

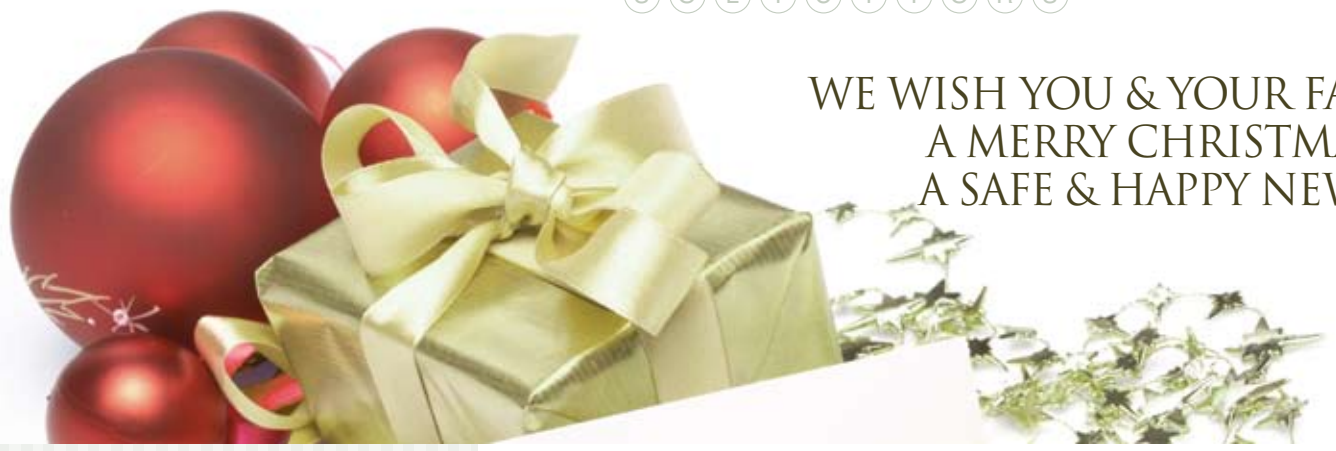


CLIENT INFORMATION BULLETIN

MACGILLIVRAYS

S O L I C I T O R S

WE WISH YOU & YOUR FAMILIES
A MERRY CHRISTMAS AND
A SAFE & HAPPY NEW YEAR!



In This Issue

MACGILLIVRAYS - ALWAYS LEARNING

Page 1

THOUGHTFUL PLANNING

Page 2

THE GIFT OF LIFE

Page 2

INTRODUCING OUR BRISBANE
DISCHARGE AND CONSENTS TEAM

Page 3

ABOUT US

Page 3

MACGILLIVRAYS WELCOMES NEW
SENIOR ASSOCIATE, MICHAEL
KLEINSCHMIDT

Page 4

CONTINUING OUR COMMITMENT TO
CHARITABLE GIVING

Page 4

THE LIGHTER SIDE

Page 4

Level 2, 200 Adelaide Street Brisbane Qld 4000
Phone 07 3228 5333 Facsimile 07 3221 8500

Level 9, 68 Pitt Street Sydney NSW 2000
Phone 02 9239 9400 Facsimile 02 9239 9499

Level 9, 190 Queen Street Melbourne VIC 3000
Phone 03 8622 2700 Facsimile 03 8622 2722

PO Box 2794, Nerang BC Qld 4211
Phone 07 3228 5386 Facsimile 07 5574 7722

24 Walan Street Mooloolaba Qld 4557
Phone 07 5457 9800 Facsimile 07 5478 2696

E-mail us at macgill@macgillivrays.com.au
Phone us on 1300 369 581

MACGILLIVRAYS - ALWAYS LEARNING

It is fair to say that 2009 has been a challenging year for many of us. For MacGillivrays, the Global Financial Crisis has been a salutary reminder that among other things, we need to be a 'smart firm' in order for us to maintain and build upon our many strengths.

We have closely monitored our position in the market, stream-lined our internal procedures and reviewed our staffing commodities to ensure that we have the continued excellence required to maintain and improve our service to you as we look forward to 2010.

