

Providing
legal solutions
for life

We are moving...

We are excited to announce that Hutchinson Legal will be moving to 3/36-40 New Street, Ringwood in the next few months to allow for consolidation and future growth. Joining us at this new location will be our associated company, YourLawyer. In conjunction with this move, we will have a new, refreshed Hutchinson Legal logo. We are looking forward to these changes as we continue to provide our clients with legal solutions for life.

Our city office has also been relocated. We will continue to maintain a CBD presence, so if you would like to make an appointment at our new Melbourne Office, give us a call on 9870 9870.



Drones and Your Privacy

In recent years, recreational drones have surged in popularity and it is highly likely that you would have heard the buzzing and seen the flying of a drone around your neighbourhood or even above your house. As drones have become more affordable and more readily available at local retailers, the sales of recreational drones have boomed, especially over the Christmas period.

The flying of recreational drones has raised multiple concerns. The risk of a drone injuring a person and near misses between drones and other aircraft raise safety issues. For most, the invasion of privacy is the biggest concern as drones are now equipped with cameras that can take photos, film and even stream you without your knowledge or consent.

So, how does the law protect you?

Privacy Laws

The main source of protection of the privacy of individuals is the *Privacy Act 1988* (Cth) (Privacy Act). Although the Privacy Act aims to protect the privacy of individuals, it does not protect against breaches by an individual. If a drone is being flown for

Words to the Wise

“We make a living by what we get, but we make a life by what we give.”

— Winston Churchill

recreational purposes by an individual, it is unlikely that any recourse for a breach of privacy can be sought under the Privacy Act, as the law currently stands.

In Victoria, the *Surveillance Devices Act 1999* (Vic) prohibits the use of an optical surveillance device (a device capable of being used to record visually or observe an activity, to record, observe or publish a “private activity”) without consent. This means that any activity carried out, which is intended to be observed only by the people involved, for example, having a shower, getting changed, having intimate relations, are intended to be protected. If an individual commits any of these offences, it carries a maximum 2 year term of imprisonment and/or a maximum fine of \$38,000.



Civil Aviation Safety Authority (CASA) Rules

All drone users must abide by the rules set by the Civil Aviation Safety Authority (CASA). These rules are predominantly concerned with safety and do not prohibit the invasion of privacy. However, if you feel that your privacy is being invaded because a drone is flying in proximity to you or your property, it is likely that the drone user is breaking CASA rules.

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

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

Under CASA rules, recreational drone users:

- Must not fly a drone above a populous area which is any area where if a drone fails, it could cause injury to people or property. This includes festivals, populated beaches, sporting grounds, busy roads and footpaths.
- Must not fly a drone within 30m of other people. This is measured as a 30m radius from the point on the ground directly below the drone upwards.
- Must not fly a drone above or near an area affecting public safety where emergency operations are under way.
- Must only fly a drone during the day and within visual line of sight.

While CASA does not investigate invasions of privacy, it has the power to investigate any breaches of its rules, and issue warnings as well as infringement notices for breaches. If you have observed any unsafe drone operations and would like to report it, you may do so at www.casa.gov.au. The comprehensive list of safety rules surrounding drone flying can also be found on CASA's website.

Court orders vaccination of children against parents' wishes

The Supreme Court of Victoria has recently affirmed the decision of a Children's Court Magistrate to authorise the vaccination of young children while they are in the temporary care of the Department of Health and Human Services under an Interim Accommodation Order (IAO), contrary to the wishes of both parents.

This case was surrounded by controversy as Victoria Legal Aid, using taxpayer's funds, decided to run the appeal against the decision of the Children's Court Magistrate. Critics strongly objected as they feared that a successful appeal could endanger the lives of children, and would prevent children in state care from attending childcare and kindergarten due to Victoria's 'No Jab No Play' laws.



It was feared that a successful appeal would set a dangerous precedent for every child in state care.

If you would like to read the full article, it can be found on our website at <http://www.hutchinsonlegal.com.au/vaccination-of-children/>

Code of Banking Practice

Our Prime Minister decided to call a royal commission into the banking sector. This decision comes after years of scandals involving some of the major banks. The royal commission will investigate misconduct in the financial services sector, which includes behaviour that falls below community standards and expectations.



All of the major banks subscribe to the Code of Banking Practice. As its name suggests,

the Code is a voluntary code of conduct which sets out standards of good banking practices when dealing with an individual or small business customers. Banks that subscribe to the Code are contractually bound to comply with their obligations under the Code.

Under the Code, banks are obligated to:

- Disclose fees, charges and other terms and conditions as well as any changes to them.
- Take reasonable measures to enhance accessibility to services for older customers, customers with disabilities and customers in remote Indigenous communities.
- Try to assist you and inform you of options available to you to overcome financial difficulties with your credit facility.

- Claim a chargeback right (reversal of a charge) when you legitimately dispute a transaction on a credit card or debit card (when 'credit' was selected).

If you would like a copy of the Code of Banking Practice, you can download an electronic copy from www.bankers.asn.au. You can also pick up a hard copy of the Code from your local bank or by contacting us.



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FastFACTS

500,000

The approximate number of recreational drone users in 2017

6,000

The approximate number of people who have registered their intention to fly a drone commercially

6

The percentage of one year olds who are not immunised

Visit us at hutchinsonlegal.com.au

Clients should not act solely 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.