

LEGAL UPDATE

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Neighbourhood disputes legislation now in effect

New legislation making it easier for neighbours to resolve their disputes over trees and fences is now in effect.

The new Neighbourhood Disputes Resolution Act now places the onus on the proper care and maintenance of a tree with the tree keeper and provides greater choices for neighbours about trees affecting their property. The Act also clarifies who is responsible for building and maintaining dividing fences and who is responsible for ensuring trees and branches do not impose on someone else's property.

If someone believes a tree poses a danger or it is adversely affecting their land they can now write to the owner and request for the tree to be trimmed or removed. They will also be able to recover up to \$300 for professional services to trim a tree less than 2.5 metres if either parties cannot agree on a resolution.

The new Act also includes a clear definition of a sufficient dividing fence, guidance for fence replacement and how installation costs should be apportioned. If disputes cannot be informally resolved, the Queensland Civil and Administrative Tribunal (QCAT) can deal with these matters.

Learn more about the Queensland Civil and Administrative Tribunal processes at: www.qcat.qld.gov.au

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Property owners will pay thousands more

From 1 August 2011 Queenslanders are no longer able to apply for the 'principal place of residence' stamp duty discount after the State Government cancelled the concession for transfer duties.

After this date, consumers will pay up to 30 percent more in transfer duties, equating to thousands of dollars being added to their property purchase, regardless of whether the new property is owner-occupied or investment purchase.

Transfer duty is a State government tax, previously called "stamp duty," that is calculated on the value of the property being bought and sold.

The change to the duty was brought about at the same time as the Queensland Building Boost program was introduced and the ambulance levy abolished.

The Building Boost program is designed to help the construction industry by offering people buying a brand new home an additional \$10,000.

For first home buyers, this can be in addition to the Commonwealth first home owner grant.

However, the Building Boost program will have a limited life with the grant available to 30 April 2012 only.

The goal of the Building Boost program is to assist recovery in the Queensland housing construction sector following the Queensland natural disasters and ongoing market slump.

Find out more at:

<http://boost.treasury.qld.gov.au>.

Home and hosed for our senior citizens

Selling the family home to pay huge accommodation bonds for residential care places will soon be a thing of the past under the government's sweeping changes proposed for new consumer credit reform.

Older people will now be able to use the equity in their home to fund an aged-care place through a form of federal government-backed reverse mortgage. The new changes amend the National

Consumer Credit Protection Act 2009. The family home will now be counted as an asset via a reverse mortgage when calculating a person's financial capacity to contribute to their aged care. The draft legislation will offer more protection when dealing with lenders, some of whom ask seniors to pay more than the value of their home. It will also require better disclosure of the financial consequences of entering

into 'reverse mortgage' contracts, with a stronger obligation on lenders to take reasonable steps to let a borrower know that they are in default so they can rectify the situation before the lender takes further action.

The changes were proposed in the Productivity Commission's recent report 'Caring for Older Australians'. See www.pc.gov.au/projects/inquiry/aged-care/report



What is a reverse mortgage?

A 'reverse mortgage' is an equity release product within which the consumer, usually over the age of 60, borrows money against the equity in his/her home, in return for a lump sum, line of credit or regular payment. The debt does not need to be repaid until the home is sold.



Thompson McNichol Lawyer Honoured by Chief Justice

Thompson McNichol Managing Partner Paul McHugh formally received accreditation as a Queensland Society Accredited Specialist in Property Law at a gala Christmas breakfast in Brisbane on December 2. Paul not only completed the program but topped the class and was presented with the Highest Achiever trophy by the Hon Chief Justice Paul de Jersey AC.

The Hon Chief Justice Paul de Jersey AC congratulated Paul on successful

completion of the Property Law Specialist Accreditation program.

Clients expect a high level of expertise from their legal advisers and the formal recognition of Paul's level of expertise proves to his clients that they have chosen the right practitioner to assist them with their legal needs.

"I am delighted to have successfully completed the program. With a 75% failure rate, it was challenging, but I believe as professionals we need to

continue to train and grow, improving our knowledge and skills," Paul says. Paul has been practicing law at Thompson McNichol since 1994 and has extensive experience in property law, business transactions, wills and estate planning.

Paul had a busy year in 2011, undertaking extra-curricular study, working in the practice full-time, and becoming a father for the first time.

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