

# FAMILY Flyer



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## NEW PUBLIC SEMINAR SERIES

It's the start of a new year and our first Public Seminar Series is starting soon!

Our first Seminar Series for the year will provide you with the opportunity to get up-to-date information on Family Law in an easy-to-follow 1 hour seminar.

There are 2 Seminar topics being presented by Accredited Specialist, Michael Lynch, including "**Separation and Children**" and "**Separation and Property**". For only \$20 you will receive information valued at over \$500, as well as the opportunity to ask questions and there will be a **Special Offer** for all attendees.

The seminars will be held at different locations around Brisbane.

### "Separation and Children"

- Holland Park – 6pm – Wednesday, 25 February, Holland Park Hotel, 945 Logan Road, Holland Park.

### "Separation and Property"

- Grange – 6pm – Tuesday, 24 February, Brothers Grange Community Sports Club, 41 Agincourt Street, Grange.

To book – phone (07) 3221 4300 or email us at [law@mlfl.com.au](mailto:law@mlfl.com.au).

## "CLOSE-UP" ARTICLE

Even though the Child Support Agency exists and there is a formula for the calculation of child support, navigating your way through it is still a very daunting task.

One of the common questions that arises is "when does the assessment finish?" It's not as simple as it may seem. Find out more – Read our article, "[When does the payment of child support end?](#)"

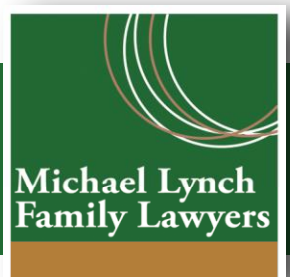
## FIXED COST INITIAL APPOINTMENT GIVES CERTAINTY


With anything urgent or serious in your life you speak to an expert – Family Law is no different.

Having assisted over 5000 clients through separation, over almost 20 years, one thing is clear to us – getting Family Law advice early will minimise your stress and costs.

Navigating separation and the surrounding legal issues is stressful so any certainty you can get is a good thing. We have a fixed cost for our initial appointment of \$330 (including GST).

Our initial appointments are 1 hour. If a situation is more involved we will provide the extra time required, without any additional cost – the cost remains fixed. You obtain expert Family Law advice with certainty of cost.





If you are separated or looking at separation please contact us on (07) 3221 4300 for a fixed cost initial appointment.

## HOW REPORT WRITER RECOMMENDATIONS ARE TREATED

It is often argued in court that the Family Report writers' recommendations are so compelling as to determine what the outcome in a parenting arrangement should be.

In response to this, the court has made its position quite clear. This was re-stated in a recent case where the judge said, "recommendations are one piece of opinion evidence that is weighed with all the other evidence that the court takes into account. It will be the court to judge the reliability of the evidence, including whether or not statements made by the children are true. It will be for the court to judge what arrangements are in the children's best interest."

## ENFORCING A PROPERTY ORDER

In most cases when parties reach an agreement for property settlement, those orders are complied with and the matter is at an end.

If one of the parties defaults in their obligations though, the other party may be required to come back to the Court seeking enforcement.

In a recent case, the parties made an agreement regarding the distribution of matrimonial property on a final basis. The assets included a parcel of land held by the husband as trustee for the Family Trust.

The consent order required the husband to pay to the wife the sum of \$141,075 in the event he did not sell or dispose of the land prior to a specified deadline.

Prior to the deadline, the husband in his capacity as Trustee of

the Trust, entered into a Deed of Agreement with himself in his capacity as "Guardian" of the Trust, to transfer the land to himself for his sole benefit. He then argued that this transaction constituted a disposal of the land for the purposes of the court order and therefore he had no obligation to pay the wife.

The court found that the husband had not "disposed" of the land within the meaning of the court order, and that prior to the transfer the husband in his capacity as "Trustee" of the Trust had all of the rights of an absolute owner of the land (albeit that he was not free to use those rights for his own benefit). Furthermore, after the transfer, the husband continued to have all the rights of an absolute owner of the land but then held them free of obligation. As there had been no change in ownership of the legal interest in the land, the husband had not disposed of the property.

The husband was ordered to pay the sum of \$141,075 to the wife.

## RECENT STATISTICS

ABS figures for 2013 show that:-

- The average marriage age for males is 31.5 years and for females is 29.5 years.
- The average duration from date of marriage to date of divorce is 12.1 years.
- The average age at divorce for males was 44.8 years and for females was 42.2 years.
- 41.2% of divorce applications were joint spouse applications, 32.7% were by females and 25.9% were by males.
- In 1993, 58% of marriages were conducted by a minister of religion and 42% were by civil celebrants. In 2013, 27% were by ministers of religion and 73% were by civil celebrants.
- 77% of couples cohabit prior to marriage.
- 48% of divorce applications involved children.

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