



Friday, 9 November 2018

## Weekly Family Law Selected from our Daily Bulletins covering Family Law

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### Executive Summary (1 minute read)

**Pendleton & Pendleton** (FamCAFC) - family law - parenting orders - mother sought extension of time to appeal against parenting orders - application dismissed

**Aspery & Aspery** (FamCA) - family law - judgments and orders - futility - all 'operative dates' in orders had passed on day of order subject of review - Application for Review dismissed

**Crand & Crand** (FamCA) - family law - judgment and orders - husband sought that wife pay amount of 'litigation expenses' - Application in Case dismissed

**Zhou & Wei (No. 2)** (FamCA) - family law - costs - Court by injunction restrained husband from continuing proceedings in China and ordered that proceedings between husband and wife be litigated in Family Court of Australia - Court not satisfied to make costs order - wife's application for costs dismissed

**Kostas & Kostas (No 2)** (FamCA) - family law - costs - property settlement - conduct - Court satisfied husband should pay costs of proceedings - indemnity costs order granted

### Summaries With Link (Five Minute Read)

#### **Pendleton & Pendleton [2018] FamCAFC 203**

Full Court of the Family Court of Australia

Kent J

# Benchmark

Family law - judge made parenting orders in Federal Circuit Court of Australia concerning children of mother and father - mother filed Application in an Appeal seeking extension of time to appeal against orders - ss94(2D)(a) & 94AAA(5) *Family Law Act 1975* (Cth) and rr1.14 & 22.03 *Family Law Rules 2004* (Cth) - adequacy of explanation for delay - conduct - prejudice - prospects of success - held: Court not satisfied delay adequately explained - prospects of success negligible - application dismissed.

[Pendleton](#)

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## **Aspery & Aspery [2018] FamCA 882**

Family Court of Australia

Loughnan J

Family law - judgments and orders - husband filed Application in a Case - husband sought discharge of Senior Registrar Campbell's directions - Senior Registrar dismissed application - husband sought review of Senior Registrar's order - futility - held: all 'operative dates' in orders had passed on day of order subject of review - Application for Review dismissed.

[Aspery](#)

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## **Crand & Crand [2018] FamCA 878**

Family Court of Australia

Stevenson J

Judgments and orders - husband and wife were parties to litigation concerning matters including 'financial issues' - wife joined husband's parents and two companies as respondents to proceedings - husband filed Application in a Case - husband sought that wife 'pay or cause to be paid to the trust account of [LL Lawyers] the sum of \$279,000 by way of interim provision for litigation expenses for the Respondent Husband' - wife sought dismissal of application - held: Court not satisfied it was in interests of justice to exercise power in ss79 & 80(1)(h) *Family Law Act 1975* (Cth) in husband's favour - Application in a Case dismissed.

[Crand](#)

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## **Zhou & Wei (No. 2) [2018] FamCA 859**

Family Court of Australia

Cronin J

Family law - costs - Court by injunction restrained husband from continuing proceedings in China concerning parties' property contained in China - Court ordered proceedings between husband and wife be litigated in Family Court of Australia - Court had found balance of convenience was in wife's favour - wife sought costs "an indemnity basis" or on "party-party" basis - s117 *Family Law Act 1975* (Cth) - whether basis for departure from s117(1) of the Act - held: Court not satisfied costs order justified - application dismissed.

[Zhou](#)



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**Kostas & Kostas (No 2) [2018] FamCA 834**

Family Court of Australia

Rees J

Family law - costs - conduct - Court delivered judgment property settlement proceedings between wife and husband - wife sought indemnity costs order in relation to aspects of proceedings - wife also sought that costs be secured against certain properties and that she not be required to convey interest in the properties to husband until costs orders complied with - s117(2) *Family Law Act 1975* (Cth) - conduct - held: Court satisfied husband should pay costs of proceedings - indemnity costs order granted.

[Kostas](#)

[From Benchmark Friday, 9 November 2018]



# Benchmark

## **Floating Island**

**By:** Dorothy Wordsworth

Harmonious Powers with Nature work

On sky, earth, river, lake, and sea:

Sunshine and storm, whirlwind and breeze

All in one duteous task agree.

Once did I see a slip of earth,  
By throbbing waves long undermined,  
Loosed from its hold; — how no one knew  
But all might see it float, obedient to the wind.

Might see it, from the mossy shore  
Dissevered float upon the Lake,  
Float, with its crest of trees adorned  
On which the warbling birds their pastime take.

Food, shelter, safety there they find  
There berries ripen, flowerets bloom;  
There insects live their lives — and die:  
A peopled world it is; in size a tiny room.

And thus through many seasons' space  
This little Island may survive  
But Nature, though we mark her not,  
Will take away — may cease to give.

Perchance when you are wandering forth  
Upon some vacant sunny day  
Without an object, hope, or fear,  
Thither your eyes may turn — the Isle is passed away.

Buried beneath the glittering Lake!  
Its place no longer to be found,  
Yet the lost fragments shall remain,  
To fertilize some other ground.

[https://en.wikipedia.org/wiki/Dorothy\\_Wordsworth](https://en.wikipedia.org/wiki/Dorothy_Wordsworth)

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