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Q&S QUINN & SCATTINI Lawyers

Disputing An Unfair Preference Claim

Commercial Litigation Team

'It's not personal. It's just business'.

We have all heard this line before in movies and television shows. Spoken where a relationship has been broken for the purpose of achieving some advantage, usually an economic gain. But for most people (and most of the Australian economy) it is all about business; especially small business.

Statistics show that small businesses (employing 19 people or fewer) make up around 97% of all of Australian businesses.[1] This is not hard to comprehend. Go for a walk through your local shopping centre or business sector. You will find that most of the shop fronts and offices are home to small businesses.

Liquidation

There are numerous pitfalls that arise in the course of running a business. It is essential that companies have ongoing relationships with other businesses to function. The coffee shop down the road doesn't build coffee machines or make their own cups. They purchase these from other companies.

Companies that manufacture goods and provide services rely on various suppliers to provide materials needed to build their products or provide their services. So when one company hits hard times and can no longer trade, the effects can be far-reaching.

When a company can no longer pay its debts when they are due, it is deemed to be insolvent and must stop trading. A company in these circumstances may appoint an external administrator to oversee the company. In many cases, these companies are found to be unsalvageable and are wound up (placed in liquidation). Creditors of the company can also have the company put into liquidation.

Unfair Preference Claims

Liquidators are appointed to break up the liquidated company's structure and review its prior conduct. The liquidator's job is to locate all the liquidated company's assets and revenue in an effort to repay the creditors. This task includes reviewing payments that may have been made before the liquidator was appointed. If a liquidator is of the view that:

- the liquidated company has made payments to a creditor while the liquidated company was insolvent,
- those payments would have been paid to the creditor from the liquidated assets, and
- those payments occurred within 6 months before the date of filing of the winding up application (called the "relation back period"),

then the liquidator may conclude that the payment (or payments) should not have been made, and may make an Unfair Preference Claim under section 588FA of the *Corporations Act 2001* (Cth) ("**the Act**") against the creditor.

A transaction is seen to be "unfair", under section 588FA of the Act, because the funds paid to a creditor (usually another business)

should not have been paid. Those funds should be part of the assets held by the liquidated company, because they were paid while the liquidated company was insolvent. The creditor would be seen to have received a greater payment for the debt than they would have received when it was paid by the liquidator.

A practical example would be as follows:

Company A regularly purchases materials from Company B to build trailers. Company B regularly issues invoices to Company A for the material. Company A usually pays on time, but occasionally pays late (this is common in the industry). On 1 July 2019, Company A pays $15,000 to Company B in payment of an invoice given by Company B for supplying materials. As a result of that payment, Company A is longer in debt to Company B.

On 1 November 2019, Company A is placed into liquidation. The liquidators review the payments leading up to Company A being wound up and discover the payment made on 1 July 2019 to Company B. The liquidators understand that if the payment on 1 July 2019 had not been made, Company B would have been a creditor of Company A and entitled to payment of a portion of the liquidated assets. That payment would (in all likelihood) be less than the $15,000 as Company B was not a secured creditor.

The liquidators send a letter to Company B, stating that the payment of $15,000 on 1 July 2019 was an Unfair Preference for the purposes of section 588FA of the Act. The liquidator demands repayment of $15,000 from Company B warning of legal action if the amount is not paid.

Defences to an Unfair Preference Claim

If you have received a letter from a liquidator relating to a liquidated company that you have previously had a commercial relationship with, don't panic. There are defences to an Unfair Preference Claim and we have experience dealing with these matters.

The defences to an Unfair Preference Claim are found in section 588FG of the Act. In summary, they are:

- Being party to a transaction in good faith,
- Having no reasonable grounds to suspect that the liquidated company was insolvent at the time the payments were made, or
- Valuable consideration was provided for the payment.

Good Faith

The principle of good faith is a common legal principle applied in various areas of law. Generally it refers to parties who have entered into a relationship with good intentions. The courts will use a subjective test to determine if the parties entered into the transaction in good faith. In other words, the court will look at the transaction through the eyes of the party who received the payment. In most cases, the ongoing relationship between the parties is evidence that the parties entered into the transaction in good faith.

Suspicion Of Insolvency

Suspicion of insolvency is a significant part of defending an Unfair Preference Claim. It is often the issue that is laboured the most by the parties. The liquidators bear the onus to prove that a creditor who received payment/s suspected, or should have

suspected, that the liquidated company was insolvent at the time of the payment.

