

Looking back and heading on



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Dear Readers,

As the year draws to a close we just wanted to share with you a glimpse into some of the range of matters we have been involved with during 2012.

We have enjoyed helping clients from all walks of life with personal and business matters. No two matters are the same and meeting clients' individual needs has been our pleasure.

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Father of the Bride ...

Why adopt an adult step-child?

There are several reasons why clients approach us to adopt their adult step child or children.

In this matter, an adult stepchild was planning her wedding and wanted her step father to give her away and be named as her father on her marriage certificate.

In order for her step father to be named on her marriage certificate he also needed to appear on her birth certificate as her father. Adopting an adult step child is similar to the usual adoption process for children. The main difference is:

- adoption of a child under 18 years of age requires a report to be prepared by an adoption assessor. The adoption assessor must be approved by Community Services, Adoption and Permanent Care Services.
- adoption of adult children does not require a report by an adoption assessor.

[Read more](#) about adopting your stepchild.

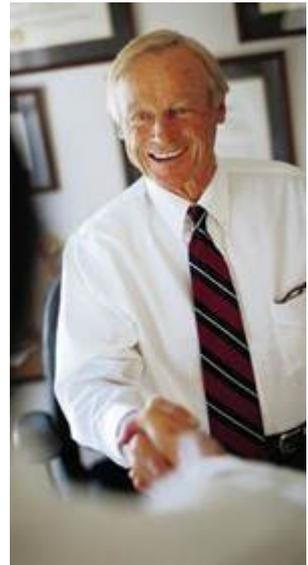
Professional Partnerships: Keeping things friendly

There are many advantages of partnering professionally with people of a different age group to you. However, clear guidelines are recommended to allow for the natural transition of the older partner/partners into retirement or consultancy.

Obviously, suggesting to a partner (or partners) that they should consider retiring is not an easy thing to do! When our client found himself in this position, we were able to help him negotiate an outcome which maintained an

amicable relationship between all parties. The existence of a well thought out partnership agreement helped.

[Contact us](#) if you need advice on your professional partnership.



Deductible Gift Recipients (DGR)



Do you think your charity/not-for-profit organisation should be eligible for DGR Status?

We were able to assist several not-for-profit organisations gain this status this year. This involved deciding for which category of DGR status their organisation qualified, lodging all the supporting documentation, and making some changes to their existing Constitution.

Our clients have included art galleries, museums, school building funds, scholarship funds, tertiary educational institutions, overseas aid funds and more.

[Read more](#) about ways we can help your charity or

What's the Policy?

A well written policy can go a long way toward avoiding many communication problems which happen around the workplace or school. It can protect the policy maker and give clear directions to those who need to refer to it.

This year, we have helped clients draft many policies, including

- a Drug and Alcohol Policy;
- an Internet Use Policy;
- a School Enrolment Policy; and
- a Privacy Policy.

How are the policies in your school or workplace? [Contact us](#) if you need advice.

Workplace Investigations

Temper tantrums & bullying ... sound like school playground problems don't they?

Unfortunately, both issues can rear their ugly heads in the office or workplace.

This year we have helped clients investigate allegations of unacceptable behaviour in the workplace. We have conducted detailed investigations to ascertain the exact circumstances behind the incident/s. Is the problem an ongoing issue, likely to reoccur or was it a one off incident which happened under extenuating circumstances? Can the problem be resolved by implementing some new policies or procedures or is terminating employment the only solution? Our full investigation report has answered these questions for employers.

If you are facing any of these questions at your place of business [contact us](#).

The possible cost of fostering

Picture this: You have room in your heart and home to provide short term accommodation for a young child who is not your own. You look after the child for a short time, providing bed, food, clothing, emotional support and all the other things a young child needs in life. They live with you and are completely dependent on you.

The foster child stays with you for a short time and then moves on to some other accommodation situation. You do not often hear from the child and you no longer provide for any of the child's physical needs.

Decades later you pass away leaving several children of your own who start dealing with your estate.

Unfortunately, your children are dismayed to learn that a claim has been made against your estate by the foster child. Is the foster child eligible to make a claim on the estate? We are currently assisting clients who have found themselves in this situation.

