



may
2006

aviation lawbulletin

□ WORKPLACE RELATIONS

WorkChoices: A challenge or a gift for the aviation industry?

WorkChoices is one of the longest and most complex pieces of legislation to ever pass through the Australian federal parliament. It commenced operation on 27 March 2006 and it is no exaggeration to say that this legislation represents a complete revolution in every sense of the word for the Australian workplace.

History and change

From 1900 to 2006 the Australian workplace was regulated by the twin pillars which represented the conciliation and arbitration system. Under this system disputes in the Australian workplace were processed through either the Australian Industrial Relations Commission or one of the various State Industrial Relations Commissions. If a conciliated settlement could not be reached then those industrial tribunals were empowered to make binding decisions on employers, unions and employees alike. It was in this way that conciliation and arbitration became such a fundamental part of the fabric of Australian workplace life.

All that ended on 27 March 2006. No longer are there industrial relations tribunals empowered to bind parties in an industrial dispute. Under WorkChoices, if the parties are unable to settle their disputes either through their own dialogue or through the assistance of mediation (which can be provided by either the Australian Industrial Relations Commission, State Industrial Relations Commissions for so long as State Governments keep them alive, or professional mediators of one description or another), then the only recourse the parties have is to go to the civil courts.

An equal part of this revolution which is WorkChoices is the essential destruction of the award system itself. As part of the aforementioned conciliation and arbitration system, the Australian workplace at all levels was regulated by a series of minimum terms and conditions contained in awards. These awards underpinned all of the entitlements to which Australian employees have become accustomed. **On 27 March 2006 that system ceased as well.** Going forward the only way in which parties in the workplace can regulate their economic relationship is either through agreements (be they collective or individual) or through the reliance on a series of very basic minimum standards which will be enshrined as the Australian Fair Pay and Conditions Standards. The effect of this will be to compel all participants in the Australian workplace to **pay close attention to economic conditions as they exist within the Australian economy**, which itself is now fully exposed to internationalism and globalisation.

What does this mean for the aviation industry?

Clearly the aviation industry is experiencing pressures upon it which have not existed in our lifetime. The cost pressures arising from security concerns and fuel prices are

continued on page 2 >

in this issue

Important changes to NSW OH&S law	2
Anti-terrorism legislation: know your customers	3
Security review challenge: the Wheeler Report	4
Airline competition on Government's agenda	6
Court takes wind out of hang gliding thrillseekers	7
News in brief	8

introduction



Simon Liddy
Partner

Welcome to the May 2006 issue of our *Aviation Law Bulletin*. The Treasurer Peter Costello unveiled his Federal Budget for 2006–2007 on 9 May 2006, with \$1.5 billion to be injected to 2009–2010 to strengthen intelligence services, airport and air transport security, and regional cooperation. The Government will implement new measures to strengthen the security of domestic and international air cargo through a \$48 million package of initiatives. This funding comes on top of the \$38 million package of air cargo measures announced by the Prime Minister John Howard in September last year.

A media release from the Minister for Transport & Regional Affairs, Warren Truss, states: "The additional funding... to improve the safety and security of aircraft and airline passengers is testimony to the Government's strong commitment to counter any potential threats to the aviation sector."

workchoices > from page 1

hugely significant and in both respects unprecedented. Not since the deregulation of the aviation industry in the US (brought about with blinding speed by the Reagan administration in the early 1980s) have traditional aviation operators faced such threats.

It is in this context that WorkChoices must be seen when looking at the Australian situation. How will the aviation industry be affected by WorkChoices? There is no doubt that **employers in the industry will now be able to make significant changes to rates of pay and conditions of employment** to more accurately reflect the cost and wider economic pressures which are upon them.

Likewise, the advent of WorkChoices opens up avenues for new entrants to the aviation industry. When it decided to pass the WorkChoices legislation the Howard Government very clearly envisaged that WorkChoices would provide an opportunity for new entrants to many areas of the Australian economy, aviation certainly being one of them. Any investor with vision will

be empowered by WorkChoices to enter the industry with competitive rates of pay and conditions of employment, giving the investor an edge over existing operators who find themselves encumbered by labour costs which are hobbling their performance and which they are unable to reduce.

It is with this scenario in mind that the title of this article was composed.

