

Benchmark

Friday, 25 September 2020

Weekly Family Law A Weekly Bulletin listing Decisions of Superior Courts of Australia 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)

Re Kara (No 3) (NSWSC) - parens patriae - plaintiffs sought orders concerning confinement of 'young person' at 'proposed secure placement premises' - orders granted on conditions

Gusta & Gusta (FamCAFC) - family law - parenting - mother appealed against dismissal of application to re-open proceedings and against parenting orders - appeal dismissed

Adamo & Vinci (No. 2) (FamCAFC) - family law - costs - parenting - property - Court refused husband leave to appeal against dismissal of his 'application for permission to call an expert witness' - husband to pay wife's costs in fixed sum

Benchmark

Summaries With Link (Five Minute Read)

Re Kara (No 3) [2020] NSWSC 1292

Supreme Court of New South Wales

Williams J

Parens patriae - plaintiffs sought orders authorising confinement of 'young person' at 'proposed secure placement premises' (premises), conveyance to premises and 'use of reasonable force (if necessary)' to convey or return child to premises 'and to ensure that she remains there' - 'medical treatment' - 'interference with liberty' - *Children and Young Persons (Care and Protection) Act 1998 (NSW)* - *Children and Young Persons (Care and Protection) Regulation 2012 (NSW)* - *Children's Guardian Act 2019 (NSW)* - held: Court authorised young person's confinement on conditions.

[View Decision](#)

[From Benchmark Friday, 25 September 2020]

Gusta & Gusta [2020] FamCAFC 228

Full Court of the Family Court of Australia

Ryan, Kent & O'Brien JJ

Family law - parenting - primary judge made parenting orders - mother sought to re-open proceedings 'to adduce further evidence' - primary judge dismissed application - mother appealed against dismissal of application to re-open proceedings - mother also appealed against parenting orders concerning primary judge's refusal to order relocation of child - best interests of child - Pt VII *Family Law Act 1975* (Cth) - held: appeal dismissed.

[Gusta](#)

[From Benchmark Friday, 25 September 2020]

Adamo & Vinci (No. 2) [2020] FamCAFC 229

Full Court of the Family Court of Australia

Ainslie-Wallace, Ryan & Aldridge JJ

Family law - costs - parenting - property - Court refused husband leave to appeal against dismissal of his 'application for permission to call an expert witness' - wife sought costs - whether to make costs order - quantum - s117 *Family Law Act 1975* (Cth) - Sch 3 *Family Law Rules 2004* (Cth) - held: husband to pay wife's costs in fixed sum.

[Adamo](#)

[From Benchmark Friday, 25 September 2020]

Benchmark

From: Ode to the Moon

By Thomas Hood

I

MOTHER of light! how fairly dost thou go
Over those hoary crests, divinely led!—
Art thou that huntress of the silver bow
Fabled of old? Or rather dost thou tread
Those cloudy summits thence to gaze below, 5
Like the wild Chamois from her Alpine snow,
Where hunter never climb'd,—secure from dread?
How many antique fancies have I read
Of that mild presence! and how many wrought!
Wondrous and bright, 10
Upon the silver light,
Chasing fair figures with the artist, Thought!

II

What art thou like? Sometimes I see thee ride
A far-bound galley on its perilous way,
Whilst breezy waves toss up their silvery spray;—
15

Sometimes behold thee glide,
Cluster'd by all thy family of stars,
Like a lone widow, through the welkin wide,
Whose pallid cheek the midnight sorrow mars;—
Sometimes I watch thee on from steep to steep, 20
Timidly lighted by thy vestal torch,
Till in some Latmian cave I see thee creep,
To catch the young Endymion asleep,—
Leaving thy splendour at the jagged porch!

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

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