

Friday, 21 September 2018

Weekly Family Law Selected from our Daily Bulletins covering Family Law

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Executive Summary (1 minute read)

Dobbs & Dobbs (FamCAFC) - family law - property settlement - husband appealed against trial judge's finding that wife was entitled to adjustment on consideration of factors in s75(2) *Family Law Act 1975* (Cth) - appeal dismissed

Tadeusz & Todd (No 2) (FamCA) - family law - costs - interlocutory hearing - wife sought costs order against husband - 'complexity and confusion' - Court not satisfied to make costs order

Atreus & Atreus (FamCA) - family law - judgments and orders - second adjournment of enforcement application refused - application dismissed

Department of Child Safety, Youth and Women & Fulton (No 2) (FamCA) - family law - child abduction - *Family Law Child Abduction Convention Regulations 1986* (Cth) - return order granted

Tallowfield & Tallowfield (FamCAFC) - family law - property settlement - wife appealed against trial judge's orders for division of property interests - appeal allowed

Summaries With Link (Five Minute Read)

Dobbs & Dobbs [2018] FamCAFC 174
Full Court of the Family Court of Australia
Alstergren DCJ, Watts & Austin JJ

Family law - property settlement - appellant husband appealed against trial judge's finding of respondent wife's entitlement to five per cent adjustment on consideration of factors under s75(2) *Family Law Act 1975* (Cth) - at trial husband had argue for "equal division of the asset pool as agreed" - appellant contended it was not open to trial judge to find wife entitled to any adjustment 'given an underlying factual error made by the trial judge', erroneously assessed evidence, and gave inadequate reasons - held: appeal dismissed.

[Dobbs](#)

[From Benchmark Friday, 21 September 2018]

Tadeusz & Todd (No 2) [2018] FamCA 695

Family Court of Australia

Cronin J

Family law - costs - wife sought costs against husband arising from interlocutory hearing - husband had sought interim property orders and orders concerning renovation works - wife had cross-applied for renovation works and sale of home - wife had also sought parenting orders - parties had settled some issues - husband opposed costs order - held: both parties had contributed to 'confusion and complexity' - wife had not been 'wholly successful' - Court not satisfied there was basis for costs order.

[Tadeusz](#)

[From Benchmark Friday, 21 September 2018]

Atreus & Atreus [2018] FamCA 672

Family Court of Australia

Johns J

Family law - judgments and orders - wife sought enforcement of final property orders made by consent - husband sought further adjournment of enforcement application - husband's counsel submitted that husband was seeking to file application under s79A *Family Law Act 1975* (Cth) to set aside the property orders 'at some time in the future' - whether husband had complied with Court orders - whether husband on notice of wife's intention to enforce rights - interests of justice - held: Court not satisfied to grant second adjournment - application dismissed.

[Atreus](#)

[From Benchmark Friday, 21 September 2018]

Department of Child Safety, Youth and Women & Fulton (No 2) [2018] FamCA 666

Family Court of Australia

Hogan J

Family law - Director-General of the Department of Child Safety, Youth and Women in capacity as State Central Authority under *Family Law Child Abduction Convention Regulations 1986* (Cth) sought order for return of two children to New Zealand - *Convention on the Civil Aspects of International Child Abduction* - s111B *Family Law Act 1975* (Cth) - whether children's removal from New Zealand was unlawful - whether other 'statutory prerequisites' satisfied - whether exception in Regulation 16(3) established - 'grave risk or intolerable situation' - held:



Court satisfied to grant return order.

[Department of Child Safety](#)

[From Benchmark Friday, 21 September 2018]

Tallowfield & Tallowfield [2018] FamCAFC 172

Full Court of the Family Court of Australia

Kent J

Family law - trial judge adjusted husband and wife's property interests - trial judge assessed parties' 'contributions based entitlements' were 56 per cent/44 per cent in wife's favour - trial judge found wife entitled to further 2 per cent adjustment for "future needs" - trial judge ordered 58 per cent/42 per cent division - wife appealed - held: there was merit in wife's challenge to adjustment under s75(2) - there was substance to wife's challenge to adequacy of trial judge's reasons - Court not satisfied trial judge's orders 'just and equitable based upon a legitimate exercise of judicial discretion' - appeal allowed.

[Tallowfield](#)

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Drifting Flowers of the Sea

By: Sadakichi Hartmann

Sadakichi Hartmann

Across the dunes, in the waning light,
The rising moon pours her amber rays,
Through the slumbrous air of the dim, brown night
The pungent smell of the seaweed strays—
From vast and trackless spaces
Where wind and water meet,
White flowers, that rise from the sleepless deep,
Come drifting to my feet.
They flutter the shore in a drowsy tune,
Unfurl their bloom to the lightlorn sky,
Allow a caress to the rising moon,
Then fall to slumber, and fade, and die.

White flowers, a-bloom on the vagrant deep,
Like dreams of love, rising out of sleep,
You are the songs, I dreamt but never sung,
Pale hopes my thoughts alone have known,
Vain words ne'er uttered, though on the tongue,
That winds to the sibilant seas have blown.
In you, I see the everlasting drift of years
That will endure all sorrows, smiles and tears;
For when the bell of time will ring the doom
To all the follies of the human race,
You still will rise in fugitive bloom
And garland the shores of ruined space.

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

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