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Corporate Finance Law

Principles and Policy

Louise Gullifer and
Jennifer Payne



The Common Law and Taxation of Trusts in Australia in the Twenty-First Century

*A Paper that examines the common law and taxation of trusts and the
practical application of these principles in the use of trusts as a tax-
planning vehicle*

by

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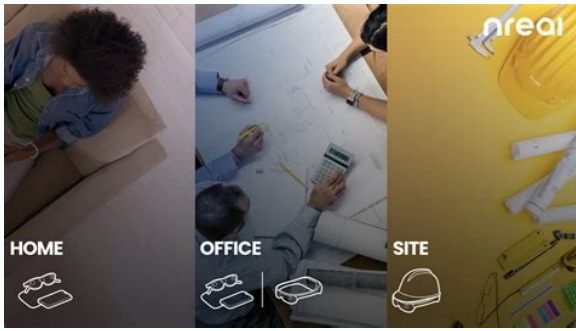
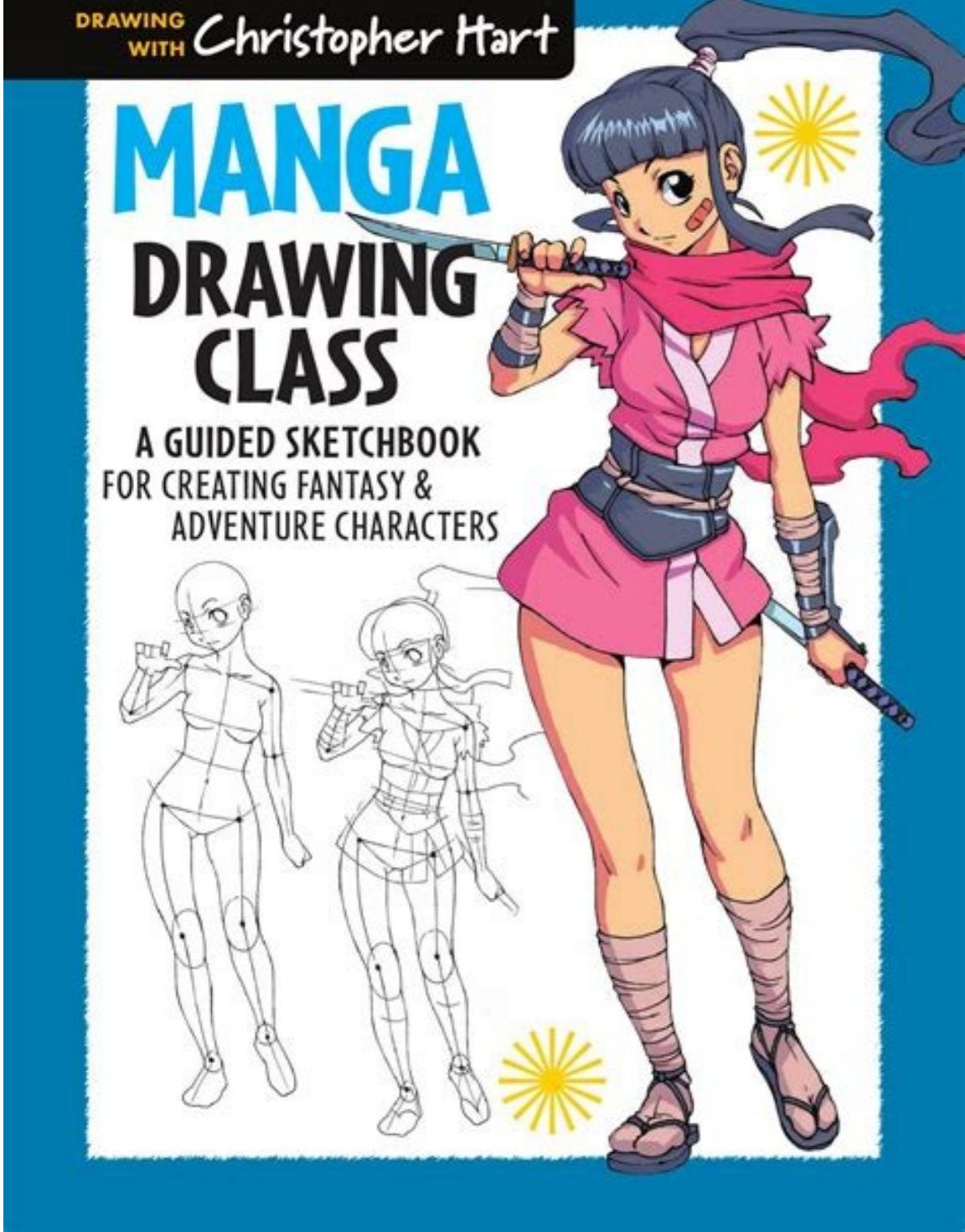
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[†] Fullarton Crest see endnote.

