

17/1980

FAMILY COURT OF AUSTRALIA

McJARROW and McJARROW

Bell J — 14 November 1979

(1979) 44 FLR 306; 5 Fam LR 624; [1979] FLC 78,881 (¶90-721)

FAMILY LAW - PRIVILEGE - WHETHER WIFE'S ADDRESS PRIVILEGED - SOLICITOR ORDERED TO DISCLOSE WIFE'S WHEREABOUTS: *FAMILY LAW ACT 1975*, SS70(6), 114(3).

Following a wife's failure to return a child to the husband pursuant to a custody order of the Family Court, and unsuccessful efforts to locate the wife and child to execute a warrant for delivery of the child, the husband applied for an order that the solicitor on the record for the wife, whom it appeared knew of the wife's whereabouts, to inform him of the wife's address.

HELD: It did not appear on the evidence that the disclosure of the address by the client to her solicitor was in any way privileged. The Court had sufficient power under s114(3) of the *Family Law Act 1975* to direct the solicitor to disclose the address of his client so that the Court's Order might be perfected. The Court also had power where an order of the Court was being frustrated to exercise the provisions of s70(6). Accordingly, the Court had power to order the disclosure of the address so that the order of the Court would not be frustrated.

[Upon appeal to the High Court see: *Re Bell: ex parte Lees* [1980] HCA 26; (1980) 146 CLR 141; 54 ALJR 412; 30 ALR 489; 6 Fam LR 208; [1980] FLC 75,354 (¶90-850); MC81/1980. Appeal dismissed.]