

Friday, 10 August 2018

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

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### Executive Summary (1 minute read)

**Molloy & Reid (No. 2)** (FamCAFC) - costs - costs order in respondent's favour - financial position of appellant - costs awarded at one third of the reduced sum sought by respondent

**Matthews & Norris** (FamCAFC) - security for costs - dismissal of respondent's contempt application against applicant - respondent to pay security for costs in amount sought by applicant

**Longu & Njamba** (FamCA) - nullity - applicant 'lawfully married to another person' when she and respondent participated in marriage ceremony - marriage was a nullity - declaration granted

**Bitar & Bitar** (FamCA) - nullity - foreign marriage - applicant was 'lawfully married to another person' when she and respondent participated in marriage ceremony in New Zealand - declaration granted

**Carbonne & Carbonne** (FamCA) - property - division of matrimonial property - 'splitting order' granted in favour of wife

### Summaries With Link (Five Minute Read)

**Molloy & Reid (No. 2) [2018] FamCAFC 137**

Full Court of the Family Court of Australia

Thackray, Murphy & Aldridge JJ

Costs - appellant's application for Court's permission for relocation to New Zealand dismissed - Court dismissed appellant's appeal against dismissal of application, and dismissed cross-appeal against notation to injunction against respondent - respondent sought costs under Sch 3 *Family Law Rules 2004* (Cth) - appellant opposed respondent's application with reference to 'difficult financial position' - settlement offer by respondent - conduct - held: Court satisfied there were circumstances to justify costs order in respondent's favour - in consideration of appellant's financial position, costs order granted in respondent's favour in one third of reduced sum sought by respondent.

[Molloy](#)

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### **Matthews & Norris [2018] FamCAFC 138**

Full Court of the Family Court of Australia

Ryan J

Security for costs - applicant sought security for costs from respondent in respect of appeal against dismissal of contempt application against applicant - respondent resisted application - claim's bona fides - stultification - prospects of success on appeal - bias - held: Court satisfied that respondent should provide security for costs in amount sought - orders made.

[Matthews](#)

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### **Longu & Njamba [2018] FamCA 568**

Family Court of Australia

Foster J

Nullity - applicant sought declaration that marriage ceremony between her and respondent was void - applicant sought decree of nullity - s51 *Family Law Act 1975* (Cth) - s23B *Marriage Act 1961* (Cth) - held: Court satisfied that applicant was 'lawfully married to another person' when she participated with respondent in marriage ceremony - declaration granted that marriage between applicant and respondent was a nullity.

[Longu](#)

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### **Bitar & Bitar [2018] FamCA 567**

Family Court of Australia

Foster J

Nullity - foreign marriage - applicant sought declaration that marriage ceremony in New Zealand between her and respondent was void - applicant sought decree of nullity - s51 *Family Law Act 1975* (Cth) - ss23B & s88C *Marriage Act 1961* (Cth) - whether marriage valid under Australian law - held: Court satisfied that applicant was 'lawfully married to another person' when she participated with respondent in marriage ceremony - declaration granted that marriage between applicant and respondent was a nullity.

[Bitar](#)

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**Carbonne & Carbonne [2018] FamCA 550**

Family Court of Australia

Tree J

Property - proceeding seeking division of matrimonial property of parties - property's identification - parties' contributions to property - whether appropriate to make order to ensure termination of 'financial interrelationship' - 'just and equitable division' - parties' respective entitlements to superannuation - ss75 & 79 *Family Law Act 1975* (Cth) - held: Court satisfied to make 'splitting order' in wife's favour.

[Carbonne](#)

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# Benchmark

## **Sonnet 76**

**By:** William Shakespeare

Why is my verse so barren of new pride,  
So far from variation or quick change?  
Why with the time do I not glance aside  
To new-found methods and to compounds strange?  
Why write I still all one, ever the same,  
And keep invention in a noted weed,  
That every word doth almost tell my name,  
Showing their birth and where they did proceed?  
O, know, sweet love, I always write of you,  
And you and love are still my argument;  
So all my best is dressing old words new,  
Spending again what is already spent:  
For as the sun is daily new and old,  
So is my love still telling what is told.

[https://en.wikipedia.org/wiki/William\\_Shakespeare](https://en.wikipedia.org/wiki/William_Shakespeare)

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