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and you need an  
innovative approach,  
contact us”

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Welcome to our first edition of Legal Insight for 2009.

## Government Targets Family Violence

A new year often brings with it a renewed resolve to exercise more self control and discipline in various areas of life. One area which we as a community need to work on is to reduce family violence, mostly that towards women and children.

The number of women and children who suffer significant risk, and even death, at the hands of other family members, remains a scourge on our society. In Victoria during 2005-06, 43 per cent of homicides were related to family violence. While homicide rates in Australia have dropped by one third in the past seven years, the rate of family violence homicides has remained the same.

Victorian Attorney-General Rob Hulls stated recently, “Research indicates that these homicides are the escalation of a predictable pattern of behaviour and should be viewed as a connected group, not as isolated events”. The inaugural White Ribbon Day, held in November 2008, put the spotlight on family violence and with it the Victorian government announced an independent review into family violence deaths.

In addition to the review, new legislation has been introduced to provide improvements in the way family violence is dealt with by the police and courts. The *Family Violence Protection Act 2008* (Vic) came into operation on 8 December 2008. It replaces the previous system of family violence intervention orders that was pursuant to the *Crimes (Family Violence) Act* (1987).

The Act provides a system of family violence intervention orders and family violence safety notices which is effective and accessible, making the breach of either one an offence. It endeavours to increase the safety and protection of persons who experience family violence, and promotes the accountability of family violence perpetrators for their actions. Of special note is that wider powers are

### Ancient Wisdom

**‘It may be true that the law cannot make a man love me, but it can keep him from lynching me’**

– Dr Martin Luther King Jr.,  
American Pastor and  
Civil Rights Leader

given to the police in relation to detention, searches and family violence safety notices to ensure immediate protection is available to families.

Please feel free to call our office to discuss any aspects of this new law.

## The New Fair Work Act 2008

In the current economic climate the new *Fair Work Act 2008* brings the prospect of major change to employee/employer relations and to industrial and employment law.

On 25 November 2008, Minister for Employment and Workplace Relations Julia Gillard introduced the federal government’s substantive workplace relations legislation. The *Fair Work Act* (the Act) replaces the *Workplace Relations Act 1996* (Cth), finally laying to rest the complex WorkChoice laws.

One of the key elements of the system is a set of 10 legislated National Employment Standards (NES) for all employees. The NES were created after extensive consultation resulting in 129 submissions received from a wide range of stakeholders from employer and employee representatives, state governments, business and community groups, and individuals. The NES cover matters such as maximum weekly hours of work, a right to request flexible working arrangements, parental leave and related entitlements, procedures for termination and redundancy pay as well as the provision of a Fair Work Information Statement for all employees.

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- send an email to [office@hutchinsonlegal.com.au](mailto:office@hutchinsonlegal.com.au)

The Act also creates a proposed “one stop shop” for advice and support on all workplace relations issues and the enforcement of legal entitlements. The role of this independent statutory body, Fair Work Australia (FWA), includes facilitating collective bargaining, approving enterprise agreements and dealing with claims of unfair dismissal, workplace disputes and industrial action.

The Act became law in the Senate on 20 March 2009, after various proposed amendments to unfair dismissal laws were mooted in an intense Parliamentary tussle. A deal was done between the government and Family First senator Steven Fielding to amend the timing of the new unfair dismissal laws, but the rudiments essentially confirmed the government’s insistence that special requirements for unfair dismissal will apply

to small businesses employing less than 15 employees. The legislation will come into effect on 1 July 2009.

If you would like to discuss an employment or industrial matter, feel free to call our office.



## Trying to Help

In these economic times, sometimes humour can relieve the stress. Consider the following incident:

“One afternoon, a wealthy man was riding in the back of his limousine when he noticed two men eating grass by the road side. He ordered his driver to stop and he got out to investigate. “Why are you eating grass?” he asked one man. “We don’t have any money for food,” the poor man replied. “Oh, come along with me then” the man from the limousine said excitedly. “But sir, I have a wife with two children!” “Bring them along! And you, come with us too!” he said to the other man. So, they all climbed into the car. One of the poor fellows expressed his gratitude, “Sir, you are too kind. Thank you for taking all of us with you.” The rich man replied, “No, thank you... the grass at my place is about three feet tall and I could use the help!”

## Managing the Generation Gaps

It has been said that we are an ageing population. But how does an ageing population handle the different generations? Consider the different generation gaps:

### Australia’s Generations – The Definitive Classification

Description	Born	Age	Pop’n (mill)	(% of Pop’n)
Builders	Before 1946	61+	3.5m	17%
Boomers	1946 – 1964	42 – 60	5.3m	26%
Generation X	1965 – 1979	27 – 41	4.4m	21.5%
Generation Y	1980 – 1994	12 – 26	4.2m	20.5%
Generation Z	1995 – 2009	0 – 12	3.1m	15%

*ABS Population Pyramid 2006 & McCrindle Research Study 2006*

The challenge of managing the young and bridging the generation gaps has been with us for millennia. Younger generations have always had different priorities to older generations but the difference now may be more stark. According to the McCrindle Research Study for the Australian Bureau of Statistics (From Builders & Boomers to Xers and Y’s: A Social Report on Generation X & Y, 2006), Generation Y is the most likely to rent and the least likely to have children compared to any older generation. Generation Y have been exposed to new technological options during their formative years and so the digital language is almost their first language. They are technological “natives” compared to say the Baby Boomer “digital immigrants” who migrate to the latest technology.

Generation X and Y are most likely to be people who:

- seek new experiences
- value freedom over finance
- want to enjoy work but value lifestyle
- fear for their financial future, terrorism, and even whether they will be married and have children
- cherish friendships
- don’t respond to rules or fads
- like lots of tasks and get easily bored

Briefly, the difference between the Generations X, Y and Z may be viewed as follows:

- Generation X are money hungry and time poor;
- Generation Y are high achievers, reward driven and unreliable;
- Generation Z are sophisticated, worldly and consumer driven.

Understanding the generations may help us all build a better society. And equally, by understanding the generations we can establish better mechanisms for building new law and applying current law.

## Personal News

We are pleased to welcome two new staff members to our office this year.

Engi Messih has been practising law for six years, having practised in mid sized firms in Sydney, Adelaide, and Melbourne. She has also recently completed a Master of Laws from the University of Sydney. Engi has a very strong background as a Family Lawyer and would be pleased to assist you in any Family Law matter.

Vivian Chan is a Legal Trainee (Articled Clerk) who recently completed a double degree at the University of Melbourne: (B.A., L.L.B. (Hons)). Whilst completing her studies, she worked as a Trust Law Clerk at the University and participated in our ‘Thursday Legal Connections’ program.

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