

"Success Together"

Our office will close 12pm Friday 23 December 2011 and reopen 8.30am on Monday 9 January 2012. Please leave non-urgent messages on our answering machine. In an emergency please phone 0413 456 485.

COMPLIMENTS OF THE SEASON AND A HAPPY AND PROSPEROUS NEW YEAR TO ALL!

Many thanks to our valued clients, colleagues and referrers for their kind support during 2011.

The staff's dedication to delivering great service and client satisfaction is obviously appreciated by the many clients who gave us their verbal and written thanks.

To all of you a Merry Christmas!

Office Update

Staff

We are pleased to welcome **Zara Triggs** to our team. Zara will be our Receptionist and Admin Assistant and your first point of contact with the firm. Zara brings over three years experience in the service industry.

Congratulations to **Emma Henry** on her recent engagement whilst travelling in South America!

Fundraising

We continued our charitable fundraising during the year including holding a morning tea for Loud Shirt Day. Staff wore their brightest to raise awareness and money for deaf children and their families.

Legislation Update

Legislation – how much is enough!

The following legislation (not including Councils) was passed so far this calendar year:

- State Govt – 41 Acts
- Fed Govt – 130 Acts
- Regulations which set out how the legislation is applied – too many to count!

Personal Property Securities Act 2009 to start

The Federal Government has announced that after many delays the migration of existing registers started on 21 November 2011 and registration is to commence on 30 January 2012. We hope you have updated your documents and secured your interests.

[Find out whether you are affected](#)

Retail Shop Leases Act

The Act is again under Government review mainly in relation to preliminary disclosure and minimum lease standards. More detail will be provided in the future.

Can I Chop Down My Neighbour's Tree?

The *Neighbourhoods Dispute Resolution Act 2011* came into force in November 2011.

The Act repeals the *Dividing Fences Act 1953*, and replaces it with the provisions of chapter 2 of the new Act, which is in substantially the same terms. Broadly, the Act sets out a mechanism for dealing with the replacement of dividing fences. Provided certain procedures are followed...

[View the full article on our website](#)

Case Update

Correct Wording is Vital in Wills

There have been two recent cases where the Court has been required to decide what was meant by seemingly simple wording in Wills. In the first case, in June, the Will contained what is the fairly standard clause to the effect that the residuary estate would pass to the deceased's children and, if any of her children died before obtaining a vested interest, that the "issue" of that child take the share which their parent would have received.

The surrounding facts were somewhat bizarre. One of the deceased's sons predeceased her, having been murdered by his own son...

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Business

Super Payments for Contractors

Most people are aware that an employer is obliged to contribute to an employee's super fund. Did you know that the ATO has now amended the rules for contractors? In short, since 1 July, 2011, if the contractor is paid for his labour, as opposed to being paid on the achievement of a result, the ATO now deems that contractor to be an employee...

[View the full article on our website](#)

How to Reduce the Risk of Bad Debts

It is a fact of life that, especially when the economic situation worsens, the number of people owing you money increases. This obviously has an effect on your own cash flow situation and could subject you to pressure from your own creditors.

Here are seven practical tips...

[View the full article on our website](#)

Outstanding Debts – Act Quickly!

It is a fact of life that any business will have some bad debts. Often the view is taken that it may be better not to do anything about these debts immediately, as there is the possibility that the debtors financial position would improve. This is often encouraged by the debtor themselves who will make promises that may or may not be able to keep.

The *Limitation of Actions Act* 1974 broadly provides that court proceedings for the recovery of a debt can be started at any time within six years after the debt becomes due. However, it is not a good idea to wait...

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Estate Planning

We continue to see clients who have not undertaken any or appropriate Estate Planning which is not just about Wills and Enduring Powers of Attorney. It is critical to consider all forms of insurance, especially life assurance, to clear debt which might otherwise be beyond the ability of a surviving spouse/partner or beneficiary to service.

We have an instance right now where the party's circumstances have changed significantly since the Will was made leaving the de facto spouse in a highly vulnerable financial position where both the home and the business may need to be sold. We believe the parties may have been poorly advised by their former solicitor, who also prepared the Wills, because little thought has been given to proper Estate Planning. Each circumstance is very different. Please review your Wills and Enduring Powers of Attorney and your insurance to ensure that they remain appropriate. Please contact us if you need to update these documents and once we have done a health check with you we can, if required, refer you to an appropriate financial planner, insurance broker or other advisor.

[Use our Health Checklist for assistance](#)

CPI September 2011 Quarter

Brisbane's CPI rose 0.3% in the quarter from that of June 2011. The annual increase was 3.1%.

Want to be an Organ or Tissue Donor?

Australia has one of the lowest donation rates in the world. Please visit the Medicare website to become a donor.

[Medicare Australia – Organ Donor Register](#)

Quotable Quotes

A perfect summer day is when the sun is shining, the breeze is blowing, the birds are singing, and the lawn mower is broken.

James Dent

I wish we could put up some of the Christmas spirit in jars and open a jar of it every month.

Harlan Miller

Nothing's as mean as giving a little child something useful for Christmas.

Kin Hubbard

Need advice?

If you need advice on a legal issue, call us on 07 3849 6263. If we can't help you we'll refer you to someone who can.

Referrals

We appreciate any referrals you make to us. This is the best compliment we can receive.

Newsletters

[Find out more on our website](#)

Visit www.oneillslawyers.com.au to view all of our articles.

Do you have an email address?

 By providing your email address we can save some trees and deliver faster and better service and access to you. Don't worry; we won't bombard you with emails as we only send seasonal newsletters and occasional alerts. Please email your preferred email address to reception@oneillslawyers.com.au

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