

# Application for Consent Orders

Family Law Rules ~ RULE 10.15

**Please type or print clearly** and mark **[X]** all boxes that apply. Attach extra pages if you need more space to answer any question/s.

Filed in:

- Family Court of Australia
- Family Court of Western Australia
- Other (specify) \_\_\_\_\_

## Notice to the parties

- Each party to the application must swear or affirm an affidavit - for an applicant an affidavit in accordance with Part I and a respondent an affidavit in accordance with Part K or M, as applicable.
- The application must be filed promptly. The consent order may not be made if the application is not filed within 90 days of the date of the first affidavit (see Parts I and K).
- Each copy of the draft consent order must be certified by the applicant or lawyer as a true copy.
- If an order or injunction is sought under Part VIII A of the *Family Law Act* the third party must be named as a respondent to this application and must sign the draft consent order. The third party must also swear or affirm Part M of the form but is not required to complete any other Part.

COURT USE ONLY
Client ID  _____
File number  _____
Filed at  _____
Filed on  _____

## Part A About the parties

APPLICANT	RESPONDENT																				
<b>1</b> What is your family name as used now? <input style="width: 100%; height: 25px;" type="text"/>	<b>1</b> What is your family name as used now? <input style="width: 100%; height: 25px;" type="text"/>																				
Given names? <input style="width: 100%; height: 25px;" type="text"/>	Given names? <input style="width: 100%; height: 25px;" type="text"/>																				
<input type="checkbox"/> Male <input type="checkbox"/> Female	<input type="checkbox"/> Male <input type="checkbox"/> Female																				
<b>2</b> What is your usual occupation? <input style="width: 100%; height: 25px;" type="text"/>	<b>2</b> What is your usual occupation? <input style="width: 100%; height: 25px;" type="text"/>																				
<b>3</b> What is your contact address (address for service) in Australia? If you give a lawyer's address, include the name of the law firm. <input style="width: 100%; height: 25px;" type="text"/> <input style="width: 100%; height: 25px;" type="text"/> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; border-bottom: 1px solid black;">State</td> <td style="width: 50%; border-bottom: 1px solid black;">Postcode</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Phone</td> <td style="border-bottom: 1px solid black;">Fax *</td> </tr> <tr> <td style="border-bottom: 1px solid black;">DX</td> <td style="border-bottom: 1px solid black;"></td> </tr> <tr> <td style="border-bottom: 1px solid black;">Lawyer's code</td> <td style="border-bottom: 1px solid black;"></td> </tr> <tr> <td style="border-bottom: 1px solid black;">Email *</td> <td style="border-bottom: 1px solid black;"></td> </tr> </table>	State	Postcode	Phone	Fax *	DX		Lawyer's code		Email *		<b>3</b> What is your contact address (address for service) in Australia? If you give a lawyer's address, include the name of the law firm. <input style="width: 100%; height: 25px;" type="text"/> <input style="width: 100%; height: 25px;" type="text"/> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; border-bottom: 1px solid black;">State</td> <td style="width: 50%; border-bottom: 1px solid black;">Postcode</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Phone</td> <td style="border-bottom: 1px solid black;">Fax *</td> </tr> <tr> <td style="border-bottom: 1px solid black;">DX</td> <td style="border-bottom: 1px solid black;"></td> </tr> <tr> <td style="border-bottom: 1px solid black;">Lawyer's code</td> <td style="border-bottom: 1px solid black;"></td> </tr> <tr> <td style="border-bottom: 1px solid black;">Email *</td> <td style="border-bottom: 1px solid black;"></td> </tr> </table>	State	Postcode	Phone	Fax *	DX		Lawyer's code		Email *	
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**\* Please do not include email or fax addresses unless you are willing to receive documents from the Court and other parties in that way.**

**APPLICANT****4** When and in what country were you born?

DAY / MONTH / YEAR

COUNTRY

/	/	/
---	---	---

**5** Are you of Aboriginal and/or of Torres Strait Islander origin?**No****Yes** Aboriginal**Yes** Torres Strait Islander**Yes** Aboriginal and Torres Strait Islander**6** In which country was your mother born?

--

**7** In which country was your father born?

--

**8** How well do you speak English?

Very well

Well

Not well

Not at all

**RESPONDENT**

When and in what country were you born?

