

Friday, 3 April 2020

## Weekly Family Law A Weekly Bulletin listing Decisions of Superior Courts of Australia covering family law

 Follow @Benchmark\_Legal

### Search Engine

[Click here](#) to access our search engine facility to search legal issues, case names, courts and judges. Simply type in a keyword or phrase and all relevant cases that we have reported in Benchmark since its inception in June 2007 will be available with links to each case.

### Executive Summary (1 minute read)

**Grange & Grange and Ors** (FamCAFC) - family law - costs - appellant succeeded on appeal - appellant sought costs from first respondent - parties to bear own costs

**Ferrick & Ferrick** (FamCAFC) - family law - parenting - property - spousal maintenance - 'parenting appeal' dismissed - 'property and maintenance appeal' allowed

**Cimorelli & Wenlack** (FamCAFC) - family law - parenting - mother appealed against interim parenting orders - appeal dismissed

**Finch & Finch** (FamCAFC) - family law - property - wife appealed against 'final property settlement orders' - procedural unfairness - appeal allowed

### Summaries With Link (Five Minute Read)

#### **Grange & Grange and Ors [2020] FamCAFC 63**

Full Court of the Family Court of Australia

Strickland, Ainslie-Wallace & Aldridge JJ

Family law - costs - Court allowed appeal in proceedings - Court make orders concerning 'filing of written submissions as to costs' - appellant filed written submissions, seeking costs from first respondent - first respondent did not file submissions - s117 *Family Law Act 1975* (Cth) - whether just to make order different from order that parties bear own costs - parties' financial positions - whether first respondent had persisted in argument which 'completely lacked merit' -

appellant's success on appeal - held: parties to bear own costs.

[Grange](#)

[From Benchmark Friday, 3 April 2020]

## **Ferrick & Ferrick [2020] FamCAFC 61**

Full Court of the Family Court of Australia

Aldridge, Kent & Austin JJ

Family law - parenting - property - spousal maintenance - mother appealed against orders of primary judge - 'parenting appeal' - 'property and maintenance appeal' - concession by father of error in respect of property and maintenance appeal - identification of property interests - assessment of contributions under s79(4) *Family Law Act 1975* (Cth) (Family Law Act) - factors in s75(2) Family Law Act - superannuation-splitting order - adequacy of reasons - spousal maintenance application - held: parenting appeal lacked merit - property and maintenance appeal allowed.

[Ferrick](#)

[From Benchmark Friday, 3 April 2020]

## **Cimorelli & Wenlack [2020] FamCAFC 58**

Full Court of the Family Court of Australia

Ainslie-Wallace, Kent & Austin JJ

Family law - parenting - mother appealed against interim parenting orders - father and Independent Children's Lawyer resisted appeal - whether appeal grounds asserted 'appealable error' - risk of harm - whether erroneous findings by primary judge - whether findings open on evidence - held: appeal dismissed.

[Cimorelli](#)

[From Benchmark Friday, 3 April 2020]

## **Finch & Finch [2020] FamCAFC 60**

Full Court of the Family Court of Australia

Ryan, Aldridge & Tree JJ

Family law - property - wife appealed against primary judge's 'final property settlement orders' - wife appealed - whether denial of procedural fairness - whether excessive 'judicial intervention' - whether excessive judicial intervention was 'procedurally unfair' - whether 'real danger' trial was unfair - *Galea v Galea* (1990) 19 NSWLR 263 - whether erroneous refusal to 'include tax credits' in assets pool - held: procedural unfairness established - unnecessary to consider ground of appeal concerning tax credits - appeal allowed.

[Finch](#)

[From Benchmark Friday, 3 April 2020]



# Benchmark

## **The Wind**

**By:** Harold Monro

SO wayward is the wind to-night

'Twill send the planets tumbling down;

And all the waving trees are dight

In gauzes wafted from the moon.

Faint streaky wisps of roaming cloud

Are swiftly from the mountains swirl'd;

The wind is like a floating shroud

Wound light about the shivering world.

I think I see a little star

Entangled in a knotty tree,

As trembling fishes captured are

In nets from the eternal sea.

There seems a bevy in the air

Of spirits from the sparkling skies:

There seems a maiden with her hair

All tumbled in my blinded eyes.

O, how they whisper, how conspire,

And shrill to one another call!



# Benchmark

I fear that, if they cannot tire,

The moon, her shining self, will fall.

Blow! Scatter even if you will

Like spray the stars about mine eyes!

Wind, overturn the goblet, spill

On me the everlasting skies!

[https://en.wikipedia.org/wiki/Harold\\_Monro](https://en.wikipedia.org/wiki/Harold_Monro)

[Click Here to access our Benchmark Search Engine](#)