

## Who's where and what do they do?

Area of Law	Camden	Narellan	Picton	Tahmoor
Conveyancing	Chris Paul Lyn Harrison	Bill McGookin Natalie Cavaleri	Angus Cox Leanne Anderson	Belinda Dunkley
Estate Planning	Chris Paul	Bill McGookin	Angus Cox Jillaine Duve	Kristy Faida
Family Law	Caroline Holt	Bill McGookin	Jillaine Duve	Kristy Faida
Commercial Leases	Chris Paul	Natalie Cavaleri	Angus Cox Leanne Anderson	Belinda Dunkley
Leases & Sale and Purchase of Businesses	Chris Paul Caroline Holt	Natalie Cavaleri	Angus Cox Leanne Anderson	Belinda Dunkley
Court Matters /Damages	Caroline Holt Geoff Lloyd	Bill McGookin	Jillaine Duve	Kristy Faida
Criminal Law	Geoff Lloyd		Jillaine Duve	Kristy Faida
Debt Recovery	Caroline Holt Geoff Lloyd	Natalie Cavaleri	Jillaine Duve	Kristy Faida
Bankruptcy/Insolvency	Geoff Lloyd	Natalie Cavaleri		
Unfair Dismissal/ Employment Law	Chris Paul Geoff Lloyd	Natalie Cavaleri		
Family Provisions (challenging wills)	All enquiries to Angus Cox & Geoff Lloyd			
Personal Injury	All enquiries to Geoff Lloyd			
Workers Compensation	All enquiries to Geoff Lloyd			
Medical Negligence	All enquiries to Geoff Lloyd			

### Our services include:

- wills and estate planning
- family law
- property law and conveyancing
- retail/commercial leases
- business law
- criminal law
- civil litigation
- employment law
- mediation and dispute resolution

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PICTON NSW 2571  
Tel 02 4677 1292 Fax 02 4677 1442

■ 129 Remembrance Drive,  
TAHMOOR NSW 2573  
Tel 02 4681 9203 Fax 02 4683 1156

■ Suite 3, Level 1, 320 Camden Valley Way,  
NARELLAN NSW 2567  
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This publication has been prepared for the purpose of quick information dissemination to Caldwell Martin Cox clients. Its contents should not be used as a basis for advice or formulating decisions.

## Safe Custody

We are conducting an ongoing audit of all documents we are holding in safe custody for our clients. This will be a long and time consuming process, so if you believe we hold documents on your behalf and we have not yet contacted you, please give us a call at any one of our offices.

We would be happy to offer you any assistance we can in reviewing or updating those documents and you are most welcome to add any further legal documents to your safe custody packet, at no charge. We strongly recommend all of your legal documents are held in one location and it is in your interests for you to consider whether those documents meet your present needs.

 **Caldwell  
Martin  
Cox**  
Solicitors



## Introducing ...

**Geoff Lloyd** joined our Camden office as an Associate Solicitor in May. He has had over 20 years experience in many areas of the law, including general, civil and commercial litigation, personal injury, workers compensation and criminal matters in various courts in NSW. Geoff is accredited as a specialist by the Law Society of NSW in the field of Advocacy, or appearing in court on behalf of clients.

**Jillaine Duve** has been a lawyer since 1998 and brings to the firm a wide range of litigation experience, having spent the first three years as a Crown Prosecutor in North Queensland specialising in criminal law. Jillaine joined the Picton office of Caldwell Martin Cox as an Associate Solicitor in June 2006 and specialises in the areas of family law and general litigation.

## Family Law Changes

A number of significant changes to the Australian family law system came into effect on 1 July 2006. The changes impact not only on the way matters involving children are dealt with by the Family Court, but on how the living arrangements of the children are to be worked out following separation and on the roles that each parent will play in those arrangements.

Other new initiatives introduced by the Federal Government include the establishment of 65 new Family Relationship Centres throughout Australia by 1/7/07, the insistence on counselling or mediation before Court proceedings are commenced (compulsory by 1/7/07) and the idea that parenting plans may be a better option than formal court orders.

The changes to the system are complex and wide-ranging, so please contact any of our experienced family law lawyers at each of our four offices for more information about the changes and the impact they may have on you.

### Jillaine Duve

Associate Solicitor  
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## Financial Woes



Gone are the days when the words "Bankruptcy" and "Insolvency" were rarely heard and were frowned upon when you mentioned them.

As society has changed, people have accepted that sometimes putting a company into Administration or Liquidation or becoming Bankrupt is an appropriate and sensible manner of dealing with financial pressures and commitments.

At CMC we have found that many people wait until they have exhausted all financial avenues, including refinancing family homes (throwing good money after bad), before seeking help to fix the problem.

If you feel that you are in this situation and would like help to find out your options please contact your Accountant or **Natalie Cavaleri** of our Narellan Office on 02 4647 8348 as soon as possible.

### Notary Public

Angus Cox has now been admitted as a Notary Public. A Notary is often required to certify the authenticity of documents or signatures for overseas use. There may not be another Notary Public in the area - we are unaware of another in Picton or Camden.

If you need the services of a Notary Public, please contact Angus Cox at our Picton office. He is also available for appointments at our Camden office.

