

LEGAL LINK



Howard Harrison
Managing Partner

WELCOME

Welcome to the spring edition of Legal Link a publication designed to give you a snapshot of recent issues from Carroll & O'Dea Lawyers. Please contact us if you would like to receive further information on any of the topics covered enquiries@codea.com.au.

Cyber-Safety

With the explosion of social networking sites such as Facebook and MySpace, the increasing use of smart phones and email, children today have access to and are accessible by millions of people worldwide. This leaves young people potentially open to identity theft, malicious impersonation, online predators, and either being the victim - or perpetrator - of cyber bullying.

Cyber bullying involves harassment, insults and humiliation via technology such as email, mobile phones, social networking sites, instant messaging programs, chat rooms and websites. It most often occurs between people

known to each other and can be particularly hurtful to young people. Unlike traditional school bullying, which is usually confined to school, cyber bullying has no such boundaries. In the past, once a victim of bullying was at home, they were inaccessible, but by virtue of new technology a bully now has practically unlimited access to their victim, at any time of the day. It also provides a much larger public forum across which the humiliation can take place. The invasiveness of the technology deprives children of their privacy and this alone has a significant psychological impact.

Changes to the Sex Discrimination Act (1984) currently before Federal Parliament will give greater protection to young teens who are bullied by classmates with sexual images and comments. Current laws which make certain cyber-bullying behaviour an offence, include: **Note: Cyber-safety story continues overleaf.**

Issues Concerning Social Media Profiles

A case handled by the firm highlighted the dangers of social media profiles that may exist in places such as Facebook and MySpace. This case demonstrated the dangers that may exist in the online environment if care is not taken. Employers and Insurers are using social media sites to gather information that may be used against employees and claimants. We recommend you use social media responsibly and be conscious about what you post online.

Saint Mary Mackillop's Intellectual Property

On 10 October 2010 the Government amended the Corporations Act to control the use of Saint Mary MacKillop's name. The amendment was made in response to a request made by Carroll & O'Dea on behalf of the Sisters of St Joseph for specific protection of Saint Mary MacKillop's name. The additional protection achieved is equivalent to that given to Sir Don Bradman. The Prime Minister's Press Release states "The decision to grant additional protections reflects the significance of the canonisation of Mary Mackillop for millions of Australians." Copyright in various works created during the months leading to the Canonisation has been assigned to the Sisters of Saint Joseph. The congregation is now able to reproduce those works connected with Saint Mary Mackillop and make them available to individuals and schools.

Estate Planning-Disputes

We've all heard about the need to plan ahead and many of you will have a Will and appointed a person as your power of attorney. Just as important as making these arrangements is the need to review them as your life circumstances change. Sadly, in this area there may also be a need to consider litigation in relation to estate issues. In cases where there is disagreement or perceived injustice around expected entitlements we may be able to help. If you would like advice on any of the above issues please contact Hanaan Indari at hindari@codea.com.au.



Hanaan Indari
Partner

LEGAL LINK

Cyber-Safety (cont)

» A group of students create a racially focused hate website about their classmates. The offence: Racial vilification. The maximum penalty: \$5,000, or imprisonment for 3 years, or both.

» A threat to hurt someone is sent via text message or email. The offence: Using internet or mobile phone carriers to make a threat. Maximum penalty: Imprisonment for 7 years.

» A humiliating and untrue story about someone is posted online and others are invited to comment on it. The offence: Using internet or mobile phone carriers to menace, harass or cause offence. Maximum penalty: Imprisonment for 3 years.

Further offences, of which all children should be aware, are that to upload a photograph of someone under-age who is naked (eg whilst they are changing for sport in a locker room and isn't aware of being photographed and then transmit it to others), or taking a photo of oneself naked and uploading it to a website are both offences labelled "Production or dissemination of child pornography", which carry a maximum penalty of imprisonment for 10 years.

Teenagers who send inappropriate images of themselves or others over the internet, may not realise the criminal implications of what they are doing, but could end up charged with an offence. Some young people will be put through the cautioning program, but others could be processed through the Children's Court where a conviction could have a catastrophic result for the young person, especially the listing on the National Sex Offenders Register.

Recent Appointments

We are pleased to announce two recent senior appointments within the Compensation Law Division.



Robert Algie
Partner



Julia Harrison
Associate

Contact Wollongong
72 Church Street
Wollongong NSW 2500
T: (02) 4277 1427
F: (02) 9221 1117
enquiries@codea.com.au



**Contact Sydney
Head Office**
Level 18 St James Centre
111 Elizabeth St
Sydney NSW 2000
T: 1800 816 559
T: 02 9291 7100
F: (02) 9221 1117
enquiries@codea.com.au

Contact Canberra
Level 11 St George Centre
60 Marcus Clarke St
Canberra ACT 2600
T: (02) 6243 5196
T: 1800 816 559
F: (02) 9221 1117
enquiries@codea.com.au

Contact Newcastle
Level 6, Suite 2
77 Hunter St
(entry from Bolton St)
Newcastle
NSW 2300
T: 1800 816 559
T: 4915 0893
F: (02) 9221 1117
enquiries@codea.com.au

Contact Parramatta
Suite 3, Level 7
100 George St
Parramatta NSW 2000
T: (02) 8821 8801
F: (02) 9221 1117
enquiries@codea.com.au

www.codea.com.au