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Teachers in trouble on Facebook

A revised Code of Conduct for teachers has been released following growing concern over inappropriate relationships with students. Under the Code, teachers will no longer be able to contact students using social networking sites such as Facebook, MySpace and YouTube, and are being instructed to keep personal sites "private and appropriate" or face loss of pay, demotion or sacking.

In an article in The Courier-Mail on Friday, October 23, it was reported that, over the last year, the Queensland College of Teachers heard eight cases involving inappropriate behaviour of a teacher contacting students via electronic equipment, and more than 30 Queensland teachers in the last three years have had their registration cancelled for unprofessional relationships with pupils.

The Code of Conduct states that teachers using social networking sites in their personal time must ensure that content is appropriate and private, restricting access to specific people who are not students. Obscene language, jokes containing sexual references and sexual exhibitionism would be considered inappropriate content according to Education Queensland.

Many education stakeholders and civil libertarians support the ban on social website contact, but do not agree with the crackdown on private content on personal sites. As it is, social networking sites cannot really be considered "private" in their nature.



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- Referrals to specialists in other fields.

Federal privacy laws introduced

The Federal Government announced on October 14 that it will implement a large portion of the recommendations made in the Australian Law Reform Commission's (ALRC) review of Australian privacy laws.

The first stage of the Government's response to 'For Your Information: Australian Privacy Law and Practice' considers 197 of the 295 recommendations made by the ALRC.

Cabinet Secretary and Special Minister of State Senator Joe Ludwig said the implementation of the ALRC's recommendations would be the most significant reform of privacy laws since the inception of the Commonwealth *Privacy Act* more than 20 years ago.

Senator Ludwig said that the first-stage response looks at a clear framework for privacy rights and obligations, including a set of privacy principles; a redrafting of the *Privacy Act* to make it more accessible; a new credit reporting framework; changes in health sector information flows; and enhanced powers for the Privacy Commissioner.

Professor David Weisbrot AM said, "These days, information privacy touches almost every aspect of our daily lives, including our medical records and health status, our finances and creditworthiness, the personal details collected and stored on a multiplicity of public and corporate databases."

Recycling water in your backyard

Unit blocks, gated communities and other strata-titled properties could collect, manage and recycle water on site to take pressure off mains water, a Griffith University report has found.

Strata titled property schemes have significant potential to develop and manage water collection and wastewater recycling plants, the report, commissioned by the National Water Commission, found.

It highlights how individual unit owners can communally own their water and wastewater supply infrastructure in order to service their water needs and sell oversupply to neighbouring properties.

The key findings of the study were that body corporates should retain ownership of all infrastructure and employ a resident or facility manager to monitor and maintain the system.

Properties with 50 or more units should have a water technology company operate their facility and the lots should be individually metered to provide water-saving incentives.

Liability insurance, long-term financial costs, and recommendations on legislative changes are also covered in the report.



We welcome and introduce to you the new members of our team:

- Heather Hannon - Accountant
- Zoe Zalewski - Receptionist

Seniors and the law: accommodation changes

There are many legal issues that seniors often run into and, without the proper legal advice, they can make a decision that may have negative consequences for themselves and their loved ones. It is important for seniors to know all the relevant information to ensure they and their families are protected under different circumstances.

For example, a person may decide to transfer the title in their property to a family member, or to contribute financially to the extension or improvement of their property, on the understanding that they will be able to live there for life. This is commonly known as a "granny flat arrangement".

Centrelink has special rules for these arrangements and tests to ensure that the arrangement is not being used to give away large sums of money or assets for the purpose of increasing pension entitlements.

If a person has to move out of home to go into residential aged care on a permanent basis, their home is no longer their principal place of residence and Centrelink will give them a "two-year exemption period" before counting their former home as an asset. They will have an indefinite exemption from having their former home treated as an asset if their home is rented and they are paying off the capital of an accommodation bond by periodic instalments, or if they are paying or accumulating a debt for an accommodation charge.

Legal advice should be sought to ensure that your best interests are protected.

Child car seat rule changes

Car crash victim Isabelle Broadhead's legacy will live on, with the introduction of new car seat regulations.

Isabelle Broadhead, 3, died after an accident in April 2006 that occurred while she was using a booster seat and an adult seatbelt in a car travelling just 40km/h. Since then, her parents, Danielle and Noel Broadhead, have been campaigning for better regulations to keep children safe.

On November 4, the New South Wales Government announced new safety rules, dubbed 'Isabelle's regulations', that mean children aged up to seven will have to be strapped into car restraints.

The couple have long been researching safe ways for children to travel and hope the new rules will be easy for parents to understand.

The regulations, which are part of national reforms, mean children younger than six months must be placed in a rearward-facing restraint.

Those aged six months to four years must be secured in a rear or forward-facing restraint, while children between four and seven must use a forward-facing restraint or a booster seat.

Until now it has only been compulsory for children up to the age of one to travel in baby capsules or seats that contain their own restraints.

Next of kin can access emails when you die

Web email services owned by internet giants Google and Microsoft have a policy of keeping your data after you die and letting your next of kin or the executor of your estate access it.

There is no way for users to flag that they don't want this to happen and no recourse under Australia's existing privacy laws.

More than one in four Australians use webmail, with around six and a half million people logging on to one or more of the top three providers, Hotmail, Gmail or Yahoo!, in September, according to Nielsen Online NetView.

These services can hold tens of thousands of messages.

Accounts with Google's Gmail can hold up to 7GB – or roughly 70,000 emails with a small to medium picture attached to each.

They archive both the messages a person has written as well as received.

When it comes to deleting the data, Microsoft's Hotmail will remove an account if it is inactive for 270 days, while Gmail leaves the responsibility to the next of kin.

Of the top three providers, only Yahoo! refuses to supply emails to anyone after a user has died. The user's next of kin can ask for the account to be closed, but cannot gain access to it.

A Yahoo! spokesperson said the only exception to this rule would be if the user specified otherwise in their will.

Australian privacy laws do not cover the emerging problem of what happens to your web-based data when you die. The *Privacy Act* only refers to people who are alive.

Contact your local solicitor to discuss your options in creating a will.

Dealing with mortgage problems

If you're worried about a money or debt issue, getting legal advice as early as possible can help you get the best outcome for your situation. You should get legal advice immediately if you are having problems with debt as strict time limits apply for some matters.

If you owe someone money, Legal Aid Queensland says they can't:

- send you to jail,
- take and sell any property unless they have a mortgage, or other form of security, or an order from the court,
- threaten, intimidate or harass you or your family and friends,
- have your children taken from you,
- turn up at your home unless it is at a reasonable time (usually between 7.30am and 9pm),
- chase you for money after a certain amount of time has passed. There are time limits for debt recovery.

However, they can:

- write to you or call you to demand payment,
- take you to court to recover their money,
- take and sell any property they have a mortgage or other form of security over.

To find out what your rights and obligations are in relation to money and debt problems,

OHS breach allegations to be more specific

The High Court recently overturned a ruling by the New South Wales Industrial Relations Commission to convict an employer of occupational health and safety (OHS) offences.

The charges against the employer did not identify what he had done or failed to do to cause the employee's accident.

The employer was an owner of a farm who was prosecuted after his farm manager died in an all-terrain vehicle crash on the farm. The vehicle had been purchased on the farm manager's recommendation, and the crash occurred after he left a formed road.

The overturning of this decision has resulted in speculation that employers who might have been prosecuted in the past may not be in the future if it is not made clear what the employer should have done to eliminate risks and uphold their OHS responsibilities.

There have also been calls made for a Royal Commission inquiry into all convictions under the NSW legislation over the last 15 years.

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