The time to act is now

There are exciting and challenging options available for employers under WorkChoices, provided that the opportunity is seized to use the legislation in a thoughtful and innovative way. Clearly what should be happening at the moment is that operators in the aviation industry should be closely **reviewing their businesses** and seeking to analyse what aspects of their labour arrangements are restricting their abilities to compete and to increase profitability and productivity.

WorkChoices gives enormous capacity to employers to deal with those very issues.

Ebsworth & Ebsworth has already assisted a number of clients to conduct reviews of this nature and come up with innovative solutions for existing labour cost and labour supply issues. Issues which have long plagued the Australian workplace such as restrictive hours, difficult shift arrangements, unrealistic penalty payments, restrictions on the makeup and configuration of labour supply generally are all matters which can be readily addressed under the WorkChoices legislation.

The time to do the review and analysis and come up with **solutions** is now.

Mark Diamond Partner
e: mdiamond@ebsworth.com.au

Mark Diamond is a partner in our workplace relations team. He has been an industrial relations and employment law specialist for more than 25 years and joined Ebsworth & Ebsworth in April 2006 with an acknowledged reputation as one of the very best in the business. He brings with him a depth of experience and skills which we believe will be of enormous benefit to our clients.

Contact Mark on +61 2 9234 2391 if you have any comments on this article or questions about WorkChoices.

□ LEGISLATION UPDATE

Important changes to NSW OH&S law

The NSW Government has announced important changes to the NSW Occupational Health & Safety Act 2000, which are intended to bring NSW occupational health and safety law broadly in line with the law operating in the other Australian states. The proposed changes are expected to commence on 1 October 2006.

The key changes include:

- moderating the duty of care imposed on employers to take "reasonably practical" steps to ensure workplace safety;
- requiring workers to take reasonable care for their own safety as well as the safety of others;
- providing that directors and officers will no longer be liable for workplace safety law breaches over which they have no control; and
- introducing the ability for WorkCover to enter into enforceable undertakings and agreements with persons who breach safety law, to be used in some circumstances instead of prosecution.

The changes modelled on the Victorian provisions mean that an employer's

responsibility to provide a safe workplace will only extend to taking steps which are "reasonable practical". The amendments also include an explanation that a duty to "ensure health and safety" means reducing the risk to the lowest level that is reasonably practical and outlining the factors to be considered in determining whether a particular course of action or control measure is "reasonably practical".

Directors and officers will now only be liable for workplace safety law in circumstances under their control.

Anthony Highfield Partner
e: ahighfield@ebsworth.com.au

For a more detailed explanation of the proposed changes, read our Workplace Relations Law Alert at www.ebsworth.com.au or contact Anthony Highfield on t: +61 2 9234 2393.

□ ANTI-TERRORISM LEGISLATION

Know your customers

Anti-terrorism legislation recently introduced in both Australia and the United States makes it an offence to conduct business with known terrorists. Companies are prohibited from doing business with an embargoed person or any person, entity or government subject to trade restrictions under new Australian and US laws. Companies are now expected to know more about who, precisely, they are dealing with – and intentional dealings with “the enemy” carry serious penalties. The onus is on businesses to first verify the identity of who (or what) they are dealing with and to ensure they are not on a “prohibited” list. So what are your obligations under the new anti-terrorism legislation?

Dealings with terrorists: international obligations

There has been a wide range of new counter-terrorism legislation recently, including the Anti-Money Laundering and Counter Terrorism Financing Bill 2005 (CML/ATF), following the enactment of the *Anti-Terrorism Act 2004* and the *Anti-Terrorism Act (No. 2) 2005* which amended the *Criminal Code Act 1995* making it a criminal offence to hold assets that are owned or controlled by terrorist organisations or individuals, or to make assets available to them. Punishment under the *Anti-Terrorism Act (No. 2) 2005* includes imprisonment for life where it is proven the offence was committed with intention.

Australia’s international obligations are derived from the United Nations Security Council’s Resolutions 1267 and 1373, which operate to freeze the assets of terrorists. The moment an individual or entity is placed on the UN list, its assets must be frozen under Australian law. These names are automatically incorporated onto a “Consolidated List” maintained by the Department of Foreign Affairs and Trade (DFAT). Once an individual or entity is listed on the DFAT Consolidated List, it becomes a criminal offence to deal with their assets. The penalty for these offences is 5 years imprisonment.

The Minister for Foreign Affairs may also list a person or entity on a case-by-case basis if satisfied that they are associated with terrorism.

