

FAMILY Flyer



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CELEBRATING 15 YEARS & 150 EDITIONS!

This month we celebrate our 15th Birthday! Over the last 15 years we have grown to now be one of the largest Specialist Family Law firms in Australia. We have also assisted over 5,000 clients.

We take what we do seriously, we care about our clients and the quality of advice and support we provide!

In celebrating this milestone we also want to say thank you to all of the clients we have assisted and to you – the readers of the Family Flyer – as this publication also celebrates our 150th edition.

With each fortnight's publication we are grateful for the responses and positive feedback you provide.

Over the last 15 years there have been immense changes in Family Law including, Shared Parenting, Child Support, Domestic Violence and Defacto property laws – to name only a few. There has also been the establishment of the Federal Magistrates Court and Family Relationship Centres.

Michael Lynch Family Lawyers is firmly part of the Family Law landscape and we look forward to continuing to provide you with exceptional Family Law Services. Thank you!

WHY SHOULD I HAVE A PRE-NUPTIAL AGREEMENT?

The only way to safely protect your assets when entering into a marriage (or a defacto relationship) is by preparing a pre-nuptial agreement. A pre-nuptial agreement is a type of Binding Financial Agreement (BFA) and it has very strict formality requirements, including both spouses needing to be independently legally represented and for both solicitors to sign certificates attached to the Agreement. Most pre-nuptial agreements are entered into for the purpose of excluding specific property from inclusion in the 'matrimonial property pool'.

So, why should a spouse consider entering such an agreement? Here are a few reasons:

- Protecting your assets for the benefit of your children, from a previous relationship;
- Preserving an interest in a long established family business (e.g. a farm);
- Where there is a large gap between the wealth of the respective spouses;
- If there is the possibility of a prospective inheritance for one (or both) of the spouses.

'CLOSE-UP EDITION'

Most relocations involve a parent wanting to permanently move with a child away from the other parent – but what if the parent was planning on returning? Would the Court be more willing to Order a relocation knowing it was only for a certain period of time? Read '[A "Fixed Term" Relocation](#)'.

CSA ASSESSMENT - CHALLENGE

In a recent Court case, a Father disputed a decision of the Social Security Appeals Tribunal (SSAT) where it had increased his assessable income, he argued that the Tribunal had wrongly identified his business interest.

The Facts:

- The couple had 3 children, aged 19, 16 and 14.
- The children were primarily cared for by the Mother. The Father had made Child Support payments.
- The Father's annual income was assessed at \$14,456 and he paid Child Support of \$339 per year. The Mother brought a departure application and the CSA increased the Father's annual assessable income to \$82,640.
- The Father appealed to the SSAT which then determined that his total income for the previous 2 ½ years was \$344,000 (approximately \$137,600 per year).
- The Father argued that the Tribunal had wrongly found that the company that employed him and the business partnership it traded as were one and the same business.
- The Father held a 20% share in the business partnership.

Court Found:

- The Tribunal made an error in not distinguishing the company from the partnership.

- The Tribunal wrongly calculated the Father's income on one half of the company's profits.

Court Order:

- The Father's appeal succeeded and the case was sent back to the SSAT for re-hearing.

CONFERENCE OR PROFESSIONAL DEVELOPMENT DAY? - NEED A SPEAKER?

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 presents over 50 seminars a year to Accounting, Financial Planning and Legal firms, as well as other groups.

If you want your staff to be better equipped to serve clients (or you would like to offer your clients tips e.g. protecting assets in property settlement) – calls us on (07) 3221 4300 to organise a FREE seminar for you.

The seminars are usually for 1 hour and include a power point presentation and additional handout material. For more information on possible seminar topics visit our ["Seminar Series" webpage](#) or phone 3221 4300.

GETTING A SECOND OPINION

Family Law is a complex and ever changing area of law.

All of the lawyers at Michael Lynch Family Lawyers practice solely in Family Law and are often requested to provide a second opinion on legal advice people have received elsewhere.

If you would like a second opinion contact us on (07) 3221 4300 to make an appointment.

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