



# 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:

- Seminar Series – Don't Miss!
- "Close-up" Edition
- Changing a Child's Surname
- Q&A
- Property Settlement – Treatment of Inheritance
- 10 Quick Tips Brochure – Free to Order!

## SEMINAR SERIES – DON'T MISS!

You can get up-to-date with the latest information in Family Law by attending our upcoming Seminar Series!

Choose from **2 Seminar topics** – **"Separation and Children"** or **"Separation and Property"**

Each seminar provides a wealth of easy-to-understand information – valued at over \$500 – but for **ONLY \$20!** For all attendees, there is also a **Special Offer**.

(7) Seminar opportunities. Full details on [www.mlfl.com.au/seminars](http://www.mlfl.com.au/seminars).

### "Separation & Property":

- 8 March – 6pm, Victoria Point.
- 15 March – 1pm, Brisbane City.
- 16 March – 6pm, Sunnybank.
- 29 March – 6pm, Helensvale.

### "Separation & Children":

- 10 March – 6pm, Redcliffe.
- 22 March – 6pm, Springfield.
- 23 March – 6pm, Sandgate.

Read some of the [comments from attendees](#). Book your seat now! – Ph. 3221 4300 or email [law@mlynch.com.au](mailto:law@mlynch.com.au).

## "CLOSE-UP" EDITION

Separation can be an exceptionally stressful time for the individual, as well as the whole family.

Often families may benefit from getting assistance from an unrelated third party.

How can a Family Counsellor help during this time? Find out more in ["Family Counsellors and the Family Law Act"](#).

## CHANGING A CHILD'S SURNAME

There is no impediment for a former Wife to change her married name back to her maiden name, after separating. However, changing a child's surname is very different.

In a recent case, the Mother wanted to change the last name of her 4 year old daughter, from the Father's surname to a hyphenated surname, including the Mother's maiden name. The Father opposed the change and argued that the daughter was known by his surname at her child care centre. The Mother held the view that a surname which reflected each parent's name would be 'useful' in establishing the child's identity.

The Court took into account that the Mother was the primary carer of the child and that to change the child's last name would not cause the child any confusion due to her young age. The Court found it was likely to be in the 'best interests' of the child to change her surname to a hyphenated name. This reason was not reached because of the identity of the child, but it was based on the fact that it would reduce conflict between the parents and therefore it was more likely to be beneficial to the girl.



## Q&A

### Q: What is meant by ‘client legal privilege’?

A: Also known as ‘legal professional privilege’, this refers to the protection of the right of the individual to obtain confidential advice about their legal circumstance. This privilege belongs to the individual (the client) and a lawyer can only disclose the communications between themselves and the client if the client instructs them to do so.

## PROPERTY SETTLEMENT – TREATMENT OF INHERITANCE

The Court recently determined a case where the Wife made significant financial contribution through inheritances. What did the parties receive?

### The Facts:

- The Wife and Husband were together for 11 years.
- The Wife owned a small business, while the Husband was employed.
- At the beginning of the relationship, the Wife had significant equity in a property.
- During the relationship, the Husband received an inheritance of \$9,000 and a redundancy payment of \$18, 873.
- The Wife received inheritances totalling \$1.31 million.
- The couple built a small hotel, for which they both had responsibilities.
- Two years before the couple divorced, the Husband went to the UK to start a

business venture, which was unsuccessful, so he returned to Australia. The Wife continued to run the hotel, working 70 hours per week and received \$50,000 per year, as well as \$400 per week from an investment property.

- The Husband earned \$60,000 per year and also received a car allowance of \$15,000.
- The Wife argued that the Husband should only receive 15% of the assets, however the Husband said he should receive a third of the assets.

### Court Order:

- The Wife received 80% of the assets, and the Husband received 20%.

## 10 QUICK TIPS BROCHURE – FREE TO ORDER!

If you work in the accounting, legal or counselling industry, it is likely that you have had someone who is separating ask you for advice.

Did you know what to say? Quite right, you're not meant to - but wouldn't it be great if you could help?

To help you in these situations, we have developed a new brochure you will find useful - "10 Quick Tips on Family Law".

We have received many requests for this brochure - If you would like a bundle of the "10 Quick Tips" Brochure and a FREE stand for your reception, call us now - ph. 3221 4300.

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