The answer is yes, the foster child is eligible to make a claim on the following grounds.

While most claims are made by the spouse or

children of the deceased person, the law also allows claims by any person who was, at any particular time, wholly or partly dependent on the deceased person and was a member of the deceased person's household.

Whether that claim is successful is another matter. It will depend on other circumstances surrounding the situation. We are currently assisting the deceased's family to answer the claim and protect the family assets.

Questions about an estate matter? Are you wondering if you have a claim? [Contact us](#).



Tax Office Ruling and School Building Funds

In 2011, the Australian Tax Office withdrew their ruling TR96/8 and released a draft ruling TR2011/D5. The proposed changes to the

ruling would have significant impact on tax



deductible donations to school building funds operated by churches.

We have recently been able to assist the Sydney Anglican Diocese to prepare a submission on this matter on behalf of the Anglican Church Property Trust to the ATO and have met with the Assistant Treasurer, David Bradbury MP, to underline the importance of the ATO acting in accordance with the law and leaving it to the Government to legislate changes.

Do you have questions about tax? [Contact us](#).

The Australian Retail Forum

We have been involved with the establishment and launch of The Australian Retail Forum (TARF) which provides the opportunity for people who are involved in retail to explore issues facing: tenants, property managers, agents, suppliers, landlords and anyone providing services to the industry.

TARF will provide valuable information for a broad range of stakeholders in the Retail sector, as well

as being a place where there can be genuine dialogue and mutually beneficial collaboration.

The first luncheon seminar was held in September. Warwick van Ede of this office was one of 3 industry experts discussing current issues facing retailers.

[Contact us](#) if you would like to receive more information about TARF.

In Court: Thinking Outside the Square

The importance of being aware of all possible remedies available to clients was illustrated recently in proceedings in which we acted.

Our client had sent to us a Guarantee which had been signed by the director of one of its clients, who had defaulted on payment. On close examination of the document it became clear that before signing and sending the Guarantee document back to our client the director had retyped some critical parts of the document, using the same font and layout as the original, but making alterations to the words which effectively destroyed the effectiveness of the Guarantee.

Instead of suing the director based on the Guarantee we successfully brought proceedings alleging that what the Director had done was misleading and

deceptive conduct which amounted to a "misrepresentation" under the NSW Fair Trading Act, and that our client had suffered loss as a result of that misrepresentation.

The Court agreed with our argument, finding that the manner in which the document had been altered, the fact that the changes had not been brought to our client's attention, and that the document had been returned to our client accompanied by an order for the supply of products, all contributed to the misrepresentation.

An unusual case, but illustrative of our ability to "think outside the square" in providing solutions for our clients.

[Find out more](#) about how we can help with your litigation matter.

Are you a budding entrepreneur?

We understand the challenges of starting a new business and want to see your business succeed. This year we have helped several clients set up companies and commence operations in Australia.

For example, we have assisted with the formation and expansion of businesses ranging from monitoring of data centre performance to new concepts in leisure activities.

Intellectual property underlies many entrepreneurial businesses. We have advised on strategies for protection and licensing. Once a business reaches a certain stage, further investors

may need to be brought in or a profitable exit may become available. We have acted for entities in both circumstances during 2012.

Have you got a new business idea and need help making it a reality? [Read more](#) about how we can help.



Coming to grips with Retirement Village Documentation



The documentation involved in moving into a retirement village can be complex and overwhelming. We have assisted several people to move into retirement villages in 2012 who were grappling with a variety of documents from different villages. In addition, Garry has been involved in projects with residents of Lend Lease villages and has interviewed over 200 residents helping them change from one village contract to another.

When a resident dies or leaves a village the calculation of the residents' entitlement needs to be checked against the contract to ensure that the resident or their estate receives their full entitlement. We help with that.

[Read more](#) about how we can assist retirement villages and their residents.

Still a full service for our clients

Many city firms no longer do domestic property transactions. Because of our firm's long association with generations of family members over a long period of time (we turned 95 this year!) we continue to assist the families with this kind of work as well as normal commercial and industrial property transactions.

Buying, selling or leasing? [Read more](#) about how we can help you.



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