

# Why would you need advice from a lawyer when you're getting married?



You know it's going to last forever, so is there any need to think about anything else? Definitely!

The purpose of this brochure is to provide you with some information, and advice that is often overlooked, in the leadup and emotional involvement of a marriage, or a commitment ceremony. It has been prepared at the request of a number of marriage celebrants, who want to provide a much higher level of assistance to couples intending to get married or enter into a lifetime commitment.

We have broken it down into a series of headings, with a brief explanation as to why it is important to consider these issues prior to getting married or committed.

Neville & Co. is a Melbourne-based law firm established more than 45 years ago. Our office is conveniently located in the city's Central Business District, opposite the Grand Hyatt Hotel in Collins Street. Although we are Melbourne based Lawyers, we have clients living all over Australia. Our clients regularly communicate with us via Skype, Facetime and/or WhatsApp. We also travel to most States and Territories on a regular basis, so can meet with you as needed. We, therefore, can assist people getting married or committed anywhere in Australia.



We are happy to have an initial meeting with you, without charge, to determine appropriate requirements for your circumstances. We can also provide services to you in a range of other areas of law, including the purchase of property, setting up of businesses, and a wide range of commercial advice.

We wish your relationship every success and remind you that **people do not plan to fail, but they do fail to plan.**

## Binding Financial Agreements

In situations, particularly where parties come into a marriage or relationship with significantly unequal contributions to it, or where there are previous relationships, it is sensible to contemplate a Binding Financial Agreement. This is certainly a sensitive area, and much harder to discuss after the event, so we encourage you to at least have the discussion prior to the event in a frank and open manner, because in our experience, dealing with these issues prior to entering a relationship is always very much easier than after. The benefit of having in place a Binding Financial Agreement prior to entering a long-term commitment is that it creates certainty of outcome should circumstances change and eliminates the need for Court involvement.

## Asset Protection

This is also a good time to look at protecting the assets you have or you may accumulate in the near future, as people tend not to change their Wills. Risk, particularly in business but also in life, cannot be avoided, but provided we can identify it with you, then it can be managed to minimise it.

For example, if you are self-employed, a tradesman or work in any other area in which there is some risk, it is unwise to hold assets jointly. Assets are better quarantined in the name of the partner who is not exposed to risk. In the event of a separation, and in the absence of a Binding Financial Agreement, the Family Law Court can distribute assets held by one party alone, between the parties if necessary. We are also able to advise you on a variety of appropriate structures to provide the maximum protection.





## Enduring Powers of Attorney

### Medical Treatment

None of us can forecast the future. If one partner falls ill unexpectedly, is involved in an accident and is unable to make decisions on medical treatment, then it is sensible to provide the other partner with an Enduring Power of Attorney for Medical Treatment to provide them with the legal power to make decisions about medical treatment.

### Financial

If one partner becomes incapacitated and unable to make decisions, then again it is sensible and useful for the other party to be able to do so on their behalf by having an Enduring Power of Attorney Financial. Even more so if they are self-employed and running a business.

## Wills

These days relationships can be quite complex. Often, couples marry or make commitments later in life by which time, they have accumulated assets. There are also in many situations blended marriages, with children from previous relationships.

Frequently, the parents of one of the couple might provide financial assistance for a variety of reasons, in particular, purchasing a property. They often wish to protect that loan or assistance in the event of a breakdown in the relationship. There is also a question of who will be responsible for children, and generally to ensure that the wishes of the deceased party are met.

Having a Will, and reviewing and amending it (if required) each time there is a change in your personal and/or financial circumstances, ensures your assets are managed and distributed in accordance with your wishes.

We understand that these are not issues many people wish to consider. Unfortunately, if they are not addressed, they are often left until it is too late and an event has occurred. We are happy to discuss with you either together or individually, your respective situations as most situations are different.

In many cases, a simple package of Wills and Enduring Powers of Attorney is quite adequate and a relatively inexpensive exercise. In more complicated matters, there may be a need for a Testamentary Trust.

For further information on Binding Financial Agreements, Asset Protection, Enduring Powers of Attorney, Wills and Testamentary Trusts, please see our website [www.nevile.com.au](http://www.nevile.com.au).

# ***An Introduction to our firm and services***

## **About us**

At Nevile & Co. our lawyers and local clientele reflect the diverse nation we live in, and we have a significant offshore client base in countries around the world. As a result, Nevile & Co. provides services in a variety of languages, including Mandarin, Cantonese, Indonesian, Spanish, Swedish and French. We can also offer legal services in other languages as required.

You can communicate with us via telephone, email, Skype, WeChat or WhatsApp.

In the unlikely event Nevile & Co. cannot assist with your particular matter, our dedicated team will find someone who can.

1. **Commercial & Corporate:** Planning on, or already, doing business in Australia? Then you may need advice on agreements, business structures, intellectual property and taxation. We can help you navigate the relevant laws and regulations, as well as provide ongoing legal support.
2. **Litigation:** We offer representation in all courts and tribunals. For more details, or to see our full range of services, please consult the Nevile & Co. website – [neville.com.au](http://neville.com.au).
3. **Business acquisitions and start-ups:** Buying or establishing a business can be an exciting but daunting process. We're here to ensure you've got every angle covered and can provide referrals to reputable business brokers, if you don't already have a venture in mind.

Agri-business (including farms, wineries, aquaculture and timber plantations) is one of our specialties. We also have extensive experience with start-ups and may be able to offer more flexible fee arrangements under the right circumstances.

4. **Residential Property and Strata Developments:** We handle conveyancing and other legal matters relating to houses, townhouses and apartments, as well as residential strata developments and land subdivision. For overseas buyers we can also provide advice on Foreign Investment Review Board regulations.
5. **Commercial Property and Development** – Thinking of buying or selling an office building, warehouse, hotel or any other kind of commercial property? Talking to Nevile & Co. could save you a lot of time, money and stress upfront and into the future. Our team is also well positioned to advise on commercial developments and can enlist planning experts or other consultants as needed.
6. **Estate Planning & Wills:** Without a valid Will your final legacy could be an enormous legal bill. Making out a Will to cover any assets you have in Australia is vital to help prevent disputes and ensure your wishes are observed. We can assist you with all aspects related to making an Australian Will, Powers of Attorney, Probate, Letters of Administration, and any other estate planning issues.

7. **Family Law:** At Nevile & Co. we understand that separation and divorce is a difficult time of great upheaval. Our practitioners are here to guide you through the process as smoothly as possible, towards the next stage of your life. The end of a marriage isn't always the end of the relationship, though. Our team is equipped to deal with custody and child support issues, as well as any other family law matters that might arise.
8. **Migration:** If you're considering a move to Australia, timely and accurate information is essential. Nevile & Co. assists with business, work, investor and family visas, including advice on which investments you need to qualify for business migration. There is also a range of other visas for specific purposes and occupations that you may be eligible to apply for.
9. **Not-For-Profit Organisations & Charities:** We undertake work for client organisations in the Not-for-Profit sector. Our experience includes acting for unincorporated and incorporated associations, charities, community organisations, Not-for-Profit organisations.
10. **Investments:** Nevile & Co. can help you identify, evaluate and purchase a wide range of investments. This includes providing you with referrals to estate agents, accountants, financial planners, builders, agricultural experts and a range of other consultants capable of producing independent due diligence reports.

We look forward to being of service to you.

*Peter Nevile*

**Principal Lawyer**

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