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| |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | | |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | | |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | | April 2015 Newsletter  We are pleased to send you our second newsletter for 2015 which we hope you find of interest.  Are you selling or leasing a property in NSW with a pool?   * **Is a Spa Bath a swimming pool?** * **What are your obligations if you are fortunate to have one?** * **What exactly is a “pool” or a “swimming pool”?**   The answers to these questions may not be as obvious as you might think.  Section 3 of *the Swimming Pools Act 1992* describes a swimming pool as an *excavation, structure or vessel:*   * that is capable of being filled with water to a depth of greater than 300 millimetres; and * that is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used for the purpose of swimming, wading, paddling or any other human aquatic activity.   A *spa pool* is classified as a swimming pool by the Act and defined as any excavation, structure or vessel in the nature of a spa pool, flotation tank, tub or the like, but not the spa bath.   **Swimming pool certificate of compliance & registration**   If you are selling or leasing any property in NSW with a swimming pool or spa pool **on andafter 29 April 2016**you must ensure the contract for sale or tenancy agreement includes:   * a valid swimming pool certificate of compliance or a relevant occupation certificate issued within the last three years, and      * a certificate of registration.   **To obtain a swimming pool certificate of compliance, which**is valid for three years from its date of issue,**the property owner must arrange for the swimming pool or spa to be inspected by the local council or a private certifier .**  To register your swimming pool, please visit:    *www.swimmingpoolregister.nsw.gov.au*  ***Please note that failure to attach the certificates may allow a purchaser to rescind a contract for sale within 14 days of exchange, unless settlement has already occurred.***    **Who is responsible for obtaining a certificate of compliance?**     |  |  | | --- | --- | | **Property type** | **Responsibility** | | Private property | Owner | | Strata units/ Townhouses/ Community scheme | Owners Corporation |       ***If you have a spa and you are not sure whether you require a certificate of compliance, please give Ben a call.*** | | | |  | | --- | | https://gallery.mailchimp.com/d7ac35d590989fce96f6014e9/images/be108194-fadb-4548-9044-d79700eb7e53.jpg  **Overseas Abduction and the Airport Watch List**   Unfortunately, it is a common occurrence that children are removed, or attempts are made to remove them, from their home country without the consent of one parent. As a result, processes have been put into place to ensure that such occurrences can be prevented, including placing your child on the Airport Watch List.  The Airport Watch List prevents the removal of children from the country by creating an alert system should the child’s passport be presented at Customs. You can apply to the Court to have your child placed on the Airport Watch List in circumstances where there is a risk that your child may be abducted. For example, a genuine risk may arise in circumstances where a parent has the child’s passport in their possession and have threatened to remove the child from the country.  In order to place your child on the Airport Watch List, the process involves the filing of an Application in the Federal Circuit Court of Australia seeking Court Orders that place your children on the Airport Watch List.  Once you have filed your Application at the Court, the children can immediately be placed on the Airport Watch List (prior to your first Court attendance) by providing a copy of your Application to the Australian Federal Police. At your first Court attendance the Court will make a determination as to whether your child should remain on the Airport Watch List thereafter.  If you have concerns regarding the relocation of your children to another country it is important that you take action as soon as possible. We invite you to contact Jacqui Minors on (02) 9906 8188.  You can obtain more information regarding the Airport Watch List from the Australian Federal Police website using the address below. www.afp.gov.au/policing/family-law | | | |  | | --- | | https://gallery.mailchimp.com/d7ac35d590989fce96f6014e9/images/b2b5c22b-5312-4c85-9fe7-3eda7186706f.jpg  http://gallery.mailchimp.com/653153ae841fd11de66ad181a/images/transparent.gif    *"Two-up"*: An Anzac Tradition, but is it legal?    Anzac Day is one of, if not, the most solemn days of the year for all Australians. Each year millions of us honour and remember those who served in the armed forces and particularly those, who, in service to their country, have made the ultimate sacrifice to protect us.  If, at the conclusion of the formal services, you attend, like so many of us do, your local Club or RSL, you will find large groups of people gathered around partaking in a game called *“Two-up”*.  But have you ever stopped and wondered why… why does it appear that we only play Two-up on Anzac Day?   The answer to this question is quite simple; it is *illegal* to play Two-up on any other day of the year, although there are a few exceptions. Although there aren't many examples of arrests relating to Two-up, it is probably not a good idea to risk a criminal record by flouting the law.   This iconic Australian gambling game has always been synonymous with Anzac Day.  During World War 1 Diggers were often seen, during their downtime, playing Two-up extensively with some sessions lasting up-to several hours at a time.  Although, generally speaking, gambling was frowned upon, more often than not a *blind eye*was turned.  This “*blind eye”*is occasionally today  turned in relation to the game, albeit, today’s “blind eye” is  effectively the subject of State legislation.   In 1947, Two-up was made illegal in New South Wales, and it is still to this day, singled out in the *Unlawful Gambling Act 1998 (NSW)* as an *“Unlawful game”.*  In 1989, the *Gaming and Betting (Two-up) Amendment Act  (“the Act”)*was enacted declaring  that the game of Two-up was no longer unlawful if played on a  *commemorative day*, being, Anzac Day, Victory of the Pacific Day (15 August) and after 12 pm on Remembrance Day (11 November) provided that certain conditions are met.   Those certain conditions are as follows:     * no payment or other benefit is, for the purpose of participating in the game, given or sought for the right to enter the premises on which the game is conducted; *[s7(1)(a) of the Act]*;      * no payment or other benefit is given or sought for the right to participate in the game *(otherwise than playing a bet)*; *[s7(1)(b) of the Act]* and      * no commission is sought; *[s7(1)(c) of the Act]*.   However, where a registered club does charge a fee, the Act provides that all payments must be entirely disposed of for the benefit of a charity or charitable cause (s8*of the Act*).  Additionally, an establishment may be able to charge an entrance fee where the fee is not directly related to the game of Two-up.  Another exception was legislated a few years later in 1992, by way of a special amendment to the*Gaming and Betting (Two-up) Amendment Act.*The special amendment legalised the game of Two-up, all year around, but only if, it is played in  *Broken Hill*and with the Minister’s authority.  And so, if you don't live in Broken Hill but do feel tempted to play Two-up anytime soon, take care to do so within the limits prescribed by the State of New South Wales. | | | |  | | --- | | Employee Spotlight  http://gallery.mailchimp.com/653153ae841fd11de66ad181a/images/transparent.gif  Ben Hur  https://gallery.mailchimp.com/d7ac35d590989fce96f6014e9/images/0aae93e9-0bc9-4df5-829e-ab88c273033f.jpg  Ben was admitted as a Solicitor in April 2013 and joined our team in June 2013. Ben has 3 years of experience in Property and Conveyancing matters including  assisting our clients in the sale and purchase of residential and commercial properties in New South Wales, Queensland, Victoria and Western Australia.  Ben is an excellent team member, organised and efficient, ensuring our clients’ property transactions run as smoothly as possible, and he has the experience and knowledge required to provide the best possible advice and assistance.  Ben works closely with Esther Kim,  an experienced Property and Conveyancing Solicitor, and they, together, make an impressive and effective team, *("our conveyancing department is bigger than 'Ben Hur'")*  with a reputation for providing a professional service to clients.  Ben also assists senior solicitors in work relating to the sale and purchase of  businesses, lease agreements, family law, commercial law and civil litigation matters. | | | |