The consolidated list

DFAT’s website claims the “Consolidated List” of prohibited individuals and groups has on it more than 540 individuals and groups. In addition to the Consolidated List, the Australian Government also maintains a list of “proscribed terrorist organisations” under the Criminal Code. This list can be viewed on the National Security Australia website.

DFAT also maintains close contacts with Australia’s financial sector to ensure asset freezing arrangements take account of the sector’s legitimate interests. Australian businesses, in particular exporters, should be aware that it is their responsibility to ensure that they do not do business with an individual or groups listed on the Consolidated List.

Penalties

Non-compliance with the legislation in both Australia and the US can result in serious civil and/or criminal penalties. In the US penalties apply of up to US\$1,000,000 for each violation and in some instances up to US\$500,000 per day. The US legislation extends to Australian companies that are subsidiaries of a US parent company.

So both the Australian legislation and the US legislation have serious implications for Australian companies. Companies need to take steps to safeguard themselves from any inadvertent breach.

Be diligent

For Australian companies, due diligence steps commence with new obligations to identify who they are dealing with. The *Anti-Terrorism Act (No. 2) 2005* makes it a serious criminal offence for a person to intentionally (whether directly or indirectly) receive funds from (or collect funds for), or make funds available to, an organisation or person who will use the funds to facilitate or engage in a terrorist act. Australian companies that are trading overseas must first verify identities. For instance, if entering into a leasing arrangement with a Jordanian trucking company (or similar) it becomes essential to know precisely who/what that trucking company is before entering contractual arrangements with it!

For Australian companies operating as US subsidiaries, a key issue is that new due diligence processes be followed. Legislation in both Australia and the US now requires companies to meet identity verification standards. Australia’s anti-terrorist legislative and policy framework is now even more in line with the US framework with due diligence central to its compliance requirements. For Australian companies this means new “minimum standards” for knowing who they are dealing with. At the same time, the privacy issues associated with the new identity checks, are being “worked through”.

John Garrick Lawyer
e: jgarrick@ebsworth.com.au

This article was first published in our regular legal column in *Aviation Business* magazine, May 2006.

□ AVIATION SAFETY

Security review challenge: the Wheeler Report

On 21 September 2005, the Prime Minister released the review of airport security and policing in Australia by the Rt Hon Sir John Wheeler JP, DL. Sir John had previously conducted a major review of security at the United Kingdom's major airports for the Blair Government in 2002 and also had extensive experience in policing and national security as Minister for Northern Ireland and as foundation Chairman of the UK National Criminal Intelligence Service. An Advisory Committee of relevant Commonwealth agencies was also established to assist the Review.

The review examined the threat from serious and organised crime at airports, the integration of ground-based security and law enforcement arrangements, and the adequacy of the existing security requirements.

The report found that security at Australia's airports was seriously flawed: no one takes control of policing, agencies fail to share vital information on threats and, if there is a terrorist strike, police and airport staff are unable to communicate effectively. "Bluntly put, in the everyday workings of airports, no one is taking overall charge of policing and security," said Sir John.

Sir John also found organised crime rings operating at airports, stealing luggage, cars and equipment. He warned that "a culture of lax security or petty criminality can provide opportunities for terrorists to exploit weaknesses in airport security".

The report made 17 recommendations and the Prime Minister announced at his press conference that "the Government has considered the recommendations of the report and accepts the thrust of all the recommendations".

Some of the key recommendations of interest are that:

- there be a thorough examination of legislation and regulations on the sharing of information, both among government agencies and between government and the private sector to identify and remove elements which prohibit or inhibit the flow of information needed to counter crime and terrorism that threaten the aviation sector;
- the position of Airport Police Commander be established at each Counter-Terrorism First Response (CTFR) airport (Adelaide, Alice Springs, Brisbane, Cairns, Canberra, Coolangatta, Darwin, Hobart, Melbourne, Perth, and Sydney), to be filled by a senior police officer,

working in collaboration with other government agencies assigned to the airport, to supervise a Joint Intelligence Cell. All police, Australian Federal Police Protective Service (AFPPS) and Customs officers deployed to an airport to be given clear and unambiguous powers, including to stop, search, detain and arrest where necessary within the airport and adjacent roads and parking areas;