This can be difficult for the liquidators to prove. That makes it a good avenue to explore when defending an Unfair Preference Claim. The court will consider numerous factors when deciding if a party had, or should have had, suspicion of insolvency. Those factors include:

Whether there were recurring late payments by the liquidated company;

- Previous payment arrangements with the liquidated company,
- Actions taken to recover the debt,
- The size of the debt,
- The contractual terms between the parties,
- Payment history, and
- Common industry standards.

Although some of the above may be clear, it still may not be enough to show that the creditor suspected, or should have suspected, insolvency. A lot of industries function on late payments and debt disputes. For example, the building and construction industry is rife with late payments.

Justice Brereton of the NSW Supreme Court remarked that late payments are not of themselves an indication that a creditor should suspect insolvency.[2] The case before Brereton J involved a liquidated company in the construction industry. Brereton J referred to a number of issues that need to be considered when looking at late payments as a reason to suspect insolvency, including the time of year (Christmas) and industry standards.[3]

The court may also decide (in relevant circumstances) that demands for payment do not equate to a suspicion of insolvency. In some cases, the courts have found that aggressive threats and demands for payment are not indicative of suspecting insolvency, but are instead typical approaches by certain people in certain industries.[4]

This element of the defence is one that will need to be considered on the facts of each matter individually.

Valuable Consideration For The Payment

In layman's terms, this refers to something that is given (usually under a contract) in exchange for something else. The common example is goods exchanged for money. Generally, this is not a difficult element to prove. Most businesses can evidence that they have supplied something associated with the debt of the liquidated company.

How We Can Help

Contact Quinn & Scattini Lawyers if you have received a demand from a liquidator relating to an Unfair Preference Claim.

You will be talking to a real expert, local to you. You will not be treated like a file number, but as a real person, and a person going through a difficult and stressful experience.

Get expert advice, not just what you want to hear, in a language you can understand, not legal jargon

Engage our expert lawyers. Contact us on 1800 999 529, email mail@qslaw.com.au or visit www.qslaw.com.au and submit an enquiry.

[1] Australian Government, "Small Business Courts: Small Business in the Australian Economy" (2016) 8.
[2] *In the matter of Heavy Plant Leasing Pty Ltd (In Liquidation) (ACN 151 786 677)* [2018] NSWSC 707, [65] – [68].
[3] Ibid, [67] – [68].
[4] *White & Templeton v ACN 153 152 731 Pty Ltd (in liq)* [20017] WASC 52, [63].

Family Provision Applications Out Of Time

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In Queensland, under section 41 of the *Succession Act 1981*, a spouse, child or dependant of a deceased person has 6 months from the date of death to give notice of an intention to bring a claim against an estate if they believe they have been left without adequate provision. This type of claim is called a Family Provision Application ("**FPA**"). The FPA documents must then be filed in the court and notified to the executor within 9 months after the date of death.

Although the court has a discretion to extend the 9-month time frame, it is unwise to miss the deadline as the court may not extend the time or the estate may already have been distributed.

In considering an application to extend the time for filing an FPA, the court will consider a number of factors including the length of the delay, the reason for the delay, whether the estate has been distributed, and whether any party has engaged in any unconscionable conduct, and the strength of the applicant's case.

In recent times the Supreme Court of Queensland and the Court of Appeal have considered a number of these applications. These have sharpened the focus of all wills and estate lawyers in understanding the current attitude of the court to these applications. A short summary of these cases follows.

MORTIMER V LUSINK [2016] QSC 119 (Decision delivered 2 June 2016)

The deceased's daughter filed an FPA 9 days out of time. From a $1.2M estate, she received only $20,000, with the majority of the estate left to her brother.

The applicant thought the time limits ran from the date of probate, not the date of death. This error occasionally occurs because different time limits apply in different Australian states. It was acknowledged that this was the solicitor's error, not the applicant's.

Ultimately, however, the judge refused to extend the time for filing the FPA (but see the note below about the decision in the Court of Appeal reversing this decision). The judge found that the applicant:

- had not established that the deceased had erred in assuming her financial position,
- had little contact with the deceased for over 50 years,
- had no right to provision from the estate, and
- although living in modest financial circumstances, was not impoverished.

BUDULICA V BUDULICA [2016] QSC 184 (Decision delivered 19 August 2016)

In this case the deceased's daughter sought to bring an FPA. Her brother was the executor. The estate comprised two properties totalling around $2M and was to be divided between the 2 children. The applicant had seen a solicitor shortly after

her mother's death and was fully advised of her prospects of success and the time limits. She made a considered decision not to commence an FPA at that time. However, she later changed her mind after receiving correspondence from her brother's solicitor. She took great offence to that letter with the Judge stating "*she is consumed with bitterness and driven by long-standing enmity towards Stan*." She then sought to file an FPA almost 9 months late.

