

## ADVICE GUIDELINES AND CASEWORK GUIDELINES

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EDO Qld is a non-profit community legal centre working in the area of public interest planning and environment law. EDO Qld advises and acts for individuals, community groups and conservation groups seeking to protect the environment in the public interest. However, due to our limited resources, EDO Qld cannot assist every group or individual who seeks help. It is the policy of the EDO Qld to give initial legal advice to any person or group seeking it who meets the [Advice Guidelines](#) criteria listed below, when adequate staff and financial resources are available. It is the policy of EDO Qld to give further legal assistance to a client who meets the criteria under the [Casework Guidelines](#) listed below, when adequate staff and financial resources are available. Where our Casework Guidelines are met, EDO Qld may run the case or litigation on behalf of the client.

### 1. ADVICE GUIDELINES:

Before making a request for legal assistance, you should consider the following:

- Is the matter concerned with environmental protection?
- Is the matter in the public interest? In determining this, the EDO Qld needs to be satisfied that the issue has significance beyond the material or financial interests of a particular individual or group.
- Is private legal assistance beyond the means of the applicant?

If you answered 'no' to any of these questions, we may refuse to offer you legal advice.

If your legal issue does not fit these criteria, you may still find useful information about your legal issue in our [factsheets](#) or [Community Litigants Handbook](#). Please view our factsheets and excerpts from our Handbook on our [website](#). If your issue or part of your issue is a private interest issue, we can provide a referral to private lawyers. Please see [item 3 below](#) if your legal issue contains a private interest issue, such as damages to persons or property.

**Regardless of any request you may make to EDO Qld for legal assistance, it remains your responsibility it remains your responsibility to comply with any time limits, such as time limits to lodge a submission or to file court proceedings.**

### 2. CASEWORK GUIDELINES:

The following criteria are used to assist EDO Qld staff determine an appropriate level of assistance to be provided to clients of the EDO Qld both as part of the general casework of the EDO Qld and for cases identified as suitable vehicles for strategic legal development.

Among the issues to be considered when deciding to take on a case are:

- The precedent value of the case
- The capacity and commitment of the client
- The likelihood of irreversible high impact on environmental values
- The prospects of success
- Will the action promote or guarantee preservation, conservation or integrity of species and

ecosystems or habitats?

- Is the matter the subject of considerable public debate or concern?
- Number of people affected by these issues
- Failure of authorities to enforce the law
- Complexity of the case
- Availability of expert evidence/assistance
- Does EDO Qld have the capacity to run the case and continue to carry on other business?

Don't forget, regardless of any request you make to EDO Qld for legal assistance, it remains your responsibility to comply with any time limits, such as time limits to lodge a submission or to file court proceedings.

### **3. WHAT WE DON'T DO:**

EDO Qld only provide legal advice in the area of public interest planning and environment law. If your legal issue does not meet our criteria, we may be able to refer you to a legal service who can assist.

EDO (Qld) cannot advise you on any private interest legal matter, such as your private rights to sue for damages to persons or property.

To safeguard your private rights to sue for damages to persons or property we strongly advise that you to consult a private lawyer specialising in those areas **right away**, as EDO Qld cannot advise or help you in such an action, and there are strict time limits for commencing such actions.

### **4. IMPORTANT INFORMATION ABOUT TIME LIMITS FOR DAMAGES**

The time limits are generally 6 years after damage to property and 3 years after personal injury, however there are other laws that make the limitation periods shorter in some cases. If you do not commence action within the time limits your right of action may be permanently lost. Therefore, if you require legal advice about your private rights to sue for damages to persons or property, we advise you to seek advice from a private lawyer right away.

You can obtain referrals to lawyers in your area from the Queensland Law Society by contacting their referral line – (07) 3842 5842.

For personal injury matters, Legal Aid has a 'Civil Law Legal Aid Scheme', which may be able to assist in paying some of the costs involved in preparing a personal injury claim. Further information is available on the [Legal Aid Queensland website](#). You can call Legal Aid on 1300 651 188 and ask them to refer you to a solicitor in your area who participates in the Civil Law Legal Aid Scheme.

**Please note: we keep files for seven years after giving legal advice. After that, files are shredded.**