- the background checking process required to obtain and hold an Aviation Security Identification Card (ASIC) be further tightened and centralised in the Attorney-General's Department and that this be harmonised with maritime cards;
- integrated Closed-Circuit Television (CCTV) systems be expanded and improved at Australian airports, and that, with the Australian Customs Service as the lead agency, arrangements be made to ensure CCTV standardisation, digital upgrading, storage, and fully coordinated use by Customs, police and security personnel;
- DoTARS prepare regulations so that airports ensure that all those entitled to enter airside secure areas at CTFR airports in connection with work responsibilities should be subject to screening each time they enter, and potentially subject each time they leave, the secure area;
- the screening of cargo be expanded and include mandatory screening of all cargo on passenger aircraft where passengers' checked baggage is screened; and
- the Science, Engineering and Technology Unit within the Department of the Prime Minister and Cabinet be empowered to evaluate emerging technologies relevant to screening and other security-related efforts at airports and to recommend, oversee and assist the uptake of such technologies.

Commonwealth funding of about \$200 million was immediately announced

continued on page 5 >

security review challenge > from page 4

for some of these initiatives including:

- \$40.9 million for the establishment of five new Joint Airport Investigation Teams at Sydney, Melbourne, Brisbane, Adelaide and Perth airports;
- \$48.7 million for increased air-side Customs border patrols at Sydney, Melbourne, Brisbane, Adelaide, Perth, Darwin and Cairns airports;
- \$19.8 million to further upgrade the Customs CCTV capabilities, including additional cameras at major airports;
- \$38.0 million package to strengthen air cargo security arrangements, including the introduction of improved technology for the detection of explosives;
- \$43.9 million for improved security and crime information exchange arrangements for aviation; and
- \$3.8 million to introduce a new national aviation security training framework to support the aviation industry.

No doubt, the states will now also be asked to provide their own input and airport owners and airline passengers are going to be asking themselves, "Will we be made to pay for this?"

The Prime Minister does not see any need to lift ticket prices for airline passengers. "I can't guarantee that air fares won't rise," he said, but "what's in Wheeler does not of itself represent a justification for increases". However, the public "accepts that there is some additional expense in being safer".

Qantas has said that it supports the new security measures for Australia's airports announced by the Prime Minister. The Chief Executive Officer of Qantas, Geoff Dixon, said the new measures were consistent with Qantas's submission to the Wheeler review of security and policing at Australia's airports. He said Qantas also supported the integration of Federal and State police activities under the control of dedicated Airport Police Commanders at CTFR airports, and the deployment of state police for general crime management. However, he went on to say "Given the considerable security costs already borne by airlines – and particularly Qantas in Australia – we do not believe the funding of additional measures should be another impost on the industry".

The new security changes will need to be carefully managed. In a recent submission to federal parliament's Public Accounts and Audit Committee into aviation security, Peter Kerwin wrote:

"As a captain in a regional airline for nearly 30 years I never thought the day would come when I would be 'frisked' for items that may 'allow' me to take control of my own aircraft.

"Last night and again this morning, in the course of his tarmac control and passenger sheet duties, and while wearing his ASIC in plain view, my first officer was reduced to his shirt and socks, and with his hat, jacket, belt and shoes in the x-ray machine, forced

to clutch his trousers as he finally passed successfully through the scanner. This embarrassing public process is to be repeated every time we land at a major airport in Australia.

"Although my first officer has to suffer the indignity more often, tomorrow morning before I proceed to my aircraft I will have to take myself and my flight bag through the same electronic gauntlet in case I have something with me that could compromise the security and safety of the aircraft. Having replaced all my pocket paraphernalia, shoes and spectacles, and secured my trouser belt, I shall then proceed to the aircraft to spend the day ensuring the aircraft and its occupants do not come to any harm. I do this strapped in a seat less than 10 cm from a nice sharp crash axe and a pressurised fire extinguisher installed there for everyone's safety. I feel the authorities have lost sight not just of the security ball, but forgotten what the game even is. Professional licensed aircrew are now treated as the enemy, it seems. We cannot be trusted with nail clippers, but we can be let loose with a plane load of passengers."

It will no doubt be an interesting year ahead for all involved in the aviation business.

Richard Gration Partner
e: rgration@ebsworth.com.au

An abridged version of the article was first published in our regular legal column in *Aviation Business* magazine, February 2006.

