

Providing
legal solutions
for life



Malcolm Brown,
our new CEO and
Practice Manager

Welcome to the summer edition of Legal Insight for 2014.

Welcome

We are pleased to welcome Malcolm Brown to the Hutchinson Legal Team. Malcolm has joined our firm in the role of CEO and Practice Manager and brings 13 years of legal practice in business and corporate law, intellectual property, consumer law and licensing, franchising and dispute resolution. Prior to becoming a lawyer, he was the Australian Manager of a multinational chemical business. His qualifications include a Bachelor of Laws, a Graduate Diploma of Business and a Diploma of Applied Chemistry.

Build on Rock not Sand

Building a new house is probably the biggest single investment you will make in life, and yet we rarely get asked to review a building contract until things have gone wrong. Then it is messy, expensive and in some cases there will be long delays getting things back on track. These days, most people invest half a million dollars (or more) and yet begrudge paying one percent or less of that amount to ensure that things go smoothly and problems are identified before it's too late.

If you would like to discover some tips to ensure you get what you are paying for, you can read the full article on our website at <http://www.hutchinsonlegal.com.au/build-on-rock>



Did you know...

If you work in the city, our Melbourne office is ideally positioned to meet your legal needs. For a convenient lunch time appointment or consultation, give us a call.

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

Words to the Wise

**“Glory to God in the highest,
and on earth peace, good
will toward men.”**

Luke 2:14

Are Real Estate Agents a Law Unto Themselves?

It is hardly news that some people have had negative experiences when buying or selling Real Estate, you could be forgiven for thinking that Real Estate Agents are a law unto themselves. But is this really the case?

The standard of conduct required of Real Estate Agents is set out in the *Estate Agents (Professional Conduct) Regulations 2008* (Vic). This code prescribes the behaviour and interactions of an Agent with buyers, sellers, landlords and tenants.

Unfortunately these codes of conduct are far too often breached by Victorian Real Estate Agents. One of the foremost concerns surrounds the practice of under-quoting. This occurs when a property is advertised at a sale price lower than the Vendor's asking price, the auction reserve price or the Agent's estimate of the property's likely selling price. This misleading technique is often used to attract more purchasers despite the fact that the property is expected to sell for a much higher price.

Although there were only twenty reported complaints of under-quoting in 2011-2012, within the last year the figure grew to 123 and anecdotal evidence suggests the practice is relatively common.

Under-quoting was a hot topic in the recent election, with the State Government

In this issue...

Welcome

Build on Rock not Sand

Are Real Estate Agents a Law
Unto Themselves?

Workplace or Transport
Accident Entitlements

Client FUNction

An Adiós and A New Addition!

Christmas Message

FastFACTS

promising to enact new laws to combat the practice if re-elected. Those laws would have required auctioning Agents to advertise a price range containing the reserve price on the sale documentation, with threatened fines of up to \$29,000.

Other breaches have seen prospective purchasers pay partial holding deposits on land that has later been sold to buyers who paid the full deposit. Real Estate Agents have been known to advertise properties containing features such as reverse-cycle heating and cooling, when these claims have proven to be false and misleading.

The commissions charged by Real Estate Agents in Victoria are not set by law. A buyer can negotiate with the Agent regarding the amounts of any commission, fees or other expenses to be paid. Research shows that commission generally ranges from 1.6% to 2.5% in the City and Metropolitan areas. Then from the Metropolitan area outwards, from 2.5% to 3%.

The influence Agents can have over Vendors and Buyers alike is manifested in previous cases. The power granted to them can be abused and potentially used to exploit an individual; a power that arguably makes them a law unto themselves. This is why it has become a necessity that the new Government takes steps towards positive change.

Workplace or Transport Accident Entitlements

People who are injured at work or in a road accident, or perhaps as the result of someone else's negligence or wrongdoing, may not fully understand their rights when it comes to the range of benefits and compensation that may be available.

Navigating the complex legal systems involving insurance claims officers, doctors and specialists is difficult for most people,

especially when you may be struggling with significant physical or psychological injuries.

If you are injured in the course of your employment, or in a transport accident, then there are a range of entitlements that may be available under WorkCover or the Transport Accident scheme.

If you would like to learn more about the benefits available through TAC and WorkCover, you can read the full article on our website at <http://hutchinsonlegal.com.au/injury-entitlements>



If you haven't picked up your 2015 Marvellous Melbourne calendar yet, please give Tristan a call on 9870 9870 and he'll set one aside for you to collect from our office!



Client FUNction

To raise funds for Martin and Margaret's work with Si a la Vida (SALV), a street children's ministry in Nicaragua.



Date: Thursday 26th February 2015
Time: 6.30 – 10.00pm
Venue: Maroondah Federation Estate
 32 Greenwood Ave, Ringwood
RSVP: 16 February 2015 to
tristan@hutchinsonlegal.com.au

An Adiós and A New Addition!

We say a fond farewell to Martin Reilly who will be leaving us in March next year with his wife, Margaret, to work with street children in Nicaragua, Central America. Martin has been part of the Hutchinson Legal team since December 2006, working in the areas of Estate Planning, Family Law and Eldercare Legal.

Jen Adams joined Hutchinson Legal in 2006 as part of our Commercial/Property team. Jen and her husband Jeremy welcomed a baby boy into their family on 26th October. We would like to congratulate Jen and Jeremy on the birth of their son, Cruz Benjamin Adams.

Christmas Message

Poet Alfred Lord Tennyson wrote, "Hope smiles from the threshold of the year to come, Whispering 'it will be happier'...". As we move towards the New Year, may the hope of the Christmas season fill you with confident anticipation for the challenges and adventures to come.



Con Nottas



HUTCHINSON LEGAL
 per Con Nottas & Grant Hutchinson

Tel: **(+61 3) 9870 9870**
 Email: office@hutchinsonlegal.com.au
 PO Box 450, Ringwood 3134

FastFACTS

1843	364	336AD
The year the first commercial Christmas card was made	The number of gifts received in the '12 days of Christmas' carol	The first recorded Christmas celebrated on 25 December

Visit us at hutchinsonlegal.com.au