DAY / MONTH / YEAR

COUNTRY

/	/	/
---	---	---

Are you of Aboriginal and/or of Torres Strait Islander origin?

**No****Yes** Aboriginal**Yes** Torres Strait Islander**Yes** Aboriginal and Torres Strait Islander

In which country was your mother born?

--

In which country was your father born?

--

How well do you speak English?

Very well

Well

Not well

Not at all

◆ You are not required to answer this question, but it will greatly assist the Court if you do. The information sought is being collected to assist the Court in planning and delivering client services. It is possible that you may be contacted to participate in a review of a particular aspect of the Court's services, although your right not to participate will be respected. The information you provide may be shared with researchers approved by the Court, and may be included in publications in statistical form in a way that does not identify you.

**If there is more than one applicant or respondent, attach an extra page with the details for Applicant 2/ Respondent 2, answering Items 1-8. A third party who will be bound by an order sought under Part VIII A of the *Family Law Act* must be named as a respondent but need not complete any of this form except Part M.**

## Part B About the relationship of the parties

**9** When did you begin living together?

DATE	/	/
------	---	---

NOT  
APPLICABLE**10** When and where did you get married?\*

TOWN/CITY

COUNTRY

DATE	/	/		
------	---	---	--	--

**11** When did you finally separate?

DATE	/	/
------	---	---

**12** When and where did you get divorced? \*\*

TOWN/CITY

COUNTRY

DATE	/	/		
------	---	---	--	--

\* You must file a copy of your marriage certificate.

\*\* You must file a copy of the divorce order, certificate or decree.

Signature of applicant \_\_\_\_\_

Signature of respondent \_\_\_\_\_

## Part C About other Court cases and orders

IF YOU ARE SEEKING **PARENTING ORDERS**, ANSWER ITEMS 13 TO 16.

IF YOU ARE SEEKING **FINANCIAL ORDERS**, ANSWER ITEMS 13 TO 15 AND 17 TO 22.

- 13** Are there any **ongoing cases** in this or any other court about family law, child support, family violence or child welfare that involve any of the parties or any of the children listed on this form?

**No**

**Yes** **PLEASE GIVE THE FOLLOWING DETAILS**

Court name and place

Next Court date

	/	/
--	---	---

State the names of the parties


State the nature of the orders sought **(NUMBER EACH ORDER SOUGHT)**

1.

IF THERE IS MORE THAN ONE CASE PLEASE ATTACH AN EXTRA PAGE, NUMBERING IT ITEM 13 ~ PAGE 2

- 14** Are there any **existing orders**, agreements, parenting plans or undertakings to a court about family law, child support, family violence or child welfare concerning any of the parties or children listed on this form?

**No**

**Yes** **EITHER** attach a full copy of the order, agreement, parenting plan or undertaking **or** set out details below (attach an extra page if you need more space, numbering the page/s Item 14 page 2 and so on).

Attached is a copy/copies of the following (mark **[X]** the boxes that apply):

order

undertaking

parenting plan

agreement

**OR**

**GIVE THE FOLLOWING DETAILS**

Court name and place

Date

	/	/
--	---	---

Names of the parties to the order/agreement/parenting plan/undertaking


CONTINUE ON PAGE 4 FOR DETAILS OF THE ORDER/AGREEMENT/PARENTING PLAN/UNDERTAKING

Details of the order/agreement/parenting plan/undertaking

1.

IF THERE IS MORE THAN ONE CASE PLEASE ATTACH AN EXTRA PAGE, NUMBERING IT ITEM 14 ~ PAGE 2

**15** If there is a family violence order, are the orders sought in this application consistent with that order?

**Yes**

**No** **GIVE BRIEF DETAILS** (see sections 68P, 68Q, 68R and 68S of the *Family Law Act*)


**16** Are you seeking a parenting order that provides for the child's parents to have equal shared parental responsibility for the child?

**Yes** **GO TO ITEM 17 IF APPLICABLE**

**No** **COMPLETE THE FOLLOWING**

Is this a case where all parties accept that the presumption in Section 61DA(1) does not apply?

**Yes** Give brief details of why the presumption does not apply


**No** Briefly explain why it is in the best interests of the child for the court to make the order/s you are seeking rather than order/s which provide for the child's parents to have equal shared parental responsibility for the child.


