

FAMILY Flyer



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LAST PUBLIC SEMINAR - TOMORROW!

Our last public seminar in our current series is on tomorrow!

Don't miss this opportunity to hear Accredited Family Law Specialist, Michael Lynch walk you through the practical steps on what you need to know: for you, your kids, your property and much more!

“How to Survive Separation – Expert Tips”:

- [Wellington Point](#): 6pm – Wed, 4 June – Redland Sporting Club, Anson Rd

The seminars are open to everyone and the attendance fee is ONLY \$20.

Book Now! Contact our office on (07) 3221 4300 or email law@mlynch.com.au.

Q & A

Q: Do we have to be divorced before orders can be made about the children?

A: No. A court can make orders regarding the welfare of children even if you are not divorced.

CAN YOU CHANGE THE LOCKS ON THE HOUSE?

If you are an owner or co-owner of a home, it may be very sensible for you to change the locks on the home if your

partner has already moved out and you do not want them moving back in. If you are a tenant you should not change the locks without the agreement of the landlord.

Changing the locks can be a way of ensuring your own privacy and protection post-separation however it is not an ideal tactic for trying to get a spouse to move out.

It is important that you obtain independent legal advice from an experienced family law solicitor prior to changing the locks, as every case is different.


To keep the process simple, we have a fixed fee – 1 hour-initial consultation for \$330 (including GST), call us on 3221 4300.

DEALING WITH AN UNRESOLVED PERSONAL INJURY CLAIM

The Court recently had to decide whether to proceed with a final hearing for property settlement, where part of the property was a still undetermined personal injury compensation claim.

The property pool included 3 personal injury claims involving both the husband and wife that had arisen from motor vehicle accidents.

Although the husband had agreed to the final hearing being listed, at the date of the hearing he requested an adjournment until the amount of the damages was determined. The wife opposed the adjournment saying that any further delay would prejudice her. She sought a partial



property division. With respect to the amount of the damages, she sought to rely on evidence (speculation) from a barrister in personal injuries, as to how much compensation he believed would be received.

The court decided that it would not take 'opinion evidence' regarding the possible damages amounts and it would not run (2) final hearings and therefore it adjourned the property settlement final hearing date.

The court was prepared to retain one day of the final hearing for the wife's interim partial property claim. The court criticised the husband for agreeing to have the final hearing dates allocated when he knew that the personal injury claims would not have been resolved. The wife was invited to make a claim for costs against the husband.

ARE YOU BEING REASONABLE?

Defending an alleged contravention of a court order requires the responding spouse to establish that they had a reasonable excuse. By its very nature, what is "reasonable" will differ in every case. Here's an example of a recent court case:

Facts:

- The child lived with the father and spent weekend time with the mother.
- The mother's contravention application alleged the father was contravening the order as he was arranging to have the child collected from school early, so as to circumvent the mother collecting the child from school at 3.00pm for the start of her weekend time.
- The father said that he had a 'reasonable excuse' for each contravention. The father filed medical evidence in relation to the child, showing that the child had been feeling very stressed and anxious every time

she had to spend time with her mother. The medical evidence also indicated that the anxiety affected the child's appetite, sleep and general well-being.

Decision:

- All the alleged contraventions had occurred, however the father had a reasonable excuse for each of them.
- The court found that the father believed on reasonable grounds (being the medical certificates and his own observations), that not allowing the child and the mother to spend time together was necessary to protect the health of the child;
- The court also found that the period during which each contravention occurred was no longer than was necessary to protect the child's health.

WHAT IS THE PPSR?

The Personal Property Securities Register (PPSR) commenced on 30 January 2012 and is an Australian government national online register of security interests in goods and other personal property which is regularly used by buyers, sellers and financiers.

Buyers can check the PPSR to see if the second-hand goods they want to buy are debt-free and safe from repossession. This includes goods such as machinery, cars, boats, crops, livestock and equipment. It also includes intangible items, such as intellectual property and financial property, such as shares.

The PPSR is now the single, national register of security interests in personal property in Australia and replaces all Commonwealth, State and Territory registers of security interests in personal property.

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