

# *the Conduit*

24  
AUTUMN



COUTTS  
LAWYERS & CONVEYANCERS



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## CALENDAR DATES

### MARCH

Monday 4th	Narellan Wills Express Night
Friday 8th	International Women's Day
Friday 29th	Good Friday
Saturday 30th	Easter Saturday
Sunday 31st	Easter Sunday

### APRIL

Monday 1st	Easter Monday
Monday 8th	Narellan Wills Express Night
Thursday 25th	ANZAC Day

### MAY

Monday 6th	Narellan Wills Express Night
Sunday 12th	Mother's Day



## A MESSAGE FROM

# Adriana

Welcome back to another year and the Autumn edition of the Coutts Conduit. I can't believe we are already two months down in 2024. As we move ahead into this year, we're excited to share several developments in our business.

Are you a part of our new VIP program yet? Coutts Purple is our complimentary membership offering designed to enrich your legal journey with us through exclusive benefits and exceptional services.

For our business clients, we've introduced Coutts Platinum, a complimentary membership program crafted to elevate your business's legal experience. This program provides exclusive benefits and specialised services, including exclusive rewards and discounts, priority service, cross-legal opportunities, strengthened relationships, priority event invitations, and access to employment advisors.

This year, our dedication to community engagement is stronger than ever. We are focused on our ongoing support, collaborating with Turning Point, sponsoring local sports teams, and participating in various charity events. We aim to leave a lasting, positive imprint on the communities we work with, and we look forward to keeping you informed about our community projects and activities throughout the year.

As our team grows, you'll notice new faces on our socials and offices. We're thrilled to welcome a dynamic mix of highly experienced Lawyers/ Conveyancers and bright, dedicated paralegals. Every year, you can expect to see Coutts grow, actively support our local community, and provide comprehensive assistance for you and your loved ones in all your legal needs.

For more information on how Coutts can assist you, reach out to us, or visit our website to join our VIP program to get all our member benefits. Remember, Coutts is more than just your legal advisors; we're your partner in navigating through all of life's legalities.

*thank you*



# NSW Land Tax 2024

## KEY TAKE OUTS

- ✓ What is Land Tax?
- ✓ Changes to the principal place of residence exemption
- ✓ How is Land Tax calculated?
- ✓ 2024 Land Tax thresholds
- ✓ Common misconceptions about Land Tax

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## What is Land Tax?

Land Tax is an annual tax charged on the land value of all the property you own that is over and above the land tax threshold. Notwithstanding this, your principal place of residence is usually exempt and not taken into consideration when determining your land tax liability.

- ✓ Do you own more than one property?
- ✓ Have you acquired a property in the last 12 months?
- ✓ Do you own property and are about to purchase another?

You better read on...

## Changes to the principal place of residence exemption

From 1 February 2024, if you own and occupy a property but own less than a 25% interest in it, you will not be entitled to the principal place of residence exemption from the 2025 land tax year onwards.

For example, you own a property with your parents and 2 siblings as tenants in common in equal shares (i.e. each of you owns a 20% share of the property). You live in the property. You don't pay land tax. From the 2025 land tax year, you may then be liable to pay land tax on the property you hadn't in the past.

## How is Land Tax calculated?

Land Tax is calculated on the total value of all your taxable land above the threshold, as of 31 December each year. If the combined value of your land does not exceed the threshold, then you do not need to pay land tax.



The thresholds are applied as follows:

- ✓ General threshold: \$100 plus 1.6% of the land value above the threshold, up to the premium threshold
- ✓ Premium threshold: \$88,036 plus 2% of the land value above the threshold

If you are a foreign person, in addition to any land tax you may be required to pay, you must also pay surcharge land tax. If you are a foreign person who doesn't pay land tax, you may still be required to pay the surcharge. Despite this, certain VISA holders are eligible for exemptions or concessions from surcharge land tax.