17 Have the parties previously entered into a binding **financial agreement** or a **superannuation agreement** under the *Family Law Act* or under any relevant State or Territory legislation?

**No**

**Yes** **ATTACH A COPY OF THE AGREEMENT/S**

18 If either party has a superannuation interest, has the non-member spouse served a waiver notice on the Trustee of the eligible superannuation plan under section 90MZA of the Act for a payment split made in relation to the superannuation interest?

**No**

**Yes** **ATTACH A COPY OF THE NOTICE**

19 If either party has a superannuation interest, is there a payment flag in operation in relation to that interest?

**No**

**Yes** **ATTACH A COPY OF THE ORDER OR AGREEMENT CREATING THE FLAG**

20 Is any party currently bankrupt or currently a debtor in bankruptcy proceedings started by either a creditor's petition or a debtor's petition or currently a debtor subject to a personal insolvency agreement?

**No**

**Yes**

21 Is there a proceeds of crime order or current forfeiture application in relation to any of the property of any of the parties (see *Proceeds of Crime Act 2002* (C'wlth))?

**No**

**Yes** **ATTACH A SEALED COPY OF THE ORDER OR APPLICATION**

22 Is there any person who may be entitled to become a party to the case under Subsection 79(10) of the Act?

**No**

**Yes** Has written notice been given to that person?

**Yes**

**No**

## Part D About the children

This part must be completed by all applicants if there are children under the age of 18 years, regardless of whether the orders sought are in relation to children, property or maintenance. You must give details for each natural or adopted child of both or either of you who is under 18. This is regardless of whether the child has lived with both or either of you.

**23** Give the following details for each child

	Family name	Given names	Primary care giver*	Date of birth	M/F
Child 1:	_____	_____	_____	___ / ___ / ___	___
Child 2:	_____	_____	_____	___ / ___ / ___	___
Child 3:	_____	_____	_____	___ / ___ / ___	___
Child 4:	_____	_____	_____	___ / ___ / ___	___

\* IF THE CHILD DOES NOT SPEND EQUAL TIME WITH EACH OF THE PARENTS IDENTIFY THE PERSON WITH WHOM THE CHILD LIVES MOST OF THE TIME

**24** Who else lives in the child's home when the child is living with the applicant and when the child is living with the respondent? **Do not include the other children listed in Item 23.**

### APPLICANT

#### Child 1

FATHER  MOTHER

OTHER PERSON Age \_\_\_\_\_

Male  Female

Name and relationship to the child


### RESPONDENT

FATHER  MOTHER

OTHER PERSON Age \_\_\_\_\_

Male  Female

Name and relationship to the child


#### Child 2

FATHER  MOTHER

OTHER PERSON Age \_\_\_\_\_

Male  Female

Name and relationship to the child


FATHER  MOTHER

OTHER PERSON Age \_\_\_\_\_

Male  Female

Name and relationship to the child


## APPLICANT

## RESPONDENT

### Child 3

FATHER  MOTHER

FATHER  MOTHER

OTHER PERSON Age \_\_\_\_\_  
 Male  Female

OTHER PERSON Age \_\_\_\_\_  
 Male  Female

Name and relationship to the child

Name and relationship to the child



### Child 4

FATHER  MOTHER

FATHER  MOTHER

OTHER PERSON Age \_\_\_\_\_  
 Male  Female

OTHER PERSON Age \_\_\_\_\_  
 Male  Female

Name and relationship to the child

Name and relationship to the child



## Part E Order/s sought

- 25 The parties seek orders in terms of the draft Consent Orders that are signed by the parties and lodged with this Application for Consent Orders.

## Part F Details for parenting orders

Omit all of this Part if no parenting orders are sought, and remove pages 8 & 9 when filing.

### APPLICANT 1

### RESPONDENT 1

#### 26 Jurisdiction

Which of the following applies?

#### Jurisdiction

Which of the following applies?

