

Welcome to the fourth Kenny Spring Solicitors newsletter, packed with updates and news on legal issues that affect your personal, business and working lives.

## KENNY SPRING SOLICITORS NEWS

### Free information evenings

Following the success of our seminar on workplace accidents, Kenny Spring Solicitors has planned a program of free evening information sessions for clients and interested guests over the coming months. The seminars commence at 6.00pm and will be held in the Ground Floor Auditorium of our Bathurst offices and at the Oberon RSL Club.

To register for any of the following events, please call Robyn on 6331 2911 or email [r.booth@kennyspring.com.au](mailto:r.booth@kennyspring.com.au).

Topic	Bathurst	Oberon
Changes to motor accidents legislation	25 March	26 March
Buying or building a house	22 April	23 April
Compensation	20 May	21 May
Why you need a will	24 June	25 June

### Bathurst Relay for Life

Kenny Spring Solicitors has entered three teams in this year's Bathurst Relay for Life, and has challenged other Bathurst businesses to outdo their fundraising efforts.

The relay starts on 3.45 pm on Saturday 21 March and finishes at 10.00 am Sunday 22 March. Come along to support the Kenny Spring Solicitors teams, donate online at [www.relay.cancercouncil.com.au](http://www.relay.cancercouncil.com.au) (search for Kenny Spring) or follow the link from our web page, [www.kennyspring.com.au](http://www.kennyspring.com.au).

The Oxford Hotel has kindly provided the prize for the business that wins the challenge: vouchers for pizzas and a bar tab of \$100.

Last year, staff from Kenny Spring Solicitors participated in the Oberon Relay for Life, raising more than \$1,500.

### November

Rod has joined the Platinum Club as a result of raising over \$2,000 for Movember. This was a great result and thanks in large part to the support of our clients.

### 10th anniversary

This year sees three staff members celebrating their tenth year with the firm. Angus Edwards, Partner of Kenny Spring Solicitors, first joined the firm from Sydney 10 years ago this February. Amanda Soames, Office Manager, and April Slavicek, Administrative Assistant, have also notched up 10 years at Kenny Spring Solicitors. Angus, Amanda and April join Rod Anthes, Robyn Booth, and Jenny Furner as long-term employees of the firm.

### All Saints' College winning mock trial team

All Saints' students, mentored throughout 2008 by solicitors from Kenny Spring Solicitors, were recognised on Tuesday 10th February 2009 by the Law Society of NSW as winners of the Western Country Region in the 2008 Mock Trial Competition. Ms Sally Kitto, the President of the Central West Branch of the Law Society of New South Wales visited All Saints' College to present students with their medallions. In 2008, the students competed in the state semi-finals, losing by one point to Canberra Girls Grammar School who went on to win the Grand Final held in Sydney.

Involvement in the competition develops students' knowledge of legal procedures and precedents particularly in relation to situations the students may encounter in their daily lives. Students participate in simulated court cases where they are encouraged to use lateral thinking, imagination, improvisation, their own experience, research and analytical skills.



## LEGAL UPDATES

### Employment law update

Late in 2008, the Federal Government released its Fair Work Bill, the latest wave of change to workplace relations laws. Although this means ditching the remaining Workchoices provisions, the new law will be a patchwork of continuity and change.

The most significant changes, which are expected to come into effect by 1 July 2009, are:

- revision of unfair dismissal laws, including removal of the "less than 100 employees" and "genuine operational reasons" exemptions, concessions for employers with less than 15 employees, and a substantially modified system for dealing with unfair dismissal claims;
- revisions of the minimum conditions of employment, with the introduction of the National Employment Standards (substantial changes to parenting leave and redundancy entitlements and other changes of detail) which, combined with the completion of the award modernisation by 2010, will represent a thorough review of the fundamental entitlements of employees.



The Bill represents a compromise package based on the policy the ALP took to the 2007 election and extensive negotiations with unions and employer and industry bodies. The Bill is currently going through a Senate committee enquiry, and typically, is being criticised by representatives of both workers and employers for going too far, or not far enough.

For further advice on the changes, please contact Rod.

