

# FAMILY LAW REVIEW

Volume 3, Number 1

December 2012

EDITORIAL .....	3
ARTICLES	
<b>Re-examining habitual residence as the sole connecting factor in Hague Convention child abduction cases</b> – <i>Danielle Bozin-Odhiambo</i>	
This article critiques the usefulness of habitual residence as the sole connecting factor in Hague Convention child abduction cases. This is achieved by examining the quality of this jurisdiction in light of changes in the gender dynamics underpinning international parental child abduction and the transnational family phenomenon. Arguably, the child’s habitual residence as a home environment of the nature anticipated by the Convention’s drafters is an increasingly outdated construct. This is due to an increase in both the number of abducting primary-carer mothers, and their families’ growing mobility. Judicial determinations of habitual residence made during Convention return proceedings are entrenched in the state-centric paradigm. This paradigm is becoming increasingly incompatible with the lives of families which experience international parental child abduction. ....	4
PROFESSIONAL INSIGHTS	
<b>Relying on s 60CC(6) of the Family Law Act: Matters involving children who are of Indigenous descent</b> – <i>Joshua Creamer</i> .....	18
<b>Issues of Aboriginal culture and the role of the Full Court</b> – <i>Simon Moodie</i> .....	21
CHILD SUPPORT UPDATE	
<b>Drafting child support agreements</b> – <i>Brett Walker-Roberts</i> .....	25
INTERNATIONAL FAMILY LAW – <i>Alexandra Harland (Ed)</i>	
<b>The response of United Kingdom surrogacy law to the global surrogacy industry</b> – <i>Natalie Gamble</i> .....	28
IN THE HIGH COURT	
<b>Hague Convention, international child abduction: <i>Garning v Department of Communities, Child Safety and Disability Services</i> and related proceedings</b> – <i>Michelle Fernando</i> .....	30
<b>Property settlement, intact marriage, death of party, “just and equitable” requirement: <i>Stanford v Stanford</i></b> – <i>Michelle Fernando</i> .....	41
RECENT CASES – <i>Geoffrey Monahan FM (Ed), Dean Foley, Olivia Rundle</i>	
<b>Palmer v Palmer</b> (Property division; Superannuation) .....	47
<b>Baranski v Baranski</b> (Procedural fairness; Courtroom observations; Extrinsic material) ....	52