**MARK [X] EVERY BOX THAT APPLIES TO APPLICANT 1 AND EVERY BOX THAT APPLIES TO RESPONDENT 1.**

- I am present in Australia  
 I am ordinarily resident in Australia  
 I am an Australian citizen  
 The child (or children) is present in Australia/  
ordinarily resident in Australia/  
is an Australian citizen

- Present in Australia  
 Ordinarily resident in Australia  
 An Australian citizen

Signature of applicant \_\_\_\_\_

Signature of respondent \_\_\_\_\_

Where details for Child 2 are the same as Child 1 write "As for Child 1"

## Child 1

27 Proposed arrangements for the child:

**Housing** (eg. 3 bedroom house – child has own room).


**Supervision** (who looks after the child? eg: If the parent who lives with the child is working outside the home who looks after the child during the parent's absence).

--

**Financial support** (details about maintenance and child support, including details of maintenance orders or child support assessments and what is actually being paid or proposed to be paid by any parent or party to the marriage who does not live with the child).


**Health** (details of the health of the child and any treatment or ongoing medication needs).


**Education** (details about what school the child attends, what year he/she is in and what progress is being made).


**Any other matters** (under subsection 60CC of the *Family Law Act*).


## Child 2

Proposed arrangements for the child:

**Housing** (eg. 3 bedroom house – child has own room).


--





Where details for Child 3 & 4 are the same as Child 1 write "As for Child 1"

### Child 3

27 Proposed arrangements for the child:

**Housing** (eg. 3 bedroom house – child has own room).


### Child 4

Proposed arrangements for the child:

**Housing** (eg. 3 bedroom house – child has own room).


**Supervision** (who looks after the child? eg: If the parent who lives with the child is working outside the home who looks after the child during the parent's absence).

--

--

**Financial support** (details about maintenance and child support, including details of maintenance orders or child support assessments and what is actually being paid or proposed to be paid by any parent or party to the marriage who does not live with the child).



**Health** (details of the health of the child and any treatment or ongoing medication needs).



**Education** (details about what school the child attends, what year he/she is in and what progress is being made).



**Any other matters** (under subsection 60CC of the *Family Law Act*).



If there are no more children and you are not seeking any financial orders: **GO TO PART I, ON PAGE 21** If you need more space for any other children, attach an extra page, numbering it Item 27, Child 5; Item 27 Child 6 and so on.

# Part G

# Details for property or maintenance orders

Omit all of Part G if no property or maintenance orders are sought. **GO TO PART I ON PAGE 21**

- **The Court may refuse to make the property orders you seek if the proposed orders are not just and equitable.**
- The amounts shown for the value of property, superannuation, liabilities and financial resources should be current figures.
- Column 1 should be completed by the **applicant** and must contain details of all property, superannuation, liabilities and financial resources of the applicant.
- Column 2 should be completed by the **respondent** and must contain details of all property, superannuation, liabilities and financial resources of the respondent.
- Attach extra pages if you need more space to answer any Item and clearly number it (for example, if you need more space for Item 34, the extra page would be numbered Item 34, page 2.)
- If the amount for an item is nil, write NIL. If you can only give an estimate write the letter 'E' before the stated amount.
- Use whole dollars.

## INCOME

**28** Gross weekly income

### APPLICANT

\$ \_\_\_\_\_

### RESPONDENT

\$ \_\_\_\_\_

**29** Do the orders sought affect your earning capacity? (eg. are you disposing of or acquiring an investment or business?)

**No** GO TO ITEM 30

**Yes** GIVE DETAILS

\_\_\_\_\_

\_\_\_\_\_

**No** GO TO ITEM 30

**Yes** GIVE DETAILS

\_\_\_\_\_

\_\_\_\_\_

## CHILD SUPPORT

**30** Are you paying child support?

**No** GO TO ITEM 31

**Yes** GIVE DETAILS

Amount paid per week \$ \_\_\_\_\_

Paid to (name) \_\_\_\_\_

\_\_\_\_\_

**No** GO TO ITEM 31

**Yes** GIVE DETAILS

Amount paid per week \$ \_\_\_\_\_

Paid to (name) \_\_\_\_\_

\_\_\_\_\_

**31** Are you receiving child support?

**No** GO TO ITEM 32

**Yes** GIVE DETAILS

Amount received each week \$ \_\_\_\_\_

Paid to you by (name) \_\_\_\_\_

\_\_\_\_\_

**No** GO TO ITEM 32

**Yes** GIVE DETAILS

Amount received each week \$ \_\_\_\_\_

Paid to you by (name) \_\_\_\_\_

\_\_\_\_\_

# PROPERTY

## How to list shared property

If you own any property jointly with the other party to this application or any other person, then show the market value of your individual share in that property.