Masculine	Feminine	Masculine	Feminine
Nephew	Niece	Prince	Princess
Signor	Signora	Jeau	Jeauess
Czar	Czarina	Shepherd	Shepherdess
Host	Hostess	Bull	Cow
Bull	Calf	Benefactor	Benefactress
Dad	Mum	Murderer	Murderess
Actor	Actress	Hubband	Wife
Hubband	Wife	God	Goddess
Hart	Roe	Earl	Countess
Troitor	Troiteress	Patron	Patroness

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Now we look as good as we taste! The most magical examples of food art. Add cubes of raw potato to a dish if you've accidentally over-salted it. Spaghetti and meatballs, cake and ice cream, bacon and bread = L.O.V.E. Not chips, not wedges and definitely not curly fries. There are some foods that just don't belong in a tin. Fresh Food Fast with Emeril Lagasse Recipes Uncover London's Best Food Secrets With #FoodNetworkFinds 16 Healthy Dinners You Can Make in a Food Processor Tell us how many you've already tried in the comments below. Buy This, Not That: 10 Ways to Make Better Food Choices at Christmas Korean food couldn't be simpler with Judy Joo Keep baring those pearly-whites. Grab a spoon because we're here for the long haul, guys. Now, grab yourself a fork and dig in... because you can! Twerking turkeys, pigs in actual blankets and Christmas tacos galore! How to get your piri-piri on without breaking the bank. Some of these delectable dishes can potentially disrupt your digestion. 'Tis the season for insanely-easy and adorable food DIY-ing. To us, bread sauce is like a snugly comfort blanket for meat. It's time you went cold turkey and gave the poultry a break. Don't play hunger games on your belly. *passes out from crispy deep-fried avocado overload* We're bucking the trend and finding unfestive mains for your table. Because everything tastes better when it's served in a handy little jar. We're over selfie sticks. It's all about food on a stick. Just because your pockets are empty, doesn't mean your belly has to be too. Crank up the tunes and tuck into one of these delicious dishes! When Micron Technology Inc., an \$87-million Boise, Idaho, manufacturer of semiconductor memory components, went public last year, its prospectus contained an unusual feature. It disclosed that the company had offered to buy back from employees more than 1 million shares of stock, because the stock may have been issued in violation of federal and state securities laws. This buy-back offer, technically referred to as a "rescission offer," is a common penalty imposed by states for violations of their securities laws. Since Micron employees purchased their stock at an average price of \$57 a share, and the stock, at press time, was trading at 11 1/8, it is unlikely that any employees took Micron up on its offer. But the prospectus also discloses that the company might continue to be liable indefinitely, which means that if the market price ever falls below the employees' purchase price, the company could be required to repurchase the shares, with interest. The Micron rescission offer is unusual only in that it was publicly disclosed in the company's prospectus. Lawyers who specialize in representing entrepreneurial clients say that it is all too common for start-up outfits to neglect legal technicalities at the beginning, only to find themselves in expensive trouble further down the line. It hits hardest when, for example, outside investors won't advance money without a detailed examination of the transcripts of a company's directors and stockholders meetings -- transcripts that the company suddenly realizes have never existed. Common problems reported by lawyers include: * failure to establish a board of directors; or if one is established, failure of the board to approve company transactions; * violation of securities laws, including, for example, failure to acquire federal and state approval for sales of stock, or failure to provide investors with adequate disclosure about the company; * failure to keep accurate stock records. Remedies range from the relatively simple (such as preparation of documents ratifying past transactions) to the merely inconvenient (dissolution of the company and transfer of its assets to a new legal entity) to the potentially disastrous (rescission offers and litigation). And almost every complication is