

## **ELA Advice, Advocacy and Casework Guidelines**

ELA may provide legal, scientific or other assistance, upon request, to an individual or body corporate (including members of the association) if, in the opinion of the Executive, the following criteria are satisfied:

1. The request relates to:
  - (a) An activity or proposed activity that is likely to, cause or contribute to substantial environmental harm; or
  - (b) A proposed activity that will result in substantial environmental benefit;
2. Intervention by ELA has reasonable prospects of achieving positive environmental outcomes;
  - (a) In the particular case; and/or
  - (b) More broadly, by promoting improved understanding of, administration of, compliance with, or reform of, the law;
3. Intervention by the association is in the public interest;
  - (a) In determining whether these criteria are satisfied, the Executive may consult with members of the association and any person(s) with relevant expertise.
  - (b) In implementing these guidelines the Executive will consider the existing workload of the Association and the financial circumstances of the person(s) requesting assistance.

Examples of the type of assistance include:

- Undertaking initial legal and scientific research
- Referral to a member for pro bono legal and/or scientific advice
- Referral to an appropriate organisation or agency
- General advocacy by the association
- Legal assistance relating to non-violent environmental activism
- Public interest environmental litigation

### **Referral**

If a matter falls outside these guidelines, the Association may provide a list of members who undertake work in the relevant area for private action

### **Legal Practitioners**

Legal advice or representation will only be provided by members of the Association who are admitted to legal practice and lawfully entitled to practice law in Fiji pursuant to the Legal Practitioners Act 1997

### **Fees**

Members of the Association will ordinarily waive their professional fees, although full or reduced fees may be charged in cases where the client has adequate financial means

This decision will be made by the member(s) offering the assistance, in consultation with the Executive. The nature and estimated amount of any fee arrangement or other expenses must be agreed in writing with the client.