### 32 Real estate

#### APPLICANT

Address	
	State
Your % share	
Value of your share	\$

Address	
	State
Your % share	
Value of your share	\$

#### RESPONDENT

Address	
	State
Your % share	
Value of your share	\$

Address	
	State
Your % share	
Value of your share	\$

### 33 Motor vehicles

Make	
Model	
Value of your share	\$

Make	
Model	
Value of your share	\$

### 34 Furniture, furnishings and effects

Value of your share	\$
---------------------	----

Value of your share	\$
---------------------	----

### 35 Funds in banks, building societies, credit unions or other financial institutions

Name of Institution	
Your share	
	\$
Account Number	

Name of Institution	
Your share	
	\$
Account Number	

Name of Institution	
Your share	
	\$
Account Number	

Name of Institution	
Your share	
	\$
Account Number	

Name of Institution	
Your share	
	\$
Account Number	

Name of Institution	
Your share	
	\$
Account Number	

**APPLICANT**

**RESPONDENT**

**36** Interest in any business (give your best estimate of the gross market value)

Name of business
Your % share
Value of your share \$

Name of business
Your % share
Value of your share \$

**37** Investments including shares in public companies

Name and type of investment
Number shares held/Your % share
Value \$

Name and type of investment
Number shares held/Your % share
Value \$

Name and type of investment
Number shares held/Your % share
Value \$

Name and type of investment
Number shares held/Your % share
Value \$

**38** Life insurance policies

Company
Policy No.
Surrender value of your share \$

Company
Policy No.
Surrender value of your share \$

**39** Interest in any other property, including in any leased property

Give details
Value of your share \$

Give details
Value of your share \$

Give details
Value of your share \$

Give details
Value of your share \$

**40** TOTAL VALUE OF PROPERTY OWNED BY YOU

\$
----

\$
----

Write this amount at Item 49A on page 14

Write this amount at Item 49C on page 14

# LIABILITIES

## APPLICANT

## RESPONDENT

**41** Amount owing on home mortgage

Name of lender
Address of property
State
Your share of amount owing \$

Name of lender
Address of property
State
Your share of amount owing \$

**42** Amount owing on any other mortgage

Name of lender
Address of property
State
Your share of amount owing \$

Name of lender
Address of property
State
Your share of amount owing \$

**43** Amounts owing on any credit/charge cards

Type of card
Your share of amount owing \$
Type of card
Your share of amount owing \$

Type of card
Your share of amount owing \$
Type of card
Your share of amount owing \$

**44** Amounts owing on any other loans

Give details
Name of lender/s
Your share of amount owing \$

Give details
Name of lender/s
Your share of amount owing \$

**45** Hire purchase/lease

Give details
Name of lender/s
Description of property
Your share of amount owing \$

Give details
Name of lender/s
Description of property
Your share of amount owing \$

**46** Income tax liabilities

Current financial year \$
Amount unpaid from previous financial years \$

Current financial year \$
Amount unpaid from previous financial years \$

**47** Any other liabilities

Give details
Your share of amount owing \$

Give details
Your share of amount owing \$

**48** YOUR TOTAL LIABILITIES

\$
----

\$
----

Write this amount at Item 49B on page 14

Write this amount at Item 49D on page 14



# SUPERANNUATION

## If you have a superannuation interest

- attach a completed Superannuation Information Form when a splitting order is sought

## If you have more than one superannuation interest

- attach a completed Superannuation Information Form for each interest when a splitting order is sought
- attach a list of the interests
- include the details required in Items 51–56 for each interest

