

FAMILY LAW REVIEW

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EDITORIAL

Dr Anthony Dickey QC steps down as co-General Editor 3

ARTICLES

Propagating principles for property matters in an arid landscape: A mirage or oasis? – *Brendan Ashdown*

Even within the context of the broad discretion afforded in property settlement proceedings, the development of consistent methodology, principles and guidelines is required to achieve compliance with the rule of law. The informal application, or sub silentio exclusion, of defined methodology, principles and guidelines can only lead to ambiguity and uncertainty which is the antithesis of the rule of law. It is argued that the first fundamental proposition applicable to determine existing property interests directs an initial asset-by-asset approach. This starting point informs the methodology for application of the statute and legal principles to resolve all subsequent issues. In turn, such matters inform the exercise of power within the judicial discretion for the just and equitable alteration of existing interests in property, including whether some property interests require separate consideration or whether any adjustment may be undertaken globally. 4

Financial (dis)agreements: A critical appraisal of the Family Law Amendment (Financial Agreements and Other Measures) Bill 2015 – *Genevieve Smit*

This article critically analyses the potential impact of proposed amendments to Pts VIIIA and VIIIAB of the *Family Law Act 1975* (Cth) via the *Family Law Amendment (Financial Agreements and Other Measures) Bill 2015* (the 2015 Bill), introduced into Parliament on 25 November 2015. The article assesses the scope and potential impact of the amendments and also considers: the position of de facto couples in Western Australia who will not benefit from the amendments; possible future amendments identified by the 2015 Bill; and the potential for foreign financial agreements to be recognised under the Family Law Act. 31

CHILDREN AND PARENTING

Expert reports – *Felicity Bell*

The family law courts are reliant on reports about the family and family relationships produced by social workers or psychologists. Yet to date there has not been any systematic scrutiny of these reports, their quality nor how they influence decision-making, especially negotiated agreements. Some problems and criticism of reports identified in overseas jurisdictions are pertinent. This article considers the Australian Standards of Practice for the preparation of family reports in light of some complaints made about the quality of expert reports. 46

CHILD SUPPORT

The fog of overseas child support – *Simon Bacon*

In *Child Support Registrar v Higgins* [2016] FamCAFC 2 the Full Court considered the circumstances when an overseas child support liability can be altered by a domestic (Australian) court. What lessons are there from that decision which might assist practitioners in this most difficult jurisdiction? 51

RECENT CASES – *Judge Geoffrey Monahan (Ed)* – *Michelle Fernando* – *Dean Foley* – *Olivia Rundle*

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