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SUPREME COURT OF QUEENSLAND

DEGUARA v DEGUARA

Dunn J

10 February 1976 — [1976] Qd R 40; 8 ALR 688

FAMILY LAW – TRANSFER OF PROCEEDINGS TO THE FAMILY COURT IN THE INTERESTS OF JUSTICE: FAMILY LAW ACT 1975, S43.

W sought orders for sale of land and chattels, division of proceeds and ancillary relief.

HELD: Given the experience of the Family Court in dealing with proceedings under the *Family Law Act*, it was in the interests of Justice to transfer the proceedings to the Family Court.

DUNN J: *[After deciding that this was a 'matrimonial cause' within the meaning of Family Law Act indicated that he was bound to deal with the dispute on the principles stated in or deductible from the provisions of the Family Law Legislation. One of the principles applicable is s43. In the following extract, he refers to the greater expertise of and the investigative and counselling services available to the Family Court.]* ... It appears to me that as there are infant children of this marriage and as the Family Court has, as I understand the Act, ancillary services available to it by means of which it may inform itself as to the state of the family and the welfare of the children, and as that Court will assuredly have more experience in dealing with proceedings under the *Family Law Act* in future, if it already does not have more experience in dealing with such proceedings than this Court it is in the interests of Justice that proceedings be dealt with by the Family Court. I therefore order that the proceedings be transferred to the Family Court and that the file be sent by the Registrar to the Family Court Registrar.