Revenue NSW has an online calculator which you can use for free to estimate the amount of your land tax liability and surcharge, if applicable. The calculator is available [here](#).

Your liability for each year is based on the value of all the land you owned on 31 December in the previous year. As such, any changes to the land you own this year (sale of an existing property or purchase of another property) will only affect how much you pay next year.

## 2024 Land Tax thresholds

The Land Tax thresholds for 2024 have been announced as follows:

- ✓ General threshold: \$1,075,000
- ✓ Premium threshold: \$6,571,000

The general threshold for 2024 has increased by \$106,000 from 2023. The general threshold for 2023 was \$969,000. The premium threshold for 2024 has increased by \$646,000. The premium threshold for 2023 was \$5,925,000.

On or before the first Friday of December each year, the Land Tax thresholds for the following year are announced. This changed recently. This information used to be announced in October, so earlier in the year.

## How is the land value determined?

Land value is determined by the valuations issued by the Valuer-General to Revenue NSW. The valuation from the previous year is used. For example, the 2023 value is used for the 2024 tax year. Reminder: the value is based on land only and does not take into consideration any improvements on the land.

## What if I sell a property part way through the year?

Land tax is applied for the full year following the taxing date of 31 December and no pro-rata calculation applies nor any refund for the period between selling the property and the end of that calendar year.

Despite this, you may be able to recoup a portion of your land tax from the Purchaser at completion of the sale, if the Contract provides for this. You should discuss this with your Conveyancer when you instruct them to prepare a Contract for the sale of the property.

## What do I do if I think I may be liable to pay Land Tax?

It is your responsibility to register for Land Tax if the value of all your taxable land is above the threshold. It is not the responsibility of Revenue NSW to notify you that you are required to be registered and/or follow up on payment. This is the case even if you haven't received a notice of assessment from them. If

you haven't received a notice of assessment, you can register online or phone [Revenue NSW](#).

Failure to register for land tax may result in penalties such as interest charges.

## The most common misconception about land tax...

You only have to pay land tax on properties you earn an income from. This is not the case. Land tax applies regardless of whether income is earned from the land and applies not only to investment properties but also to holiday homes and vacant land.

## Coutts is here to help

As you navigate Land Tax, remember, that staying informed and prepared is key to managing your property investments effectively. If you're feeling overwhelmed by the recent changes or unsure about how these laws apply to you, [Coutts Lawyers and Conveyancers](#) are here to help.

## Need Personalised Advice or Assistance?

- ✓ Unsure if you're liable for Land Tax?
- ✓ Need help understanding the 2024 thresholds?
- ✓ Want to ensure you're compliant with the new rules?

[Contact Coutts Lawyers and Conveyancers today](#). Our team of experienced professionals is ready to provide you with tailored advice and support. From understanding exemptions and navigating legal obligations, we're here to guide you every step of the way.

If you would like further information about Land Tax, please contact [1300 268 887](#) to book a consultation.



**Melina Costantino**

Senior Licensed Conveyancer & JP



# Debunking Common Misconceptions in Family Law

## KEY TAKE OUTS

- ✓ There are a number of misconceptions in Family Law.
- ✓ The Court will always rule in the best interests of the child when it comes to parenting matters.
- ✓ Resolving a dispute outside of Court saves time and costs.

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There are numerous misconceptions that arise in relation to Family Law. These misconceptions often arise due to experiences of friends or family, the internet and even television shows or movies. These misconceptions do not accurately represent the legal system and in this article, we will look to break down the common misconceptions in Family Law.

## Do Courts Always Favour Mothers in Parenting Matters?

There is a common misconception that the Court will rule in favour of mothers and grant them custody of the child, however, this is incorrect. The Court will rule in favour of the best interests of the child under section 60CA of the Family Law Act 1975 (Cth). The Court will determine what is in the child's best interest under section 60CC which sets out a range of factors that the Court must consider.

