



family flyer

Michael Lynch
Family Lawyers

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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 – Starts Today
- “Close-up” Edition
- Child Support – Departure Reasons
- Can the Court Order House Repairs?

SEMINAR SERIES – STARTS TODAY!

Our latest Public Seminar Series starts TODAY!

If you have separated or are thinking of separating and are unsure of your options, let us help you.

Our 1 hour seminars provide information about the latest changes in Family Law, tips on children’s arrangements and what to do about property settlements.

For \$20 (payable at the door), you will receive easy-to-understand information, handouts and a SPECIAL OFFER only available to attendees. See comments from previous attendees www.mlfl.com.au/seminars.

Seminar dates include:

“Separation & Children”

- Tonight, 17 May – 6pm at Capalaba Sports Club, 113 Ney Road, Capalaba;
- Tuesday, 24 May – 1pm at Chifley at Lennons Hotel, 66 Queen Street Mall, Brisbane City.

“Separation & Property”

- Wednesday, 18 May – 6pm at Holland Park Hotel, 945 Logan Road, Holland Park;
- Tuesday, 31 May – 6pm at Redland Bay Golf Club, North Street, Redland Bay;

Book your seat now by calling us on 3221 4300. For more dates and details visit www.mlfl.com.au/seminars.

“CLOSE-UP” EDITION

Are you confused about when you need to document an agreement after separating? If you’re not sure whether to document a property settlement or children’s arrangement or child support – don’t panic! Read our latest “Close-up” article – [‘Do I need a Documented Agreement’?](#)

CHILD SUPPORT – DEPARTURE REASONS

If the CSA makes an assessment and a parent does not agree with the assessment or circumstances have arisen that would change it, a parent can apply to the Agency for a change.

A ‘Change of Assessment’ application (also known as a departure application) needs to be based on one of the ‘grounds for departure’. Below are some of the possible grounds.

- High contact transport costs.
- High costs associated with the special needs of the child.
- High costs of caring for, educating or training a child in the manner expected by the parents.
- The payer has transferred money, goods or property to the child, payee or third person for the benefit of the child.
- The payee’s high child care costs of the child (and the child is under 12).
- The necessary cost for self support significantly effect the parent’s ability to support the child.



- The assessment is unfair because of the child, or one or both of the parent's income, property, financial resources or earning capacity.
- The parent's capacity to support the child is affected by the parent's legal duty to maintain any other child or another person.
- A parent's responsibility to maintain a resident child.

CAN THE COURT ORDER HOUSE REPAIRS?

Ordering the division of property – like a house – is one thing, but can the Court Order a spouse to carry out building work to a house?

In a recent case the Court did just that, Ordering the Husband to carry out repairs on the matrimonial home. The Husband appealed and challenged the requirement that he complete the repairs – did the Court dismiss the repairs?

The Facts:

- The couple were together for 12 years and had two children, aged 11 and 9.
- Prior to the relationship, the Husband had bought a property of \$105,000.
- The Judge valued the total property at \$640,000 and apportioned 60% to the Wife and 40% to the Husband.
- The Court Ordered the house be sold.
- The Trial Judge had Ordered that the Husband make renovations to the home, including to replace cupboard fronts in the kitchen, re-carpet the main bedroom and tidy the garden within 60 days.

- The Husband challenged the Order for repairs, the Trial Judge's assessment of the couple's contributions as equal and the 10% adjustment made to the Wife for her primary care role of the children.

Court Found:

- The Trial Judge had not taken into account the Husband's initial contribution of the home.
- Taking into account both parents' contributions and the care arrangement for the children, a 5% adjustment should have been made to the Wife, instead of a 10% adjustment.
- The Court agreed that the Husband's requirement to carry out repair work on the house amounted to mandatory injunctions

Court Order:

- The Husband's appeal was allowed.
- The Husband was not required to carry out the repair work and therefore if the repair work was not voluntarily carried out, both parties would bear the cost of the reduction in the sale value of the home.
- The Husband receive 57.29% of the proceeds of sale.
- The Husband receive 55% of the property pool and the Wife receive 45%.

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