expensive. Says Steven E. Wynne, a lawyer in Portland, Ore.: "Over the past two years, I've run into at least five companies that needed to be totally reorganized in order to do a financing. The legal work for that alone, apart from any financing costs, was upwards of \$30,000, with no tangible benefit to the bottom line." In English and American law, coverture refers to women's legal status after marriage; legally, upon marriage, the husband and wife were treated as one entity. In essence, the wife's separate legal existence disappeared as far as property rights and certain other rights were concerned. Under coverture, wives could not control their own property unless specific provisions were made before marriage. They could not file lawsuits or be sued separately, nor could they execute contracts. The husband could use, sell or dispose of her property (again, unless prior provisions were made) without her permission. A woman who was subject to coverture was called feme covert, and an unmarried woman or other woman able to own property and make contracts was called feme solo. The terms come from medieval Norman terms. In American legal history, changes in the late 18th and early 19th century began to extend women's property rights; these changes affected coverture laws. A widow was entitled, for instance, to a percentage of her husband's property after his death (dower), and some laws required a woman's consent to the selling of property if it could affect her dower. Sir William Blackstone, in his 1765 authoritative legal text, Commentaries on the Laws of England, said this about coverture and the legal rights of married women: "By marriage, the husband and wife are one person in law: that is, the very being or legal existence of the woman is suspended during the marriage, or at least incorporated and consolidated into that of the husband: under whose wing, protection, and cover, she performs every thing; and is therefore called ... a feme-covert...." Blackstone went on to describe the status of a feme covert as "covert-baron" or under the influence and protection of her husband, in a relationship similar to that of a subject to a baron or lord. He also noted that a husband could not grant to his wife anything such as property, and could not make legal agreements with her after marriage because it would be like gifting something to one's self or making a contract with one's self. He also stated that contracts made between a future husband and wife were void upon marriage. United States Supreme Court Justice Hugo Black is quoted saying, in a thought expressed by others before him, that "the old common-law fiction that the husband and wife are one...has worked out in reality to mean...the one is the husband." The tradition of a woman taking her husband's name at marriage may be rooted in this idea of a woman becoming one with her husband and "the one is the husband." Despite this tradition, laws requiring a married woman to take her husband's name were not on the books in the United Kingdom or the United States until Hawaii was admitted to the US as a state in 1959. Common law permitted any person to change their name through life as long as it was not for fraudulent purposes. Nevertheless, in 1879, a judge in Massachusetts found that Lucy Stone could not vote under her maiden name and had to use her married name. Lucy Stone had famously kept her name upon her marriage in 1855, giving rise to the term "Stoners" for women who kept their names after marriage. Lucy Stone had been among those who had won a limited right to vote, only for the school committee. She refused to comply, continuing to use "Lucy Stone," often amended by "married to Henry Blackwell" on legal documents and hotel registers. Pronunciation: KUV-ee-cher or KUV-e-choor Also Known As: cover, feme-covert When you visit the site, Dotdash Meredith and its partners may store or retrieve information on your browser, mostly in the form of cookies. Cookies collect information about your preferences and your devices and are used to make the site work as you expect it to, to understand how you interact with the site, and to show advertisements that are targeted to your interests. 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