

GENERAL LAW GUIDE

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Disclaimer

This guide does not replace proper legal advice rendered by a qualified legal practitioner. This guide serves to be of a general informative guide only. Please note that each matter is unique and this guide should not be used as providing any specific form of legal advice. Please contact us to cater to your specific needs.



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About Us

At Lincoln Legal Pty Ltd, we are a unique law firm keen on upholding *justice*, maintaining *honesty* in all our interactions and supporting a high standard of *integrity*. We are dedicated to providing the professional and bespoke legal services that each of our clients deserve. An integral part of our philosophy is to work closely with our clients, providing them all the important and crucial information in order to meet each client's diverse legal needs, with the goal to achieve an *exceptional result* for our clients.

Our Service

Our *ambitious* team of lawyers possess the determination to ensure your matter succeeds. Coupled with experience and a diverse background of practice areas, Lincoln Legal can ensure that your legal needs will be handled with care and professionalism. Please see our areas of practice and call today.



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Criminal Matters

At Lincoln Legal, we firmly advocate for a voice for everyone, especially if you are experiencing difficulties in your life. We aim to support you to the best of our ability by providing expedient and reliable advice.

Our experienced team will be guiding you from the moment you contact us through to the resolution of your matter. Whether it be in court or otherwise, we are ready to represent you.

Traffic & Driving Offences:

A valid driving license of your specified vehicle class is a necessity on our roads. Whether this is for commuting to work, part of your employment, or for enjoyment, the safety of others and yourself on the roads are paramount.

Traffic & Driving offences include:

- Driving under the influence of drugs or alcohol
- Negligent driving
- Speed offences

Apprehended & Domestic Violence Orders

AVOs are a legally binding order that aims to protect you or another person from another who may cause them to fear for their safety or wellbeing.

An AVO can prevent another person from participating in the following acts toward the applicant of the AVO:

- Making threats
- Stalking
- Intimidating
- harassing

There two kinds of Apprehended Violence Orders:

AVO - Domestic Violence Orders:

- Protects the applicant from domestic violence that is usually someone the applicant lives with, e.g. family member, partner or spouse.

AVO – Personal Violence Orders:

- This is in the circumstance that the other party is done by someone such as a neighbor, co-worker or friends.

You can apply for an AVO personally or a police officer apply for one on your behalf.

If there are fears for yours or another person's immediate safety and wellbeing, please call emergency services.

Our competent team is available and ready to facilitate a pragmatic conclusion to your concern.



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Family Matters

We understand that sometimes things don't work out and it can be an incredibly stressful and emotional time for you.

The consequences of these events may require legal assistance. Our solicitors and support staff aspire to giving you and the others a platform to negotiate a reasonable outcome for all parties involved.

At Lincoln Legal, we offer a range of services, including:

- Prenuptial and Financial agreements
- Divorce and separation
- Parenting disputes
- Child support
- Spousal Support & Maintenance
- Mediations and Family Court proceedings

Each matter will be handled with thorough and meticulous care as we are not only concerned for your matter but also for your wellbeing.

Building Disputes

Building a new home is something we all dream of. To ensure your new home satisfies all the legal and safety regulations before it is occupied, it is crucial to understand your rights as a home owner and the responsibilities of parties involved in the construction of your home.

Our commitment to you is to protect this aspiration of yours and minimizing your chances of risk due to negligent construction or failure to adhere to safety standards as set by the relevant associations and bodies.

We provide quality services in:

- Negotiating a contract between you and your nominated builder
- Preparation special conditions
- Litigations relating to building contracts
- Home warranty and insurance

A timely resolution is in the best interests for you and the party involved as delays will not only incur additional costs, it also means lengthening the time of construction.

Employment Matters

Being employed opens a wealth of opportunities to individuals and businesses. Employees are the lifeblood of many organisations and it is an imperative that your rights as both an employer and employee are maintained.

In a landscape of continuous developments, our objective is to ensure you are making well-informed decisions.

Unfair Dismissal:

If you feel that you have been dismissed in a harsh, unjust or unreasonable manner, it is important to note there are some criteria you must meet before you are able to apply for any remedies.

You need to have:

- Been employed for at least 6 months, 12 months for small businesses (defined as smaller than 15 employees)
- If you meet the above criteria – lodge an application within 21 days upon notice of your termination

As this is a time sensitive matter, it is recommended you contact a solicitor as soon as possible.

Wage & Payment issues:

Unpaid opportunities can manifest in different forms – vocational placements, unpaid job placements, internships, work experience or trials.

While some of these events have valid reasons to occur such as providing training or experience, complications may arise when there is has been an absence of pay.

If you have concerns of this area, it is best to seek professional advice.

Workplace Harassment & Bullying:

Employers have a responsibility to provide a safe work environment. Safe does not only mean physical safety but safe from bullying and harassment in the workplace.

