

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 sign a statement of truth – for an applicant a statement in accordance with Part J and for a respondent a statement in accordance with Part L or N, 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 statement of truth (see Parts J and L).
- 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 VIIIAB 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 sign Part N 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																				
1 What is your family name as used now? <input type="text"/> Given names? <input type="text"/> <input type="checkbox"/> Male <input type="checkbox"/> Female	What is your family name as used now? <input type="text"/> Given names? <input type="text"/> <input type="checkbox"/> Male <input type="checkbox"/> Female																				
2 What is your usual occupation? <input type="text"/>	What is your usual occupation? <input type="text"/>																				
3 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 type="text"/> <input type="text"/> <table border="1"> <tr> <td>State</td> <td>Postcode</td> </tr> <tr> <td>Phone</td> <td>Fax *</td> </tr> <tr> <td>DX</td> <td></td> </tr> <tr> <td>Lawyer's code</td> <td></td> </tr> <tr> <td>Email *</td> <td></td> </tr> </table>	State	Postcode	Phone	Fax *	DX		Lawyer's code		Email *		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 type="text"/> <input type="text"/> <table border="1"> <tr> <td>State</td> <td>Postcode</td> </tr> <tr> <td>Phone</td> <td>Fax *</td> </tr> <tr> <td>DX</td> <td></td> </tr> <tr> <td>Lawyer's code</td> <td></td> </tr> <tr> <td>Email *</td> <td></td> </tr> </table>	State	Postcode	Phone	Fax *	DX		Lawyer's code		Email *	
State	Postcode																				
Phone	Fax *																				
DX																					
Lawyer's code																					
Email *																					
State	Postcode																				
Phone	Fax *																				
DX																					
Lawyer's code																					
Email *																					

* Please do not include email or fax addresses unless you are willing to receive documents from the Court and other parties in that way.

Signature of applicant _____ Signature of respondent _____

APPLICANT**RESPONDENT****4** When and in what country were you born?**DAY / MONTH / YEAR****COUNTRY**

/ /	
-----	--

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

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

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

◆ 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 1–5. A third party who will be bound by an order sought under Part VIII A or Part VIII B of the Family Law Act must be named as a respondent but need not complete any of this form except Part N.

Part B About the relationship of the parties

6 When did you begin living together?**DATE**

/

/

/ /

**NOT
APPLICABLE****7** If married, when and where did you get married?***TOWN/CITY****COUNTRY****DATE**

/

/

/ /		
-----	--	--

8 When did you finally separate?**DATE**

/

/

/ /

9 When and where did you get divorced?**TOWN/CITY****COUNTRY****DATE**

/

/

/ /		
-----	--	--

Signature of applicant _____ Signature of respondent _____

Part C About other Court cases and orders

IF YOU ARE SEEKING **PARENTING ORDERS**, ANSWER ITEMS 10 TO 13A.

IF YOU ARE SEEKING **FINANCIAL ORDERS**, ANSWER ITEMS ANSWER ITEMS 10 TO 11 AND 14 TO 19.

- 10** 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 10 ~ PAGE 2

- 11** Are there any **existing orders**, agreements, parenting plans or undertakings to a court about family law, child support, family violence or abuse in relation to a child (including orders which have applied to a child or a member of the child's family), 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 11 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

Signature of applicant _____ Signature of respondent _____

Details of the order/agreement/parenting plan/undertaking

1.

IF THERE IS MORE THAN ONE CASE PLEASE ATTACH AN EXTRA PAGE, NUMBERING IT ITEM 11 ~ PAGE 2

12 Is there is a family violence order?

No

Yes Are the orders sought in this application consistent with that family violence order?

Yes

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

12 A Has there been any contact with the department responsible for child safety with respect to the children named in this application or any other child of the household?

No

Yes Provide details including the outcome of that contact and any outstanding concerns.

13 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 13A 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.

13 A Are you seeking a parenting order that provides for the child's parent to spend time with the child?

Yes Having regard to s65DAA(5), briefly explain why the child spending equal time or substantial and significant time with each of the parents is reasonably practicable.

No Briefly explain why it is not in the child's best interest to spend time with each parent.

