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Your Merits Means no Demerits

Significant changes have been made to the Road Transport (Driver Licensing) Act 1998 in relation to traffic offences and demerit points.

What happened before the changes?

There has been a long established practice that the RTA would impose demerit points for traffic offences even if a court found you guilty of the offence but dismissed the charges and decided not to record a conviction. This meant that wrongdoers were still susceptible to losing their license despite their exoneration from the charge/s. This is because the courts do not actually have the power to decide whether demerit points are imposed or not. This power lies with the RTA and only they have the discretion under the law to decide if demerit points

are warranted in the circumstances.

What's New?

The new laws say that the RTA must not issue demerit points against a wrongdoer if the court makes an order dismissing the charges and does not record a conviction against the wrongdoer. This is the case even if the wrongdoer is technically 'guilty'. Basically, the RTA can only issue demerit points to wrongdoers in matters that appear before a court if they have been formally "convicted" of an offence by the court. This means that the court must find you guilty and record a formal conviction of the charge against you before the RTA can issue demerits. Being found to be guilty of the offence is not enough for the RTA to issue demerit points.

Ten of out ten...for Tenants

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On 31 January 2011 the new residential tenancy laws came into effect. If you are a tenant or landlord in NSW, your rights and obligations under the law may have changed without you even knowing.

The reforms seek to achieve a balance by increasing the rights and broadening the protection for both private tenants and social and community housing tenants. Some of the new changes include the following:

1. standard terms for leases (for example: tenants must pay rent; and landlords must attend to repairs);
2. set procedures for rent payments and rent increases;
3. availability of early termination of a lease by

tenants;

4. longer notice periods for tenants, particularly for 'no-grounds' evictions by landlords;
5. less restriction for tenants to make alterations to the rental premises;
6. new arrangements for rent arrears, sub-letting, shared housing, locks and security;
7. introduction of new tenancy databases; and
8. new dispute resolutions powers for the CTTT.

Whether you are a tenant or a landlord we can assist you with any of your problems in relation to residential tenancy. We are here to help you understand your rights and obligations.

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Flood Insurance

Have you Ticked “Yes” to the “Flood Insurance” Add-on to Your Insurance Policy?

Recently, many families have lost their life savings, and been left in significant debt, due to denial of their flood loss claims. Most insurance policies in Australia specifically exclude flood insurance. The same thing happened in the Hurricane Katrina floods in New Orleans.

False Assumption: My Insurance Policy Covers Flooding

Wrong! Most insurance policies do not cover flooding. The specifically exclude any coverage for flooding.

“People don’t make the effort to understand

what the risks are. Before I joined the Insurance industry I was one of those people who didn’t pay attention to reading policy documents. I certainly do nowadays.” Karl Sullivan, Insurance Council of Australia “Product Disclosure Documents are legal documents.” Paul Giles, Insurance Council of Australia.

Insurance Companies, Agents and Brokers are salespeople. It is dangerous to rely on what they tell you. When it comes to making a claim you’ll be dealing with the Insurance Company’s Claims Assessors and Lawyers who tend to say “no” a lot. Take a little time now to know where you stand, protect yourself, and obtain valuable peace of mind.

Family Violence Bill

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Family violence and how we can create a safer and fairer family law system and prioritise the safety of children has long been a topic of many discussions within the media, legal community and community in general.

Last week, the Family Law Legislation Amendment (Family Violence and Other Measures) Bill 2011 was introduced. If this Bill is passed, it will remove disincentives for a person to report family violence in the courts. It also provides a clear definition to the community as to what constitutes family violence and child abuse and improves information sharing between the Courts and child protection agencies.

We hope that this legislation (if passed) will help people within the system to understand and

recognise family violence and child abuse, and encourage them to act. This new legislation is a significant step in recognising the importance of protecting people against family violence.

If you are, or know of a person who is a victim of family violence, know that there are many support networks and communities available to assist with all areas including, protection and safety, counseling, financial, accommodation, and legal assistance. Dooley & Associates Solicitors has a large network of professionals who can assist victims of family violence and we encourage you to seek help for yourself or for your loved ones. Please contact us if you need any confidential assistance or guidance.

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