 **Caldwell  
Martin  
Cox**  
Solicitors



**CHRIS PAUL HAS BEEN APPOINTED PRESIDENT OF THE ROTARY CLUB OF NARELLAN FROM 1st JULY 2006**

## A new approach to resolving Family Law disputes

Family Law Litigation is expensive, stressful and uncertain. It involves considerable delay with Courts not allocating final hearing dates for some 12 months after proceedings have been commenced and it is common for a Judge not to deliver a judgment for several months after a hearing takes place.

**Collaborative Law** is a new approach to resolving disputes. It involves all parties, including the solicitors, signing a legally binding contract agreeing **not to take the matter to Court**.

If the dispute cannot be resolved using the Collaborative process and one party decides to litigate, then both of the current solicitors must withdraw and cannot act for either party in the litigation. This ensures that each solicitor has the maximum motivation to achieve a settlement by negotiation.

The process is mainly conducted by conferences to cut down on letter writing and minimise delays. The end result is usually a settlement all parties can live with, that they have had control over and that they managed to achieve in a fraction of the time a court action would have taken.

The Collaborative Law approach should be considered by you if you think both you and your spouse may be suitable participants for such a process. To find out more about this new option, please contact Our Accredited Family Law Specialist, **Bill McGookin** on 46478348.

## Use of Interstate Powers of Attorney

With our ageing population it is quite common for people to be moving interstate to live closer to family. We are often asked if a New South Wales Power of Attorney will be valid interstate (or if an interstate Power of Attorney will be valid here).

In NSW, Queensland, Victoria and the ACT the Power of Attorney made in another State will be recognised to the extent that it gives powers which could be validly given in the State in which you intend to use the Power.

In Western Australia, Tasmania and the Northern Territory it is a little more complicated and there are ways around it.

But in all cases, you should have the solicitor who prepared the Power of Attorney certify that it was made in accordance with the laws of that State.

Enduring Guardianships can also be used interstate, in limited circumstances.

We are able to assist you in enquiries regarding the importance of, and how to use, Powers of Attorney and Enduring Guardianship appointments.

**Angus Cox**  
Partner  
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[Angus@cmcox.com.au](mailto:Angus@cmcox.com.au)

## Injuries at work or home

There have been significant changes to the law in New South Wales in recent years affecting injured persons. Your legal rights are different, and different procedures can apply, according to how the injury occurs.

Basically, there are three main categories of injuries:-

1. Injuries at work.
2. Injuries in a motor vehicle accident.
3. Injuries in a public place.

Generally speaking in most work accidents you do not need to prove "fault" unless you were yourself largely to blame for your own injury.

In relation to a motor accident or an injury in a public place you not only need to show that some other person was at fault but also need to establish that your injuries have exceeded what is known as a "threshold".

There are varying time limits to bring a claim for injuries and it is vital that you seek legal advice as soon as possible as failure to claim within the specified period can result in you missing out on any claim for compensation.

**Geoff Lloyd**  
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## Brennan's Top 10 Legal Mistakes...

(as extracted from Lawyers Weekly)

Paul Brennan – Sunshine Coast lawyer and author of *The Law is an Ass – Make Sure it Doesn't Bite Yours*, explains the top 10 legal mistakes ever made.

1. Fighting with the parent of your offspring. You have so much to lose.
2. Disputes with your neighbour. The only full resolution is to move.
3. Buying one house without selling the one that you own. Bank bridging finance is required when you cannot sell quickly enough and there is the possibility of losing money on a distressed sale. I know you must have it but just wait for once in your life.
4. Trying to get blood out of a stone. Winning is good. Getting paid is better. Ensure your opponent can pay up.
5. Fighting legal cases you cannot win. There may be other ways to beat your opponent and save the cost of legal fees.
6. Using a 'Do it Yourself' will. You can't even find your car keys most of the time. However, if you are broke anyway, no problem.
7. Being your own lawyer. Even lawyers don't do that.
8. When arrested, not calling a lawyer and trying to talk your way out of it.
9. Not getting a lawyer to review a lease or business contract. As many small businesses fail this is a sure way to invite trouble.
10. Any type of litigation relating to defamation.

Spring 2006

### Feedback!

We would appreciate your comments in relation to our first BIG issue of the Newsletter.  
Do you like it? Let us know ...  
Do you hate it? Let us know anyway.  
Email: [help@cmcox.com.au](mailto:help@cmcox.com.au) or phone us.

## Have you been served with an application for apprehended violence orders?

Apprehended Violence Orders ('AVOs') are Court orders that regulate how a person behaves towards another person. Breaching the conditions of an AVO is a criminal offence, so the AVO should be treated seriously. Sometimes an AVO is appropriate - such as when someone has been threatening or intimidating - and other times they are just not justified.

If you are on the receiving end of an Application for AVO there are some things you need to look out for and it is a good idea to get some legal advice before you have to go to court. AVOs can affect your employment or seriously impact on the contact you have with your children, if the AVO is taken out by your former spouse or partner.

It is often difficult to have AVOs discharged once they are made. Please call any of our four offices to make an appointment if you would like some advice on going to court for an AVO.

**Caroline Holt**  
Senior Associate Solicitor  
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### Help us Keep Our Records Up to Date

If your address or contact details have changed, please let us know or if you would prefer not to receive future newsletters, please tell us.