

Are all financial contributions in a marriage treated equally ?

In **Dickons** [2012] FamCAFC 154 the Family Court considered the division of a matrimonial asset pool where the sum of the parts contributed by a doctor and his wife before, during and after their relationship was less than the final pool they had to divide when they parted company after 14 years with an asset pool of @\$1M and a teenage son.

The wife had entered the relationship with assets worth **more than \$200K** and had been fully occupied throughout with the homemaker and parenting roles. The assets introduced by the wife were clearly identifiable or traceable at the end of the marriage.

During the course of the relationship the husband had inherited **more than \$800K** from various family members at different times. However the use to which much of these inheritances had been put was unclear by the time of the hearing.

While the Court endorsed the appropriateness of classifying financial contributions by reference to terms such as:

- initial contributions;
- contributions during the relationship; and
- post separation contributions

it reiterated that the assessment of the values to be attributed to such financial contributions is an exercise of wide judicial discretion rather than the performance of a mathematical or accounting exercise.

Starting from the notional 50/50 position the Court made the following adjustments in reaching its decision to divide the parties' assets in 40/60 proportions in the wife's favour:

	Husband	Wife
	50	50
Initial financial contributions	(10)	10
Contributions during and post relationship	20	(20)
Future financial needs	(20)	20
Final settlement division	40	60

The Court also awarded the wife spousal maintenance of \$650 per week for a period of two years payable by way of a discounted one off lump sum further payment from the capital assets of \$55K.

The two years of spousal maintenance was considered an appropriate further period in addition to the two years between the parties separating and the Family Court hearing to enable the wife to retrain and secure employment.

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