

FAMILY LAW PRACTICE AND PROCEDURE Adjournment application. Family Law Act 1975 (Cth)
Family Law (Child Abduction Convention) Regulations 1986 APPLICANT: State Central Authority
RESPONDENT: Ms Barnes FILE NUMBER: MLC 4917 of 2014 DATE DELIVERED: 18 August 2014
PLACE DELIVERED: Melbourne PLACE HEARD: Melbourne JUDGMENT OF: Cronin J HEARING
DATE: 18 August 2014 REPRESENTATION COUNSEL FOR THE APPLICANT: Ms Fedele
SOLICITOR FOR THE APPLICANT: Department of Human Services SOLICITOR FOR THE
RESPONDENT: Mr Testart, Testart Family Lawyers ORDERS (1) That the application of the State
Central Authority is adjourned to 10.00am on 29 September 2014 as a one day matter. (2) That the
respondent mother have leave to file and serve a response by 4.00pm on 25 August 2014. (3) That
there be leave to both parties to issue such subpoenas as they may be so advised. (4) That the
applicant file and serve any affidavit material upon which it intends to rely by 4.00pm on 22 August
2014. (5) That the respondent mother file and serve any material upon which she intends to rely by
4.00pm on 5 September 2014 save that an affidavit by her psychiatrist may be filed by 4.00pm on 22
September 2014. (6) That the application in a case filed 18 August 2014 is otherwise dismissed. IT
IS NOTED that publication of this judgment by this Court under the pseudonym State Central
Authority & Barnes has been approved by the Chief Justice pursuant to s 121(9)(g) of the Family Law
Act 1975 (Cth). FAMILY COURT OF AUSTRALIA AT MELBOURNE FILE NUMBER: MLC 4917 of
2014 State Central Authority Applicant And Ms Barnes Respondent REASONS FOR JUDGMENT
This is an application by the respondent to adjourn the State Central Authority's application for the
reasons that are set out in an affidavit sworn by her on 14 August. It is not necessary for me to make
any findings based upon that material because the State Central Authority neither opposes
nor consents to the arrangement. Clearly, the requesting parent wants the matter on as quickly as
possible and having regard to the age of the baby in this case that is understandable. Because the
State Central Authority wants to call some further evidence, it seems logical that the matter cannot
proceed next Monday and, indeed, if the defences are as Mr Testart indicates, which are habitual
residence and grave risk, then he needs have the evidence available to his client and, clearly, that is
not going to be ready by next Monday. It is therefore sensible and just to arrange an adjournment and

while there has been some discussion about the possibility of the matter being dealt with in two days, it seems to me that this is a lot more simple than what it looks on its face, and I would suggest that it might be more sensible to try and deal with it in one, dealing with as much as we possibly can on the papers and to the extent that the matter is not resolved on that day, then I would give it a few hours within a fortnight or so thereafter. I certify that the preceding three (3) paragraphs are a true copy of the reasons for judgment of the Honourable Justice Cronin delivered on 18 August 2014.

Associate: Date: 21 October 2014 AustLII: Copyright Policy | Disclaimers | Privacy Policy | Feedback

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