

Legal Advice to Unrepresented Parties Environment Resources & Development Court

This information sheet explains the service provided by the Environmental Defenders Office (SA) Inc. (“EDO”), including advice to members of the public who are involved in (or contemplating) legal action in the Environment, Resources and Development (ERD) Court.

What is the EDO?

The EDO is a non-profit community legal centre specialising in public interest environmental law.

The EDO is funded from a variety of sources including:

- State Government Department for Environment & Heritage;
- EDO membership fees;
- Tax-deductible donations from clients and members of the public; and
- Fundraising.

The EDO is not part of government and does not provide any identifiable client details to any government department. As with all law offices, the EDO recognises client confidentiality.

Who is eligible for assistance?

The EDO’s charter emphasises “Public Interest” environmental law. This means that the EDO may decline to assist prospective clients who are:

- seeking to avoid their environmental responsibility; or
- involved in environmentally-damaging activities; or
- being prosecuted for criminal offences under environmental law; or
- facing civil enforcement action by public authorities for breaches of environmental law.

Most appeals by applicants for development approval (developer appeals) fall outside our charter and are referred to appropriate private lawyers. Also, minor neighbour disputes (eg. fencing disputes, noisy air conditioners & barking dogs) are referred to other agencies such as Neighbourhood Mediation Centres.

As a law office, we are bound by rules governing “conflict of interest”. This means that we will also decline to assist prospective clients where the opposing party is an existing client.

The EDO will assess any requests for assistance on a case by case basis including an assessment of the merits of the matter, public interest credentials and any existing or potential future conflict situation. Where the EDO cannot assist, referral to private lawyers or other services is offered.

Is there a means test?

The EDO does not formally assess the means (or financial resources) of clients. You do not have to be poor to receive assistance. It is expected however that clients will use the services of private lawyers where the dispute involves mainly private or personal issues (eg. concern about private property values). A \$55 /\$25 concession admin fee applies for face to face or phone appointments.

What assistance does the EDO provide?

The primary service offered by the EDO is the provision of free legal advice to individuals and groups. This advice may include:

- Understanding ERD Court processes and procedures;
- Appropriate types of legal action and how to bring them;
- Advice on specific environmental laws such as the Development Act or Environment Protection Act;
- How to represent yourself at an ERD Court conference or hearing;
or
- How to prepare your case.

In most cases, this service is provided on behalf of the EDO by experienced solicitors from private law firms in Adelaide or by suitably qualified public sector or academic lawyers. Face to face consultations are usually limited to 30 minutes. Telephone advice may be available for urgent matters or country clients who are unable to attend in person.

Does the EDO represent clients in court?

Generally, no. In exceptional circumstances, representation may be available to conservation groups and individuals involved in major public interest cases.

What does it cost?

A \$55 /\$25 concession admin fee applies for face to face or phone appointments. If more help is required after the initial consultation, the EDO can provide a list of appropriate private lawyers. In these cases private solicitors' fees will be payable by negotiation between the lawyer and the client. In cases involving important public interest issues, the matter may be referred to the EDO staff solicitor for ongoing free assistance.

How do I make an appointment?

The first step is to fill out an online request at www.edosa.org.au/requestlegaladvice. The EDO advice service is generally held on Thursday evenings. Appointments are made on a first-come first-served basis. When requesting an appointment online, you will be asked questions about the nature of the dispute and the names of the other parties. This is to enable us to identify whether the rostered volunteer lawyer has a "conflict of interest" (eg. he or she may already act for the relevant local council or one of the other parties involved in your dispute).

What should I bring to my appointment?

You should bring all relevant paperwork, including copies of Court documents, Development Applications or Decision Notification Forms "DNFs".

Can I make further appointments as my case progresses?

The EDO will assess on a case-by-case basis whether clients will be provided with ongoing assistance. The EDO gives priority to public interest cases and matters where clients are representing themselves in Court with the aim of protecting the environment.



Office: Level 1, 182 Victoria Square, Adelaide, SA
Post: GPO Box 170, Adelaide, SA, 5001
Phone: (08) 8359 2222 | SA Country Freecall: 1800 337 566
Email: edosa@edo.org.au | Web: <http://www.edosa.org.au>