This provision sets out primary considerations which include the benefit to the child to have a meaningful relationship with both parents and the need to protect the child from any physical or psychological harm. The provision also sets out additional considerations that the Court will consider, and these include but are not limited to, the views expressed by the child, the nature of the relationship that child has with both parents and any other persons such as grandparents or relatives, and any family violence involving the child or the child's family member.

These are all factors that the Court will take into consideration when determining custody arrangements. Although it may appear that the Court favours mothers in parenting matters, the Court will consider all factors set out in section 60CC in order to determine what is in the child's best interests.

## Is a 50/50 Asset Split Automatic After Separation?

Many people believe that if they separate from their partner, they are automatically entitled to a 50/50 split of the asset pool. This is not accurate as the Court takes into account a range of factors to ensure the asset pool has been split just and equitable between the parties. The first step in determining how

to split the property pool is to determine what falls within the pool. Once it has been determined what falls within the pool, the Court will take into account multiple factors before splitting it.

These factors include the financial contributions made by each party, the non-financial contributions made by each party and the homemaker contributions made by each party. Once this has been determined, the Court will assess if any adjustments are needed based on any future needs the parties may have. Once the above factors have been determined, the Court will award the split by ensuring that it is just and equitable for the parties.

## Can Children Decide Where They Live After Separation?

When parties separate, children may have a strong opinion on which parent they would rather live with. The Court will always rule in favour of the best interests of the child and although the child may state where they want to live, the court will not automatically grant this. Under section 66CD of the *Family Law Act*, the Court will take into account the views of the child, however, the Court will decide what is in the child's best interests. The best interest of the child often includes having a shared living arrangement to ensure that the child continues to have a meaningful relationship with both parents. The court will take into account the wishes of the child, however, ultimately, the Court will decide what is in their best interests which often includes shared living arrangements – but not necessarily equal time arrangements.

## Is Going to Court the Only Way to Settle Family Matters?

There is a common misconception that in order to settle any family matter such as divorce or custody arrangements, the matter must go to court. Family matters are not able to proceed to Court unless the parties have first sought out to resolve their dispute through family dispute resolution under section 60I of the *Family Law Act 1975* (Cth). The only exception to not proceeding with family dispute resolution methods is if there has been child abuse or family violence under section 60J.

It is often advisable that parties do not proceed to court and instead settle the matter through family dispute resolution due to the high costs involved when going to court. The most common family dispute resolution method is mediation which sees the parties come together with a mediator in order to come to an agreement. Many parties are able to resolve their dispute during mediation and avoid Court altogether. This saves both parties time and money as it is cheaper and quicker to solve a dispute through mediation than it is going to Court.

## Need Expert Guidance in Navigating Family Law?

Navigating the complexities of Family Law can be challenging and emotionally taxing. Whether you're dealing with custody matters, asset division, or any family dispute, it's crucial to have the right legal support by your side.

At Coutts Lawyers and Conveyancers, we understand the intricacies of Family Law and are dedicated to providing you with compassionate and comprehensive legal assistance. Our team of experienced professionals is here to guide you through every step, ensuring your rights are protected and your voice is heard.

## Why Choose Coutts for Your Family Law Matters?

1. **Accredited Expertise:** [Luisa Gaetani](#) is not just well-versed in Family Law; she's an accredited Family Law Specialist with a depth of experience in the field.



2. **Personalised Approach:** We tailor our services to meet your unique needs and circumstances.
3. **Cost-Effective Solutions:** We strive to resolve disputes efficiently, aiming to save you time and money.

## Contact Us Today

- ✓ Struggling with a family law issue?
- ✓ Need advice on your rights and options?
- ✓ Want to resolve matters without unnecessary stress?

Let Coutts be your trusted legal partner. Reach out to us for a consultation and take the first step towards a resolution. Your peace of mind is our priority.