### Family law de facto amendments

The amendments to the *Family Law Act* that give greater rights and access to de facto couples, commenced on 1 March 2009. The amendments will provide greater equality to all separating couples, whether married or de facto, in line with the law that has long applied to those who are married. A number of states are yet to refer their powers in relation to de facto relationships to the Commonwealth Government, although New South Wales, Queensland, Victoria and Tasmania have already done so. For advice on de facto relationships, family law or divorce, please contact Angus.

### Grandparents also have rights in family law disputes

Increasingly the courts are looking at grandparents as an alternative to parents, for the care of children in family law disputes. The Government has also recognised the importance of grandparents in children's lives, recently announcing a raft of resources through the family law system to help grandparents maintain positive relationships with their grandchildren.

Recent initiatives undertaken by the Government include:

- Commissioning the Australian Institute of Family Studies (AIFS) to examine the impact of the 2006 family law reforms on grandparents;
- Producing information brochures and DVDs on the importance of children maintaining strong relationships with significant people in their lives, including grandparents;
- Developing and issuing guidelines to be used by Family Relationship Centres when dealing with cases involving grandparents;
- Exploring how the Parenting Orders, Post Separation Cooperative Parenting and Supporting Children After Separation programs can better include discussions about the importance of grandparents and other extended family members; and
- \$400,000 provided to Legal Aid Commissions last year to enhance the delivery of family dispute resolution services to grandparents and other extended family members.

For information on the rights of grandparents in family law, please contact Angus.



## ISSUES

### Lifetime Care and Support Scheme for motor vehicle injuries

The Lifetime Care and Support Scheme provides treatment, rehabilitation and care services to people severely injured in motor vehicle accidents in NSW, regardless of who was at fault in the accident.

People who have a spinal cord injury, brain injury, multiple amputations, serious burns or blindness as a result of a motor vehicle accident in NSW are eligible for the scheme, if the accident occurred from 1 October 2007 for adults, or from 1 October 2006 for children under 16 years of age.

The Scheme will pay for reasonable and necessary treatment, rehabilitation and care services for injuries caused by the accident, to help meet the injured person's needs and assist them in achieving their goals.

To find out more about the Scheme and whether you are eligible contact Kristi or Angus.

### Did you do it your way?

Did you know if you die without a Will, there are complex laws that deal with where your estate will go? In New South Wales, the law is fairly simple regarding a spouse with no children who dies without a Will: the estate goes to the surviving spouse, after payment of costs. However, if there are children and if the value of the estate exceeds \$200,000, then the surviving spouse will only inherit the household possessions, the first \$200,000 and half of the remaining estate, after all costs are paid. Other parties such as children or de facto partners can make a claim on the remaining estate.

While death and inheritance can be a touchy subject, it is well worth making a Will to ensure your estate is allocated in the way you choose, not as dictated by the law. Contact Rod, Daryl or David if you would like to discuss the planning of your estate or to draft your Will.

### AHA self-exclusions

The Australia Hotel Association (AHA) offers a state-wide self-exclusion program and counselling referral service, called Game Change, as part of their responsible gaming program.

Game Change is a free, voluntary and confidential service that provides problem-gamblers with the means to exclude themselves for one to three years from a hotel's gaming area, which prevents them from playing the hotel's gaming machines. The self-exclusion program works best when it is done in conjunction with counselling and encompasses all hotels in the district.

A self-excluded person is permitted to enter the hotel to have a drink or a meal, however if they enter the hotel's gaming area they will be reminded by the hotel's staff of their self-exclusion and asked to leave the area. If the self-excluded person refuses to leave the hotel's gaming area, the hotel's staff may use reasonable force to remove them.

Kenny Spring Solicitors has been appointed as the solicitors for Bathurst and the surrounding area for the AHA's Game Change service. For more information contact Peter.



### 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
- Negligence claims • Motor vehicle claims • Work claims • Professional negligence

To receive the next Kenny Spring Solicitors newsletter via email, please contact us on **1800 650 656**, email us at [newsletter@kennyspring.com.au](mailto:newsletter@kennyspring.com.au) log onto our website and subscribe at [www.kennyspring.com.au](http://www.kennyspring.com.au) or fill out the form below and post to us at **PO Box 149 Bathurst 2795**

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