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Megan Dickie a recent "Employee of the Month", takes care of our inbound scanning, archiving and safe custody functions.

She has been with CCL in administration support since 2005. Out of hours, Megan likes to spend weekends catching up with her family, dining out with friends or relaxing at home listening to music & watching dvds.



Warren Wood immigrated from South Africa in 2005 where he graduated with a Bachelor of Commerce and a Bachelor of Law. He was admitted as a Solicitor in 1997 and specialised in Residential and Commercial property as well as Commercial Law, Family Law and Wills & Estates.



Lena Gatti is a Carter Capner Law paralegal. She began Law studies at QUT and has completed a 2 year business certificate and a certificate in paralegal studies. She participated in the .05 Campaign and has assisted various health groups in Queensland such as the Paraplegic & Quadriplegic Association of Queensland. She has also had an active role in Queensland politics.

"Great Queenslanders team up..."



Carter Capner Law is delighted to have partnered with Shane Webcke for promotion of our industry leading services.

Why Webcke?

Shane's record as a Broncos, State of Origin and Kangaroos forward is second to none. Who better to project the "Your Strength" brand of one of Queensland's oldest law firms!

His integrity, teamwork and leadership are exactly in keeping with our own values.

Like Shane, we prefer to save clients time and money by settling disputes with "gentle persuasion". But if aggression is needed we won't give ground on your position and will keep moving forward for results.

Keep a lookout for the CCL – Shane Webcke ads in the local Yellow Pages and on TV! ■

Paperwork errors cause contract risk

Hundreds of everyday property sales are at risk from real estate contracts that fail to comply with strict requirements of the Property Agents and Motor Dealers Act 2000 (PAMDA).

Where non-compliance occurs, the buyer is often entitled to terminate the deal.

PAMDA requires documents be given to buyers in a particular order and unfortunately, all too often they are mixed up. More than 50% of contracts do not comply!

A common error is attaching the letter drawing a buyer's attention to the warning statement in the wrong place. Another is having the warning statement signed by only one buyer when there are two. Yet another is the positioning of the Selling Agent's disclosure

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Lawyers still gagged

Earlier this year Carter Capner Law began an outcry against a proposed law society rule that would have muzzled public comment by lawyers.

"Lawyers are the last line of defence for the public," Peter Carter said in June. "It is vital that we are free to speak up on important issues and against vested interests."

One of the examples he used to show the value of lawyer protests was that of Major Michael Mori who so effectively called attention to the unfair military process and detention without trial of his client David Hicks.

The Courier-Mail and national newspapers took up the story and the law society backed down.

Although the law society rule was defeated, another gag on lawyers remains in force by Act of Parliament.

The Act was originally intended to ban

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WIN 1 OF 5

iPod Shuffles

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Legal

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- this should be kept entirely separate.

Call Warren Wood or Tina Carruthers with any PAMDA or other property contract questions. To receive regular Property eNews bulletins, enroll on our website! ■

QLS conveyancing protocol

The Queensland Law Society recently introduced a protocol to standardise searches and procedures conducted by lawyers acting in property purchases and sales.

Carter Capner Law reached 100% protocol compliance quickly after its introduction.

Our friendly team gets early answers on property pitfalls like easements, caveats and resumptions so you have the peace of mind to enjoy the thrill of your new acquisition!



Call Tina or Warren with any questions! ■

Quick outcomes for disputes

The Commercial and Consumer Tribunal offers a speedy and cost-effective way to resolve disputes with builders, real estate agents, motor dealers, landlords and retirement centres.

The tribunal can adjudicate disputes between a customer and a contractor or between contractors.

While domestic building disputes fall fully within its jurisdiction, the tribunal cannot adjudicate commercial disputes involving sums larger than \$50,000 unless both parties consent to it hearing the case.



Proceedings are initiated by an Application, after which the respondent has 14 days to file a defence. If a defence is filed, the tribunal

Compensation for resumption

Resumptions are underway for Queensland's many infrastructure projects, including the North-South Bypass Tunnel, Hale Street Bridge, Northern Busway, and the Gateway Bridge duplication.

Landowners should contact Carter Capner Law if they receive a Notice of Intention to Resume.