The executor objected to the extension, requiring the extension application to be heard by the court. At the hearing it was noted that the applicant was in her early 50s, divorced, in poor health, receiving Newstart allowance and receiving financial assistance from her mother in the year prior to her death.

After considering the applicant's position in life, the judge found that she had some prospects of establishing that proper provision had not been made for her. However, ultimately she failed because the judge found that she had no reasonable prospect of obtaining an order for further provision. This was because the executor had offered her first choice of which estate property to take. The applicant had elected Property A, worth approximately $1M, but which would attract CGT on sale. The judge found the applicant could take Property B, worth approximately $1.2M but which would not attract CGT on sale. By selling Property B, the applicant would have sufficient funds for her "proper maintenance and support." On this basis, she could not expect to achieve a better outcome in an FPA than she could by electing to take the more valuable property.

Therefore, the out-of-time application failed because the applicant had poor prospects of success in her FPA. This factor weighed heavily against an extension of time. The judge also considered that the applicant's reason for not commencing the application in time did not favour an extension. This decision was upheld by the Court of Appeal on 28 July 2017.

In Queensland, under section 41 of the *Succession Act 1981*, a spouse, child or dependant of a deceased person has 6 months from the date of death to give notice of an intention to bring a claim against an estate if they believe they have been left without adequate provision. This type of claim is called a Family Provision Application ("**FPA**").

FRASTIKA V COSGROVE [2016] QSC 312 (Decision delivered 23 December 2016)

The applicant was the deceased's 24-year-old second wife of approximately 8 months (in a total relationship period of 18 months). From the estate of approximately $1M, she received $10,000 and 2 motor vehicles. She also received $150,000 from superannuation outside of the estate. The majority of the deceased's estate was given to his disabled granddaughter.

Prior to the death of his first wife, the deceased and his first wife had sole parental responsibility for their granddaughter who required full-time care. Following the deceased's death, the

applicant and the deceased's sister were granted full parental responsibility and the granddaughter moved into the sister's home. In time, the granddaughter was placed in foster care.

The application was filed 63 days out of time but was not formally served on the respondent for a further 12 months and the supporting affidavit was served later still. The applicant argued that the delay was caused by:

- her shock following the deceased's death,
- being forced to leave the family home,
- concern about the risk of deportation,
- her limited understanding of the legal requirements,
- her lack of financial resources, and
- her need to move interstate to obtain new employment.

The out-of-time application failed on the basis of delay, prejudice to the granddaughter, and the applicant's prospects of success. The judge considered that the applicant's argument of not understanding her legal rights lacked cogency and there was no satisfactory explanation of why she did not obtain legal advice within the statutory time period. Her failure to prosecute the application diligently was also noted.

The judge concluded that the deceased's granddaughter would be prejudiced as it would reduce the funds available for her special purpose trust established by the will, by both legal costs and any further provision for the applicant. Further, if the applicant was not successful there would be limited chance of recovery of costs from her.

The judge considered that the deceased had specific regard to the applicant's needs for further education and set-up costs in Australia. Weighing the overall net asset position of the estate against the provision made under the will for the applicant and the length of the relationship, the judge concluded that the applicant would ultimately fail to establish that she had been left without adequate provision. The judge considered that this was reinforced by considering the granddaughter's competing claim.

Balancing all factors, the applicant failed to establish a substantial case for the court to exercise its discretion in her favour to extend time to bring her FPA.

MORTIMER V LUSINK [2017] QCA 1 (Decision delivered 31 January 2017)

The Court of Appeal found that:

- the minimal delay was not attributable to the applicant,
- the delay had not caused significant prejudice to the other beneficiaries,
- the financial resources of the appellant (originally the applicant) were insufficient to meet her needs,
- the gift to the appellant was inadequate having regard to her financial resources, and
- the appellant had an arguable claim against the estate, not a claim that was clearly unlikely to succeed.

The executor was ordered to pay the appellant's costs of the appeal. Justice Jackson remarked that the executor had no justifiable basis for resisting the out-of-time application on the basis that the

application had reasonable prospects of success.

These comments serve as a warning to executors to carefully consider the risks of taking a hard-line approach to an out of time FPA where the delay is short and there are reasonable prospects of success. Doing so may result in a costs order against the estate or against the executor personally.

