

## Foreword

### ***The Hon Geoffrey Nettle AC KC***

For years, the leading Australian texts on equitable doctrine and remedies have ranked among the best of their kind in the common law world. So, it might be asked, what purpose is to be served by a further work on the subject.

In the case of this book, the answer is that it reaches beyond the purview of established equity texts to grapple specifically with the application of equitable doctrine and remedies in family law proceedings.

Although well within living memory, it is now nearly 50 years since the *Family Law Act 1975* (Cth) revolutionised family law with the introduction of no-fault divorce and the concomitant conception of a “just and equitable” division of property; and, over that period the Family Court of Australia, the Federal Circuit Court of Australia, and, more recently, the Federal Circuit and Family Court of Australia, have generated a unique body of jurisprudence regulating the division of assets.

Consistently with the statutory imperative of division according to what is just and equitable, the law so developed is, perforce, rigorously grounded in legal and equitable principle. But inasmuch as it results from the determination of statutorily prescribed disputes that Lord Nottingham could not have conceived of, it is also infused with exogenous notions of relative contributions, needs, and circumstances, which sets it apart from other instances of equity’s application.

*Equity in Family Law* vividly elucidates this most challenging area of contemporary Australian legal development. As well as affording practitioners an incisive understanding of the “equity of the statute”, it provides a detailed explication of each of the equitable doctrines and remedies that a family law practitioner is likely to encounter in connection with family law property disputes, and, at each stage of the analysis, informed guidance as to when, where, and how to invoke or resist the application of equitable doctrine and remedies in connection with family law property proceedings.

The authors of the work are impeccably credentialled to have undertaken the important task of its creation, and what they have produced is at once both learned and approachable. I venture to predict that few Australian family law practitioners will chance to be without it.

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