



CASEWORK GUIDELINES

There are a number of factors EDO Tasmania considers when deciding whether to become involved in litigation. These guidelines outline the most important questions:

Is your case consistent with our objectives (set out in our Constitution)?

- To provide legal advice and assist with access to legal services on environmental law matters for disadvantaged persons and classes of persons for whose needs the services of lawyers in private practice are inadequate.
- To encourage the solution of environmental problems in a way which is compatible with the principles of ecologically sustainable development.
- To increase community awareness regarding legal remedies for environmental problems.
- To carry out and publish research on the administration of environmental law.

Can you afford private legal representation?

EDO Tasmania is not simply a low-cost legal service for private individuals. We need to make sure that our limited resources are available for people and community groups who cannot reasonably afford to get private legal assistance to help them to protect the environment.

However, the EDO recognises that it is not always reasonable to expect members of the community to contribute significant private resources to fight an issue that is in the public interest. Therefore, where a matter concerns the public interest and you will not gain personally from the outcome of litigation, your financial circumstances may be overlooked when assessing your application for assistance.

Is the litigation in the public interest?

In some situations, your case may involve both a private interest (e.g. impacts on your property) and a broader public interest. In these circumstances, we must be satisfied that the litigation will effectively serve the public interest.

Does the litigation involve important legal issues?

We will consider whether your case raises original or novel legal questions that could set an important precedent, any potential advantages for longer term protection of the environment or rights of public participation, and whether the case could highlight the need for law reform.

Does the litigation seek to protect important environmental values?

We will give preference to cases which seeks to protect areas with significant values, such as wilderness, threatened species habitat, heritage listed buildings or an important public recreational area.

Is the litigation likely to be successful?

We will assess the prospects of success, having regard to previous cases, the strength of the facts, the number of witnesses likely to be involved and the basis for any decision being challenged. Please note: if the matter could potentially highlight law reform opportunities this may warrant representation despite lower prospects of success.

Available resources

We will assess the likely demands that your case will put on our resources (time, money, external expertise), and whether we have sufficient resources available to meet those demands. This may depend on timing, the availability of pro bono experts and any other commitments that we have.

Client commitment

We will also consider how committed you are, whether you have clear objectives or outcomes you are seeking and how willing you are to assist us with preparing your case.