14 Have the parties previously entered into a **financial agreement**, a **Part VIIIAB financial agreement** or a **superannuation agreement** under the Family Law Act or under any relevant State or Territory legislation?

No

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

15 If either party has a superannuation interest, has the non-member spouse or former de facto partner 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**

16 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**

17 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

18 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**

19 Is there any person who may be entitled to become a party to the case under Subsection 79(10) or subsection 90SM(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.

20 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

21 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 20.**

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

Signature of applicant _____ Signature of respondent _____

APPLICANT

RESPONDENT

Child 3

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

Child 4

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

Part E Order/s sought

- 22 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

23 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

Jurisdiction

Which of the following applies?

- 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

24 Proposed arrangements for the child:

Housing (e.g. 3 bedroom house – child has own room).

Supervision (who looks after the child? e.g. 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 (e.g. 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

24 Proposed arrangements for the child:

Housing (e.g. 3 bedroom house – child has own room).

Supervision (who looks after the child? e.g. 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 4

Proposed arrangements for the child:

Housing (e.g. 3 bedroom house – child has own room).

--

If there are no more children and you are not seeking any financial orders: **GO TO PART J, ON PAGE 23**. If you need more space for any other children, attach an extra page, numbering it Item 24, Child 5; Item 24 Child 6 and so on.

Part G De facto relationship jurisdiction – financial causes

(subsection 4(1) of *Family Law Act 1975* defines de facto financial cause)

Complete all the boxes below as required if relying on the Court's jurisdiction to make orders for the benefit of a party to a de facto relationship that has broken down.

ENTITLEMENT TO APPLY AND GEOGRAPHIC REQUIREMENTS

25 Did your de facto relationship break down on or after 1 March 2009 or if resident in South Australia on or after 1 July 2010?

No IF NO, COMPLETE ITEMS 26 TO 28 AS REQUIRED

Yes IF YES, GO TO ITEM 29

26 Do both parties each choose for Parts VIIIAB and VIII B, and subsection 114(2A) of the *Family Law Act 1975* to apply in relation to your de facto relationship?

APPLICANT

No

Yes ATTACH COPIES OF YOUR WRITTEN AND SIGNED CONSENT AND STATEMENT OF LEGAL ADVICE BY A LEGAL PRACTITIONER

RESPONDENT

No

Yes ATTACH COPIES OF YOUR WRITTEN AND SIGNED CONSENT AND STATEMENT OF LEGAL ADVICE BY A LEGAL PRACTITIONER

27 Have the parties previously entered into a designated State/Territory financial agreement in relation to their de facto relationship?

No IF NO, GO TO ITEM 29

Yes IF YES, GO TO ITEM 28 AND PROVIDE A COPY OF THE AGREEMENT/S

28 Has that agreement ceased to have effect without any property being distributed or any maintenance being paid under the agreement?

No

Yes

29 Is the period or the total of the periods of the de facto relationship at least 2 years?

No

Yes

30 Is there a child of the de facto relationship?

No

Yes

31 Has the applicant made substantial contributions of the kind mentioned in paragraph 90SM(4)(a), (b) or (c) and a failure to make an order or declaration would result in serious injustice to the applicant?

No

Yes

32 Is, or was, the relationship registered under a prescribed law of a State or Territory of Australia?

No

Yes **YOU MUST FILE A COPY OF THE CERTIFICATE OF REGISTRATION OR OTHER PROOF**

33 Was either or both of the parties to the de facto relationship ordinarily resident in one or more of the Australian Territories or New South Wales, Queensland, Victoria, Tasmania or South Australia when the relationship broke down?

No

Yes

34 Are either or both of the parties to the de facto relationship ordinarily resident in one or more of the Australian Territories or New South Wales, Queensland, Victoria, Tasmania or South Australia at the time this application is made?

No

Yes

35 Were both of the parties to the de facto relationship ordinarily resident in one or more of the Australian Territories or New South Wales, Queensland, Victoria, Tasmania or South Australia for at least one third of the de facto relationship?