	APPLICANT	RESPONDENT
<b>51</b> Name of eligible superannuation plan	Name	Name
<b>52</b> Type of interest	<input type="checkbox"/> accumulation interest <input type="checkbox"/> partially vested accumulation interest <input type="checkbox"/> defined benefit interest <input type="checkbox"/> self managed fund <input type="checkbox"/> retirement savings account <input type="checkbox"/> small superannuation account <input type="checkbox"/> percentage only interest <input type="checkbox"/> approved deposit fund <input type="checkbox"/> eligible annuity	<input type="checkbox"/> accumulation interest <input type="checkbox"/> partially vested accumulation interest <input type="checkbox"/> defined benefit interest <input type="checkbox"/> self managed fund <input type="checkbox"/> retirement savings account <input type="checkbox"/> small superannuation account <input type="checkbox"/> percentage only interest <input type="checkbox"/> approved deposit fund <input type="checkbox"/> eligible annuity
<b>53</b> Specify the current agreed gross value of the interest in superannuation	\$	\$
<b>54</b> Has the agreed value in Item 53 been calculated in accordance with the <i>Family Law (Superannuation) Regulations 2001</i> ? (Complete only if section 90MT (2)(a) of the Act applies to the superannuation interest)	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes

**55** For each interest, whether or not a splitting order is sought, advise if the interest is subject to an earlier payment split.

**No** GO TO ITEM 56

**Yes** Are there any further payments to be made?

**No** GO TO ITEM 56

**Yes** Provide the following details:

a) The operative time for the split  
\_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

b) The amount of any future payments in respect of a base amount split in the payment phase (where applicable)  
\$ \_\_\_\_\_

c) The adjusted base amount where the interest is in the growth phase (where applicable)  
\$ \_\_\_\_\_

d) The specified percentage in the case of a percentage split (where applicable)  
\_\_\_\_\_ %

**No** GO TO ITEM 56

**Yes** Are there any further payments to be made?

**No** GO TO ITEM 56

**Yes** Provide the following details:

a) The operative time for the split  
\_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

b) The amount of any future payments in respect of a base amount split in the payment phase (where applicable)  
\$ \_\_\_\_\_

c) The adjusted base amount where the interest is in the growth phase (where applicable)  
\$ \_\_\_\_\_

d) The specified percentage in the case of a percentage split (where applicable)  
\_\_\_\_\_ %

**56** For each interest, whether or not a splitting order is sought:

a) If the interest is a defined benefit interest in the growth phase (not being an interest in a constitutionally protected fund), state the amount of any surcharge debt in the most recent member statement  
\$ \_\_\_\_\_

b) If the interest is in a constitutionally protected fund, state the amount of any surcharge in the surcharge debt account  
\$ \_\_\_\_\_

a) If the interest is a defined benefit interest in the growth phase (not being an interest in a constitutionally protected fund), state the amount of any surcharge debt in the most recent member statement  
\$ \_\_\_\_\_

b) If the interest is in a constitutionally protected fund, state the amount of any surcharge in the surcharge debt account  
\$ \_\_\_\_\_

**FINANCIAL RESOURCES**

**57** Interest in any trust or any other financial resources (for example, do you have an expectation of receiving money from a personal injury claim or Court case or property from a deceased estate?)

**GIVE DETAILS**

\_\_\_\_\_

\_\_\_\_\_

\$ \_\_\_\_\_

**GIVE DETAILS**

\_\_\_\_\_

\_\_\_\_\_

\$ \_\_\_\_\_

## PROPOSED DIVISION OF PROPERTY

- 58** Proposed percentage division of the property (including superannuation)

### APPLICANT

Husband	<input type="text"/>	%
Wife	<input type="text"/>	%

### RESPONDENT

**Agree**

**Disagree** GIVE BRIEF REASONS WHY YOU DISAGREE AND SPECIFY YOUR ESTIMATE OF THE PROPOSED DIVISION

- 59** Were the financial contributions of the parties the same? (see s.79(4)(a) of the *Family Law Act*)

**Yes** GO TO ITEM 60

**No** GIVE BRIEF DETAILS OF WHO MADE THE GREATER CONTRIBUTION

**Agree**

**Disagree** GIVE BRIEF REASONS WHY YOU DISAGREE

- 60** Were the non-financial contributions from each of the parties the same? (see s.79(4)(b) of the *Family Law Act*)

**Yes** GO TO ITEM 61

**No** GIVE BRIEF DETAILS OF WHO MADE THE GREATER CONTRIBUTION

**Agree**

**Disagree** GIVE BRIEF REASONS WHY YOU DISAGREE



# Part H Effect of property orders sought

Omit all of Part H if no property or maintenance orders are sought.

