

# Phillips | Family Law Bulletin

## Case in Point



**Special contributions of property developer husband not so special – Full Court of Family Court finally determine that there is no binding rule of “special contributions”**

After almost 18 months of anticipation, the Full Court of the Family Court has finally handed down its outstanding decision addressing the concept of “special contributions” in determining matrimonial/de facto property settlement cases.

The concept of “special contributions” was first introduced to the language of family law cases in the Full Court case of *Ferraro & Ferraro* [1992] FamCA 64 when Justices Foggarty, Murray and Baker in undertaking the task of evaluating and comparing the parties’ respective contributions commented that:

*“However, there are cases where the performance of those roles has what may be described as “special” features about it either adding to or detracting from what may be described as the norm. For example, in relation to the homemaker role the evidence may demonstrate the carrying out of responsibilities well beyond the norm as, for example, where the homemaker has the responsibility for the home and children entirely or almost entirely without assistance from the other party for long periods or cases such as the care of a handicapped or special needs child. On the other hand, in the breadwinner role the facts may demonstrate an outstanding application of time and energy to producing income and the application of what some of the cases have referred to as “special skills”. Within either role there may be cases where the evidence demonstrates a neglect of those responsibilities or a wasting of income or assets[1]”*

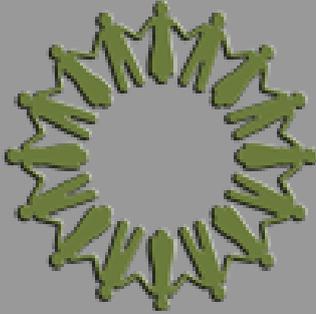
There is however nor has there ever been any reference to the concept of one party having “special skills” or making “special” or “extraordinary” contributions in the sections of the *Family Law Act 1975* (Cth) to which the Courts are required to refer to in deciding a property settlement.

To read the full article please click [here](#)

By Rebecca O'Brien - Associate

### New paralegal Bridget McVeigh

Phillips Family Law are pleased to announce the appointment of our new paralegal, Bridget McVeigh. Bridget has recently completed a dual degree in Law and Media Communications. She is currently studying to obtain her Diploma in Legal Practice via the College of Law and brings a diligent and pragmatic approach to her new role with Phillips. Bridget will work closely with our firm’s director, Tony Phillips together with two of our Senior Associates, Sophia Bookallil and Sarah Bastian-Jordan in providing our clients with much valued support.



### Unrepresented Asylum Seeker Project

There are currently over 5000 asylum seekers in Queensland without legal assistance. They have escaped the horrors of war, torture and persecution in their home countries. They cannot understand our legal system, do not speak English, have no security and are often traumatised from the arrival processing.

The Refugee and Immigration Legal Service at West End has recently commenced the Unrepresented Asylum Seekers Project to provide basic legal support in these cases. Asylum seekers are assisted in preparing their legal statements documenting their flight from their home country and their need for asylum.

The Project is funded by private donations and the volunteer assistance of lawyers in their own time. Sarah Bastian-Jordan, Senior Associate at Phillips Family Law, is proud to be a volunteer in the Project.



Phillips Family Law proudly sponsors ChildFund Australia. ChildFund Australia is a member of the [ChildFund Alliance](#) – a global network of 12 organisations which assists more than 15 million children and families in 58 countries. We most recently supported the Vanuatu Emergency Response Appeal through ChildFund.

Cyclone Pam slammed into Vanuatu causing unprecedented destruction. One of the worst cyclones the Pacific has ever seen. UNICEF estimated that more than 60,000 children are vulnerable to a variety of health and safety risks following this event. Through supporting ChildFund this will help their pledge to help them rebuild schools, restore water and sanitation systems.

Should you wish to support ChildFund, and help the people of Vanuatu begin to pick up the pieces of their lives you can do so by going to their website <https://www.childfund.org.au>

### *For further information on these or other legal issues please contact:*

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