**Luisa Gaetani**  
Partner



**Melina Manna**  
Paralegal



# Qantas Breach: Impact on Employee Workplace Rights

## KEY TAKE OUTS

- ✓ New High Court case rules that Employers must not take adverse action to prevent an employee from exercising a workplace right.
- ✓ If an employee is subjected to legal consequences by exercising a workplace right, it cannot be said that the employee possesses the right at all.
- ✓ Should a workplace right not be presently available to an employee due to circumstantial contingencies, the employee is still deemed to have the workplace right.

## Background

In the recent case of *Qantas Airways Limited v. Transport Workers Union of Australia* (2023), the High Court dismissed an appeal against the Federal Court's previous decision that Qantas' actions were made to prevent employees from exercising workplace rights, to engage in protected industrial action, and to participate in bargaining.

In November 2020, Qantas announced that it was going to commence outsourcing the ground-handling operations team within 10 Australian airports. This saw the ground handling employees of Qantas and Qantas' subsidiary, QGS, replaced by the staff of third-party contractors. As many of those affected by this announcement were members of the Transport Workers Union (TWU), a claim was brought on behalf of those who lost their jobs due to the outsourcing, arguing that Qantas based its decision to outsource the ground-handling staff as a way of preventing protected industrial action in support of the enterprise agreements that were due to be re-negotiated in 2021.

The Federal Court accepted that Qantas decided to outsource its ground handling employees as a way of reducing business costs. However, it was ruled that the decision was also made to prevent the impacted employees from exercising workplace rights to engage in industrial action.

## High Court Appeal

In September of 2023, the High Court dismissed an appeal against the 2020 decision. The High Court ruled the following:

- ✓ Any person who takes adverse action against another person to prevent the exercise of a workplace right by the affected person will be found to have contravened the Fair Work Act 2009 general protections provisions.

- ✓ If the exercise of a workplace right is prohibited or will subject the person to legal process in the attempt to prevent the exercise of the right, it cannot be said that the person has the workplace right at all.
- ✓ An employer will be found to have prevented a workplace right if it stops or attempts to obstruct the exercise of a presently held right or a right that may arise in the future.
- ✓ If an adverse action is taken with mere awareness of a potential impact upon another person's workplace rights – this does not amount to contravening the *Fair Work Act 2009*. The action must be taken for the reason being that the person has or is able to exercise that right.
- ✓ A person can have a workplace right, which may include an entitlement to the benefit of a workplace law or workplace instrument, even though the person's ability to exercise the workplace right may depend on accrual over time or upon the happening of a future event.
- ✓ When the capacity to exercise the workplace right is dependent on circumstantial contingencies, the person is deemed to have the workplace right, even if the right is not presently exercisable.

## What can I do?

### DO:

- ✓ Know your workplace rights and entitlements.
- ✓ If you feel as though you have been deprived of your entitlements, seek legal advice from [Coutts Lawyers and Conveyancers](#).
- ✓ Join your workplace union now for added protection and support in the future.
- ✓ Seek advice from Coutts Lawyers and Conveyancers to understand what can constitute an adverse action and what impact this may have upon employees.

### DO NOT:

- ✓ Attempt to prevent an employee from exercising a present workplace right.
- ✓ Conduct any adverse actions that prevent an employee from exercising a workplace right in the future.
- ✓ Go through this process alone, contact the Employment Team at Coutts Lawyers and Conveyancers now for professional legal advice that you can trust.

## How Coutts can help Employers

If you are an employer seeking clarity and guidance on the intricacies of adverse actions against workplace rights and their subsequent impact on employees, our [Employment Team](#) at Coutts Lawyers and Conveyancers is here to assist you.

Our team offers expert advice tailored to your unique situation, helping you understand your legal obligations and how to implement best practices in your workplace.



## How Coutts can help Employees

If you are an employee and wish to discuss your workplace rights and entitlements with our professional team, please do not hesitate to [contact](#) our Employment Team at Coutts Lawyers and Conveyancers. Understanding your rights in the workplace is crucial, and our experts are here to provide you with clear, comprehensive guidance.

