

Welcome to the first quarterly Kenny Spring Solicitors newsletter, where we keep you updated on changes in the law that affect your personal, business and working lives. Should you require further information on the any of these topics, please call and talk to one of our solicitors. Make sure you register online for regular updates.

KENNY SPRING SOLICITORS NEWS



A growing team

We proudly welcome Kristi McCusker to our team of solicitors. Local girl Kristi grew up in Oberon and Bathurst, before studying at the Southern Cross University in Lismore, and practicing law in Lithgow for seven years. Kristi is experienced in workers compensation, personal injury, motor accidents, insurance claims, and general court cases.



Local Court appointment

Partner Rod Anthes has been appointed as an arbitrator to the Bathurst Local Court. This honour will see Rod arbitrate in matters referred to him by the Local Court. Congratulations on this wonderful recognition Rod.

New Oberon office

Kenny Spring Solicitors in Oberon has now moved to 95 Oberon Street, part of the Morse Group office. Our office hours are from 2-5pm every Tuesday and Thursday, or other times by appointment. You can still contact the Oberon office on 6336 1485 or 1800 650 656.

Direct to your inbox

To receive the next Kenny Spring Solicitors newsletter via email, please contact us on 1800 650 656, email us at newsletter@kennyspring.com.au or log onto our website and subscribe, www.kennyspring.com.au.

Parking and access arrangements

While construction of the new shopping centre behind our Bathurst office has limited our parking, street parking is still available on Russell Street. If you experience any difficulties getting to the office, please talk to your solicitor about a home visit or our courtesy service, where we can transport you to and from the office. As always, the building's lift is available to all clients, especially to assist those with limited mobility.

Community matters

At least that's what our staff believe, contributing their own money to local charities as part of our monthly 'mufti day', which sees staff dress casually in return for a gold coin donation to a local community organisation. With the partners matching the staff's contribution, \$300 was raised for the Carenne School at the end of 2007. This quarter's funds will be donated to the St Vincent de Paul Society. Congratulations to the whole team on a generous effort.



Bail amendment – only one bite at the cherry?

Recent changes to the *Bail Act* 1978 have restricted the number of times an accused person can apply for bail. Previously, an accused person had the right to make unlimited bail applications before the Local or District court, but was limited to only one bail application before the Supreme Court. Now, an accused person has the right to make only one bail application before the Local Court and one before the Supreme Court.

A bail application is essentially about whether or not that person will appear before court to answer the charges not whether or not they have committed the crime. However these new amendments may restrict an accused person's right to remain within the community prior to the charges being dealt with by the court. It's now more important than ever to find the right solicitor to advocate for your rights.



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Provisional licence holder restrictions

On 1 July 2007, restrictive conditions were placed on provisional licence holders, which apply equally to P1 and P2 licence holders. All P1 and P2 licence holders under the age of 25 years must not drive a vehicle with more than one passenger under the age of 21 years between the hours of 11pm and 5am.

At the same time as the passenger restrictions were introduced, a restriction as to the type of vehicle a provisional licence holder may drive was also enacted.

It is now illegal for a provisional licence holder to drive a 'high performance vehicle', which includes engines with eight or more cylinders, turbocharged or supercharged engines, as well as any vehicle which has been 'substantially modified'.

Exceptions may be granted to both the passenger and vehicle restrictions, however valid reasons must be shown. The decision to grant such an exception is made by the Commissioner of the RTA and is subject to appeal should the exception not be granted. Talk to Jarni Simpson for more information.

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Further anti-money laundering legislation

The second instalment of legislation relating to the *Anti-Money Laundering and Counter Terrorism Financing Act* is now in force. At its broadest the new legislation covers all business, but it is particularly focused on lawyers, accountants, real estate agents, jewellers, local governments and lenders, including banks, building societies, and credit unions.

Business operators have a duty to identify and verify clients; monitor transactions; and report to AUSTRAC any suspicious matters or threshold transactions. It is a criminal offence not to report suspicious activity or to warn a client that you are obliged to report such activities.

Client identification procedures came into effect on 12 December 2007. Ongoing client due diligence procedures, suspicious matter reporting, threshold transaction reporting and international fund transfer instructions reporting will be enforced from 12 December 2008. Rod Anthes is able to assist you in identifying your risks and developing your policies, which are now more important than ever.

It is a criminal offence not to report suspicious activity or to warn a client that you are obliged to report such activities.



ISSUES

Apprehended Violence Orders – used or abused?

It's a sad fact that Apprehended Violence Orders (AVOs), while designed to protect one individual from another, are often abused.

As a general rule AVOs are taken out by the police on behalf of an individual, after there has been an allegation of a domestic assault. Individuals can also apply to the court for an AVO in circumstances where they feel in fear of another. In both circumstances the fear must be reasonably based. Conditions of an AVO can protect a person, their family and property, and stop them being approached at their home, place of work or any other location they frequent. It is a tool with which to protect a person who holds a fear of another.

Unfortunately there are times when the application of AVOs has been abused and defending one can be a costly process, both financially and emotionally. However, it is worth fighting if an AVO has been wrongly taken out against you. Call Jarni Simpson to discuss how we can assist you to achieve an outcome which all parties are satisfied with.



Who will make the decisions when you can't?

Did you know, without an Enduring Power of Attorney or Enduring Power of Guardianship in place, your family and friends are unable to make decisions on your behalf should you be incapacitated. In the event of an accident or illness, critical decisions concerning your care will be delayed until an application to the government has been approved. Such applications can be time-consuming and costly, usually taking months to resolve.

An Enduring Power of Attorney or Enduring Power of Guardianship are simple documents that are easily and affordably set up. Contact Rod Anthes to find out how you can put your mind at ease and set one up today, knowing that someone who cares for you will be making the decisions required for your welfare. You will also be saving your loved ones a great deal of trouble and stress in a situation which is already causing heartache.



We specialise in a range of areas of the law, including:

- Real estate, planning & conveyancing (selling and purchasing property)
- Business & company advice, including debt recovery
- Insurance disputes
- Wills, probate & estate planning
- Court cases
- Family law
- Defacto relationship disputes
- Dispute resolution
- Employment law
- Public liability & motor vehicle accident claims
- Criminal & police matters



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Name: _____

Address: _____

Phone number: _____

Email address: _____



Level 1
The Reliance Centre
203-209 Russell Street
PO Box 149
Bathurst NSW 2795
DX 3103 Bathurst
T 02 6331 2911
F 02 6331 8957

Branch Office:
95 Oberon Street
Oberon NSW 2787
T 02 6336 1485

Rod Anthes
r.anthes@kennyspring.com.au

Angus Edwards
a.edwards@kennyspring.com.au

Kristi McCusker
k.mccusker@kennyspring.com.au

Daryl Pike
d.pike@kennyspring.com.au

Jarni Simpson
j.simpson@kennyspring.com.au