No

Yes

36 Did the applicant make substantial contributions of the kind mentioned in paragraph 90SM(4)(a), (b) or (c) in relation to the de facto relationship in one or more of the Australian Territories or New South Wales, Queensland, Victoria, Tasmania or South Australia?

No

Yes

Part H Details for property or maintenance orders

Omit all of Part H if no property or maintenance orders are sought. **GO TO PART J ON PAGE 23**

- **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 43, the extra page would be numbered Item 43, 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

	APPLICANT	RESPONDENT
37 Gross weekly income	\$	\$
38 Do the orders sought affect your earning capacity? (e.g. are you disposing of or acquiring an investment or business?)	<input type="checkbox"/> No GO TO ITEM 39	<input type="checkbox"/> No GO TO ITEM 39
	<input type="checkbox"/> Yes GIVE DETAILS	<input type="checkbox"/> Yes GIVE DETAILS

CHILD SUPPORT

39 Are you paying child support?	<input type="checkbox"/> No GO TO ITEM 40	<input type="checkbox"/> No GO TO ITEM 40
	<input type="checkbox"/> Yes GIVE DETAILS	<input type="checkbox"/> Yes GIVE DETAILS
	Amount paid per week \$	Amount paid per week \$
	Paid to (name)	Paid to (name)
40 Are you receiving child support?	<input type="checkbox"/> No GO TO ITEM 41	<input type="checkbox"/> No GO TO ITEM 41
	<input type="checkbox"/> Yes GIVE DETAILS	<input type="checkbox"/> Yes GIVE DETAILS
	Amount received each week \$	Amount received each week \$
	Paid to you by (name)	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.

41 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	\$

42 Motor vehicles

Make	
Model	
Value of your share	\$

Make	
Model	
Value of your share	\$

43 Furniture, furnishings and effects

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

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

44 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	

LIABILITIES

APPLICANT

RESPONDENT

50 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 \$

51 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 \$

52 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 \$

53 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 \$

54 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 \$

55 Income tax liabilities

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

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

56 Any other liabilities

Give details
Your share of amount owing \$

Give details
Your share of amount owing \$

57 YOUR TOTAL LIABILITIES

\$

\$

Write this amount at Item 58B on page 16

Write this amount at Item 58D on page 16

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 60–65 for each interest

	APPLICANT	RESPONDENT
60 Name of eligible superannuation plan	Name	Name
61 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
62 Specify the current agreed gross value of the interest in superannuation	\$	\$
63 Has the agreed value in Item 62 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

Signature of applicant _____

Signature of respondent _____

64 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 65

Yes Are there any further payments to be made?

No GO TO ITEM 65

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 65

Yes Are there any further payments to be made?

No GO TO ITEM 65

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**)
_____ %

65 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

66 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

APPLICANT

RESPONDENT

67 Proposed percentage division of the property (including superannuation)

Applicant	<input type="text"/> %
Respondent	<input type="text"/> %

Agree

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

68 Were the financial contributions of the parties the same? (see s79(4)(a) or if a de facto relationship s90SM(4)(a) of the Family Law Act)

Yes GO TO ITEM 69

No GIVE BRIEF DETAILS OF WHO MADE THE GREATER CONTRIBUTION

Agree

Disagree GIVE BRIEF REASONS WHY YOU DISAGREE

69 Were the non-financial contributions from each of the parties the same? (see s79(4)(b) or if a de facto relationship s90SM(4)(b) of the Family Law Act)

Yes GO TO ITEM 70

No GIVE BRIEF DETAILS OF WHO MADE THE GREATER CONTRIBUTION

Agree

Disagree GIVE BRIEF REASONS WHY YOU DISAGREE

PROPOSED DIVISION OF PROPERTY [CONTINUED]

APPLICANT

RESPONDENT

70 Were the contributions from each of the parties as homemaker and parent the same? (see s79(4)(c) or if a de facto relationship s90SM(4)(c) of the Family Law Act)

- Yes** GO TO ITEM 71
- No** GIVE BRIEF DETAILS OF WHO MADE THE GREATER CONTRIBUTION

- Agree**
- Disagree** GIVE BRIEF REASONS WHY YOU DISAGREE

71 Are there any other relevant matters or facts in relation to the division of the property (eg. health, financial resources, income earning ability)? (see s75(2) or if a de facto relationship s90SF(3) of the Family Law Act)

