



Hutchinson
Legal

Banking
Action

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AUTUMN 2019

Insight

Banking Royal Commission

Hutchinson Legal is reviewing options for class actions against banks and finance companies that have acted improperly and have caused losses to Australians.

Many banks, finance companies and superannuation funds have acted improperly according to the Banking Royal Commission, which released its findings on Monday 4 February 2019.

Examples of behaviour that may entitle you to receive compensation include:

- being sold inappropriate credit card insurance
- being charged for services you didn't receive
- being sold life insurance by a bank or superannuation fund
- having a bank or finance company act on false documents (e.g. car loan documents)
- having insurance claims rejected

You may also know of someone who has suffered a loss or who has a deceased spouse who was charged for services after they had died.

Has a bank, or finance company, or superannuation fund cost you money or denied your claim?

Do you want to get your money back or have your claim reinstated?

If you answered yes to either of these two questions please contact Hutchinson Legal on 9870 9870 or email us at office@hutchinsonlegal.com.au to find out how we may be able to help you.

Note: The official name of Banking Royal Commission is *'The Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry'*, and is also known as the Hayne Royal Commission.

"Patience is something you admire in the driver behind you and scorn in the one ahead"

MAC MCCLEARY

FAST FACTS

810,236

The number of kilometres of bitumen or concrete surfaced road in Australia

1970

The year Victoria, Australia introduced the world's first compulsory seatbelt law

19.2M

The number of registered motor vehicles in Australia as at 31 January 2018

Probate Professionals

In March 2019, Hutchinson Legal is taking on the legal practice of the Probate Professionals in Tunstall Square, Doncaster East.

Mr David Boots of the Probate Professionals has been providing legal services primarily in the area of Wills & Estates for many years. In addition, Probate Professionals incorporates the long-established practices of S.B. Powell & Co in Doncaster East and Brendan H. Hardiman & Associates in Ringwood East, and so we are privileged to be able to continue the legacy of service established by each of these firms.



We plan to continue operating from the Tunstall Square office, in addition to our main office in Ringwood, and look forward to welcoming our new clients as part of the Hutchinson Legal community.

How to lodge a TAC Claim

Current processes mean that it now takes longer to complete a claim form when lodging a TAC (Transport Accident Commission) claim, so we have compiled a series of steps to make this process easier.

STEP 1:

Collate all the relevant material including the accident details, vehicles and persons involved, and any details of police attendance.

STEP 2:

Make a claim by calling the TAC on 1300 654 329. The TAC will record all the details you have already collated and use this information to assess your claim. They will also provide you with a claim number at the end of the phone call. The TAC will then send you a *Claim for Compensation Summary* which will include all the information you have provided to the TAC.

STEP 3:

Once you receive the *Claim for Compensation Summary* check all the details to ensure they are correct. You need to call the TAC immediately if any of the information is not accurate. If the information is correct, you need to sign and return the summary to the TAC for processing.

STEP 4:

The TAC will also send you an *Authority to Release Information* form. This authority should be signed and returned, as it allows the TAC to obtain initial information with regard to your treatment and may help determine your entitlements and approve your claim.

STEP 5:

The TAC will then assess your claim and write to you and advise if your claim has been accepted. If the TAC rejects your claim you need to seek legal advice as soon as possible. There are very strict time limits when dealing with any decisions made by the TAC.

If you would like to learn more about TAC claims or would like assistance making a claim, please contact our sister firm YourLawyer on 9870 8777 or email admin@yourlawyer.com.au



Drink Driving Mandatory Licence Suspensions

On 30 April 2018 the Victorian Government introduced tougher sentences for anyone convicted of a drink or drug driving offence.

These laws include mandatory sentences whereby every driver found driving in excess of the prescribed blood alcohol concentration (BAC) limit will be disqualified from holding a licence. There are no exceptions, even for first time offenders. The minimum disqualification doubles for repeat offenders.

The mandatory minimum disqualification period begins at 3 months for a first time offender with a BAC of under .05 if they hold a learner's permit or probationary licence. This increases to a 6 and 10 month suspension for BACs of over .05 and .10 respectively. A 24 month suspension will be imposed on a first-time offender with a BAC of 0.24 or more. These are mandatory minimum sentences, meaning the magistrate or judge cannot give a lower penalty.

It might be tempting not to co-operate when the police stop your vehicle, but that is also a criminal act under the new law and incurs a minimum \$1,900 fine and a maximum 18 months imprisonment. For repeat offences a mandatory 2 years licence suspension will be imposed.

The police have the power to suspend your licence without the Court's consent if your BAC is over .10, and if you refuse a breathalyser or if you have committed a similar offence in the last 10 years. This is called an "immediate suspension" and can only be removed in court.

Since 2018, it is mandatory for the return of the licence of a convicted drink driver to be conditional on the installation of an alcohol interlock device. Another court date is required to remove the device.

If you have been charged with such an offence and need legal assistance, please call Hutchinson Legal to speak with an experienced lawyer who can guide you through the drink driving legal process.

PER CON NOTTAS, GRANT HUTCHINSON & JASON LAU

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