As a result of these initiatives, we have enjoyed many highlights throughout the year which we hope you can reflect on.

As part of our commitment to Human Development, we have introduced a Professional Competencies programme to our staff as the core behaviours needed to perform effectively in their roles. Utilised as both a developmental tool and an evaluative tool, we have given our staff a career development roadmap, encouraging staff to operate better as teams, realise their individual strengths and provide more efficient service to our clients.

We have focussed on adopting a 'learning culture' to ensure that all staff are continually acquiring new knowledge. As part of this culture, we have endeavoured to provide staff with the 'soft skills' they need to complement their technical skills, in turn enabling them to be better in all that they do.

We have continued to develop our Continuing Legal Education programme to include a range of experts joining us to share their knowledge, views, experiences and learnings. Each education session is filmed and stored on a DVD as part of our knowledge base.

Our Partners have attended and presented at a number of industry seminars as part of our commitment to sharing our expertise externally. Notably, Greg Young attended the Australian Institute of Credit Management National Conference in October where Sam Pearlman gave a timely presentation on the National Consumer Credit Reforms.

We will endeavour to enhance our presence at seminars (both in attendance and presentations) in the following year.

Thank you for your continuing support, it enables us to undertake these activities which in turn we hope will benefit all of our clients.

THOUGHTFUL PLANNING

‘Proper thoughtful planning now, gives you peace of mind and ensures that your loved ones will not have to pay, financially and emotionally, later.’

As we move towards the festive season, it is important that we reflect on the impact the economic crisis has had on our personal affairs and make sure that our financial and estate plans are in order so that they can still achieve our intentions.

We encourage you to consider these issues and call if you require any further advice.

The article at right looks at the often difficult subject of organ donation. As part of your estate planning process, you should carefully consider the impact of such a decision on your Will and whether you would like to prepare an Advanced Health Directive (AHD).



THE GIFT OF LIFE

Christmas is about giving. For most of us, this involves finding and purchasing gifts for family and friends and endless rolls of wrapping paper left over from the previous year. Some of us may also give to charities at this time of the year, but there are other ways to make a difference to the lives of others, which involves no monetary outlay.

Many people would not be alive today if it were not for the generosity of the people who regularly and voluntarily donate their blood through the Australian Red Cross Blood Service. At Christmas time and other holiday periods the demand for blood products increases. Only a small percentage of our population (one in thirty) give blood, but statistics show that sooner or later one in three people will need it.¹ It only takes an hour or so of your time once every three months to donate blood and give something back to the community. As they say, the life you save may be your own.

Apart from blood donation, you might like to consider registering to become an organ donor. There are generally around 2,000 people on the waiting list for organ or tissue donation at any one time relying on the generosity of a stranger and their family to give them the chance of life. Australia has one of the lowest organ donation rates in the world and many of these people will die waiting. By becoming an organ donor, you could save up to 10 lives.²

If you wish to become an organ and tissue donor, you must register your consent (or if you are strongly opposed to donation, then your objection) with the Australian Organ Donor Registry (AODR).

This is a national registry administered through Medicare Australia. In Queensland it is now the only way to register your consent to organ or tissue donation. Previously you may have selected organ donation when renewing your drivers licence but this is no longer available and you need to update your consent by placing your name on the register.

Most importantly if you have registered to be a donor you should advise your family of your wishes as even if you have registered your consent, your family also have to consent to the donation and can override your consent. The law requires that the family must be consulted to ensure that you have not changed your mind since registering.

If organ donation becomes an option, there is a limited time frame in which a decision can be made by your family as to whether or not to consent to a request by the medical staff for organ donation. Naturally this is an emotional time for your family to make what must by necessity be a quick decision. If you have advised them in advance that you have registered your consent and expressed your wishes to become a donor, the decision is made easier for them.

If you have registered to be an organ donor you should review your Advanced Health Directive (AHD) to ensure that the medical treatment you have requested is not inconsistent with being able to donate. For organ donation to occur, ventilation support must be maintained. However you may have requested in your AHD that you do not want assisted ventilation. This can cause concern and confusion for your family members or attorney as to what decision to make in the case that you may have changed your mind since registering.