63

### APPLICANT

Value of the **property** the applicant will receive

### RESPONDENT

Value of the **property** the respondent will receive

Real estate

\$ \_\_\_\_\_

\$ \_\_\_\_\_

Motor vehicles

\$ \_\_\_\_\_

\$ \_\_\_\_\_

Furniture, furnishings and effects

\$ \_\_\_\_\_

\$ \_\_\_\_\_

Funds in banks, building societies, credit unions or other financial institutions

\$ \_\_\_\_\_

\$ \_\_\_\_\_

Interest in any business

\$ \_\_\_\_\_

\$ \_\_\_\_\_

Investments including shares in public companies

\$ \_\_\_\_\_

\$ \_\_\_\_\_

Life insurance policies

\$ \_\_\_\_\_

\$ \_\_\_\_\_

Other property

\$ \_\_\_\_\_

\$ \_\_\_\_\_

**TOTAL**

\$ \_\_\_\_\_

\$ \_\_\_\_\_

64

**Liabilities** for which the applicant will be responsible

**Liabilities** for which the respondent will be responsible

Home mortgage

\$ \_\_\_\_\_

\$ \_\_\_\_\_

Other mortgage

\$ \_\_\_\_\_

\$ \_\_\_\_\_

Loans (total from bank, building society, credit union or other financial institutions)

\$ \_\_\_\_\_

\$ \_\_\_\_\_

Credit cards

\$ \_\_\_\_\_

\$ \_\_\_\_\_

Hire purchase

\$ \_\_\_\_\_

\$ \_\_\_\_\_

Other liabilities - specify

\$ \_\_\_\_\_

\$ \_\_\_\_\_

**TOTAL**

\$ \_\_\_\_\_

\$ \_\_\_\_\_

**NET VALUE OF PROPERTY THAT THE APPLICANT WILL RECEIVE**

**NET VALUE OF PROPERTY THAT THE RESPONDENT WILL RECEIVE**

65 TOTAL

\$ \_\_\_\_\_

\$ \_\_\_\_\_

Signature of applicant \_\_\_\_\_

Signature of respondent \_\_\_\_\_



## Part I Affidavit of applicant

- Mark [X] **every** box that applies.
- You must attach a further Part I and J for each other applicant if applicable

I swear\*/affirm\* that:

- I am the **applicant**.
- I have read this application and the draft consent orders which I am now requesting this Honourable Court to make.
- The orders are agreed upon by all parties.
- I am aware of my right to obtain independent legal advice.
- I have had independent legal advice on my relevant rights under the *Family Law Act* and the effect and consequences of orders being made in the terms proposed.
- Apart from column 2 of Parts G and H (if included) the matters stated in this application that are within my personal knowledge are true and all other facts are true to the best of my knowledge, information and belief and the orders sought are supported by evidence.
- I have signed each page of the draft consent orders, lodged with this application, and dated them today.
- For parenting orders** - I have read and considered sections 60B, 60CA, 60CC, 61DA, 64B and 65DAA of the *Family Law Act*.
- For financial orders** - I have read and considered section 72, section 79, and subsection 75(2) and where there is a superannuation interest, Part VIII B of the *Family Law Act*.
- For financial orders**
- (a) I have no interest in property, superannuation, or a financial resource which is not described in column 1 of Part G.
- (b) Where I give any estimate in this application it is based on knowledge, information and belief and is given in good faith.
- For property orders in relation to a superannuation interest** – the trustee of the superannuation plan:
- (a) at least 28 days before this application is filed – has been served with written notice:
- (i) of the terms of the orders that will be sought from the Court to bind the trustee; and
- (ii) that the trustee may object to the orders sought by giving written notice of the objection within 28 days of receiving the notice; and
- (b) has not objected to the orders sought.
- For an order or injunction binding on the third party** – I have read and considered Part VIII AA of the *Family Law Act*.

Your signature	Place	Date	/	/
Before me (signature of witness)	Full name of witness (please print)			

- Justice of the Peace     Notary public     Lawyer

\* delete whichever is inapplicable

## Part J Statement of independent legal advice

(OMIT IF NOT APPLICABLE)

- I am a lawyer entitled to practise in this Court.
- I have given the **applicant** independent legal advice as to the meaning and effect of the draft Consent Orders and explained their rights, entitlements and obligations.
- I gave the **applicant** a copy of the Family Law Court's brochure *Marriage, Families and Separation*.