Whether it concerns adverse actions, understanding recent legal developments like the Qantas case, or seeking advice on how to navigate complex workplace situations, our team is committed to offering you the support and counsel you need. We ensure that your rights are not only understood but also protected, helping you to address any workplace challenges with confidence and knowledge.



**Karena Nicholls**  
Partner



**Brooklyn Younger**  
Paralegal & Jp



# What is Workers Compensation and How Does it Work?

## KEY TAKE OUTS

- ✓ If you have sustained an Injury or illness during the course of your employment, you may be eligible for Workers Compensation in New South Wales.
- ✓ The NSW Workers Compensation Scheme provides support to injured workers, assisting them to recover and return to work.
- ✓ You can be eligible to receive wages, be entitled to reasonable medical coverage and assistance with return to work, where possible.
- ✓ Work related Injury can be both, physical and/or psychological.

## Introduction to Workers Compensation Scheme

The New South Wales Workers Compensation Scheme was established to provide NSW employees with the support. Workers Compensation in New South Wales is governed by the Workers Compensation Act 1987 ('the Act'), which provides several opportunities for compensation for eligible injured workers.

The State Insurance Regulatory Authority (SIRA) is the NSW Government agency responsible for regulating the NSW workers compensation system.

There are three main workers compensation Insurers in NSW, icare, self-insurers and specialised insurers. In NSW, icare is the insurance provider and is also responsible for care services to authorities and different workers compensation schemes.

## What is Workers Compensation scheme

Workers' compensation is a form of insurance to assist injured workers after they sustain work related injuries and to cover for:

- ✓ Average weekly earnings when they are unfit to work due to work related injury.
- ✓ Reasonable medical expenses.
- ✓ Lump sum compensation payment.

## Work related injury

To have sustained an "injury" for Workers Compensation in New South Wales, your impairment is to meet

the definition under section 4 of the Workers Compensation Act 1987. An Injury under the Act is defined as:

- ✓ A personal injury arising out of or in the course of employment, or
- ✓ A disease injury, which may have been contracted in the course of employment or the aggravation of a disease within the course of employment.

## Eligibility under workers' compensation

There are various tests and requirements that you must meet to be eligible for entitlements under the Workers Compensation Scheme in New South Wales, including:

- ✓ You must be a 'worker' as per the Workplace Injury Management and Workers Compensation Act 1988.
- ✓ You must have sustained an injury as defined under section 4 of the Workers Compensation Act.
- ✓ Your employment must have been a substantial contributing factor to your physical injury.
- ✓ For psychological injuries, disease injuries, or aggravation of a disease injury, your employment must have been the main contributing factor.

An injured worker may also be eligible for:

- ✓ Lump sum compensation payment for permanent impairment.
- ✓ Domestic assistance if the worker suffers from work-related incapacity.
- ✓ Training/educating to assist in returning to work.
- ✓ Hearing impairment claims.
- ✓ Death benefit claims.

Once you have met the criteria for Workers Compensation, you may be eligible for weekly payments and/or the coverage of medical and treatment expenses pursuant to section 60 of the Act. After pursuing entitlements under section 60, you may be, if applicable, entitled to lump sum compensation under section 66 of the Act.

To be assessed for eligibility for lump sum compensation, you will be sent to an Independent Medical Examination ("IME"), where you will be allocated a percentage of Whole Person Impairment ("WPI") upon assessment.

If you have sustained a physical injury on or after 19 June 2012, you must achieve a WPI threshold that is *greater than* 10%, meaning that your percentage must be 11% or higher. As for psychological injuries, you must achieve a WPI threshold of 15% or greater to be eligible for lump sum compensation. Only one claim for permanent impairment compensation can be made in respect of the injury.

