

## WELCOME

Welcome to the Autumn edition of our newsletter. In this issue you will find information about changes to the way in which relationships are recognised under the law, and the next speaker in our Tuesday Lunchtime Speaker Series.

*Howard Harrison*

## THE PROTECTION OF A SAINT

On 26 October 2010 The Hon. Virginia Judge MP made a Ministerial Order under the NSW Business Names Act 2002 prohibiting the registration of any business name that suggests a connection with Saint Mary Mackillop, where that connection does not exist.

“This order will help ensure there is no misrepresentation to NSW consumers about whether a business has a connection with Saint Mary Mackillop”, Virginia Judge said.

“This order sends a clear message to business and the wider community that the NSW Government won't stand for unscrupulous people trying to cash in on the name of Saint Mary Mackillop”, Virginia Judge said.

Carroll and O'Dea Lawyers on behalf of the Sisters of Saint Joseph have requested similar protection under equivalent legislation in the other Australian States and the Northern Territory. Most States and the Northern Territory have to date granted the protection sought.

Carroll and O'Dea lawyers are honoured to continue to assist the Sisters of Saint Joseph with the protection of the name and good reputation of Saint Mary Mackillop, a significant individual in Australia's history.



The Hon. John Watkins  
CEO Alzheimers Australia

## DEMENTIA THE DISEASE OF THE CENTURY

On March 10 Carroll & O'Dea Lawyers hosted a seminar on this important issue. The seminar was presented by the Hon. John Watkins, CEO Alzheimers Australia and former Deputy Premier NSW. He discussed Australia's ageing population the trends and prevalence of the disease and what this means for each of us.

We also took the opportunity to celebrate the opening of our new Parramatta office.

## RELATIONSHIP AND INHERITANCE RIGHTS

On 1 July 2010, the Relationships Register Act 2010 (NSW) commenced in full. The purpose of the legislation is to provide legal recognition of unmarried persons in a relationship as a couple, regardless of their sexuality, by registration of that relationship.

Once the relationship is registered with the Registry for Births, Deaths and Marriages, each party to the relationship will qualify as a 'de facto partner'. The Act draws New South Wales in line with

other states that have relationship registers; and essentially broadens the scope of the meaning of 'de facto partner'.

### LEGAL RECOGNITION

The register creates a simpler mechanism by which couples who register their relationship will have access to rights and entitlements as de facto partners without having to establish each time that they are in a genuinely committed relationship. For example, if a person from a registered relationship is killed as a soldier in the line of duty, their partner can now be eligible for the appropriate support.

### PROBATE

Importantly, the introduction of the Relationships Register Act can have certain significant implications on probate of a will. It has caused some minor alterations to the Succession Act 2006 which can have consequential effects. For instance, the definition of 'domestic partnership' under section 105 now includes a relationship registered under the Relationships Register Act 2010; thus allowing a person in a registered couple to be classed as a 'spouse'. This entitles a person in such a relationship to inheritance rights over their deceased partner's property if they fail to leave a will, or if they leave an ineffective will that does not dispose all or part of their property. Furthermore, a party to a registered relationship will now enjoy rights and entitlements to inspect their deceased partner's will in accordance with section 54 of the Succession Act.

Consequently, families should now be aware that partners of their family members, regardless of their sexuality whether they are cohabiting, will acquire certain entitlements over his or hers property if the unthinkable was to happen to them.



## TUESDAY LUNCHTIME SPEAKER SERIES

On 11 April Cardinal George Pell visited Carroll & O'Dea and spoke about the extraordinary life story of John Henry Newman and his contribution to theology and academia and the current position on his recognition as a Saint within the Catholic Church.



## COMING UP - MICHAEL SEXTON

On Tuesday 21 June, Mr Michael Sexton SC, NSW Solicitor General will speak as part of our regular Tuesday Lunchtime Speaker Series.

Michael Sexton will provide an overview of the Obama presidency to date and the prospects for his re-election, together with the rise of the Tea Party and the future role of America on the international stage in the light of its involvement in Iraq and Afghanistan.

These free seminars are open to clients and friends of the firm. Please contact us if you would like to attend at [enquiries@codea.com.au](mailto:enquiries@codea.com.au).

## RECENT APPOINTMENTS

We are pleased to announce two recent senior appointments within the firm. Damian Brown Solicitor, Accredited Specialist within the Compensation Law Division and Helen-Anne MacAlister, Associate within the Employment and Industrial Relations Division.



**Damian Brown**  
Solicitor



**Helen-Anne MacAlister**  
Associate

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