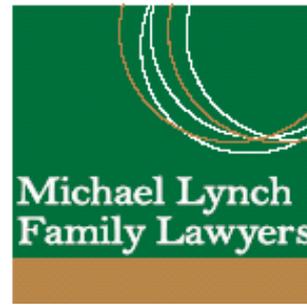


# family flyer



## Introduction

The Family Flyer is a free community service by Michael Lynch Family Lawyers. The publication is designed to be informative and topical and to assist you in understanding the ever-changing field of Family Law.

### This edition includes:

- Practical back to school advice
- Need a Speaker? - Conference or Professional Development day?
- Defacto Relationship - Property Agreements
- Getting child support right?
- Beware Property Valuations
- Update Child Support Details
- What do children cost?

## PRACTICAL BACK TO SCHOOL ADVICE

For children of separated families the return back to school is an opportune time to make a plan for children's arrangements, if one is not already in place.

For many children the return to school will be the first school attendance since their parents have separated.

The beginning of the school year provides a good opportunity for separated parents to put together a practical parenting plan. Plans should include school drop-off and pick-up times, extracurricular activities and school holiday arrangements.

If you need assistance with preparing a parenting plan or a consent order please contact us on 3221 4300.

## NEED A SPEAKER? - CONFERENCE OR PROFESSIONAL DEVELOPMENT DAY?

If you are looking for a speaker on Family Law matters for your next conference or professional development day please give us a call.

Our Principal, Michael Lynch, regularly presents seminars. Last year he presented over 50 seminars to a wide variety of business and community organisations.

For more information on possible seminar topics visit our "[Seminar Series](#)" weblink or contact Michelle on 3221 4300.

## DEFACTO RELATIONSHIP - PROPERTY AGREEMENTS

Defacto couples in Queensland are able to protect their property by making a financial agreement.

A "recognised cohabitation agreement" can be entered before the commencement of the relationship or during it. This type of agreement is similar to a pre-nuptial agreement for a couple who are about to be married.

It is a question for the couple as to how extensive they want the agreement to be i.e whether it is just designed to quarantine the property they have at the commencement of the relationship or whether to extend to cover all property they jointly acquire and the events that may arise during the relationship.

A recognised cohabitation agreement is most common, for people who have been previously married (and have children from an earlier relationship) or, for people involved in a family business, such as a family farm.

Recognised Agreements are complex and Specialist Family Law advice should be obtained. For assistance, contact us on 3221 4300.

## GETTING CHILD SUPPORT RIGHT?

Under the new Child Support formula care of children is recognised as making a contribution towards meeting the costs of children. It is therefore essential that this information be as accurate as possible.

To make sure the Child Support Agency and Centrelink have the same information about care from both parents and can therefore calculate payments correctly it is recommended that parents have a written agreement in place, either a parenting plan or a consent order.

## BEWARE PROPERTY VALUATIONS

An Appeal court has recently decided that a property settlement agreement cannot be re-opened even though one of the assets was found to be almost \$1 million under value.





The facts were:

- the parties had obtained valuations in October 2005 with one of the properties valued at approx. \$2.5 million.
- The valuations were agreed upon in January 2006.
- Prior to the hearing date the husband set out in a statement the agreed values of the properties.
- The Court hearing was scheduled for October 2006.
- On the date of hearing the parties signed an agreement finalising the property settlement.
- 13 days after the agreement the wife became aware that the husband had signed an Agency listing agreement, the agreement stating that the selling price for the property was approx. \$3.5 million.
- 2 months after the Court agreement the property was sold for approx. \$3.3 million.

The wife argued that the agreement should be set aside due to the husbands 'suppression of evidence'.

The Appeal court found that:

- For the wife to succeed it must be established that not only was the value of the property at the date of the agreement far in excess of that relied upon by the parties but also that the husband knew the value was in excess of the agreed value. There was no evidence to this effect.
- The wife was legally represented and it had been open to her to obtain her own valuation.

The moral of the story is to ensure that your valuations are updated.

### UPDATE CHILD SUPPORT DETAILS

The Child Support Agency advises that less than a tenth of the 1.5 million parents recently contacted by the Agency have updated their details for reassessment under the new Child Support scheme.

The new Child Support scheme starts operation on the 1 July 2008 and uses a new formula to assess child support payments, taking into account the actual number of nights parents care for their children.

Child support assessments using the new formula will be made between March and mid May this year.

The Child Support Agency is asking those parents who have not contacted the Agency to contact them if the care arrangements for the children have changed. Parents who did not receive the Agency letter are asked to contact the Agency on 1300 885 437. Parents only need to respond to the letter if the information in it is not correct.

### WHAT DO CHILDREN COST?

A recent government report has found that the cost of raising 2 children in Australia has reached more than half a million dollars, but it is no more expensive today than it was 5 years ago.

The NATSEM report shows that from birth to age 21, a typical middle income Australian family spends \$537,000 with the biggest costs being food, education and child care.

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