However, if you sustained injury, resulting in permanent impairment before 19 June 2012, you may be entitled to make one further lump sum compensation claim if your condition has deteriorated.

Pre-19 June 2012, the workers could bring claims for permanent impairment compensation under s66 even if their WPI was less than 11% and for pain and suffering under s67 if the applicable threshold of 10% WPI was satisfied.



## Steps to file workers' compensation claim

An Injured worker must notify their employer as soon as they sustain a work-related injury or illness or as soon as they become aware of their injury.

They should provide below details to their employer:

- ✓ Date and time of the injury, or deed date of injury.
- ✓ Complete description of the reasons for the injury.
- ✓ Full description of the injury.
- ✓ WorkCover Certificate of Capacity, completed by their nominated treating physician.
- ✓ Personal injury claim form.

## Exempt workers claim

Exempt workers include police officers, firefighters and paramedics. They are considered exempt from 2012 and 2015 amendments to the *Workers Compensation Act* and are entitled to different benefits than other classes of workers. They are assessed under a different scheme.

They may be eligible to receive weekly workers' compensation payments for as long as they suffer a partial or total incapacity for work. They may be eligible to receive payments up to the retirement age.

Other classes of workers can only claim for one lump sum compensation payment, whereas exempt workers can claim more than one lump sum payment.

If an exempt worker is assessed with 10% or more whole person impairment, then may be entitled to claim for 'pain and suffering' up to a maximum of \$50,000 under s67 of the Act. Whereas others are not entitled to 'pain and suffering'.

## Time limit to file workers compensation claim

Workers should file their workers compensation claim as soon as they get injured at work or as soon as they become aware of their work-related injury or illness. However, a claim can be made within six months from the date of injury.

If you have finished working with an employer and only became aware of your injury/illness afterwards due to the delayed onset, you could still very well be eligible for workers compensation. It is important you seek legal guidance as soon as possible.

## Legal assistance with your workers' compensation claim

Liaising directly with your employer and/or workers' compensation insurer can be exhausting and sometimes daunting. Therefore, it is best to seek legal advice as soon as you become aware of your injury/illness.

## Free initial advice and no upfront fee

As mentioned above, time limits for making and disputing a claim decision are strictly legislated.


We offer free initial advice and don't charge any upfront fee. Not only that, but we also offer most of the

cases on “No Win No Fee” basis. So, benefit from our “free initial advice” and allow us to help you to make a claim or to appeal a decision.

Coutts has IRO approved lawyers. That means if you are eligible, we will obtain an IRO grant to cover your legal cost disbursements.



**Uzma Shahzad**  
Senior Associate



# The alleged 'Mushroom Murder' Saga: Everything you need to know

## KEY TAKE OUTS

- ✓ Erin Patterson has been charged with three counts of murder and five counts of manslaughter.
- ✓ She allegedly murdered the victims via mushroom poisoning at a lunch on 29 July 2023.
- ✓ There is a heavy media involvement with this case which may influence the way it is heard in Court.
- ✓ Ms Patterson is being held on remand and has not made a bail application. The matter is next listed in May 2024.

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Erin Patterson has been charged with three counts of murder and five counts of attempted murder following a lunch at her home. Patterson had invited over her ex-in-laws, Don and Gail Patterson, Gail's sister Heather Wilkinson, and Gail's husband Ian, to enjoy a home cooked meal that ended in disaster. Her ex-husband was also invited to the lunch but was unable to attend.

Patterson has been accused of lacing the beef Wellington with poisonous mushrooms which killed Don, Gail and Heather and left the other attendees seriously unwell. The Police have alleged that the symptoms of the victims were consistent with mushroom poisoning and noted that the event took place after there was an advisory warning released to not forage or consume wild mushrooms unless you had the expertise to do so.

Patterson maintains her innocence and states that she prepared the meal using fresh mushrooms from the local supermarket and dried mushrooms from an Asian grocer in Melbourne. Ms Patterson also consumed the beef Wellington and was hospitalised however, quickly recovered from the illness.