Signature of lawyer	Print name
	Date
	/
	/

## Part K Affidavit of respondent

- Mark [X] **every** box that applies.
- You must attach a further Part K and L for each other respondent if applicable

I swear\*/affirm\* that:

- I am the **respondent**.
- I have read this application and the draft consent orders which I am now requesting this Honourable Court to make.
- The orders are agreed upon by all parties.
- I am aware of my right to obtain independent legal advice.
- I have had independent legal advice on my relevant rights under the *Family Law Act* and the effect and consequences of orders being made in the terms proposed.
- Apart from column 1 of Parts G and H (if included) the matters stated in this application that are within my personal knowledge are true and all other facts are true to the best of my knowledge, information and belief and the orders sought are supported by evidence.
- I have signed each page of the draft consent orders, lodged with this application, and dated them today.
- For parenting orders** - I have read and considered sections 60B, 60CA, 60CC, 61DA, 64B and 65DAA of the *Family Law Act*.
- For financial orders** - I have read and considered section 72, section 79, and subsection 75(2) and where there is a superannuation interest, Part VIII B of the *Family Law Act*.
- For financial orders**
- (a) I have no interest in property, superannuation, or a financial resource which is not described in column 2 of Part G.
- (b) Where I give any estimate in this application it is based on knowledge, information and belief and is given in good faith.
- For property orders in relation to a superannuation interest** – the trustee of the superannuation plan:
- (a) at least 28 days before this application is filed – has been served with written notice:
- (i) of the terms of the orders that will be sought from the Court to bind the trustee; and
- (ii) that the trustee may object to the orders sought by giving written notice of the objection within 28 days of receiving the notice; and
- (b) has not objected to the orders sought.
- For an order or injunction binding on the third party** – I have read and considered Part VIII A of the *Family Law Act*.

Your signature	Place	Date / /
Before me (signature of witness)	Full name of witness (please print)	

Justice of the Peace     Notary public     Lawyer

\* delete whichever is inapplicable

## Part L Statement of independent legal advice

(OMIT IF NOT APPLICABLE)

- I am a lawyer entitled to practise in this Court.
- I have given the **respondent** independent legal advice as to the meaning and effect of the draft Consent Orders and explained their rights, entitlements and obligations.
- I gave the **respondent** a copy of the Family Law Court's brochure *Marriage, Families and Separation*

Signature of lawyer	Print name
	Date / /

This application was prepared by  applicant/s     lawyer

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PRINT NAME AND LAWYER'S CODE

## Part M Affidavit of the third party respondent

- Mark [X] every box that applies.
- You must attach a further Part M and N for each other third party respondent, if applicable.
- If the third party is a corporation, this affidavit must be sworn/affirmed by a person authorised to do so on behalf of the corporation.

I swear\*/affirm\* that:

- I am a third party to a marriage between the applicant and respondent.
- I have read this application and the draft consent orders which I am now requesting this Honourable Court to make.
- I have agreed to the order or injunction that is binding on me.
- I am aware of my right to obtain independent legal advice.
- I have had independent legal advice on my relevant rights under the *Family Law Act* and the effect and consequences of orders being made in the terms proposed.
- I have signed each page of the draft consent orders, lodged with this application, and dated them today.
- I have read and considered Part VIII AA of the *Family Law Act*.
- I am satisfied that I have been accorded procedural fairness in relation to the making of the order or injunction binding on me.
- I confirm that Section 90AE(3) and Section 90AF(3) of the *Family Law Act* (whichever is applicable) is satisfied, and that the order or injunction takes into account the matters in sub-section 90AE(4) or 90AF(4) (whichever is applicable).
- I confirm that Section 90AK of the *Family Law Act* does not apply to prevent the court making the order or injunction that is binding on me.

Your signature	Place	Date	/	/
Before me (signature of witness)	Full name of witness (please print)			

Justice of the Peace     Notary public     Lawyer

\* delete whichever is inapplicable

## Part N Statement of independent legal advice

(OMIT IF NOT APPLICABLE)

- I am a lawyer entitled to practise in this Court.
- I have given the **respondent third party** independent legal advice as to the meaning and effect of the draft Consent Orders and explained their rights, entitlements and obligations.

Signature of lawyer	Print name		
	Date	/	/