Once issued, you have the right to make a written objection with substantiative reasons.

If the Council proceeds, the land becomes the property of the Council once the resumption is gazetted and your interest in the land is converted to a right to compensation.

Legal advice is always needed when negotiating compensation.

The Council must reimburse all reasonable legal and valuation fees incurred in the preparation and lodgment of your claim.

Compensation may be claimed for:

- Severance - the value of the land resumed; and
- Disturbance - the 'damage' caused to any remaining land.

Carter Capner Law is currently assisting clients with land resumption claims.

If you find yourself in a similar predicament, please contact us to ensure that you receive just compensation. ■

Less-paper office boosts service

Carter Capner Law has developed a client-friendly less-paper document system that substantially improves service by eliminating turnaround delays and increasing transparency.

Its foundation is a document management system (DMS) that lets us save every file type – docs, pdfs, emails, faxes, pictures and sound files to the same location.

All incoming documents and correspondence are scanned and labelled so they can be immediately emailed or faxed to clients or related parties and can be re-used electronically with no additional handling cost.

Long gone are the days of telling

a client "I'll have to get the file out and call you back"!

Our people have access to the system from anywhere. They can read their client's electronic file from the courtroom, at client meetings or even from the other side of the world!



will order disclosure of documents and an informal mediation between the parties and their lawyers will be arranged.

The mediator is independent and has the job of bringing about a settlement through compromise. Mediation discussions are confidential and cannot be used at a later hearing.

Do you have a contract dispute? To find out whether it can be resolved by the Tribunal process, call Charlotte Young. ■

Tourists and visitors

Tourists and visitors can call our 24-hour inquiry contact line on 1300 73 52 53 or email us for prompt advice about real estate, police issues and personal legal requirements. We are at your service during your stay and after you return home.

ease

Carter Capner Law Happenings

Family BBQ Picnic

About 40 CCL staff and their families picnicked at Roma Street Parklands for what we hope will be the first of many annual outdoor family events. Energetic team members swapped computer screens and pencils for BBQ tongs and cutting knives to make a very entertaining day with lots of tasty dishes for every appetite. Client Intake Assistant, Veronica Nguyen got in on the little ones' fun and had a go at the piñata!



Country & Western

The cowboys and cowgirls came out in style for CCL's in-office country & western day. With hay bales and pitchforks setting the theme in our head office reception there was plenty of enthusiasm! To be completely authentic – hot dogs and fairy floss topped off the day.



CCL in the Community

This year, CCL staff has raised funds for the Children's Medical Research Institute during Jeans for Genes day and the Leukaemia Foundation through the World's Greatest Shave. It's nice to know our staff are truly committed to one of the leading values we hold dear here at CCL and that is our commitment to social responsibility.

Trusts for tax and assets

Discretionary trusts have long been used as a way of rationalising tax obligations and remain a popular mechanism for holding assets. They also allow for income streaming among beneficiaries.

In recent years asset protection and superannuation have been the drivers for their increased uptake.

As a result they are commonly used in connection with the running of a small business. The most common example is a family trust.

Trusts can be established at relatively small expense. If you would like to discuss the potential benefits of a trust to your family or your business, call Peter Carter or Warren Wood. ■

“Refer a Friend”

AND WIN

...travel packages & lifestyle products

Every referral goes into our regular draw!

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see online for conditions

Air passenger safety gains

Carter Capner Law is involved in calls for flight safety gains for rural and remote air passengers.

CCL has established an online petition to urge Federal transport ministers to commit to spend federal cash on the early introduction of vertical guidance augmentation for existing GPS technology.



This system will mean pilots at rural and remote airports will have the same level of safety available to them as large passenger aircraft at capital city airports.

A departmental working group has been established and will report by June 2008. Pressure is still needed on government to commit the funds for this very important safety project. ■

from page 1

distasteful advertisements - by some personal injury law firms. We supported a ban and were closely involved in the submission process for the Bill.



Peter Carter & Major Michael Mori in Brisbane

The ban that came into force ended up being far more restrictive - it gags all mention of prohibited subject matter in statements and publications - and the government employs a special team to enforce it!

