

The information in this newsletter is merely a guide and is not a full explanation of the law. This firm cannot take responsibility for any action readers take based on this information. When making decisions that could affect your legal rights, please contact us for professional advice.



Australian Citizenship For Kiwis

New Zealanders who have lived and worked in Australia for more than five years will be able to access Australian Citizenship from 1 July 2017.

The new Citizenship arrangement applies to those who hold a Special Category Visa. This allows people to stay and work in Australia, as New Zealand Citizens, and who arrived in Australia between February 2001 and 19 February 2016.

A Special Category Visa holder who must have been earning more than \$54,000.00 a year, (the current minimum pay for a skilled migrant) could apply to become an Australian Citizen.

Amongst other minimum eligibility requirements, the usual Immigration health and safety checks will apply to all Applicants.

For more information on this matter, please do not hesitate to contact our Migration Solicitors/Agents, Fabio Orlando or Vikas Jain on migration@portalawyers.com.au

The Office Goss ...

Congratulations to **Giovanni & Trish Porta**, who became first time grandparents to beautiful little Isabella Luna, born on 9 January 2016. We wish the family all the best with their little bundle of joy!



Porta Lawyers welcomes **Vikas Jain** to the staff at Porta Lawyers. Vikas is a Solicitor and Migration Agent with 2 years' experience. Vikas speaks Hindi, Punjabi and Gujarati and is married with three children.

We are pleased to welcome back **Allyson Steele** as our Accounts Manager following her maternity leave absence. Allyson now works Mondays, Wednesdays and Thursdays.

New Brisbane City Office

Since the beginning of Porta Lawyers at Geebung on 1 July 2000, the firm has grown enormously, now employing some 15 staff. Our areas of service have also expanded so that we now offer services in all areas of law, excluding personal injuries. One area of law which has expanded in particular is the Italian related law.

Giovanni Porta has always undertaken Italian related law with older migrants due to his fluency in the Italian language. Giovanni is also a Notary Public and serves many of our clients' needs for international documents.

Fabio Orlando (now a Partner at Porta Lawyers) has undertaken migration work for incoming Italian migrants and also the business needs of those younger migrants, as they establish themselves in Australia.

Fabrizio Fiorino is our Italian Registered Lawyer, who conducts legal matters needed actually in Italy (e.g. transfers of property, estates and commercial matters).

The Italian Consulate is located in the Brisbane CBD and many of our enquiries are sourced directly or indirectly from the Italian Consulate. As a result, we have opened an office in the same building as the Italian Consulate to service clients who require our services in the CBD.

Fabrizio Fiorino will occupy the CBD office on a full time basis. The office is also available, should any of our clients require an appointment in the CBD.

The simple description to locate our new office is that it is the last doorway on the left at the very top of the Queen Street Mall (before you step across George Street and spend all your money at the Casino).

We look forward to being of service at our new office.

The address of the new office is:
**Bank of NSW, Level 4, Suite 4E, 33 Queen Street,
Brisbane Qld 4000**
Email: fabrizio@portalawyers.com.au
Phone: (07) 3265 3888

Unfair Dismissal

Fair Work Act 2009 (the "FW Act") is currently Australia's principal industrial relations statute and governs the employment of most employees in each State and Territory of Australia.

WHAT IS UNFAIR DISMISSAL?

If an Australian business has to dismiss an employee, they need to ensure that they have a valid reason. Unfair dismissal is when an employee is dismissed from their job in a harsh, unjust or unreasonable manner or not due to a genuine redundancy.

Who is covered by the unfair dismissal laws in Queensland?

1. Those employed by private enterprise in Queensland;
2. Those employed by the Commonwealth or a Commonwealth authority; and
3. A waterside employee, maritime employee or flight crew officer in interstate or overseas trade or commerce.

Who is not covered by the unfair dismissal laws in Queensland?

- Those employed by state government in Queensland;
- Those employed by local government in Queensland;
- Employees who resign and were not forced to do so by the conduct of their employer;
- Those employed under a contract of employment for a specified period of time, a specified task, or the duration of a specified season who are dismissed at the end of the period, task or season;
- Trainees whose employment was for a specified period of time and who are dismissed at the end of the training arrangement; and
- Employees who have been demoted but have had no significant reduction in their remuneration or duties and who remain employed by the employer who demoted them.

How is unfair dismissal assessed?

In assessing whether the dismissal was harsh, unjust or unreasonable, Fair Work Australia will look at two broader questions:

1. Is there a valid reason for the dismissal? (known as substantive fairness)
2. Has the process undertaken by the employer leading to the dismissal been fair? (known as procedural fairness).

Applying for unfair dismissal

Employees have to apply to the Fair Work Commission within **21 days** after their dismissal takes effect.

Minimum employment period & Small Businesses Exemptions

Employees have to be employed for at least 6 months before they can apply for unfair dismissal.

Employees working for a small business have to be employed for at least 12 months before they can apply. Small business is defined as having less than or equal to 15 full time employees.

For further information on employment matters, please feel free to contact Vikas Jain on vikas@portalawyers.com.au



e-conveyancing

As with everything in life, new developments are always forcing us to adopt change. The law is not immune to technological developments. One of the more recent developments in property and conveyancing law is e-conveyancing. E-conveyancing was introduced into Queensland in January 2016.

You may ask, what is e-conveyancing? In a similar method to the way you undertake online banking or paying bills online, all property transactions will eventually be done on line. At present, an e-conveyance is not compulsory. While e-conveyancing is not compulsory at present, we will continue to use the manual paper based system while e-conveyancing is introduced in stages. That is, we will continue to attend settlement where documents and cheques are exchanged.

What do the changes mean? **Firstly**, the new legislation no longer permits self-represented parties. **Secondly**, we are required to conduct identity checks for all buyers and sellers due to

previous fraudulent property transactions. **Thirdly**, no longer is there any requirement for a physical attendance at settlement to exchange documents and cheques. Everything will be done online through a secure portal where the banks, the Queensland Titles Office and both solicitors will log in to conduct the settlement. At settlement, funds will automatically be deducted or deposited to the various bank accounts and law firm trust accounts. **Lastly**, with all change there is a cost. Settlement fees will increase by approximately \$70 per conveyance as a result of Government charges, (not charges by Porta Lawyers). Conversely, for all Buyers who would have deposited funds into the Porta Lawyers trust account, we will no longer need to charge \$150 to draw bank cheques on your behalf to hand over at settlement.

If you have any queries regarding property transactions, please do not hesitate to contact Warren Keir of our office at convey@portalawyers.com.au