Public inquiry: Productivity Commission to review price regulation of airports

On 30 March 2006 the Treasurer, Peter Costello, and the Minister for Transport and Regional Services, Warren Truss, announced that the Productivity Commission will undertake a public inquiry into the current arrangements for the price regulation of airports (Media Release no. 016). The scope of the inquiry includes consideration of whether airport operators have acted in a manner consistent with the Government's Review Principles, which were developed in response to the

Commission's 2002 inquiry into airport price regulation, as well as the effectiveness of the current regulatory regime for airport pricing. The nine month inquiry commenced on 6 April 2006 and anyone interested in making a submission can register at www.pc.gov.au

Source: <http://www.treasurer.gov.au/tsr/content/pressreleases/2006/016.asp> – site viewed 31 March 2006.

□ CURRENT AVIATION ISSUES

Airline competition on Government's agenda

In the December 2005 issue of the *Aviation Law Bulletin* we discussed some current issues in aviation in Australia and the laws which underpin and affect those issues. On 21 February 2006, one of those issues, namely airline competition, was the subject of a long awaited decision by the Australian Government.

On this date, the Hon. Warren Truss, Minister for Transport and Regional Services, announced the results of the Government's "review" of aviation policy. This was previously said to be a wide-ranging "review", by a select number of Federal Cabinet members, of a variety of issues affecting the aviation industry in Australia.

However, the most prominent issue, and the genesis of the "review", was the request by Singapore Airlines to be able to carry passengers across the Pacific Ocean between Australia and the United States.

The manner in which the "review" was conducted is interesting in itself, but as they say, it is beyond the scope of this commentary. The "review" did stimulate debate from a wide variety of interest groups, including federal and state politicians, tourism industry associations and participants, consumer groups, the airline industry, and foreign governments. No surprises there really, as the stakes were high for many concerned.

What is also interesting however, is the net result of the "review" – the Government has preserved the status quo. In other words, the Government has maintained protection of the Trans-Pacific route for airlines of Australia and the US. Not just the current incumbents mind you, but others who may seek to operate on that route in the future.

The real debate at the heart of the "review" was that between the benefits of open skies competition among airlines, and the benefits of protecting an Australian industry that currently employ many thousands in Australia directly and indirectly, and which delivers other benefits to Australia.

In an age of increasing regulation in the name of competition, it was interesting to see the brakes applied to that trend, at least for the next few years. And "what is wrong with good old protection" some may ask? "Remember the days when Australia was a manufacturing nation?" "What has competition achieved for the nation?"

There have been obvious benefits from increased competition in many sectors over the years, however, at least for the time being, our Government appears to have doubts that increased competition, at least of the type giving rise to this "review", is in the greater interest of the Australian people.

Simon Liddy Partner
e: sliddy@ebsworth.com.au

This article was first published in our regular legal column in *Aviation Business* magazine, April 2006.

□ PERSONAL INJURY

Court takes wind out of hang gliding thrillseekers

The New South Wales Supreme Court has found a hang glider and his gliding club liable after the hang glider collided with a pedestrian on a headland on Sydney's northern beaches.

■ *Wardle v Kick & ors*, New South Wales Supreme Court, 26 April 2006

Facts

On 11 August 1996, Wardle (the "pedestrian") was walking with his wife and their dog along the headland at Long Reef, Sydney (a popular location for walking), when he was hit by a hang glider being flown by the first defendant. The pedestrian did not see the glider before it collided with him and he was knocked to the ground and suffered significant injuries to his left leg.

The pedestrian subsequently issued proceedings against the hang glider as first defendant, Warringah Shire Council as second defendant, the Northern Beaches Hang Gliding Club as third defendant and the Hang Gliding Federation of Australia as fourth defendant.

Hang gliding in Australia is a form of aviation and controlled by orders made under the *Civil Aviation Act 1988*. Effective administration of hang gliding activities is carried out by the Hang Gliding Federation of Australia. The Hang Gliding Federation maintains an Operations Manual, which includes standards and rules for operations and certification for pilot training, which are in large a repetition of the orders made by the Civil Aviation Safety Authority as contained in the Civil Aviation Act.

Decision

Justice McClellan paid particular interest to clause 4.7 of the Operations Manual, which provides maximum height levels at which a hang glider may be flown over populous areas. In particular it provides

that a hang glider must not be flown
...at a height lower than 100 feet within a horizontal distance of 25 metres from...

