

Friday, 15 March 2019

Weekly Family Law Selected from our Daily Bulletins covering Family Law

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Executive Summary (1 minute read)

Hsiao & Fazarri (FamCAFC) - family law - property - appeal against paragraphs of property settlement order - application to adduce further evidence dismissed - appeal dismissed

Ding & Ding (FamCAFC) - family law - property - spousal maintenance - bias - privilege - appellant challenged dismissal of application - erroneous failure to inspect document - appeal allowed

Maddax & Danner (FamCAFC) - family law - parenting orders - 'contravention application' - appeal against interim orders of primary judge - appeal dismissed

Dohdi & Mehmet (FamCA) - family law - property settlement - division of funds between applicant wife and respondent husband - orders made

Henley & Henley (FamCA) - family law - parenting orders - subpoena - erroneous refusal to permit father to issue subpoena - Registrar's decision set aside

Summaries With Link (Five Minute Read)

Hsiao & Fazarri [2019] FamCAFC 37

Full Court of the Family Court of Australia

Strickland, Kent & Watts JJ

Family law - property settlement - appellant appealed against paragraphs of 'final property

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settlement order' - appellant contended property settlement order failed properly to take account of appellant's 50% ownership in property and appellant's entitlements under Deed of Gift executed by parties - appellant also contended primary judge erroneously made findings which did not take evidence into account, or give evidence 'sufficient weight' - appellant also contended primary judge made findings which were 'flawed, erroneous and contrary to the evidence' - appellant, by application in an appeal, also sought to adduce further evidence - held: application to adduce further evidence dismissed - appeal dismissed.

[Hsiao](#)

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Ding & Ding [2019] FamCAFC 35

Full Court of the Family Court of Australia

Murphy, Kent & O'Brien JJ

Family law - property - spousal maintenance - bias - privilege - appellant sought 'alteration of property interests and spousal maintenance' - appellant appealed against dismissal of application - appellant contended primary judge erred in refusing to recuse himself and erred in upholding husband's privilege claim - appellant also challenged 'substantive orders' - s106B *Family Law Act 1975* (Cth) - held: primary judge erred in failure to inspect document - miscarriage of discretion established - appeal allowed.

[Ding](#)

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Maddax & Danner [2019] FamCAFC 38

Full Court of the Family Court of Australia

Murphy J

Family law - parenting orders - father sought orders that 'mother be dealt with' for contravening parenting orders - father appealed against primary judge's interim orders - whether adjournment order involved 'error of principle' - whether primary judge erroneously failed to examine documents - whether procedural unfairness - whether failure to take relevant consideration into account - held: appeal dismissed.

[Maddax](#)

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Dohdi & Mehmet [2019] FamCA 108

Family Court of Australia

Foster J

Family law - property - determination of property settlement between applicant wife and respondent husband - dispute concerned division of 'funds held in a controlled monies account' - s79 *Family Law Act 1975* (Cth) - 'asset pool' - contributions of parties - 'superannuation issue' - factors in s75(2) of the Act - held: : Court ordered overall 'division of funds' of 65 per cent to applicant and 35 per cent to respondent.

[Dohdi](#)



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Henley & Henley [2019] FamCA 101

Family Court of Australia

Tree J

Family law - parenting orders - subpoena - father sought, in course of preparing for 'remitted hearing' in respect of parenting orders, to issue subpoena to school principal for attendance records of child - child was child of mother from previous relationship - permission to issue subpoena refused by Registrar on basis subpoena lacked legitimate forensic purpose - relevance - 'genuineness of the mother's explanations for the child's absences from school' - held: father permitted to issue subpoena - Registrar's decision set aside.

[Henley](#)

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Upon the Mountain's Distant Head

By: William Cullen Bryant

Upon the mountain's distant head,
With trackless snows for ever white,
Where all is still, and cold, and dead,
Late shines the day's departing light.

But far below those icy rocks,
The vales, in summer bloom arrayed,
Woods full of birds, and fields of flocks,
Are dim with mist and dark with shade.

'Tis thus, from warm and kindly hearts,
And eyes where generous meanings burn,
Earliest the light of life departs,
But lingers with the cold and stern.

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

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