In response to recent developments, there are national anti-bullying laws and state or territory bodies which monitor these situations. It IS harassment if there is ongoing and repeated humiliation, intimidation and victimisation.

Discrimination:

It is important to understand that there is a difference between workplace harassment/bullying and discrimination.

Discrimination is the when there is an event such as demotion or termination of employment due to a person's characteristics such as race, religion or gender.

For more information please visit the Fair Work Ombudsman government page.



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Wills

Planning for your family's future is an important task as this would ensure your final wishes are respected. As it will be a difficult time for your family, it would be best to prepare a will that has been professionally drafted to avoid any disputes upon the reading of your will.

Contacting your lawyer is the first step, we can assist you in preparations including the discussions of your values, goals, financial plans, estate distribution and others.

If you have multiple Wills with different lawyers, it is imperative that you inform us as your primary legal representatives to confirm that all previous Wills have been revoked validly – this will safeguard you and your family against later disputes.

Contesting Wills:

If a problem has arisen due to a loved one's Will, we aim to represent you in the fairest way possible to enable all parties to be heard and to reach an amicable outcome.

Some ways of contesting may involve a challenging of the most recent Will with an earlier unrevoked Will with the argument that the testator may not have had capacity, or it was 'unduly influenced' by another

Power of Attorney

Power of Attorney is different to a Will in that this involves giving another person authority to make legal decisions on your behalf.

There are two main types of Powers of Attorneys:

General Power of Attorney:

- Used to appoint someone to look after your finances for a specified period, for example, for the time that you are on an extended holiday overseas.
- This can be used for a specific purpose (e.g. selling real estate) or can have a wide scope (e.g. anything you can do at law).

Enduring Power of Attorney:

- This is different to a general POA as it concerns decisions after you have lost the capacity to make decisions.
- Reduced capacity may come about due to illness, injury or dementia.
- This document can only be valid if made whilst you had mental capacity

Enduring Guardianship

Enduring Guardianship is similar to that of Power of Attorney in that they both concerns decisions made on your behalf if you lose capacity. You may appoint more than one guardian

Guardians are particularly concerned with your personal/lifestyle/health care choices not financial affairs. You may also limit the scope of decisions your guardians are only able to act upon such as health care, medical treatments, consent to dental treatment, personal care and accommodation options.

You may instruct your guardians as to how they should make their decisions or whether there is a third party you'd like them to consult.



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Probates

In the event of a loved one's passing, their estate will be administered by their appointed Executor.

If the deceased has left a valid Will – you may apply for a probate. Applications are to be submitted to the Supreme Court of New South Wales. The required documents include:

- The original will
- Death certificate
- An inventory of the deceased's assets and/or estate.

A probate is required where properties are being transferred to beneficiaries. The probate also acts as proof to institutions such as banks, private companies and government departments to authorise the executor to deal with the relevant assets.

However, there may be situations where administrators are appointed and require Letters of Administration before the estate may be distributed accordingly.

Letters of Administration

Letters of Administration achieve the same purpose as a probate but are applied for in the case that the deceased did not leave a will. These Letters of Administration are required before the administration of the deceased's assets can begin

New South Wales legislation details exactly how estate is to be divided and an administrator (usually next of kin) will be appointed.

This complex process requires the formalisation of many documents including drafting of affidavits, consent forms and disclaimers.



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Conveyancing:

Purchasing or selling a property is an incredibly exciting time in your life. Whether it is your first home or your holiday home, we will be with you at each step of the way to ensure it is a smooth transaction.

Our team is familiar with the processes in a number of jurisdictions including Queensland and Victoria so you can rest assured that your matter is not restricted to New South Wales.

We strongly encourage you to sit down with us to review your contract in detail if you are buying and to affirm you have met your legal requirements if you are selling.

There are several procedures involved in conveyancing including inspection reports, mortgages and settlement.

If you are looking to purchase or sell, we understand that each property is not just an address but a unique home that would need attentive and meticulous care.

Legal Practice Areas

Business

- Business Partnership
- Business Sale & Purchase
- Franchise
- Commercial Leases
- Corporate Liquidation
- Defamation
- Employment Law
- Debt Recovery

Disputes

- Tribunal
- Litigation

Estate

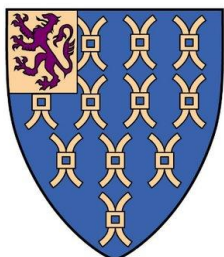
- Will, Power of Attorney
- Enduring Guardian
- Probate & Administration

Property

- Conveyancing NSW, QLD, VIC, SA and TAS
- Off the plan and resale
- Building Dispute
- Building Contract
- Environment and Planning

Other areas

- Immigration
- Criminal
- Traffic Offences
- Superannuation
- Personal injury



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