

Providing  
legal solutions  
for life



Welcome to the spring edition of Legal Insight.

## Risky Risqué

### The dangers of sexting

'Sexting' is the act of sending sexually explicit text-messages or photographs. While generally not illegal between consenting adults, this increasing practice amongst teenagers is both dangerous and disturbing.

Under current Victorian law, a minor convicted of sending or possessing sexually explicit images of themselves or a peer can be charged with child pornography offences and placed on the Sex Offenders Register for life. The implications of this criminal record are severe, and could be extremely detrimental to their long-term future.



The Victorian Law Reform Committee is recommending changes to ensure that minors who take or distribute explicit pictures of themselves or their peers cannot be charged with child pornography offences. The Committee suggests that the law needs to be able to distinguish between the misguided actions of a teenager and the actions of an adult. However, unless these recom-

mendations are adopted and legislation is enacted, sexting between minors remains a criminal offence.

Furthermore, legal consequences are not the only danger to young people who sext. Individuals involved in sexting leave themselves open to blackmail, abuse and bullying, and most teenagers have enough struggles with social pressure without the added challenges such activity invites.

### Words to the Wise

**"Fear is the foundation of safety"**

Tertullian – c. 200AD

If your child is involved in sexting, we suggest that you have a serious discussion to ensure that they understand the legal and practical risks involved.

## The Ticking Time Bomb of Unregistered Security Interests

How the way we think about ownership is rapidly changing



It's a relatively straight forward scenario: an owner, a bank and a lessee. But in a recent landmark case, the NSW Supreme Court found that none of the above held the strongest claim to disputed machinery. Instead, the Court ruled in favour of a third-party finance company. In a decision that emphasises the massive changes the *Personal Property Securities Act* ('the Act') makes for businesses and individuals alike, the case demonstrates how merely holding title to property no longer means you automatically have a priority claim.

**We strongly recommend that you take the time to read about how this affects you and your business at [www.hutchinsonlegal.com.au/PPSR-ticking-time-bomb](http://www.hutchinsonlegal.com.au/PPSR-ticking-time-bomb)**

## In this issue...

Risky Risqué

The Ticking Time Bomb of Unregistered Security Interests

Incorporated Associations Transitional Period Ending

Partying for a Good Cause

All in the Fine Print...

Job Worries

FastFACTS

### 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:

- call Tristan Tottenham of our office on 9870 9870
- write to us at PO Box 450, Ringwood 3134
- send an email to [office@hutchinsonlegal.com.au](mailto:office@hutchinsonlegal.com.au)

## No More Sticking Around

From 1 January 2014, VicRoads is abolishing the use of registration stickers for light vehicles. Vehicle owners will still receive reminder notices in the mail, but will no longer need to worry about attaching the sticker to their car. The new regime will save VicRoads approximately \$600,000 in printing costs per year.

## Incorporated Associations Transitional Period Ending

For Incorporated Associations that have not yet adopted the new model rules but intend to do so, the fee-free window is rapidly drawing to a close! The fee for adopting model rules has been waived (where there are no changes to the Association's existing purposes or financial year end date) and the fee for an association changing its rules has been reduced to \$75.20, but only until 26 November 2013.

**For more information on whether your Incorporated Association is compliant, give Bernie Curtin a call on 03 9870 9870.**

## Partying for a Good Cause

On 24 August, friends of Hutchinson Legal gathered for our Daffodil Day Garden Party. Poor weather turned the event into a "boardroom party", but the generous donations received meant we were still able to support the Cancer Council while enjoying a cuppa!

## All in the Fine Print...



A wily Russian man has turned the tables on his bank, striking a blow for customers everywhere. Mr Dmitry Argarkov was annoyed with the high fees and inflexible terms when he received a bank offer of a new credit card, so he scanned the standard contract into his computer, amended the objectionable clauses, and returned a signed version that was more favourable than most. Included in Mr Argarkov's changes were provisions for an unlimited line of credit, no fees and a 0 per cent interest rate. It also included penalties of 3 million rubles for each change of the terms by the bank and a 6 million ruble cancellation fee.

When the bank sued Mr Argarkov after two years of use for 45,000 rubles (A\$1,500) consisting of the outstanding balance, fees and late payment charges, a Russian court determined that the contract had been validly executed and ruled in favour of Mr Argarkov, only requiring him to settle his balance of 19,000 rubles (A\$630). His lawyer said after the win, "They signed the documents without looking. They said what usually their borrowers say in court: 'We have not read it'."

Mr Argarkov is now suing the bank for 24 million rubles for breach of contract.

## Job Worries

In uncertain times, many people start to become concerned about the stability of their jobs, not knowing when or for what reasons their employment might be terminated. Others knowingly put up with wrong treatment simply to try to keep their jobs.

While difficult economic situations can call for employees' flexibility and understanding, they should also be aware of their rights – some of which are non-negotiable. Every Australian worker has certain protections, including the right to:

- Be paid and treated fairly;
- Work without harassment or bullying;
- Work in a safe environment;
- Receive proper leave and superannuation entitlements;
- Be ensured a fair and transparent complaint and disciplinary process;
- Have employment terminated only for lawful reasons, with proper notice and due process.

The FairWork Ombudsman's website [www.fairwork.gov.au](http://www.fairwork.gov.au) is a good source of general information about rights and responsibilities for both employees and employers.

**For professional advice on your personal situation, contact Edmund Saw, Senior Associate on 9870 9870.**



HUTCHINSON LEGAL

per Con Nottas & Grant Hutchinson

Tel: (61 3) 9870 9870

Fax: (61 3) 9870 5704

Email: [office@hutchinsonlegal.com.au](mailto:office@hutchinsonlegal.com.au)

PO Box 450, Ringwood 3134

## FastFACTS

50%

Australians who possess a passport

2,000

numbats surviving in the wild

\$161M

cost of the 2010 federal election

20

sit-ups required to enter the Navy

1867

year dynamite was invented

Visit us at [hutchinsonlegal.com.au](http://hutchinsonlegal.com.au)

Clients should not act only 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.