



Recent changes for First Home Owners Grant

Recent changes to the First Home Owners Grant (FHOG) scheme, mean first home buyers in NSW may now be eligible for additional benefits to assist with the purchase or construction of their first home.

The First Home Owners Boost (FHOB) an Australian Government initiative offers eligible first home buyers who are purchasing an established home a \$7,000 benefit in addition to the existing \$7,000, bringing the total benefit to \$14,000. First home buyers who

are building a new home or purchasing a newly constructed home may be eligible for a \$14,000 FHOB on top of the \$7,000 FHOG, to bring the total benefit available to \$21,000.

To take advantage of the First Home Owner Boost, contracts to purchase or construct your new home must be entered into between 14 October 2008 and 30 June 2009.

In addition to the FHOB, the NSW New Buyers Supplement Scheme (NHBS) has also been introduced to provide first home

buyers of new homes and those constructing their first home a further benefit of \$3,000. Purchasers entering into Contracts between 11 November 2008 and 10 November 2009 may be eligible to claim this additional benefit.

Although time frames must be taken into consideration to be eligible for the First Home Owners Boost and the NSW New Buyers Supplement, the existing First Home Owners Grant will continue to be available to first home buyers after 1 July 2009.

Motor Accidents: More stringent procedures

On 1 October 2008 new rules were introduced to procedures for insurance claims after a motor vehicle accident.

(a) Reporting the Accident

Failure to report an accident to the police within 28 days will result in a claimant being required to provide a full and satisfactory explanation for not complying. The insurer can reject the explanation, in which case the claimant will need to apply to the Claims Assessment and Resolution Service (CARS) to determine whether the

explanation is satisfactory.

It is therefore most important to report all motor accidents to the police within 28 days of the accident where injuries have occurred, no matter how minor. Failure to do so may unduly complicate any future claim.

(b) Treatment Expenses

If you have been injured in a motor vehicle accident in NSW on or after 1 October 2008, you may be able to immediately claim up to \$5,000 for your treatment expenses and lost earnings. There are certain

conditions that must be met before such a claim can be made. If your expenses are likely to exceed \$5,000, a personal injury claim needs to be completed and lodged with the relevant Compulsory Third Party (CTP) Insurer within six months of the accident.

(c) New Time Limits

Other time limits relating to the claim have also been introduced. It is advisable to seek legal advice as soon as possible after the accident in order to comply with the time limits.

Powers of Attorney: Things you ought to know

A Power of Attorney (POA) is a very powerful document that gives substantial powers by the person making the POA (the donor) to the person being appointed their attorney.

The attorney may be given the power to sell real estate, to operate bank accounts, to confer with Centrelink and the Australian Taxation Office and generally to act in the place of the donor in all legal matters.

Therefore the person appointed as attorney should be carefully considered by the donor.

It is often a good idea to appoint more than one attorney. The attorneys can be appointed either jointly (meaning all must sign and make joint decisions) or severally (meaning only one of the attorneys can sign and make individual decisions).

Due consideration should be given by the donor disclosing details of their Will to their attorneys so that gifts, legacies or other benefits given under their Will are not changed by the attorney prior to the death of the donor.

An important consideration is whether attorneys are able to use the POA to confer benefits upon themselves. Unfortunately POA's have been abused by attorneys in the past to unjustly enrich themselves.

It is often wise to state specifically in the POA details of benefits that can be bestowed on the attorney.

The Law Society of NSW has published a brochure on 'Powers of Attorney' and 'Enduring Guardians' which are available for clients at Enrights Solicitors.

Guardianship Documents

Guardianship documents are prepared to appoint a Guardian who will make health, medical and residential decisions on behalf of individuals if they can no longer make these decisions themselves.

They can give great comfort to the elderly and disabled in our community who need assistance in making these important decisions.

As with POA's, the Guardian appointed has to act responsibly for the welfare of the donor. The appointment of a Guardian can often help resolve conflicts between family members over the important decisions that sometimes need to be made at the end of a relative's life.

We assist in the preparation of both Powers of Attorney and Guardianships.

Appointments can be made for solicitors to see clients at home, in hospital or in aged care facilities as well as at the offices of Enrights Solicitors.

Please contact our office on 4933 6344 for an appointment.

You have received this Newsletter because you are a valued past or present client. Please advise us of any change of address details.

enrights
SOLICITORS

Enrights Solicitors
467 High Street
Maitland NSW 2320
Phone: 02 4933 6344 Fax: 02 4933 1503
E-mail: mail@enrights-solicitors.com.au
www.enrights-solicitors.com.au

Providing personalised legal services in:

Conveyancing
Business law
Retirement housing
Insurance law
Mortgages

Powers of Attorney
Employment law
Wills & bequests
Guardianships
and more.....

DISCLAIMER: This Newsletter is issued as a helpful guide to clients and for their private information. This is not legal advice. Clients should not act solely on the basis of the material contained in the Newsletter. Items herein are general comments only and do not constitute or convey advice per se'. Also changes in legislation may occur quickly. We therefore recommend that our formal advice be sought before acting in any of these areas.