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for life

Welcome to the Autumn/Winter edition of Legal Insight.

Living with possums

Rights and responsibilities in Victoria

If possums are keeping you up at night or have found habitat in your roof think carefully before taking any action. All possums are protected under the *Wildlife Act 1975* (Vic). This Act places the responsibility on all members of society to look after our native wildlife. The Act specifically prohibits trapping or destroying wildlife such as possums. However with the increase of possums in the community the law was slightly changed in 2003. A Governor in Council Order was made on 8th July 2003 which permits the trapping of Common Brushtail Possums living in buildings for the purpose of releasing them on the same property or taking them to a registered vet for euthanasia. Relocation of possums is still prohibited. Common Ringtail Possums remain fully protected and may not be trapped. The following conditions, limitations and restrictions apply in respect to trapping Common Brushtail Possums living within buildings:



Common Ringtail Possum.
Photographer: Pavel German

- (a) Common Brushtail Possums may only be trapped by home-owners or occupiers and members of their families, building managers or their staff and holders of a Commercial Wildlife (Wildlife Controller) Licence Type 1 endorsed for taking possums.
- (b) Possums may only be trapped in a cage trap designed not to cause injury.
- (c) Trapped possums must be released at the property on which they are captured, up to a maximum of 50 metres from the capture site after sunset on the day of capture.

Words to the Wise

**“Change is inevitable.
Growth is intentional.”**

Anon

- (d) Where condition (c) above is not reasonably possible, possums must be humanely destroyed by a registered veterinary practitioner, at the trapper's expense, within 24 hours of capture.
- (e) Trapped possums must be protected from rain or wind, direct sun and domestic animals at all times.

It is important that in dealing with possums you do not breach the *Wildlife Act 1975* (Vic).

Seminar

Preparing to buy or sell a business

We are conducting a seminar for small business entrepreneurs. The speakers and topics are:

- Alan Maddick (Small Business Works) – **Valuing a business**
- Ronnie Sewani and Kathy Pavlou (Westpac) – **Funding for small business**
- Bernie Curtin (Hutchinson Legal) – **Legal hurdles**

Date & Time

Tuesday 7 June 2011
from 7:00pm to 8:45pm

Venue

Westpac Centre (Level 1),
303 Maroondah Highway, Ringwood
(opposite Ringwood Lake)

If you (or someone you know) is interested in attending, please call Tristan on 9870 9870 or email tristan@hutchinsonlegal.com.au.

In this issue...

Living with possums

Seminar

New office

Grandparents' rights under law

What is the speed limit...?

Personal News

New State and Federal laws

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

New office

We are pleased to announce that as a result of continuing growth and opportunities for expansion we have opened a branch office at Level 10, 459 Little Collins Street, Melbourne. Please drop in and visit us if you are in the area.



Grandparents' rights under law

In a marriage breakdown it is often difficult for grandparents as their relationship with their grand-children can be easily overlooked. As a grandparent of a child affected by separation you can play an important role in helping your grandchild during this time. However there is no automatic right under State or Federal Law for grandparents to continue to have contact with their grandchildren. In a marriage breakdown however grandparents can seek, pursuant to the *Family Law Act 1975*, to apply for a Parenting Order.



A Parenting Order is an Order of the Court made in relation to one or more of a variety of issues including the following:

- The person or persons with whom a child is to live
- The time a child is to spend with another person or other persons
- The communication a child is to have with another person or other persons

To read the full article, go to our website and click on What's New.

When determining what Orders to make the paramount consideration for the Court is the best interests of the child.

If you or someone you know is a relative of a child affected by separation and they would like to continue to be part of the child's life, you can contact Hutchinson Legal for advice.

What is the speed limit... if there are no signs?

This issue is specially covered in *Road Safety Road Rules 2009 (Vic)*. Under section 25 of the legislation if a speed-limit sign does not apply to a length of road and the length of road is not in a speed limited area or shared zone, the speed-limit applying to a driver for the length of road is the default speed-limit. On a built up area the default speed limit is 50 kilometres and 100 on any other length of road. A built-up area is defined as an area where there are buildings and/or houses next to the road or there is street lighting at intervals not over 100 metres apart for a distance of 500 metres or more.

Drivers are therefore encouraged to ensure that if they cannot see a speed limit sign when driving in suburban streets they should drive at or below 50 kilometres per hour. If however you have been one of the many caught out and receive a speeding ticket all may not be lost. It is Civil Compliance internal policy to waive the fine for good drivers if a speeding driver writes a letter apologising and admitting fault. Hutchinson Legal contacted VicRoads to obtain a statement on this matter and they stated "Victoria Police is responsible for issuing a Traffic Infringement Notice (TIN). If a person with a good driving record wishes to contest a TIN they may write to Civic Compliance and request an exemption from the TIN on the basis that they have not committed any previous traffic offences". Hutchinson Legal then contacted Civic Compliance to obtain a statement on this matter and they stated that "it is internal policy to consider issuing an official warning thus waiving the fine if the driver was travelling under 10 kilometres over the speed limit and has had not had a previous offence for two years. Civic Compliance may also issue an official warning if the driver was travelling under 15 kilometres over the speed limit and has not had a previous offence for three years." Nevertheless, we recommend that you do not speed.

Personal News

We are pleased to announce that Paul Johnstone and Martin Reilly are now Senior Associates at Hutchinson Legal.

Also, Jenni Adams (formerly Sinclair) was recently married to Jeremy.

New State and Federal laws

Please refer to What's New on our website for further details on the following new laws:

Federal

- *Bankruptcy Reform Act 2010*
- *Trade Practices (Consumer Product Safety Standard Corded Internal Window Coverings) Regulations 2010*
- *Carer Recognition Act 2010*
- *Personal Property Security Act 2009 (Cth)*

State

- *Retail Leases Amendment Regulations 2010*
- *Liquor Control Reform Amendment Regulations 2010*



HUTCHINSON LEGAL

per Grant Hutchinson & Con Nottas

Tel: (61 3) 9870 9870

Fax: (61 3) 9870 5704

Email: office@hutchinsonlegal.com.au

PO Box 450, Ringwood 3134.

Visit us at 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.