



Friday, 8 February 2019

Weekly Family Law Selected from our Daily Bulletins covering Family Law

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Executive Summary (1 minute read)

Oakley & Millar (FamCAFC) - family law - contempt - appeals against finding of contempt and determination of penalty dismissed

Rimac & Rimac (FamCAFC) - family law - property - extension of time to appeal against orders in interim application refused

Kohl & Rennie (FamCAFC) - family law - parenting - expedition of appeal against 'final parenting and relocation orders' refused

Cheals & Sewin (FamCAFC) - family law - parenting - appeal against interim parenting orders allowed

Oram & Lambert and Ors (FamCAFC) - family law - parenting - application in an appeal to adduce evidence refused - appeal against parenting orders dismissed

Summaries With Link (Five Minute Read)

Oakley & Millar [2019] FamCAFC 12

Full Court of the Family Court of Australia

Alstergren CJ, Strickland & Macmillan JJ

Family law - contempt - father appealed against orders and finding he was guilty of contempt - two appeals - challenge to contempt finding and penalty - father also made applications in

appeals to adduce 'further evidence' - grounds of appeal improperly formulated - whether erroneous finding of contempt - whether erroneous determination of penalty - held: applications in appeals refused - no error established - appeals dismissed.

[Oakley](#)

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Rimac & Rimac [2019] FamCAFC 11

Full Court of the Family Court of Australia

Aldridge J

Family law - property - applicant, by application in an appeal, sought extension of time to appeal against orders in interim application - whether decision attended by 'sufficient doubt' to warrant Full Court's consideration - whether 'substantial injustice' if leave refused - whether delay adequately explained - proposed appeal's merits - held: application for extension of time refused.

[Rimac](#)

[From Benchmark Friday, 8 February 2019]

Kohl & Rennie [2019] FamCAFC 13

Full Court of the Family Court of Australia

Ainslie-Wallace J

Family law - father sought expedition of appeal against final parenting and relocation orders - s94(2)(d) *Family Law Act 1975* (Cth) - r12.10A *Family Law Rules* (2004) - whether father's case should have priority over other appeals - held: Court not satisfied that there was any circumstance warranting prioritisation of father's appeal over other appeals which were 'waiting to be heard' - application dismissed.

[Kohl](#)

[From Benchmark Friday, 8 February 2019]

Cheals & Sewin [2019] FamCAFC 8

Full Court of the Family Court of Australia

Aldridge J

Family law - parenting - father appealed against interim parenting orders - father contended primary judge should have determined his 'recovery order' application before embarking on 'interim parenting hearing' - procedural fairness - children's best interests - whether erroneous application of s67U *Family Law Act 1975* (Cth) - whether failure to take 'material consideration' into account - whether misapplication of *Jones v Dunkel* [1959] HCA 8 - held: 'material error' in discretion's exercise established - appeal allowed.

[Cheals](#)

[From Benchmark Friday, 8 February 2019]

Oram & Lambert and Ors [2019] FamCAFC 4

Full Court of the Family Court of Australia



Ainslie-Wallace, Aldridge & Watts JJ

Family law - parenting - mother appealed against parenting orders - basis for primary judge's orders was consideration that mother posed 'risk of harm' to children - mother made application in an appeal to adduce evidence - whether excessive intervention by primary judge - whether primary judge biased - whether primary judge pre-judged case - whether mother's allegations ignored - whether factual errors - whether primary judge erroneously found respondent was 'psychological father of Y' and 'biological father of X' - s60CC *Family Law Act 1975* (Cth) - whether adequate reasons - held: appeal dismissed.

[Oram](#)

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Benchmark

Fishmonger

By: Marsden Hartley

I have taken scales from off

The cheeks of the moon.

I have made fins from bluejays' wings,

I have made eyes from damsons in the shadow.

I have taken flushes from the peachlips in the sun.

From all these I have made a fish of heaven for you,

Set it swimming on a young October sky.

I sit on the bank of the stream and watch

The grasses in amazement

As they turn to ashy gold.

Are the fishes from the rainbow

Still beautiful to you,

For whom they are made,

For whom I have set them,

Swimming?

https://en.wikipedia.org/wiki/Marsden_Hartley

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