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When Do You Have To Pay Commission?

It's a familiar scene: you get your property ready for sale, you find a real estate agent and then they sell the house for you. Once settlement has gone through and all the paperwork is done, you only then have to pay the agent their commission – right?



Well, no, not necessarily. Did you know that the agreement you have with your agent entitles them to their commission even when:

- You don't proceed with the sale
- You get an offer that matches, or is above your 'Vendor's Price' – even if you don't accept the offer
- A purchaser's deposit cheque is dishonoured
- You proceed to settlement but the purchaser pulls out at the last moment

How can you prevent this from happening? Please seek our advice *before* you sign an 'Exclusive Authority Agreement' with your agent.

To continue reading, visit www.hutchinsonlegal.com.au/real-estate-agent-commissions



Words to the Wise

**"If you do not change direction,
you may end up where you
are heading."**

Lao Tzu

Loan or Gift

Tracy and Sam are a young newlywed couple on the search for their first home. After spending countless hours looking for the perfect home in their ideal price range, they realize that, like many young people, they are short of cash. So Tracy and Sam decide to call upon Tracy's parents for assistance. Tracy's mum and dad agree to provide some money to help Tracy and Sam buy the perfect home, and things are great. However, if after a while Tracy and Sam separate, will the money received from Tracy's parents be considered a loan or a gift?

As common as this scenario is, it is a complicated area and there is no clear legislation as to whether an advancement from a parent should be considered a loan or a gift. Fortunately there have been two recent Court cases in which the Court has had to determine a situation similar to the one above.



To read more about the family law differences between loans and gifts, visit www.hutchinsonlegal.com.au/loan-or-gift



Did you know...

If you work in the city, our Melbourne office is ideally positioned to meet your legal needs. For a convenient lunch time appointment or consultation, give us a call.

If you would like to receive an electronic version of Legal Insight, please:

- call Tristan Tottenham of our office on 9870 9870
- write to us at PO Box 450, Ringwood 3134
- send an email to office@hutchinsonlegal.com.au

A night to remember, marking 60 years of service!

Thank you to all those friends, clients and contacts who came to a very special FUNCTION of this significant milestone, celebrating 60 years of service together. More than 200 gathered as we watched a new version of a timeless classic, being the latest adaptation of Charles Dickens' famous "Great Expectations". The focus of the evening involved a special tribute to Henry Dixon given his contribution of 60 years of service to the community.

To view our commemorative video, visit www.hutchinsonlegal.com.au/60-years-of-service



New Team Members

Faten Awad

We are pleased to welcome Faten Awad to our team. Faten is a solicitor with broad commercial and general practice experience over the past six years, and she is presently studying for a Master of Laws degree in Commercial Law. Faten will be primarily based in our Melbourne office.



Megan Ward

We are also pleased to introduce the newest member of our VOCAT team, Megan Ward. Megan has a background in social work and was previously employed as a case manager with the Western Victims Assistance and Counselling Program. We look forward to being able to further assist victims of crime with her contribution to the team.



Australia's Anti-Spam Legislation

Spam is the term used to refer to electronic 'junk mail', unsolicited emails or messages received by a person through email or on their mobile phone. The content of spam messages varies from promotion of an organisation's products or services to offensive material, viruses or fraudulent activity.

In Australia, legislation has been implemented to deal with unsolicited electronic communications. The *Spam Act 2003*, covers email, instant messaging, SMS (text messages) and MMS (image-based mobile phone messaging) messages of a commercial nature.

If your business or organisation sends any of these kinds of communications, then you have a responsibility to ensure you follow the rules.

To read more, visit www.hutchinsonlegal.com.au/anti-spam-legislation



Management Team Transitions

Since late 2012, Con Nottas has stepped into the Managing Partner role at Hutchinson Legal. Con has many years' experience in both the private and government sectors, and his assumption of the management responsibilities marks the beginning of an exciting new era for Hutchinson Legal, as well as allowing partner Grant Hutchinson to transition back to a more client-oriented role.

With his extensive legal and commercial background, Grant is spending more time leading our Melbourne business law team, and these developments will ensure that we can continue to maintain and expand the level of service we bring to both our Ringwood and Melbourne clients.

FastFACTS

60

percent of world's population living in Asia

1953

year Edmund Hillary and Tensing Norgay ascended Everest

12

number of people who have walked on the moon

60

age of oldest woman to give birth in Australia

1953

year Henry Dixon commenced practice as HS Dixon

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