Therefore, on appeal, the applicant was ultimately successful in being granted leave to bring her FPA out of time. However, her success came at great expense to the estate. The legal fees for these 2 applications would have significantly decreased the value available to meet her claim and any benefits for the other beneficiaries.

So Where Does That Leave Us In Considering Out-Of-Time Applications?

Having an out-of-time application as a precursor to the actual FPA adds significant cost and delay for all involved. Persuading the court to exercise its discretion to extend a statutory time limit is difficult. The simple solution is to ensure the FPA is filed within the 9-month statutory time limit.

The following lessons can be extracted from the cases set out above:

- It is best practice to file the FPA and serve it within time.
- All parties need to carefully consider the factors the court will take into account.
- If you are out of time, do not delay any further. Ongoing delay may weigh heavily against you.
- Even if parties are negotiating and resolution is anticipated, still file the application in time. The court filing fee is much cheaper than a contested application for the right to proceed out of time.
- As an executor, confirm in writing that ongoing negotiations should not be regarded as implicit consent to an FPA proceeding out of time and that timeframes will be strictly observed.
- Executors should also consider the cost implications and risks of resisting an out-of-time application where the delay is minimal and the applicant's prospects of success are good.

How We Can Help

Quinn & Scattini Lawyers represent clients in deceased estate litigation (will disputes) on a "no win, no fee" basis in approved cases. Our expert lawyers will advise and represent you in all court proceedings, mediations and negotiations regarding deceased estates.

Our Wills & Estates Team is led by Russell Leneham. Russell is an Accredited Specialist in Succession Law (i.e. wills and estates), with almost 30 years' experience. Our entire Wills & Estates Team consists of lawyers who are experts in their field of law.

We act for clients anywhere in Queensland (and all over the world), in relation to Queensland estates.

Engage our expert lawyers. Contact us on 1800 999 529, email mail@qslaw.com.au or visit www.qslaw.com.au and submit an enquiry.

Mediation & Parenting Disputes

Kathleen Dare
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Family & De Facto Law

Is Mediation Compulsory?

Mediation is built into the court process and is the required first step before filing proceedings for parenting orders. Section 60I(1) the *Family Law Act 1975* requires an applicant to firstly make a genuine effort to resolve their arrangements regarding parenting orders by way of attending mediation.

Attendance at mediation is compulsory (in most cases) providing early dispute resolution and avoiding an adversarial protracted dispute in court and placing the needs of the children as at the forefront. The emphasis on mediation recognises that it is better for parents to make their own arrangements for their children.

Parents are usually in a much better position to make decisions about their children than judges as they know their children's personalities, capacity to cope and needs and wishes. Mediation also allows parents to create flexible and carefully tailored practical arrangements around both parents and children's commitments, activities, holiday arrangements, health care or any other issues which may arise.

Family Dispute Resolution Providers

A Family Dispute Resolution Provider is an accredited mediator who has training and qualifications in dealing with families in conflict and assist parties to reach agreement. Attendance at mediation with a registered Family Dispute Resolution Provider is necessary to obtain a section 60I(1) Certificate which is then filed in the court as evidence the parties have made a genuine effort to resolve the dispute but have been unsuccessful.

For this reason, is always advisable to attend mediation with a Family Dispute Resolution Practitioner for parenting matters.

Family Dispute Resolution Practitioners are also trained in helping to resolve property matters.

Why Mediate?

Mediation is an inexpensive way to reach a settlement as to arrangements for children after a relationship comes to an end. It is generally better for parents to stay out of an adversarial system if possible as litigation can often sadly deteriorate into very harmful allegations about the other party creating ill-will and result in a protracted dispute.

More importantly, children are often harmed through exposure to high conflict separations and contested family court proceedings. For children, it is the unresolved conflict, rather than the separation of their parents than can result in long term psychological harm to children.

Mediation also is a cheaper and quicker option. Engaging in protracted litigation can be extremely costly and slow and very

stressful. It can take many months, sometimes years to have the court determine a matter by which time your children may have grown up. Whilst courts provide expertise and independent decision making, litigation should always be a pathway of last resort due to the significant cost, delay and the uncertainty of the result.

Mediation is an inexpensive way to reach a settlement as to arrangements for children after a relationship comes to an end. It is generally better for parents to stay out of an adversarial system if possible as litigation can often sadly deteriorate into very harmful allegations about the other party creating ill-will and result in a protracted dispute.