Police note that following Ms Patterson's lunch, she disposed of a food dehydrator at a local skip which has been recovered as evidence in the case.

Court documents that have recently been released to the media suggest that Ms Patterson had attempted to murder her former partner four times prior to the lunch between November of 2021 and July of 2023.

## Media Involvement in Criminal Cases

The justice system and the media often interact in various capacities however, the coverage of the alleged 'mushroom murders' has been relentless and brought the media limelight to the small rule town in Victoria. As a result, the investigation of the alleged murder has been under intense public scrutiny.



A potential danger with the media coverage that is experienced in high profile cases is that it may negatively influence the fairness of the trial. Due to the public heavily relying on the media to convey information, the information that is published may influence the public's attitude towards the accused before they have even entered the courtroom. Therefore, media scrutiny may jeopardise the foundational pillar of the criminal justice system being that the accused is innocent until proven otherwise.

It must be noted that jurors must remain independent and unbiased. However, given the wide range of sources available covering the infamous 'death cap murders', jurors may be inclined to research details of the trial that have not been provided within the courtroom. This may influence their decision-making as their deliberation may be based on evidence that has been intentionally excluded from the trial for various legal reasons. In these instances, jurors may receive a direction that they are to try to suppress any information that has been acquired prior to the trial and be conscious of how this information may influence their deliberation.

It is important to note that the role of the juror is not to be present for legal arguments, i.e., whether certain evidence should or should not be adduced, but rather to acknowledge the evidence that is put forward and deliberate according to that evidence.

## The Next Step for Ms Patterson

As of the date of writing this article, there has been no application for bail, and Ms Patterson remains remanded in custody. She is scheduled to return to Court in May 2024. The case's progress will likely be closely monitored, given the high-profile nature of the allegations and the intense media scrutiny it has attracted.

## Coutts Lawyers' Expertise

In light of such complex and high-profile criminal cases, the role of skilled legal representation cannot be overstated. [Coutts](#) stands ready to offer expert legal advice and representation in [criminal matters](#). Whether you're dealing with charges of a serious nature or navigating the intricacies of criminal proceedings, our team's experience and dedication can provide the support and guidance you need.

We understand the critical importance of a fair trial and the need to balance media representation with legal realities. If you or someone you know is facing criminal charges and needs expert legal assistance, [contact Coutts today](#) for a consultation. We are committed to ensuring that justice is served, and your rights are protected throughout the legal process.

## Key Questions Answered: Understanding the Erin Patterson Case

### 1. What charges has Erin Patterson been accused of?

Erin Patterson has been charged with three counts of murder and five counts of attempted murder. These charges stem from an incident where she allegedly poisoned a meal with mushrooms, leading to the deaths and illness of several individuals, as well as historical attempts to poison her ex-husband.

### 2. How did the alleged mushroom poisoning occur?

According to the police, Patterson is accused of lacing a beef Wellington with poisonous

mushrooms during a lunch at her home, leading to the deaths of three people and the serious illness of others. It is alleged that she has attempted to poison her ex-husband on multiple occasions prior to this fateful lunch.

**3. What is the significance of media involvement in this case?**

The extensive media coverage of the 'mushroom murders' has brought significant public attention to the case. There is concern that this could influence public opinion and potentially impact the fairness of the trial.

**4. Has Erin Patterson made a bail application?**

As of the latest updates, Ms. Patterson has not made a bail application and remains in custody. The matter is next listed in court in May 2024.

**5. Why is the Erin Patterson case attracting so much attention?**

The case has garnered significant media interest due to the unusual nature of the alleged crime (mushroom poisoning) and its tragic consequences, alongside Patterson's previous attempts to harm her former partner.

**6. How does media coverage affect such criminal cases?**

Media coverage can shape public perception and potentially influence the impartiality of a jury. In high-profile cases like this, there's a risk that media narratives could impact the fundamental principle of 'innocent until proven guilty'.



