

## DAMAGES FOR ASSAULT BY HUSBAND

The *Family Law Act 1975* was introduced as "no fault" legislation. However, it does not prevent one party to a marriage seeking damages in tort against the other party.

The Family Court has held that not only can it award damages for personal injury caused by an assault by one spouse upon the other but also:-

1. The amount of the award of such damages is then not to be taken into account as part of the assets of the spouse who receives the damages in determining the division of matrimonial property between the couple; and
2. The quality (-and therefore the value-) of a contribution made by a spouse to the property of the parties as 'homemaker and parent' under the provisions of the *Family Law Act* is greater for a spouse who does so under a regime of sustained domestic violence for a significant period.