

Friday, 19 October 2018

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

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### Executive Summary (1 minute read)

**Matthews & Norris (No. 3)** (FamCA) - family law - husband sought vexatious proceedings order against wife - discretion enlivened - order declined

**Norris & Matthews** (FamCA) - family law - transfer of proceedings - Application in a Case - wife sought transfer of proceedings to Melbourne Registry - application refused

**Sully & Sully** (FamCA) - family law - dispute concerned registrar's rejection of objection by husband to subpoenae issued by court to banks - matter adjourned

**Habib & Ibrahim (No. 2)** (FamCA) - family law - costs - Independent Children's Lawyer (ICL) sought costs of its engagement in proceedings - parties to contribute to ICL's costs

**Tarelli & Langley and Anor (No. 2)** (FamCA) - family law - costs - dismissal of mother's application to re-open proceedings and 'lead fresh evidence' - no exceptional circumstances warranting indemnity costs order - mother to pay father's costs on party/party basis

### Summaries With Link (Five Minute Read)

**Matthews & Norris (No. 3) [2018] FamCA 803**

Family Court of Australia

Cleary J

Family law - husband sought vexatious proceedings order pursuant to s102QB *Family Law Act*

1975 (Cth) to restrain wife - *Pencious & Searle* [2017] FamCAFC 210 - held: Court satisfied wife had filed vexatious applications - discretion to make vexatious proceedings order was enlivened but Court not satisfied to make vexatious proceedings order - vexatious proceedings order declined.

[Matthews](#)

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## **Norris & Matthews [2018] FamCA 802**

Family Court of Australia

Cleary J

Family law - transfer of proceedings - Application in a Case - wife sought transfer of proceedings to Court's Melbourne Registry - husband had moved to Melbourne with parties' child - main basis of wife's application was belief child could stay with mother in Melbourne when mother travelled to Melbourne for 'Court events' - held: there were final parenting orders in place - wife's other submission irrelevant - application refused.

[Norris](#)

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## **Sully & Sully [2018] FamCA 786**

Family Court of Australia

Cronin J

Family law - dispute concerned registrar's rejection of objection by husband to subpoenae issued by court to banks - whether subpoenae complied with 'proper service' - whether release of documents should be restricted until all 'interested parties' had opportunity to be heard - whether 'open and direct communication between the lawyers' - held: matter adjourned.

[Sully](#)

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## **Habib & Ibrahim (No. 2) [2018] FamCA 777**

Family Court of Australia

Foster J

Family law - costs - Independent Children's Lawyer (ICL) sought costs of its engagement in proceedings - ICL sought that parties pay its costs equally - costs' calculation - s117 *Family Law Act 1975* (Cth) - r19.18(1) *Family Law Rules 2004* (Cth) - held: it was 'appropriate and just' that parties contribute to ICL's costs - claimed sum 'reduced somewhat' in reflection of parties' contentions concerning quantum.

[Habib](#)

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## **Tarelli & Langley and Anor (No. 2) [2018] FamCA 768**

Family Court of Australia

Cleary J



Family law - costs - Court dismissed mother's application to re-open proceedings and 'lead fresh evidence' - father sought indemnity costs - s117 *Family Law Act 1975* (Cth) - held: 'mother being entirely successful' and father's financial position were each factors which had weight - no exceptional circumstances warranting indemnity costs order - costs order granted in father's favour - mother to pay father's costs on party/party basis.

[Tarelli](#)

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# Benchmark

## **Sonnet 53**

**By:** William Shakespeare

What is your substance, whereof are you made,  
That millions of strange shadows on you tend?  
Since every one hath, every one, one shade,  
And you but one, can every shadow lend.  
Describe Adonis, and the counterfeit  
Is poorly imitated after you;  
On Helen's cheek all art of beauty set,  
And you in Grecian tires are painted new:  
Speak of the spring, and foison of the year,  
The one doth shadow of your beauty show,  
The other as your bounty doth appear;  
And you in every blessed shape we know.  
In all external grace you have some part,  
But you like none, none you, for constant heart.

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

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