If you wish to register as an organ donor then you can do so by completing the registration form at any Medicare Office or select the organ donor register form on the home page on line at www.medicareaustralia.gov.au. Once you have registered you will receive an organ donor card confirming your registration. Most importantly make your decision known to your family so they can honour your wishes.

BY SANDRA BASSETT
**Solicitor
Structuring and Estate Planning**



¹ Australian Red Cross Blood Service website

² Medicare Australia website

INTRODUCING OUR BRISBANE DISCHARGE AND CONSENTS TEAM



The MacGillivrays Discharge and Consents Team offers over 50 years combined experience, with team members having worked in various sectors of Law and Banking. This combined knowledge means that we have the skills and experience to enable us to provide you with accurate and comprehensive responses in relation to both Discharges and Consents. This includes Subsequent Mortgages, Subdivision Plans, Amalgamation, Records of Death, Easements and various other amendments to Title.

We pride ourselves on being businesslike and professional, whilst at the same time being approachable and friendly. We embrace a human approach to our files, avoiding unnecessary 'legalese', as we believe that clear communication is paramount to a successful relationship.

We are always keen to get to know and meet the person on the other end of the phone. To this aim, we hold regular morning teas at our clients' offices, so that we understand the client and their business, with a vision of strengthening our 'partnering relationship'.

These initiatives also help us to keep check of any concerns our client may have, to ensure we are meeting expectations and of course just to catch up on the general gossip (and share a Krispy Kreme or two)!

As we are a national firm, we are able to offer various settlement locations, without the need to employ costly agents at the borrowers' expense. Although our team is located in Brisbane, we are able to prepare discharge files for properties in any state of Australia, as well as attend to settlement in any region, city or state required.

We are excited about the services we provide, and in the way in which we provide them. We are confident that we can provide the expertise required by any client in need of our services.

Our team comprises of Kylie Malt, Kristy Clarris, Carol Retchless, Nicole Currie, Kandice Buckley, Belinda Boland and Kyleigh Murphy.

Please do not hesitate to contact MacGillivrays if you require assistance in any of the services mentioned above.

WRITTEN BY KANDICE BUCKLE & NICOLE CURRIE
CONSULTANT KYLIE MALT

ABOUT US

WELCOME

Earlier this year we welcomed back **Kane Jacobson**, Associate in our Corporate and Business Division, who had spent a year away pursuing other endeavours. He re-joined us for the opportunity to work with his former colleagues and to renew his relationships with his clients.

We welcomed a new Senior Associate, **Michael Kleinschmidt** in our Property and Corporate Services division. Michael is a Strata Services specialist, enabling us to provide a full service in that area of law. Michael is based in our Mooloolaba Office but will also be working in our Brisbane office two days a week.

Finally, we have employed a new Knowledge Manager, **Catherine Carlton**. Catherine will be concentrating her efforts on expanding our Knowledge and Learning resources as we move forward.

YOUNG GRADUATES

As part of our commitment to developing young lawyers, our graduate programme employed three young graduates in 2009 and we will be one of the few firms to take on a further three graduates in 2010.

These graduates are given the opportunity to experience working in all divisions of the firm so that they are able to make informed decisions about which area of law in which they will specialise.

The 2009 graduate intake was **Louise Hogg, Jessica O'Dell** and **Robert Mayo**.

In 2010, **Michelle Sodhi, Ashley Goobanko** and **Sarmein Jamieson** will join us.

We wish all of these young lawyers long and successful careers.

SPECIAL ADDITIONS

Finally, on a family note, we have several "special additions" to MacGillivrays this year. **Melinda O'Brien, Cathy Mulligan, Melissa Skuse, Kylie Mahoney, Tara Baille, Kerryn Flieschfresser** and **Amanda Cullen** have all given birth to beautiful babies. Congratulations and welcome!

