

FAMILY LAW REVIEW

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Peter Edward Nygh AM: His work and times – Hon John Fogarty AM	
In this article the author outlines and honours the work and life of Peter Edward Nygh AM. From his early life in western Europe, through his relocation to Australia and to his subsequent contributions in academia, the Family Court of Australia and the Hague Conference on Private International Law, the article honours Peter Nygh’s success as an academic, judge, reformer and internationalist, and his life as an honourable and decent man.	4
Kennon v Spry: An extended reach for s 79? – Peter Hannan	
In this article the author considers the width of the concept of “property” for the purposes of s 79 of the <i>Family Law Act 1975</i> (Cth) in light of the 2008 decision of the High Court in <i>Kennon v Spry</i> , and also the subsequent litigation between the parties. While the case of <i>Kennon v Spry</i> addressed wider principles concerning property, trusts and equity, it essentially turned on the construction of s 79 of the <i>Family Law Act</i> , particularly the scope of the phrase “property of the parties to the marriage or either of them”. And the majority judgments, in the author’s view, must be regarded as an extension of the law and reach of s 79.	18
Family violence and its relevance beyond safety: Some reflections on the Chisholm Report – Juliet Behrens	
This article involves a discussion of some of the key recommendations of Professor Richard Chisholm in the Family Courts Violence Review. It also touches on the report from the Family Law Council and data in the Australian Institute of Family Studies’ evaluation of the 2006 Family Law Reforms, which were released at the same time as that Review. Most of the recommendations in the Family Courts Violence Review are welcomed as likely to improve outcomes for women and children living with family violence. Reservations are expressed, however, about some others, and particularly about the recommendation to remove the specific reference to “family violence” in the best interests checklist. A central argument of the article is that any reform must clearly embrace the proposition that family violence is relevant not only from a safety point of view, but also because of the many other ways it has an impact on children’s best interests. This is clearly recognised by Professor Chisholm in his report, but arguably underplayed.	31

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