

# FAMILY LAW REVIEW

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## ARTICLES

### **When can a party withdraw an admission pursuant to the Family Law Rules, r 11.09? – Richard Ingleby**

In this article the author considers how the Family Court might adopt more general civil law principles in determining whether to permit parties to withdraw admissions made in the context of financial proceedings. .... 143

### **Gatekeeping parenthood: Should the state play a role in determining eligibility criteria for assisted reproductive treatment? – Dr Sonia Allan**

The use of assisted reproductive treatment to conceive a child provides the opportunity for the state and/or medical practitioners to play a role in deciding who should or should not become a parent. This article explores the primary criteria used to “screen” people wishing to use assisted reproductive treatment and to exclude them from treatment in some circumstances. It argues that idiosyncratic judgment or general legal presumptions against treatment are not satisfactory, as they are unlikely to predict whether the best interests of a child born as a result of assisted reproductive treatment will be compromised. Rather, such judgments may serve to be discriminatory, and are often misinformed. The author suggests that the law and society should rather serve to support children and parents in need, and to protect existing children from actual suffering or risks of harm. .... 149

### **Common intention and unconscionability: A comparative study of English and Australian constructive trusts – Mark Pawlowski and Nicola Grout**

The aim of this article is to explain, review and critically analyse the English law relating to common intention constructive trusts in the context of the family home. In particular, it seeks to show how the English courts have addressed the question of establishing and quantifying the parties’ beneficial shares in both sole and joint ownership cases. The writers compare the English approach with the way in which such questions have been answered by the Australian courts. The primary purpose of this comparison is to highlight which aspects of the English approach need to be addressed and to consider what lessons may be learnt from the Australian model. .... 164

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