FUTURE BULLETINS

If you have any topics that you would like to see discussed in future bulletins please telephone Catherine Carlton on 07 3228 5293 or email: catherinec@macgillivrays.com.au

MACGILLIVRAYS WELCOMES NEW SENIOR ASSOCIATE, MICHAEL KLEINSCHMIDT

‘*Strata schemes can be as diverse as the people who live and work in them every day. Providing legal services to them can be challenging, but I find the best solutions come from a sense of balance.*’

MICHAEL KLEINSCHMIDT

Michael Kleinschmidt joins us as Senior Associate in our Property and Corporate Services division. Michael is based in our Mooloolaba Office but is also working in our Brisbane office two days a week.

Michael brings to us over 10 years experience in property law, including management rights and body corporate work as well as development / structuring.

Michael’s expertise, added to our already impressive team, means that we can now confidently offer a full range of legal services to the Strata Sector including:

- New or revised By-laws, Community Management Statements or Building Management Statements;
- Adjustments of Lot Entitlements;
- Dispute resolution, commercial litigation and levy / debt recovery;
- Drafting or amending Service, Caretaking or Letting Agreements;
- Advising on Letting Appointments, PAMDA or Management Investments compliance;
- Assignment or grant of Management Rights;
- Adjusting Lot boundaries, incorporating or excluding property from a Community Titles Scheme;
- Amalgamating Lots or Schemes; and
- Terminating Community Titles Schemes.

Michael looks forward to meeting with you to discuss what he and the MacGillivrays team has to offer. We know that you can benefit from his expertise and wealth of experience.

Michael may be contacted directly on 07 3228 5349.

CONTINUING OUR COMMITMENT TO CHARITABLE GIVING

Many of you by now will be familiar with the commitment MacGillivrays gives to the tireless work carried out by the 139 Club.

The 139 Club is a welfare centre for the homeless whom we have supported since 1998.

Despite a challenging year, 2009 has been no exception. MacGillivrays’ staff continued to make donations through monthly raffles and participating in other activities such as ‘Hike for the Homeless’.

This year we will again serve as a collection point for donated items to be included in 139 club’s Christmas Day lunch or in gift packs for the day.

The type of thoughtful items that would be appreciated cost no more than \$10 - \$15 each and consist of items such as:

- Soaps & face washers
- Talcum powder
- Hand cream
- Disposable razors and shaving cream
- Socks
- Underwear and handkerchiefs (mens)
- Brushes and combs
- Phone cards



If you can assist as a volunteer in Brisbane, wish to donate gifts, or make a charitable donation (donations over \$2 are tax deductible) please email Tricia Uliveri triciau@macgillivrays.com.au or Samantha Page on samanthap@macgillivrays.com.au or phone 1300 369 581.

THE LIGHTER SIDE

Three lawyers and three engineers travel by train

Three lawyers and three engineers are travelling by train to a conference.

At the station, the three engineers each buy tickets and watch as the three lawyers buy only a single ticket.

“How are three people going to travel on only one ticket?” asks an engineer.

“Watch and you’ll see,” answers a lawyer.

They all board the train. The engineers take their respective seats but all three lawyers cram into a restroom and close the door behind them.

Shortly after the train has departed, the conductor comes around collecting tickets. He knocks on the restroom door and says, “Ticket, please.” The door opens just a crack and a single arm emerges with a ticket in hand.

The conductor takes it and moves on.

When they get to the station, the engineers buy a single ticket for the return trip.

To their astonishment, the lawyers don’t buy a ticket at all.

“How are you going to travel without a ticket?” says one perplexed engineer.

“Watch and you’ll see,” answers a lawyer.

When they board the train the three engineers cram into a restroom and the three lawyers cram into another one nearby.

The train departs.

Shortly afterward, one of the lawyers leaves his restroom and walks over to the restroom where the engineers are hiding. He knocks on the door and says, “Ticket, please.”

PLEASE NOTE: This newsletter is not legal advice and our comments are of a general nature only. This document is not to be relied on as substitution for proper detailed advice. If you would like to be removed from, or added to our mailing or emailing list, contact Samantha Page on (07) 3228 5333 or marketing@macgillivrays.com.au