

# Australian Journal of Family Law (AJFL)

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- Civil courts and parenting issues — An ill-fit  
— *Bernie Warnick* 211

#### Articles

- The High Court and family law: Financial disputes  
— *Belinda Fehlberg and Richard Chisholm* 217

In this article, the second in our series on the contribution of the High Court to Australian family law, we review the Court's decisions on FLA financial (property and maintenance) disputes, focusing on three areas: the extent to which FLA orders may have an impact on the interests of third parties, the proper interpretation and application of s 79 ('alteration of property interests'), and the circumstances in which a court may set aside a financial agreement under s 90K. Our analysis of 14 reported High Court cases across these areas suggests that the Court's contribution in this area has been a two-edged sword for the jurisdiction.

- Intimate partner economic abuse in loans and guarantees: An empirical review of 10 years of cases  
— *Susan Barkehall Thomas, Becky Batagol, Madeleine Ulbrick* 252

Economic abuse is a form of family violence that is under-recognised and under-reported. A particular type of economic abuse is debt abuse in relation to joint borrowings for property and the provision of guarantees.

The doctrines of unconscionability (both under statute and equity), undue influence, and statutory jurisdictions to set aside 'unjust contracts' are key doctrines for a victim who seeks to have a credit contract set aside. This article uses a quantitative and qualitative content analysis of the facts and outcomes of 10 years of Australian case law between 2008 and 2018 to examine whether victims of intimate partner debt abuse are obtaining meaningful outcomes using these doctrines.

We conclude that in the case of intimate partner debt abuse caused by family violence, the legal system is not able to account for gendered inequalities of bargaining power nor provide adequate remedies.

We provide recommendations for reform both at doctrinal level and as part of broader systemic reform.

## Book Review

*Challenging Parental Alienation: New Directions for Professionals and Parents*, Jean Mercer and Margaret Drew (eds)

— *Professor Helen Rhoades*

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