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## Volume 20 - July 2008

Last month Jeffrey J Muir of Orange NSW wrote "Thank you for your eZine. You just saved me \$20,000 in your advice about Debt-Where is thy sting".

If you have saved \$20k or over, or just like the Law & Disorder eZine, contact us at [info@brennanlaw.com.au](mailto:info@brennanlaw.com.au) to let us know. The first 3 people we hear from will receive a free copy of Paul's new eBook "The Legal Guide to Dying...Baby Boomer Edition". We especially want to hear from overseas readers, except of course New Zealand.

If you do not like the eZine, just keep it to yourself.

If you missed last month's eZine, back copy can be downloaded from <http://www.lawanddisorder.com.au/ezine.html>.

## Fear and death-cutting your spouse out of your will

Paul Brennan

It's bad enough dying without having to worry about what your spouse is going to get up to with you gone.

You cannot stand the thought that your hard earned cash will end up with the first fortune hunter, who turns up after your death. Your spouse assures you that you have made their life so miserable that they have no intention of re-marriage. However you think that your spouse is saying that to throw you off the scent.



You decide to leave everything to your children. They are wonderful and deserve it, despite what everyone else says. Your spouse's incredible outpouring of grief at your death halts abruptly when they find out that you changed your Will. Fortunately, your spouse found out after the funeral so that went pretty well.

Your spouse explains to your children that he or she worked hard for that money and needed it for his planned immediate and well deserved retirement. All your children were persuaded, except one, who felt that he should carry out your wishes in order to honour your memory. Reluctantly, the other children are talked around.

Your spouse accepts the position and returns to work. Only kidding, legal proceedings are commenced for a bigger share of your estate. Your spouse thinks that he or she can embarrass the kids into giving up. Your spouse is wrong and decides if he or she can't have it neither can your kids.

Who will win the legal battle? Who cares? Your children and spouse are not talking, maybe they never will, your spouse hates you, a tidy sum of your money is used up in legal costs and you are dead.

"Ruling from the grave" can lead to trouble and is to be avoided,

except when it is the only way to be fair and hopefully you are leaving enough money to go round.

There is only one way to successfully avoid this: don't go. Lay off the booze, take up exercise and eat fewer chips. Survive and hope that your spouse doesn't get any stupid ideas.

[Click here for information about the Legal Guide to Dying Baby Boomer Edition](#)

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### Human rights do not come cheap



Paul Brennan

When I saw the Australian Government's budget had allocated \$2.8M to talk about Human Rights. My initial feeling was: Do we have to?

I was taken aback when a Human Rights lawyer activist suggested that \$2.8M was doing it on the cheap.

If they are going to be picky, are they not concerned that accepting

government money, tea and sandwiches may have a corrupting influence on their cause?

Would they not prefer to meet secretly but cheaply to avoid arrest, torture and unlawful detention? Then bravely rise up and wrest Human Rights from a reluctant government? There is a good argument that a government kicking in \$2.8M straight away takes a lot of the fun out of the struggle.

If \$2.8M is cheap, what are we going to miss? Hopefully, we will not need to cut down on working together to achieve strengthened engagement, demonstrating commitments being matched at both domestic and international levels, supporting dialogue between stakeholders to highlight areas where further work will be needed. If so, bummer.

If the budget really is constrained then:

- would not everybody really be pleased to find that Human Rights had been done to death, sometimes literally, in a whole load of places including the State of Victoria, the UK (more than once) and Hong Kong.
- we would probably decide to "cut and paste" a draft bill from the 1948 Universal Declaration of Human Rights and what has been done in various other countries. We could offer this bill to the parliamentary process with the usual consultation.

This does not mean that I am against Human Rights, working families, pensioners, peace, or any of that sort of thing, nor am I against all the paraphernalia that goes with it. Such as the whole "vocal" rights industry trying to give small groups all sorts of rights, as of right. I concede that it may not be enough to allow judges to continue to apply fairness, justice as they have been doing (or in some cases not doing) for millennia.

However, should it not be a fundamental freedom to speak about Human Rights for free? Or at least, not on my tab.

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#### THE LAW

Week by week we shall be building up an alphabetical list of legal articles on a page at the Law & Disorder website called "The Law" in order to give the bottom line on various aspects of the law of particular interest to small and medium size business.

[click here to go to the Law](#)

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## Franchising-A Quickstart Five Point Plan

Paul Brennan

If you are just thinking about franchising your business but are not sure, don't bother as the entire process is a pain in the neck.



However if you have true grit, are ready to weather intrusive government legislation and mounds of paperwork, you can significantly increase your business profits together with the value of your business and for those of you with a spiritual bent can find a deep level of personal satisfaction in your achievement over adversity.

**EMINENT BARRISTER  
CONSULTS CASELAW AND  
OTHER AUTHORITIES**

There is much material on franchising often freely available on the internet. It is best to seek the advice of experts and again there is no shortage of experts.

However if you are in small business, your time and money are often in short supply and you probably just want to start and pick it up as you go along.

Here is a five point plan to Quickstart franchising:

1. Registrar your trademark. I assume that you have got some sort of logo which you have developed in your business. If not, then get one

and register it. Do you get a lawyer to do this? Yes, as it is the cornerstone of your franchise empire. If you want to know more see the article at <http://www.brennanlaw.com.au/franchising.html>.

2. Create a branch of your business. This will mean entering into a lease and fitting it out as a clone of your business. Have your lawyer negotiate your lease.

3. Offer an employee a franchise of your business at the branch that you have set up and is running smoothly. Alternatively, as in biblical times if you have a charismatic personality you may be able to attract acolytes to you. This is probably easier if you have one successful franchisee.

4. Go to your lawyer and have him prepare the following documents:

- a. A contract to sell the franchise business to your employee.
- b. A franchise agreement.
- c. A disclosure document required by the franchise legislation.
- d. Maybe a licence to deal with trade mark rights.

5. Look for second franchisee.

Alternatively, you can just struggle on as you are.

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Interested in franchising? Well, you should know the IP basics too such as copyright and trade marks, also about leases.

[Click here for some IP Basics and lease knowhow to go to www.lawanddisorder.com.au](http://www.lawanddisorder.com.au)

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## Trunk Monkey



If you enjoy the Trunk Monkey video clip there are 4 links to Trunk Monkey video clips on Paul's blog  
<http://www.lawanddisorder.com.au/blog.html/>

[click here for trunk money car theft](#)

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