The censorship has some bizarre outcomes especially regarding our website. If we list a prohibited phrase even on a webpage that has no relation to the prohibited subject matter, we may be breached. We must not list on our homepage (even merely as a link) some of the areas of law we practise in. Photos, images, slogans (like our "Your Strength") are prohibited. Our archive of recent cases, published newspaper articles and media releases may also be censored.



Lawyers face being dis-barred and even jailed for non-compliance. The law also adds overheads - almost the equivalent of one staff member devoted to pouring over statements and publications and seeking government clearance - that must eventually be passed on to consumers.

Even this newsletter has been censored to comply with the law and we risk prosecution for saying any more.

Should lawyers be free to speak up? Go to our website to email a protest letter to your state MP and to the editor of your local newspaper. www.cartercapner.com.au/resources/advocacy



Children's welfare paramount on separation

How are living and financial support arrangements for children determined when separating parents cannot agree?

The starting point for "residence" is the presumption that parents have shared parental responsibility and that children spend "equal time" among parents, unless the child's best interests dictates otherwise.

If equal time is not appropriate e.g. because of the age of an infant or because parents live long distances apart, different arrangements will be favoured. The Court looks for what is best for the child to determine which parent the child "lives with", on the one hand and "spends time with" on the other.

Regular and extensive contacts (days, evenings and/or weekends) by the parent with whom the child spends time are favoured. The "status quo" (the pre-separation living arrangements) is also relevant.

Child support is payable to the parent with whom the child lives. For children born after 1 October 1989 this is determined and collected by the Australian Child Support Agency (CSA). A paying parent's obligation is determined by income. The rule of thumb is that a paying parent's obligation for one child is 18% of "adjusted" income and two

children 27%. Non-cash benefits to children e.g. school expenses, clothes etc purchased are treated as part payments.

There is an online calculator on the CSA website and applications can be made online.

The CSA assessment can be reconsidered if for example the children have special needs, contact is more than 109 nights/year or a parent's income cannot be easily calculated. Private school fees will only be included in an assessment if the parties agree they can afford it.

As of July 2008 the CSA formula will change.

The emotional demands surrounding the breakdown of a marriage or relationship are enormous. It is therefore doubly important that separating spouses get early practical (and unemotional) legal guidance. Call Abraham Arends for confidential advice.

FAMILY LAW SEMINARS 2008

- Separation
- Property Settlement
- Superannuation

February 2008

Lvl 1, 250 Ipswich Road
Buranda (Opp P.A.H.)

FREE SEMINAR - All Welcome!

Register your interest online
www.cartercapner.com.au

1300 73 52 53

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LAW
your strength

New locations

Carter Capner Law now operates a branch office across the road from the P.A. Hospital on Ipswich Road, Buranda.

And we're in Melbourne - St Kilda Towers, 1 Queens Road!

Buranda services personal injury, family law, conveyancing, wills and powers of attorney.

Melbourne supports conveyancing and mortgage security work.



Legal

CENSORED

The QLD Government mandates
against public discussion of
personal injury compensation

Censored? What's this...

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Insurers' profits soar... taxpayers pay the cost

Cuts to injury compensation payouts have delivered a huge boost in insurance company profits but they have left taxpayers out of pocket and contributed to a crisis in public hospitals.

How? *Civil Liability laws* introduced in 2002 at the urging of the insurance industry have eliminated 70-80% of personal injury claims payments on businesses and household insurance policies.

Because so many accident victims can no longer recover the cost of private medical help that used to be paid for by the wrongdoer's insurance company, they seek treatment from public hospitals. They often also need benefits from Centrelink. As a result the cost of the injury is shifted from the at-fault person and their insurer, to the victim and the taxpayer.

Insurance premiums continue to rise and as

taxpayers count the increasing cost of caring for accident victims, all four Australian insurers continue to boast record profits.

In August, QBE posted an annualised profit of \$1.84 billion on a wave of premium increases. Suncorp stunned with a jump in annual profit to a record \$1.064 billion after-tax for the year to the end of June 2007. IAG is also swimming in cash with an after-tax profit of over \$552 million and \$759 million for the 2006 year.

The aggregate of Australian insurance profits since the introduction of Civil Liability laws has exceeded \$15 billion. ■

Censored? What's this...