



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:

- Don't Miss – Seminar Series!
- Child Support – The Latest
- 'Close-up' Edition!
- Seizing Computer Records
- Share this Flyer!

DON'T MISS – SEMINAR SERIES!

You can get up-to-date with all the latest on Family Law by attending our upcoming Seminar Series! Learn more about the changes to Family Law, including: shared parenting, defacto property settlements and much more at one of our seminars, for only \$20! Book your tickets now by calling 3221 4300. The first (2) seminars are:

- Monday, 27 July, 6-7.30pm – McLeod Golf Club, Mount Ommaney.
- Wednesday, 29 July, 6-7.30pm – Pathways Community Centre, North Lakes.

For all other dates and locations, visit www.mlfl.com.au/seminars.

CHILD SUPPORT – THE LATEST

Changes to Income:

The Child Support Agency (CSA) has announced that from 1st July, 2009 the Federal Government will make changes to the definition of "assessable income" for Child Support assessments.

So what will these changes include? Well, a parent's taxable income will now also take into account:

- Net investment losses from rental property and financial investment income, such as shares and,
- Voluntary salary sacrificed superannuation contributions (not contributions made by employers).

If an "estimate" for Child Support assessable income needs to be lodged after this date because a parent's income has dropped, the estimate must include investment losses and superannuation contributions.

On-line Estimator:

Anyone can visit the CSA website – www.csa.gov.au. The website contains an on-line Child Support Estimator that any parent can use to estimate how much Child Support needs to be paid. The calculator has proven to be a useful tool with over 90,000 people accessing it since it was improved (3) months ago.

'CLOSE-UP' EDITION!

This week's 'Close-up' Article looks at International Child Abduction. Find out: What is the Hague Convention? What is "habitual residence" and if a child is taken to another country – can the Court make Orders to ensure the child's return?

Find out more by reading "[International Child Abduction](#)".

SEIZING COMPUTER RECORDS

In determining a Property Settlement, getting all the information to enable values to be determined is crucial. Quite often, if an asset is 'intellectual property' (such as music or designs) or if company's financial information (or client lists) is on computers (or in a safe), it is critical that the information be obtained before it is moved or destroyed.



Issue #103

In such cases, the Court can grant one party an 'Anton Pillar' Order. This is an Order which allows the right to search and seize evidence, without prior warning. Such an Order is a severe interference with ordinary rights and is only granted in appropriate cases. In a recent case the Husband Appealed such an Order.

The Facts:

- The Husband and Wife were married for 19 years.
- The couple owned a construction company which they sold for \$1.6 million.
- The Wife sought the proceeds of the company, however the Husband said that the proceeds had been used to meet company liabilities and expenses.
- The Wife filed an Application for an Order that would allow the Wife to search the Husband's computer and any other devices to obtain information regarding the company's finances.
- The trial Judge Ordered that the Wife be allowed to obtain information from the computer and for the computer to then remain the custody of the Registry Manager.

The Appeal:

- The Husband Appealed, arguing that the trial Judge did not provide sufficient reason for his decision and that open access to the computer was too general to obtain information on financial matters. He also argued that there were no safeguards in place and it was an

invasion of privacy to let the Wife have access to the whole computer.

- The Wife argued that the quickest and most cost effective way to find out what happened to the proceeds of the sale of the company was to access the documents on the computer.
- The Husband claimed that the payments the Wife was looking for were not on the computer.

Court Order:

- The Husband's Appeal was allowed. The trial Judge should not have allowed the Wife to access the entire contents of the Husband's computer without putting safeguards in place to stop personal information being inspected.

SHARE THIS FLYER!

Sharing up-to-date information on Family Law has never been easier! You can select any edition of the Family Flyer on-line and forward it to family and friends, so they can enjoy the benefits too!

If you have any comments regarding the Family Flyer – in response to articles or suggestions for new articles – we want to hear from you! Please email us by visiting www.mfl.com.au/contact.

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