

enrights

SOLICITORS

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Buying land: Look beyond the Title Deeds

A much awaited ruling on a case in the property industry has now been made, but it will bring little joy to those purchasing land.

When the case first went to court the judge decided the purchaser of a plot of land would have to comply with a right of way which had been approved by the council, but not disclosed in the title deeds when the land was later

subdivided. The purchasers challenged the Judge's ruling and the case made its way up to the High Court.

The Court has now confirmed that unfulfilled conditions relating to the use of land can be enforced against owners subsequent to the registered proprietor who obtained a council's original conditional consent.

It is now necessary for purchasers to look beyond title deeds and search local council records for any outstanding conditions of consent to a development to be sure of where they stand.

Prior to this case this was not common practice. Please do not hesitate to contact us if you have any concerns in this regard.

Completion of claim forms with insurance companies

It is strongly recommended that you obtain early legal advice in relation to any potential insurance claim.

Claimants are not on even footing when dealing with insurance companies as these companies

employ experts to act in their best interest.

Paddy Curran is the only Accredited Specialist in litigation in Maitland. Our staff at Enrights Solicitors are very experienced in handling claims and disputes with

insurance companies. We can assist you in resolving your claim as expeditiously as possible.

The first consultation that we have with a claimant in relation to a potential claim is free.

Land Tax 2006

Further changes have been made to land taxes in NSW. Hopefully this will be the last for some time.

As announced by the NSW Premier Morris Iemma on January 25 2006, the increase to the land tax threshold for the 2006 tax year is from \$330,000 to \$352,000.

This means your land tax assessment is calculated on the combined value of all the taxable land you own above this threshold. The amount of tax is \$100 plus 1.7 per cent of the value in excess of the threshold. Your principal place of residence and land used for primary production purposes are exempt

from the payment of tax.

It should be noted that the land tax is payable on land you own in NSW as of midnight on December 31 of the previous year.

If you own any property that is not your principal place of residence (your home) including a holiday house or unit, you may be liable to pay land tax.

Current land tax information in the form of booklet and fact sheet, are available from the Office of State Revenue by phoning: 1300 139 816 or by viewing the OSR webpage: www.osr.nsw.gov.au.

Our Web Page

We continue to monitor and update our webpage which has received numerous visits since it was established.

Our Newsletter is currently available on our webpage, together with past Issues. It can be sent to your own email address if you prefer. Take advantage of this internet option by visiting www.enrights-solicitors.com.au.

Our practice continues to grow from the referrals of our clients. We thank you for your support and trust we can assist you in the future.

Policies and procedures in the workplace

Employers have obligations to inform employees of any expectations they have of their employees, and obligations to provide information and guidelines to employees for any procedures carried out routinely by employees.

At times the unwritten 'custom and practice' of a workplace can be misconstrued and lead to misunderstandings.

It is in the best interest of both employers and employees to formalise certain aspects of employment into policies and procedures thus avoiding ambiguity and uncertainty.

Common policies and procedures in the workplace can include: a code of conduct; internet and

email usage; dress standard or uniform policy; non smoking policy; drug & alcohol policy; anti discrimination & anti harassment policy; grievance handling policy; discipline policy and termination policy.

Employers also have obligations in regards to general employment record keeping; such as maintaining time and pay records for each employee; and the provision of payslips with all relevant pay details to each employee at the time of payment.

Where employees are employed under an Award, a copy of the relevant Award is to be easily available and accessible to employees in the workplace in a conspicuous place.

Employers, business owners and business operators have occupational health and safety (OH&S) obligations to provide employers with a safe working environment; and for employers and employees to jointly ensure the workplace remains safe.

For information on employer obligations, and developing policies and procedures suitable for your workplace, contact the Office of Industrial Relations, at the NSW Department of Commerce, on 13 16 28 or at

www.industrialrelations.nsw.gov.au

For information on OH&S responsibilities for small and medium business contact WorkCover NSW on 13 10 50 or www.workcover.nsw.gov.au

Staff news

Patrick (Paddy) Curran, one of our solicitors, is presently President of the Hunter Valley Law Society. He has held this position since November 2004.

The Hunter Valley Law Society was formed in 1947 with the guiding influence of Mr. Tony Enright, one of our former solicitors. The Society currently comprises of approximately 105

solicitors in the Hunter Valley stretching from Nelson Bay to Muswellbrook and all towns in between.

The Society provides a valuable service to all in providing further legal education and social interaction and often acts as a lobbying base for the local legal profession in dealing with local, state and federal government.

Sponsorship

Enrights Solicitors continues sponsorship of the under 11 years soccer team from the Metford Junior Soccer Club for the 2006 season and has commenced sponsorship of the senior netball team, named the 'Illusions', of the Metford -Ashtonfield Netball Club this season.

We wish both teams all the best for the coming year.

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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

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