

Providing  
legal solutions  
for life

Welcome to the Autumn edition of Legal Insight.

## Securing Against Customer Insolvency

If you buy or sell goods  
on credit, or rent or lease  
equipment, are your  
rights *actually* secured?

The new *Personal Property Securities Act 2009* is impacting the way businesses protect themselves against the possible insolvency of their customers and suppliers. As from 30 January 2012, the Personal Property Securities Act has changed the way creditors secure their interests, and will affect many businesses.

### Words to the Wise

**“Somebody should tell us,  
right at the start of our lives,  
that we are dying. Then we  
might live life to the limit,  
every minute of every day”**

Pope Paul VI

Failure to register your security interests on the new Personal Property Securities Register can be a costly mistake, because if you do not have a registered interest and your customer becomes insolvent, you will be barred from claiming a secured interest in the specific property. Instead, you will join the list of other unsecured creditors with only the prospect of receiving a fraction of the debt...

**To read more about the PPSR and how it affects you, visit [www.hutchinsonlegal.com.au/whats-new/ppsr](http://www.hutchinsonlegal.com.au/whats-new/ppsr)**



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## What Happens To Facebook When You Die

### How to organise your digital assets

When young American soldier Justin Ellsworth was tragically killed by a roadside bomb in Iraq in 2004, his family were forced to begin the painful process of wrapping up his estate. Their problems multiplied, however, when they tried to deal with his email account, only to discover that Yahoo refused to give them access. After a months-

long struggle, the family eventually obtained copies of the messages – but only by taking Yahoo to court in California.

What happens to your email when you die? Do your Facebook and Twitter profiles remain active forever? Is there anyone who can close your online accounts? These are important questions to answer because an on-going online presence has the potential to cause a lot of pain and suffering for loved ones. Imagine, for example:

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- call Tristan Tottenham of our office on 9870 9870
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- send an email to [office@hutchinsonlegal.com.au](mailto:office@hutchinsonlegal.com.au)

- Your profile continues to appear in Facebook messages, causing on-going emotional distress to your friends and relatives
- The funds in your Paypal or online trading account are overlooked by the Executor of your Will, placing unnecessary financial burden on your family
- Emails in your personal account are irretrievable, leaving your business partner without vital customer and vendor information
- Photos you stored on an online photo-sharing website are lost to your family
- Your small business' website domain name expires, allowing a competitor

to purchase it, severely impacting the viability of the business

- Contacts post inappropriate messages to your social-networking pages, causing additional grief and turmoil for your family

Fortunately, some simple preparation can make the entire process much less difficult. Along with planning for the distribution of your physical assets after you die, it's a good idea to give a thought to what will happen to your "digital assets". Here are some practical solutions...

**Continue reading at [www.hutchinsonlegal.com.au/whats-new/digital-estate-planning](http://www.hutchinsonlegal.com.au/whats-new/digital-estate-planning), and download our complimentary digital asset worksheet free-of-charge.**

professional legal opinion without limiting their cooling-off rights.

Nonetheless, cooling-off periods are a last resort as there is still a financial penalty involved. In recent times we have seen an increase in purchasers who have agreed to contracts not in their interest because they did not understand the confusing Section 32 vendor statements and special conditions of the sale. While we may be able to help avoid the contract, purchasers are far better protected by getting a professional opinion before entering into bad bargains.

To help property purchasers make the most of the new laws, we are offering our pre-purchase Contract and Section 32 review package for the special price of only \$165.00 (inc. GST).

## New Business Names Register

The *Business Names Registration Act 2011* (Cth) is paving the way to a new, consolidated national register of business names. Under the present system, each state and territory controls its own independent register, and organizations operating in different jurisdictions are required to register their names separately in each.

The new national register will remove the cost and inconvenience of separate registration by creating one central depository of information. All the existing state registers will be incorporated into the Business Names Register administered by ASIC, and because it will be online, it will also allow for convenient registration of new names, updating of business details and searching of existing businesses.

The new Business Names Register is proposed to come into effect on 28 May 2012, pending all States and Territories passing the relevant legislation...

**To find out how these significant changes will affect your organization, read more on our website at [www.hutchinsonlegal.com.au/whats-new/business-names-register](http://www.hutchinsonlegal.com.au/whats-new/business-names-register).**

## Buying A House?

### Legal Advice and Cooling-Off Periods

From 1 March, 2012, a new law modifying the Sale of Land Act 1962 (Vic) came into effect. Under the old provisions, seeking legal advice before signing a contract for the sale of land removed the purchaser's right to a cooling-off period.

The new changes allow purchasers to consult a solicitor about a purchase while maintaining the right to change their mind within three business days of signing the contract. This sensible change gives purchasers greater flexibility with the opportunity to seek a



## When The Chips Are Down...

The High Court recently ordered Woolworths to pay more than \$580,000 to a woman who slipped on a greasy chip. She suffered severe spinal injury when her crutch hit a slick patch near the food court during lunch, and subsequently sued Woolworths for negligence in keeping the area safe. Whether this decision heralds the arrival of a new generation of big-figure personal injury suits, we wait to see. In the meantime, however, make sure you have clear procedures to inspect for and correct any hazards on your business premises!

## Staff Updates

Congratulations to Joshua Reimer on his marriage to Laura. We hope they have a long, happy and fruitful union.

## FastFACTS

<b>3</b>	<b>50 Billion</b>	<b>36</b>	<b>433 Mt</b>	<b>459</b>
<b>The number of times London will have hosted the Olympic Games</b>	<b>Amount of total outstanding credit card balances in Australia</b>	<b>Percentage of the population who are afraid of heights</b>	<b>The weight of iron ore produced in Australia each year. A megatonne is one million tonnes</b>	<b>The address of Hutchinson Legal's office on Little Collins Street</b>

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