**Lara Menon**  
Senior Associate



**Isabel Strahan**  
Paralegal





# Out and About with COUTTS





# A Wine with... Amy



## PROFILE

**Position:** Senior Lawyer

**Location:** Narellan

**Area of Practice:** Employment Law,  
Property Law,  
Commercial Law & Litigation

**Q: How would you describe yourself in two words?**

A: Tenacious and analytical

**Q: What would your best friend say is your best quality?**

A: Thoughtful and empathetic

**Q: My favourite motto / mantra is:**

A: This too shall pass

**Q: My pet peeve is:**

A: People who don't use the right hand line as they should

**Q: On the weekends you can find me:**

A: Spending time with my people and furfamily

**Q: The last book I read was:**

A: Bad Blood: Secrets and Lies in a Silicon Valley Startup

**Q: The top 3 most used emoji's on my phone are:**

A: 🥹❤️🙌

**Q: My favourite move of all time is**

A: My Girl and 3 men and a little lady



# Your Questions Answered



## HOW DOES THE FAMILY COURT DIVIDE ASSETS?



The court adopts a four-step process in dividing matrimonial assets. This includes:

1. Identify the net asset pool (assets – liabilities)
2. Consider the following contributions:
  - ✓ Financial contributions
  - ✓ Non-financial contributions
  - ✓ Contributions to the family welfare including any homemaker or parent contributions
  - ✓ Effect of any proposed order on the earning capacity of either party
3. Consider any other factors such as age, health, earning capacity, responsibility to care and house a child or other party and financial resources and whether one party should receive an adjustment.
4. Is the proposed order just and equitable?

If you need advice about this process, you should get expert advice to ensure you protect your entitlements.



## ON WHAT GROUNDS CAN AN AVO BE GRANTED?



If the Police have fears for your safety, they can apply for an AVO to be made for you. You may also apply for an AVO at the Local Court through a private application.

The AVO may be rejected by the Court if they believe it to be frivolous, vexatious or has no reasonable chance of success



## WHAT DOES THE AUSTRALIAN CONSUMER LAW COVER?



The ACL includes:

- ✓ A national scheme for unfair contract terms law covering standard form contracts.
- ✓ A national scheme for guaranteeing consumer rights when buying goods and services, which replaces existing laws on conditions and warranties.
- ✓ National product safety laws and enforcement system.
- ✓ A national law for unsolicited consumer agreements, which replaces existing state and territory laws on door-to-door sales and other direct marketing.
- ✓ Simple national rules for lay-by agreements.
- ✓ New penalties, enforcement powers and consumer redress.



## WHAT IS A TRADEMARK AND HOW DO I PROTECT MYSELF?



Trade marks can protect a logo, phrase, word, letter, colour, sound, smell, picture, movement, aspect of packaging, or any combination of these. A trade mark legally protects your company's unique brand, name of a product, or your services.

A person who owns a trademark has the ability to prevent other people from using the same or similar trade mark in Australia. It allows a company to have exclusive, registered right to use, license and sell the mark and protects a company from infringement or damage of reputation from another company.



## WHAT ARE THE LEGAL REQUIREMENTS FOR A VALID WILL?



For a Will to be considered valid in New South Wales, it must be:

- ✓ In writing;
- ✓ Signed by the will-maker (or by a person the will-maker has directed to sign on their behalf if they are physically unable to sign it themselves); and
- ✓ Witnessed by at least two independent people who are present at the same time the will-maker signs the document. The witnesses must also sign the will to confirm that they were present and witnessed it.



## MY EMPLOYER HAS TOLD ME NOT TO MAKE A CLAIM AND THAT THEY WILL PAY ME. IS THIS OK?



The rules require that the incident be reported to the employer, and they are to report to their insurer. Failure to report may result in your claim being denied.

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