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## Be Careful What you Pray (And Pay) For!

St Thomas More was the Vice Chancellor of England under Henry VIII. He lost his head because he would not agree to Henry's divorce.

### Lawyer's Prayer

"Thomas More, counsellor of law and statesman of integrity, merry martyr and most human of saints:

Pray that, for the glory of God and in the pursuit of His justice, I may be trustworthy with confidences, keen in study, accurate in analysis, correct in conclusion, able in argument, loyal to clients, honest with all, courteous to adversaries, ever attentive to conscience. Sit with me at my desk and listen with me to my clients' tales. Read with me in my library and stand always beside me so that today I shall not, to win a point, lose my soul.

Pray that my family may find in me what yours found in you: friendship and courage, cheerfulness and charity, diligence in duties, counsel in adversity, patience in pain—their good servant, and God's first. Amen."

Please feel free to contact Giovanni Porta of our office at [giovanni@portalawyers.com.au](mailto:giovanni@portalawyers.com.au) should you require any assistance.

## I've Had Enough! Just Bankrupt Them

Often when a debt is outstanding for long enough the client gets quite frustrated and is willing to do whatever it takes to penalise the debtor for their discouraging behaviour.

One of the options for a creditor is to have the debtor bankrupted. It is sometimes difficult to explain that this is generally a two-step process. In most scenarios getting judgment from a Court is the first step. The attaining of a Court judgment is advisable as it extinguishes any right that a debtor has to challenge the validity of the debt.

Despite a variety of complex exceptions, the most common method of bankrupting a debtor is to present a Creditor's Petition. The second step, the Creditor's Petition, starts with a Bankruptcy Notice. If you have attained judgment in the Court the Bankruptcy Notice can be issued for the amount of judgment. The debtor will then have 21 days to challenge or set aside the Bankruptcy Notice. After the 21 days have elapsed, and presuming there has been no action by the debtor, the debtor will be deemed have made an act of bankruptcy.

Once the act in bankruptcy has been made, the Creditor's Petition to the Court can be presented and the Court will make a sequestration order. Once the sequestration order has been made the debtor is formally declared bankrupt and AFSA (Australian Financial Security Authority) will be notified. A trustee will be appointed to the bankrupt and assets will be seized and sold in an attempt to pay back any of the creditors that the bankrupt may have.

Should you have any queries in this regard, please feel free to contact Nathan Rose of our office at [nathan@portalawyers.com.au](mailto:nathan@portalawyers.com.au)



## The Fruit Falls Not Far From The Tree

In Family Law, the best interests of the children are given paramount consideration. Regardless of whether communication between the separated parents are amicable or not, care arrangements must be considered with respect to the benefit to children of meaningful relationships with both parents and the need to protect children from physical or psychological harm (from being subjected or exposed to abuse, neglect or family violence).

Further, both parents are responsible for the care and welfare of their children until the children reach 18, and arrangements which involve shared responsibilities and cooperation between the parents are in the best interests of the child. Other considerations come into play such as the children's relationship with other family members like grandparents/ uncles/ aunts/ cousins.

It is strongly encouraged for parents to seek family dispute resolution sessions before proceeding to Court to formulate parenting arrangements. It is presumed that equal parental responsibility is provided in any Parenting Order or parenting plan. Equal parental responsibility is defined as being long term decisions made in the best interests of the children. Long term decisions can be made by both parents such as education, religion, health, names of the children, changes to the current care arrangements if one parent has to relocate. This does not necessarily mean the purchase of the children's preferred superhero pyjamas or choice of lunch on a daily basis.

This presumption of equal parental responsibility is only rebutted if there are reasonable grounds that the children are at risk of family violence or exposed to family violence. One parent can have sole parental responsibility if this is the case. The Courts encourage parents to have equal or substantial time and communication with their children. This places a positive onus on the parents to ensure that the children are encouraged to spend time with the other parent in compliance with the principle of the children having a meaningful relationship with both parents. Significant and substantial time means time on school days, weekends and holidays which, allows a parent to be involved in the child's daily routine as well as special occasions and events.

For any assistance regarding Family Law matters, please do not hesitate to contact Kathryn O'Brien by email at [kathryn@portalawyers.com.au](mailto:kathryn@portalawyers.com.au)

## New Occupations available for Migrants



From 1 July 2014 new occupations have been added to the Skilled Occupations List (SOL) and to the Consolidated Sponsored Occupations List (CSOL).

The occupations added to the SOL are chefs, bricklayers and wall/floor tilers. Those added to the CSOL are hydro geologist and exercise physiologist.

The SOL permits those skilled and qualified foreign workers to apply to independent or family sponsored points test visas or temporary graduate visa (subsequent to studies in Australia). The CSOL permits them to apply to business

To some the addition of those occupations to the SOL and to the CSOL may come as a bit of a surprise, but they are reflective of the current economic, social and demographic aspects of our nation and growing demand in those sectors.

As we become more aware of international cuisine and "hungry for something different" so more restaurants and cafes open and so more foreign "chefs" are needed. Contemporaneously as the population increases more houses and buildings are being developed justifying the need for "bricklayers" and "wall/floor tilers".

The tragic Queensland Floods of 2011, have possibly influenced the States and Federal governments to consider introducing the occupation of "hydro geologist" for experienced and qualified foreigners to assist in preventing a repeat of such catastrophic events.

More awareness, education and motivation is also seen in the need to assist those with chronic diseases and injuries, such as cardiovascular diseases, diabetes, osteoporosis, depression, cancer and arthritis, so foreign "exercise physiologists" are called in to fulfil such growing demand.

In our opinion it is not too much of a surprise that the above occupations have been introduced on the lists of occupations in demand. They come as a great welcome to fill those gaps in our society and skills shortages. It is only fair that immigrants continue to contribute in making of Australia the great nation that it is with its unique mix of cultures, history, backgrounds and of course "foods".

For any queries, please feel free to contact Fabio Orlando at [fabio@portalawyers.com.au](mailto:fabio@portalawyers.com.au)



Congratulations to Nathan Rose and his wife Bec on the arrival of their second daughter, Scarlett Ava on 20 April 2014. There appears to be a baby boom at Porta Lawyers ... watch this space!