

“When experience counts and you need an innovative approach, contact us”

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Welcome to our first newsletter of 2008!

New Law for Unit Owners

Common property that has a body corporate will be impacted by the Owners Corporation Act 2006 (“the new Act”) and the Owners Corporation Regulations 2007 which came into effect on 31 December 2007.

From now on all bodies corporate operating at and after 31 December 2007 will be known as ‘Owner Corporations’, and, while rules and regulations relating to committees and meeting procedures will essentially be the same, individual lot owners will have broader powers to more successfully manage their responsibilities and relationships in their common property. Body corporate rules and resolutions will continue so long as they are not inconsistent with the new Act or regulations.

The new Act follows many consultations conducted by Consumer Affairs Victoria which identified gaps and problems with the previous legislation and regulation, particularly with regard to dispute resolution. Disputes that could only be resolved through legal action can now be dealt with by the Owner Corporation (by a simple majority vote of lot owners), by conciliation through Consumer Affairs Victoria or by the Victorian Civil and Administrative Tribunal (VCAT).

Owner Corporations must become aware of their new obligations and the changes associated with the new Act. The most important obligation is the preparation of the Owners Corporation Register and the requirement of an Owners Corporation certificate, the latter of which must be obtained and inserted in the Section 32 Vendor’s Statement before a unit can be sold.

For further information please contact Jenny Lee of our office on 9870 7585 or visit the newsletter section on our web site (www.hutchinsonlegal.com.au) and open the link “The New Owners Corporation Act 2006” for an extended version of this article.

Ancient Wisdom

‘The laws put the safety of all above the safety of one’

– Cicero, 2nd Century B.C.E. Roman Statesman, Orator and Writer

Water Restrictions

...continue to be applied in Melbourne

Stage 3a water restrictions are now in place across Melbourne. Lawns cannot be watered at any time. Gardens may be watered by a hand-held hose fitted with a trigger nozzle or by a watering can and bucket only between 6am until 8am on the following days:

- Saturday and Tuesday morning for even numbered houses;
- Sunday and Wednesday morning for odd numbered houses.



Where at least one resident is aged 70 years or older a garden may be watered manually between 6am until 8am or 8am until 10am as required.

If you do not comply with these restrictions then penalties may be imposed by your water company ranging from an official warning, an on the spot fine of \$550.00, six months imprisonment or a fine of \$8,809.60 for subsequent offences or even restriction of your water supply under section 85(5) of the Water Industry Act 1994. A water company can even prosecute you for taking or using water without their consent if you fail to comply with the restrictions.

We can be mindful that these water restrictions and penalties are about protecting a valuable resource for our continued use and enjoyment.

If you would like to receive an electronic version of Legal Insight, please:

- call Tristan Tottenham of our office on 9870 7585
- write to us at PO Box 450, Ringwood 3134
- send an email to office@hutchinsonlegal.com.au

The Power of the Bench

Believe It Or Not?

Samuel King, a U.S. District Court Judge in California, was annoyed that bad weather was keeping people from showing up for jury duty. On 18 February 1986, he decreed: "I hereby order that it cease raining by Tuesday." California then suffered five years of drought.

So, in 1991, he issued another decree: "I hereby rescind my order of 18 February 1986 and order that rain shall fall in California beginning 27 February 1991." Days later, the state was hit by its heaviest rains in 10 years!

Employers Beware!

From 19 August 2007 it will be a criminal offence to knowingly or recklessly allow an illegal worker to work, or to refer an illegal worker for work. Individuals and companies convicted of these offences face fines and/or imprisonment. The safest way to avoid committing the offences is to check that all prospective workers have a valid visa with permission to work in Australia.

While all Australian citizens have unlimited permission to work in Australia, not all foreign passport holders have a valid visa with permission to work in Australia and some have limited work rights. Employers may check a visa holder's work entitlement through the Visa Entitlement Verification Online service. Employers, therefore, should obtain from prospective workers their passbooks and visas and other documents including a Tax File Number Declaration to confirm Australian citizenship and eligibility to work. Most important of all is to confirm that the person standing before you matches the photograph in the passport or driver's licence they provide. If you do not have the resources to check the visa holder's work entitlement, a Registered Migration Agent will be able to assist.

Mee Lian Wong of our office, a Registered Migration Agent and Commercial Lawyer, would be pleased to assist if you have questions regarding the above matters.

'Turning Ideas Into Money'

Business Seminar



If you are looking to transform your ideas or business plans into money-making ventures this Seminar is for you. Learn about how to develop a business plan that yields profit margins, how to set up correct legal structures for licensing and/or franchising and how to identify and profit from Intellectual Property assets, Trade Marks, Innovations and Designs.

Location: The Clarion, cnr Springvale & Canterbury Roads, Forest Hill

When: Tuesday 18 March 2008

Time: 9.00am – 12.00noon

Cost: \$30.00

Contact Barb Graham (9870 7585 or barb@hutchinsonlegal.com.au) for more details or to register your attendance.

Personal News

Congratulations to Paul Johnstone and Martin Reilly



Paul and Martin have completed their 12 months practical training and were admitted as Barristers and Solicitors of the Supreme Court of Victoria on Tuesday 19 February 2008. Paul is practising in areas of Family Law, Victims of Crime Tribunal (VOCAT) and Corporate Governance and Martin is practising in Estate Planning including Eldercare Legal, Property Law and some Personal Injury Litigation.

Please contact either Paul or Martin if they can assist you in these areas of law. You may wish to read more of their background on our office web site under "Our Staff".

Welcome Edmund Saw



Edmund Saw comes to the Hutchinson Legal team as a Law Clerk. Edmund completed Secondary Education in Singapore and Tertiary Education at Monash University (B. Econ / L.L.B.) before going

back to Malaysia where he practised at his family's law firm for 6 years. His area of practice was primarily in Employment Law and Civil and Commercial Litigation with experience in General Law. Edmund comes from a strong legal background as his father and elder brother are lawyers practising in Malaysia. Edmund needs to complete a 6 month Clerkship before being admitted to practice law in Victoria.

We Are Leaving

But only the building not the locality! We have been advised that the land comprising Midway Arcade is to be developed as part of an extension of Eastland up to Maroondah Highway. We welcome this development but naturally it means we need to be ready to move. We are pleased to confirm that discussions are underway and we expect to be relocating to another office near our premises before the close of the year. So, watch this space! We will continue to give you updates through the year.



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Clients should not act only on the basis of material contained in this newsletter because the contents are of a general nature only and may be liable to misinterpretation in particular circumstances. Changes to legislation can occur quickly. Do not act on any of the contents of this newsletter without first obtaining specific advice from a lawyer.