

Animal Defenders Office ACT

Advice and Casework Guidelines

Version 1, December 2013

About these guidelines

The Animal Defenders Office advises and acts for individuals and community groups seeking to protect and advance animal interests by using the law.

Our lawyers and support staff are volunteers, and resources are limited. This means that we may not be able to assist every group or individual who seeks help. These guidelines explain our policy on providing free legal assistance.

DISCLAIMER

The information contained in this document is for guidance purposes only. The Animal Defenders Office reserves the right to amend these guidelines at any time. All decisions made in relation to the acceptance or otherwise of requests for legal assistance are final. The Animal Defenders Office accepts no responsibility for any loss or damage suffered by people relying on the information contained in this document.



Eligibility Criteria

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

1. Is the matter concerned with animal protection?
2. Is the matter in the public interest?
3. Are there reasonable prospects of success (if the case involves litigation)?

If you answered 'no' to any of these questions, we may be unable to offer you legal advice or assistance.

In addition to the above criteria, all requests for legal assistance are also subject to the availability of resources, which includes staff time and the likely expense of a case.

When assessing a request for assistance, the ADO Management Committee will have primary regard to whether the case involves, or is related to, animal protection.

1. Is the matter concerned with animal protection?

Meaning of “animal protection”

For the purposes of these guidelines, “animal protection” means securing, advancing, or promoting the interests of any animal or species located in the greater Capital region.

In assessing this issue, the ADO Management Committee may have regard to the following:

- Does the case seek to defend the interests of an animal or a species against the actions or potential actions of an individual, group, or body?
- Does the case seek to promote the interests or integrity of an animal or species generally?
- Does the case involve the application or defence of important principles in relation to animal protection or animal law?
- Does the case involve the provision of assistance to individuals or groups whose purpose is to promote, defend or enhance the interests of an animal or species?
- Might the case establish a precedent that is likely to have wider significance for animal protection?
- Might the case have an impact upon community perceptions and awareness of animal protection?

2. Is the matter in the public interest?

When assessing a request for assistance, the ADO Management Committee may consider the extent to which the case is or may be in the public interest.

This will generally mean that the matter should extend beyond purely private interests, and have the potential to benefit the community or groups within the community. For example, a request for advice about registering a domestic animal may not be in the public interest.

Public interest may exist however, in matters of a private nature where there is a direct connection with enhancing the broader interests of an animal or species. This would cover a request for advice about registration where it relates to the rescuing or provision of sanctuary for that animal, or if the case involved promoting law reform relating to animal registration.

Public interest may also exist in matters that relate to government decision-making, because the public has an interest in ensuring that decisions of government and associated bodies are considered, transparent, and lawful. This may cover a case relating to private animal registration where it involves a dispute about interpretation of the law, or if it is likely to bring attention to the status of a law and the need for reform.

3. Are there reasonable prospects of success?

When assessing a request for assistance, the ADO Management Committee may consider the merits of the particular case.

This test involves consideration of the substantive issues of the case, and whether it is appropriate to use ADO resources pursuing the particular matter.

If the case involves litigation, some of the considerations of the ADO Management Committee may include:

- What are the prospects of succeeding in the hearing?
- What other positive benefits will be caused by the litigation (whether or not it succeeds in Court)?
- Is there a chance that a court may deem the case to be frivolous, vexatious or an abuse of process?

Availability of Resources

It is important that our lawyers have the capacity to manage cases in a competent and professional manner. This means that a primary consideration for the ADO Management Committee will be whether the ADO has sufficient resources to enable it to handle a particular case.

When considering the availability of resources, the ADO Management Committee may have regard to:

- Whether the matter is urgent;
- The likely time involved in preparing the advice or materials;
- The extent to which the applicant is able to assist with the preparation and conduct of the case;
- Whether, having regard to the resources available to the applicant, it is more appropriate that the matter be handled by a private lawyer.

For further information about anything included in these guidelines, please contact us at contact@ado.org.au

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