

Friday, 21 December 2018

Weekly Family Law Selected from our Daily Bulletins covering Family Law

 Follow @Benchmark_Legal

Search Engine

[Click here](#) to access our search engine facility to search legal issues, case names, courts and judges. Simply type in a keyword or phrase and all relevant cases that we have reported in Benchmark since its inception in June 2007 will be available with links to each case.

Executive Summary (1 minute read)

Sabrigé & Sabrigé (FamCAFC) - family law - interim parenting orders - spousal maintenance orders - error established - parties justified to seek that appeal be allowed by consent - appeal allowed

Strand & Strand (No. 2) (FamCAFC) - family law - property orders - husband appealed against orders altering property interests under Pt VIII *Family Law Act 1975* (Cth) - appeal dismissed

Pascoe & O Keefe and Ors (FamCAFC) - family law - parenting orders - mother appealed against parenting orders - father sought to adduce further evidence - application to adduce further evidence dismissed - appeal dismissed

Tsay & Lou (No. 2) (FamCAFC) - family law - costs - wife sought costs of discontinued appeal which husband brought in to relation to 'interlocutory financial orders' - costs order made in wife's favour

Dudley & Ryecroft (FamCA) - family law - judgments and orders - parties jointly proposed judge had erred and sought amendment of error by use of slip-rule - Court not satisfied error made - Court granted amended orders as sought by parties

Summaries With Link (Five Minute Read)

[Sabrigé & Sabrigé \[2018\] FamCAFC 250](#)

Benchmark

Full Court of the Family Court of Australia

Murphy, Aldridge & Kent JJ

Family law - Court made interim parenting orders and spousal maintenance orders - mother appealed - parties consented to appeal being allowed - whether appellate Court 'must be satisfied of error' - adequacy of reasons - whether failure to consider s65DAA *Family Law Act 1975* (Cth) - whether procedural unfairness in respect of spousal maintenance orders - held: error established - parties justified to seek that appeal be allowed by consent - appeal allowed.

[Sabrige](#)

[From Benchmark Friday, 21 December 2018]

Strand & Strand (No. 2) [2018] FamCAFC 247

Full Court of the Family Court of Australia

Strickland, AinslieWallace & O'Brien JJ

Family law - property orders - Acting Judge Moroni made orders between husband and wife altering property interests under Pt VIII *Family Law Act 1975* (Cth) - primary judge made 'substantial adjustment' in wife's favour to reflect considerations in s79(4)(e) *Family Law Act* - husband appealed against orders - whether there was presumption or "deeming" of contributions' equality - whether erroneous assessment of parties' credibility - whether erroneous finding that sum advanced by wife to son was gift not loan - whether 'insufficient weight' given to 'husband's inheritance' in assessment of contributions - whether erroneous findings in relation to 'contentious bank statement' - held: appeal dismissed.

[Strand](#)

[From Benchmark Friday, 21 December 2018]

Pascoe & O Keefe and Ors [2018] FamCAFC 243

Full Court of the Family Court of Australia

Alstergren DCJ, Austin & McClelland JJ

Family law - parenting orders - primary judge made parenting orders concerning child under Pt VII *Family Law Act 1975* (Cth) - mother appealed - first respondent was child's father - second respondent was mother's husband - father sought to adduce further evidence - assessment of risk of harm - whether erroneous treatment of 'single expert evidence' - held: application to adduce further evidence refused - appeal did not have merit - appeal dismissed.

[Pascoe](#)

[From Benchmark Friday, 21 December 2018]

Tsay & Lou (No. 2) [2018] FamCAFC 245

Full Court of the Family Court of Australia

Ryan J

Family law - costs - wife sought costs of discontinued appeal which husband brought in to relation to 'interlocutory financial orders' - determination of application by single judge pursuant to s94AAA(3) *Family Law Act 1975* (Cth) (*Family Law Act*) - parties' 'financial circumstances' - parties' conduct - whether husband 'wholly unsuccessful' in appeal - whether wife had



incurred unnecessary costs - s117(2A) Family Law Act - held: costs order in wife's favour granted.

[Tsay](#)

[From Benchmark Friday, 21 December 2018]

Dudley & Ryecroft [2018] FamCA 1009

Family Court of Australia

Forrest J

Family law - judgments and orders - slip-rule - Court determined 'interim dispute' between parties concerning their 'financial affairs' - Court made orders and gave reasons - parties jointly proposed that judge had erred and sought use of "slip-rule" to amend orders - held: Court not convinced suggested mistake made - Court satisfied to make amended orders as sought by parties.

[Dudley](#)

[From Benchmark Friday, 21 December 2018]

Benchmark

To Mrs K____, On Her Sending Me an English Christmas Plum-Cake at Paris

By: Helen Maria Williams

What crowding thoughts around me wake,
What marvels in a Christmas-cake!
Ah say, what strange enchantment dwells
Enclosed within its odorous cells?
Is there no small magician bound
Encrusted in its snowy round?
For magic surely lurks in this,
A cake that tells of vanished bliss;
A cake that conjures up to view
The early scenes, when life was new;
When memory knew no sorrows past,
And hope believed in joys that last! —
Mysterious cake, whose folds contain
Life's calendar of bliss and pain;
That speaks of friends for ever fled,
And wakes the tears I love to shed.
Oft shall I breathe her cherished name
From whose fair hand the offering came:
For she recalls the artless smile
Of nymphs that deck my native isle;
Of beauty that we love to trace,
Allied with tender, modest grace;
Of those who, while abroad they roam,
Retain each charm that gladdens home,
And whose dear friendships can impart
A Christmas banquet for the heart!

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

Helen Maria Williams (17 June 1759 – 15 December 1827) was a British novelist, poet, and translator of French-language works. A religious dissenter, she was a supporter of abolitionism and of the ideals of the French Revolution; she was imprisoned in Paris during the Reign of Terror, but nonetheless spent much of the rest of her life in France.. A controversial figure in her own time, the ..

[Click Here to access our Benchmark Search Engine](#)