Can All Matters Be Mediated?

Unfortunately, mediation is not always possible for reasons of family violence, drug use or alcohol abuse, the fact that a parent has a personality disorder or a serious mental illness.

Sometimes a parent has an unrealistic expectation about outcomes and proposes equal time for a very young child which is inappropriate or has an ulterior motive for proposing no time making dispute resolution impossible for even a skilled mediator to assist parties to reach their own agreement.

Circumstances of urgency such as the abduction of a child and where the child is placed at serious risk of harm may also mean that mediation is not appropriate and an urgent application is to the court is required.

How Does Mediation Work?

Once a mediator has been chosen, an invitation to mediate will be sent to the other party. In some cases a mediator may be chosen from a list of proposed mediators provided by one party to the other.

Prior to the mediation, the mediator will usually meet with each of the parties separately to gain an understanding of what each party wishes to achieve.

The mediator will then facilitate a structured meeting in a safe environment where the parties can express their point of view and be heard by each other. Each party will be encouraged to listen without interruption so as to avoid arguments. Where this is not possible, parties can sit in separate rooms or sometimes attend by telephone.

An agenda for the meeting will be set for matters to be discussed and if an agreement is reached a Parenting Plan or Consent Orders can be drafted. Often lawyers will attend the mediation and help with the drafting process, but this is a matter for the parties.

Mediation is also useful to assist resolve disputes if an agreement or court orders becomes unworkable or circumstances change. Mediation assists in ensuring parties are able to maintain amicable

relationships with each other into the future, which is particularly important when there are children to consider.

In Conclusion

Mediation is a way to resolve your dispute quickly without the expense, uncertainty and stress of going to court. It is also a way of reducing ongoing conflict and stress and provide for more flexible arrangements for parents particularly in the early years of a child's life where it may be necessary to re-visit mediation as circumstances change and enable parties to find a respectful way to co-parent into the future.

How We Can Help

As an accredited Family Dispute Resolution Practitioner, Quinn & Scattini Lawyers' Senior Associate, Kathleen Dare, is well-positioned to assist her clients resolve disputes with their former partners.

Upholding the high standards of being required of an accredited practitioner, Kathleen provides the best possible mediation representation for her clients while approaching dispute resolution with a professional, focussed approach.

Engage our expert Family Dispute Resolution Legal Practitioner to resolve your dispute. Contact us on 1800 999 529, email mail@qslaw.com.au or visit www.qslaw.com.au and submit an enquiry.

Easements & Removing The Burden

Property & Business Team

Easements in Queensland will either benefit or burden property.

An easement will grant a right to the benefited land to use or access the burdened land for one reason or another, most commonly for access or for infrastructure services to run through. All easements should be registered and will appear on a title search of both the benefited and burdened land. The *Land Title Act 1994* (Qld) governs the creation of easements while the *Property Law Act 1974* (Qld) ("**the Act**") determines the instances when a Court may intervene and extinguish them.

Sadly, disputes in relation to easements are quite common. Sometimes, the easement documentation is vague in relation to the rights conferred and responsibility for costs and/or maintenance.

Most disputes are encouraged to be solved amicably between the parties, however disagreements do arise.

In the event the interpretation of the easement is not agreed, either the benefited or burdened lot owner may seek a determination from the court. Section 181 of the Act grants the courts the ability

to modify or extinguish an easement. In the Supreme Court decision of *Eucalypt Group Pty Ltd v Robin* BC200300984 [2003] QSC 063 the application of section 181 was considered regarding an access easement.

It was the view of Ambrose J at paragraph 79:

"Under s181(1)(a) the applicant must show either –

(i) The respondents have changed the "user" of their allotment; or
(ii) A change has occurred in the character of the neighbourhood; or
(iii) Other material circumstances.

Which require that the easement be deemed obsolete under s.181(1)(d) of the Act and that the proposed extinguishment of their easement will not substantially injure the respondents.

Under s181(1)(b) the applicant must show

I. That the continued existence of the easement would impede some reasonable user of the applicants land, and
II. That the respondent's easement in impeding that reasonable user of the applicant's land either:
    a. Does not secure to the respondents any practical benefit of substantial value, utility or advantage to them, and
    b. That the continued use of the easement would be contrary to public interest, and
    c. That money would be an adequate compensation for the loss or disadvantage which the respondents will suffer from extinguishment of their easement.

And under s.181(1)(d) that the proposed extinguishment of the respondents' easement will not substantially injure them."

