPs, including by sufficiently resourcing a body to coordinate implementation of the AAPs and by creating and implementing a plan to report regularly against the progress of the AAPs.

Recommendation 4: The AAPs should expand **Action 1** of the **Built Environment** AAP to include requiring systematic inclusion of climate and disaster justice considerations in all decision making.

⁷ Federation of Community Legal Centres Vic (n 3) 28.

⁸ Federation of Community Legal Centres Vic (n 3) 35.

⁹ Tenants Victoria, *Inquiry into the January 2026 Bushfires* (Submission, Legislative Council Environment and Planning Committee, Parliament of Victoria, 8 May 2026) Recommendation 5 <<https://tenantsvic.org.au/wp-content/uploads/2026/05/Tenants-Victoria-Submission-Inquiry-into-January-2026-bushfires.pdf>>.

Centring justice, equity, human rights and self-determination in climate change adaptation

We strongly support the need for adaptation policy and investment decisions to be informed by an intersectional analysis of who benefits, who is excluded, and how structural inequalities have shifted over time. The AAPs should recognise that First Peoples, women and gender diverse people, younger people, older people, people with disabilities, multicultural people and people on low incomes experience climate impacts first and worse due to structural inequities and marginalisation.¹⁰ Victoria's AAPs should promote equitable adaptation, that is, "adjusting and preparing for the impacts of climate change in ways that prioritise fairness, justice and inclusivity."¹¹

We welcome the recognition in the AAPs that climate change does not impact everyone equally and that impacts are "shaped by and often exacerbate existing inequities" and have a disproportionate effect on priority communities.¹² The strong relationship between inequity and climate impacts means that leaving adaptation up to individuals is not feasible for people facing systemic disadvantage and marginalisation. We recommend that justice, equity, human rights, and self-determination for Aboriginal and Torres Strait Islander people should be included as guiding principles across all AAPs.

We also recommend that all the AAPs should be specific about who is at the greatest risk of climate impacts, and how they are at risk. This should include consideration of the impacts of climate change for people in contact with the legal system. For example, during times of crisis, there need to be adequate safeguards or flexibility as people struggle to meet bail conditions or arrangements involving children. In particular, there is a need to consider the impacts of climate change on people in prisons or detention centres.¹³ Adaptation plans should ensure that people in prison are kept safe and informed as much as possible, and their family are kept informed of their safety and wellbeing and plans to ensure their safety.

We also welcome the recognition of the right to self-determination and climate change risks to Aboriginal and Torres Strait Islanders across the AAPs, as well as the explicit recognition in the **Health and Human Services Plan** that climate change adaptation must support self-determination for Aboriginal and Torres Strait Islander peoples, including the right to care for Country and culture in a changing climate and to benefit from the transition.¹⁴ To enable this, we recommend that a key part of adaptation must include embedding self-determination and leadership in climate adaptation by resourcing and supporting First Nations organisations to lead preparedness, resilience, response and recovery their communities, and increase First Nations leadership in government adaptation and emergency management arrangements. It is crucial that the AAPs actively **supports the outcomes of Treaty**, and that Gellung Warl plays an active role in ensuring self-determination in the adaptation of First Peoples to climate change.

¹⁰ Julianne Tice, *Adaptation for All: Addressing Victoria's Widening Inequality with Transformative Climate Adaptation* (Report, Victorian Council of Social Services, July 2025)

<<https://vcoss.org.au/environment-and-climate-change/2025/07/adaptation-for-all/>>.

¹¹ Federation of Community Legal Centres Vic (n 3) 27.

¹² Department of Health (Vic), *Health and Human Services Adaptation Action Plan 2027–31* (Draft for consultation, June 2026) 9 <<https://engage.vic.gov.au/download/document/46883>>.

¹³ Jesuit Social Services, *Prisons, Climate and a Just Transition* (Discussion Paper, August 2021) <<https://cjp.org.au/research-publications-old/prisons-climate-and-a-just-transition-discussion-paper/>>.

¹⁴ Department of Health (Vic) (n 12) 15. We also note that supporting First Peoples' self-determination in climate resilience is a priority action in the **Primary Production AAP** (Action 4).

We also welcome the recognition of the Yoorrook Justice Commission in the **Health and Human Services Plan** but note that key recommendations made by the Commission relating to climate change in its report *Yoorrook for Transformation* still need to be fully implemented.¹⁵ This includes recommendations to enable and support a First Peoples' Climate Justice Strategy and a review of all emergency management legislation involving Traditional Owner Groups and Aboriginal Community Controlled Organisations. We also support the call at the Victorian Policy Roundtable on Aboriginal Disaster Resilience to 'reshape the mindset of emergency management from command and control to community and culture', and to move from 'transactional recovery to transformational partnerships'.¹⁶

Finally, we also recommend that the AAPs need to be aligned with and support Victoria's commitments under the National Agreement on Closing the Gap, including the Priority Reforms relating to shared decision-making, strengthening the community-controlled sector and transforming government organisations.

Recommendation 5: We recommend that justice, equity, human rights, and self-determination for Aboriginal and Torres Strait Islander people should be included as guiding principles across **all the AAPs**.

Recommendation 6: We recommend that **all the AAPs** should be specific about who is at the greatest risk of climate impacts, and how they are at risk, including people in contact with the legal system, such as people in prisons or detention centres.

Recommendation 7: The AAPs should embed First Nations self-determination and leadership in climate adaptation by:

- resourcing and supporting First Nations organisations, Traditional Owner groups and communities to lead preparedness, resilience, response and recovery their communities, and increase First Nations leadership in government adaptation and emergency management arrangements
- fully implementing Recommendations 45 and 46 of the Yoorrook Justice Commission in its report *Yoorrook for Transformation*
- aligning them with Victoria's commitments under the National Agreement on Closing the Gap, including priority reforms of shared decision-making, strengthening the community-controlled sector and transforming government organisations.

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¹⁵ Yoorrook Justice Commission (n 1) Recommendations 45-46.

¹⁶ National Indigenous Disaster Resilience and Fire to Flourish, *Victorian Policy Roundtable on Aboriginal Disaster Resilience* (Communique, 30 May 2025)
<https://www.monash.edu/__data/assets/pdf_file/0006/4038036/Communique-Victorian-Policy-Roundtable-on-Aboriginal-Disaster-Resilience-May-30-2025-2-1.pdf>.