

Happy New Year!

Greetings from the Team at QuinLaw and best wishes for the coming year ahead. We look forward to meeting with you and assisting you with any legal matters that you may have during 2018.

DID YOU HEAR THE NEWS?

You may have heard or seen in the local newspaper that QuinLaw has now taken over Dennis King Law and Legal Beagle. We saw this as a good fit with our business with trusts, business and conveyancing matters. Catherine is now doing less care of children matters and we have twelve staff here to assist with the transition and needs of our clients.



Catherine Quin

Legal Beagle particularly brings clients from throughout New Zealand. This dove tails well into our existing business as we have clients throughout New Zealand and overseas. We regularly Skype clients. This aspect particularly grew when Nan Jensen joined the firm four years ago. Nan travels throughout the country and to the USA and Europe. Nan's specialist area is Disability issues and Trusts.



Nan Jensen

Les Hickling of Blackstone Legal Chambers has also retired from practice. To all his clients **WELCOME**. Your deeds have been transferred to us for safe keeping. We are here to assist you in any legal matters you have and look forward to meeting with you.

INTRODUCING our new staff member Olivia Soffe. Olivia is a qualified Legal Executive who joined us in July. She is specialising in Conveyancing and Estate Administration. Her aptitude and methodical approach have already impressed.



Olivia Soffe

THE BRIGHT LINE TEST

The first stage of the new Rules - new information requirements for land transfers .i.e. IRD numbers affecting all transfers and captures information from offshore persons doing conveyancing. If you have bought or sold a property in the last two years you will have noticed three extra pages to complete. Stage one came into effect on 1 October 2015.



Rose Mary

The second aspect is The Bright-Line Test. It requires income tax to be paid on any gains from residential property that is disposed of within two years of acquisition that is not deemed as your main home, subject to some exceptions and restraint. There are exceptions and variations to this test, but the clock started ticking from 1 October 2015. The new government have indicated they may push the two years out to five, but to date it remains at two years.

The third stage is a withholding tax for offshore persons selling New Zealand Residential property. Contact Catherine, Rose Mary or Olivia for conveyancing matters and advice.



EMPLOYMENT AGREEMENTS

Do all of your employees have an employment agreement? Recent studies show that a huge number of employees do not have a written employment agreement. Those that do are often out of date and do not reflect current employment status.

There are minimum requirements and every agreement must be in writing, whether it be for a permanent, fixed term or casual position.



DO I NEED A PRE-NUP - SECTION 21

These are often appropriate when one party to a relationship has significant assets and wishes to protect those in the event of separation and/or death.

If the relationship is longer than three years the presumption is equal sharing. One person may wish to protect all property that they bring to the relationship or for a particular property to be treated differently. A family bach would be a classic example where the owner may not want it to become relationship property.

Section 21 agreements may be appropriate in early stages of a relationship and can be reviewed later in the relationship. Second and third relationships are also ones where a Section 21 is often appropriate.

What do I have to do to make my pre-nup valid?

There are certain requirements about the agreement. These include the following:

- The Agreement must be in writing and signed by both parties.
- Each party must have had independent Legal Advice before signing the Agreement.
- The signature of each party is to be witnessed by a Solicitor.
- The Solicitor who witnesses the signature of the party must certify that he or she has explained to that party the effect and implications of the Agreement before they sign.



Gordon Wilson



PHOTOGRAPHS AND PRIVACY

You may recall reading in the news about a Taranaki woman who distributed photographs of ex-husband's new love. She took photos from a cell phone, then copied and distributed them. She was prosecuted in the Criminal Court because the woman photographed was naked. She could possibly also have been prosecuted for theft, as once a photograph is taken of you, that image is owned by the photographer. You must not take photographs or videos or recording of people if they are in a place where they can expect privacy. This would include generally their own backyard, public toilets, changing areas etc.

You must not take photographs if the person is naked or in underclothes, is unaware of being photographed or has not consented to being filmed or photographed.

You may also remember the case of the drunken young woman at the Melbourne Cup. That was not a private place and she had no expectation of privacy. The photographs and publication of them then was not a criminal offence. There was also no civil action she could take against the photographers.

How do I know what I can do? The test can be drilled down to enabling reasonable privacy and don't do it if the publication would be offensive to an ordinary, reasonable person.

I HAVE BEEN APPOINTED AN EXECUTOR AND TRUSTEE - WHAT DOES THIS MEAN?

This is the key and onerous role in a Will of a deceased person. The Executor is required to apply for Probate, identify estate assets, call them in and pay debts. Once the assets are called in the Executor automatically becomes a Trustee.

The High Court Probate requirements are very precise. Our role is to assist the executor and make the application and attend to the administration of the estate to ensure that the wishes of the Will-maker are carried out and the beneficiaries receive their entitlement, all in accordance with the law.