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NEWSLETTER

30 November 2017

Family

Does the Family Court have the power to substitute a Tax Debt from one spouse to the other?

In the recent judgment decided by the Family Court of Australia, [Tomaras & Tomaras and Anor and Commissioner of Taxation \[2017\] FamCAFC 216](#), the Court was asked the question whether section [90AE\(1\) to \(2\)](#) of the [Family Law Act 1975 \(Cth\)](#) ("the Act") granted the court power to substitute one party for the other in relation to a tax liability.



James Tan
Associate

This question arose in this case, because the wife was significantly in debt not to any ordinary creditor, but rather, to the Crown itself. Specifically, the Commissioner of Taxation for the Commonwealth of Australia for the sum of \$256,078.32 plus general interest charges.

[James Tan](#) (Associate) discusses the findings of the Court [here](#).

Commercial

Is your "Licence" really a lease - and why does this matter?

As William Shakespeare pondered centuries ago, "What's in a name?". Shakespeare may have been prophetic. In a modern legal context, the name given to a document or agreement may not reflect its true nature. If you have permission to use someone else's land for a particular purpose, you may have entered into a written agreement with the landowner which sets out the terms and conditions of your occupation.



Andrew Lind
Director

The agreement may be called a "licence" or "licensing agreement", suggesting that you have a personal right to enter and use the premises. However, on closer inspection, your so-called licence could turn out to be a "lease" - giving you an interest in the land itself, together with the rights and responsibilities of a tenant.

[Andrew Lind](#) (Director), [James Tan](#) (Associate) and [Miriam Sadler](#) (Lawyer) explore the topic [here](#).

Elder Law

Granny Flats and Home Care

In 2015-2016, over 1.3 million people in Australia received aged care in its various forms. By 2050, an expected 3.5 million people will receive aged care in Australia. Many older people are opting for granny flat and home care arrangements in preference to residential aged care.



Kristel Winkler
Senior Associate

Understanding the different types of services available, the number of hours per week which are available per service, and the cost per hour of these services, is important and allows you to make an informed decision in relation to your care. Our lawyers specialising in Elder law can assist you in this area.

To read the more about our service, read our article by [Ryan Tan](#) (Lawyer) and [Kristel Winkler](#) (Senior Associate). Click [here](#).

Community Give Back

C & L at the Brisbane Fiesta Latina 2017



This month, we had a great time at the Brisbane Fiesta Latina 2017 at Roma Street Parklands. We even managed to say 'Hola' to some of our newsletter subscribers! It is our privilege to give-back to various community groups and we hope you enjoy some of photos from the day. [Click here to read more about our community work.](#)

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just redemptive outcomes

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