Further at paragraph 84, *"[t]he discretion given to a court to extinguish an easement under s181(1) depends upon the applicant proving either the fact prescribed by s181(1)(a) or those prescribed by s181(1)(b).*

If the facts prescribed in either one of those subsections are proved, the applicant must then also establish the fact prescribed in s181(1)(d) of the Act to enliven the discretion under s181(1)(a) of the Act to extinguish or modify the easement".

In this case sufficient grounds were not established under s181(1)(b) for the court to extinguish the easement. This case does however provide insight into the consideration that need to be had when seeking an order of this nature.

How We Can Help

Quinn & Scattini Lawyers have years of experience preparing easements, as well as registering these documents and the survey plan to which they pertain.

If you have any easement issues and need legal advice regarding the best possible solutions, please contact our expert property lawyers on 1800 999 529, email mail@qslaw.com.au or visit www.qslaw.com.au and submit an enquiry.

Sentencing – The Facts

Criminal & Traffic Law Team

Do you need to know more about sentencing? Are you about to be sentenced for a criminal offence in Queensland? This article explains what sentencing is in Queensland for criminal charges, the process and factors considered. Keep reading to learn more.

What Is A Sentence?

A sentence is a penalty a court imposes on a person once they plead, or are found guilty of a criminal offence. It is the final part of court proceedings.

Sentencing usually takes place in the same court as which a person has pleaded, or been found guilty.

What Is The Purpose Of Sentencing?

There are 5 purposes under Queensland law for why a sentence can be imposed.

These purposes set out under Section 9 (1) of the *Penalties and Sentences Act 1992* ("**the Act**") are;

1. punishment of the offender,
2. rehabilitation of the offender,
3. deterrence to civilians to commit crimes,
4. denunciation of the offender or offence, and
5. protection of the community.

What Is A Sentencing Hearing?

A sentencing hearing takes place in much the same way a trial does. Submissions are made by both the prosecution and defence counsel to the sentencing Judge/Magistrate listing the factors that each party asks the Judge or Magistrate to consider when deciding the penalty to be applied.

The prosecution usually submits an agreed summary of facts to the court. The defence will usually submit character references and other documents which are required to aid with mitigating factors.

It is common for both parties to reference case law to support their arguments. Case law is important as it is a collection of past legal decisions written by courts in the course of deciding cases.

Throughout the hearing, the Judge will listen to both sides' submissions and ultimately deliver a decision.

What Considerations Are Made When Determining A Sentence?

Section 9 (2) of the Act states factors which the court must consider when deciding on a sentence which is appropriate.

For example, this includes factors such as:

- what is the maximum penalty prescribed for the offence,
- the nature and seriousness of the harm done,
- the previous convictions of the offender,

- the offenders age, character and intellectual capacity,
- the prevalence of the offence, and
- any other relevant circumstances.

Penalty Options Available?

There are a range of penalties that Queensland Courts can impose on an offender, including:

- fines,
- community service order,
- probation,
- intensive correction order,
- suspended sentence,
- parole, and
- imprisonment.

Will You Have A Conviction Recorded?

Section 12 of the Act outlines factors that must be considered by the Judge or Magistrate when deciding whether to record a conviction.

These factors include:

- age,
- adverse effect on employment prospects,
- prospects of rehabilitation,
- remorse,
- whether it was of the lower end of the scale for the offence, and
- whether it was a person's first offence etc.

In certain cases the court may deem that no conviction be recorded for the charge.

In conclusion, it is important to get on to the team at Quinn and Scattini early for your best chance at success!

How We Can Help

Our criminal lawyers are passionate about defending criminal charges and have expert knowledge of the justice system.

As a result, we can provide the best legal representation. We can assist across the range of criminal charges, including bail applications, drug-related offences, sexual offences and violent offences.

Most importantly, our lawyers are available to meet at any of our 5 local offices, via Skype or video-conference.

We recommend our clients attend an initial consultation with our lawyers to discuss the charges, map out potential penalties and determine what information will be required to put the best case forward.

If you are unable to attend a meeting, our lawyers are available by telephone or can attend the correctional facility if you have been detained.

Engage our expert lawyers. Contact us on 1800 999 529, email mail@qslaw.com.au or visit www.qslaw.com.au and submit an enquiry.

Unlike some other firms - who focus on only one area of law - Q&S can offer expert solutions for all legal areas.

Access our expert lawyers for your next legal issue.

Family Law | Wills & Estates | Property & Conveyancing | Commercial Litigation/Disputes | Business Law | Criminal or Traffic Matters

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