(ii) persons other than persons directly associated with the operation of hang gliders at the launch or landing sites...

He plainly flew his aircraft at an altitude and in a location which exposed pedestrians to risk...

Evidence given by the first defendant at trial showed that he had been flying at less than 100 feet above the ground and within 25 metres of pedestrians prior to impact. The court found that this was clearly in breach of the Operations Manual provisions and accordingly found the first defendant negligent.

The Operations Manual also makes hang gliding clubs responsible for formulating and implementing plans for the reduction of hazards to both pilots and members of the public. The court found that the club was in control of the gliding site and had responsibility for its safe operation. The third defendant was found to have breached its obligations by failing to control where gliders could fly and providing a safe landing area away from pedestrians.

The Federation reasonably passed responsibility for the management of individual sites and pilots to the various clubs.

The court did not find any liability on either part of the second and fourth defendants. The court was satisfied that there was no evidence that either party were responsible for hang gliding in the area. The Federation was found to have adequately ensured that the use of the headland was confined to the launch of gliders only through its Operations Manual. It further found that responsibility for the safe operation of the hang gliding activities on this site was not vested in the council and that the obligation instead fell upon the Hang

Gliding Federation of Australia, with the relevant activity being controlled by the affiliated club.

The measure of careful behaviour is reasonableness, not elimination of risk. Where people are subject to a duty of care, they are to some extent their neighbour's keepers, but they are not their neighbour's insurers.

The pedestrian was awarded damages in the sum of \$344,802 plus costs.

Implications

In this case, a breach of the Operations Manual and the orders as provided pursuant to the Civil Aviation Act clearly established liability. However, it also highlights the recent change in judicial attitude, which has made it significantly more difficult to succeed against local councils with certain types of public liability claims.

We are unaware at the time of this article going to print whether the case will be appealed to the NSW Court of Appeal.

Jeanette Woollacott Senior Associate
 e: jwoollacott@ebsworth.com.au

□ MEET THE TEAM

LAWYER ON BOARD: Matthew Brooks, Senior Associate, is serious about getting to know his clients' industry so he is taking flying lessons!



□ NEWS IN BRIEF

Australian Budget 2006–2007: more funds for air cargo inspections

Budget 2006–2007 includes new measures to further tighten security at Australia's airports and ports. The Department of Transport and Regional Services will receive \$13 million to expand the deployment of explosives trace-detection equipment for the examination of domestic air cargo at each of Australia's major airports. The funds will also help improve the quality of security training for cargo handlers and fund a number of trials to test a variety of existing and emerging explosives-detection technologies.

Customs will receive \$35 million to implement measures to significantly increase the volume of air cargo subject to security screening.

The \$48 million package of initiatives in the Budget includes \$4.7 million allocated over four years covering:

- \$2.9 million for the establishment of a regime to audit the activities of Aviation Security Identification Card (ASIC) and Maritime Security Identification Card (MSIC) issuing bodies – this will ensure people have been appropriately background checked if they have a genuine need to access the secure areas of our airports and seaports; and
- \$1.8 million to enable the Department of Transport and Regional Services to undertake the assessment of ASIC and MSIC applicants' criminal history certificates for the period 1 July 2006 to 30 June 2007 when responsibility will move to the newly-created AusCheck in the Attorney-General's Department.

The Government has allocated \$5.4 million in 2006–2007 to subsidise en route air traffic control charges for regional airlines.

For more information, please contact us:

Simon Liddy Partner

e: sliddy@ebsworth.com.au

t: 61 2 9234 2381

Ian Awford Partner

e: iawford@ebsworth.com.au

t: 61 2 9234 2484

Nick Burkett Partner

e: nburkett@ebsworth.com.au

t: 61 7 3303 8886

Philip Hunter Partner

e: phunter@ebsworth.com.au

t: 61 7 3303 8868

sydney melbourne brisbane

Ebsworth & Ebsworth Lawyers respects your privacy and allows only limited use and disclosure of personal information. A copy of our privacy policy is available on our website. This publication is not legal advice. Professional advice should be sought before applying the information to your particular circumstances. We regularly produce publications to keep our clients up-to-date with important legal developments. If you do not wish to receive this publication in the future or if you would like to receive other publications, please email: publications@ebsworth.com.au © Ebsworth & Ebsworth Lawyers 2006