- No** GO TO ITEM 72
- Yes** GIVE BRIEF DETAILS

- Agree**
- Disagree** GIVE BRIEF REASONS WHY YOU DISAGREE

Part I Effect of property orders sought

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

72

APPLICANT

Value of the **property** the applicant 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

\$ _____

RESPONDENT

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

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

73

Liabilities for which the applicant 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

\$ _____

Liabilities for which the respondent will be responsible

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

NET VALUE OF PROPERTY THAT THE APPLICANT WILL RECEIVE

\$ _____

NET VALUE OF PROPERTY THAT THE RESPONDENT WILL RECEIVE

\$ _____

74 **TOTAL**

Signature of applicant _____

Signature of respondent _____

APPLICANT

RESPONDENT

75 Superannuation

GROSS VALUE OF THE SUPERANNUATION THE APPLICANT WILL RECEIVE

GROSS VALUE OF THE SUPERANNUATION THE RESPONDENT WILL RECEIVE

\$

\$

76 What are the taxation consequences of any order sought in relation to any interest in superannuation?

GIVE DETAILS

GIVE DETAILS

Part J Statement of Truth of applicant

- Mark [X] **every** box that applies.
 - You must attach a further Part J and K for each other applicant if applicable.
- 1 I am the **applicant**.
 - 2 I have read this application and the draft consent orders which I am now requesting this Honourable Court to make.
 - 3 The orders are agreed upon by all parties.
 - 4 I am aware of my right to obtain independent legal advice.
 - 5 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.
 - 6 Apart from column 2 of Parts H and I (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.
 - 7 I have signed each page of the draft consent orders, lodged with this application, and dated them today.
 - 8 **For parenting orders** – I have read and considered sections 60B, 60CA, 60CC, 60CH, 60CI, 61DA, 64B, 65DAA, 67Z and 67ZBA of the Family Law Act.
 - 9 **For financial orders** – I have read and considered in the case of a marriage section 72, section 79, and subsection 75(2) and where there is a superannuation interest, Part VIII B of the Family Law Act and in the case of a de facto relationship section 90SF, section 90SM, and where there is a superannuation interest, Part VIII B of the Family Law Act.
 - 10 **For financial orders**
 - (a) I have no interest in property, superannuation, or a financial resource which is not described in column 1 of Part H.
 - (b) Where I give any estimate in this application it is based on knowledge, information and belief and is given in good faith.
 - 11 **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.
 - 12 **For an order or injunction binding on the third party** – I have read and considered Part VIII A A and in the case of a de facto relationship also section 90TA of the Family Law Act.

I have read and understood this Statement of Truth

Signature of applicant or if eFiling, tick box only Date / /

Part K 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 L Statement of Truth of respondent

- Mark [X] **every** box that applies.
 - You must attach a further Part L and M for each other respondent if applicable.
- 1 I am the **respondent**.
 - 2 I have read this application and the draft consent orders which I am now requesting this Honourable Court to make.
 - 3 The orders are agreed upon by all parties.
 - 4 I am aware of my right to obtain independent legal advice.
 - 5 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.
 - 6 Apart from column 1 of Parts H and I (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.
 - 7 I have signed each page of the draft consent orders, lodged with this application, and dated them today.
 - 8 **For parenting orders** – I have read and considered sections 60B, 60CA, 60CC, 60CH, 60CI, 61DA, 64B, 65DAA, 67Z and 67ZBA of the Family Law Act.
 - 9 **For financial orders** – I have read and considered in the case of a marriage section 72, section 79, and subsection 75(2) and where there is a superannuation interest, Part VIII B of the Family Law Act and in the case of a de facto relationship section 90SF, section 90SM, and where there is a superannuation interest, Part VIII B of the Family Law Act.
 - 10 **For financial orders**
 - (a) I have no interest in property, superannuation, or a financial resource which is not described in column 2 of Part H.
 - (b) Where I give any estimate in this application it is based on knowledge, information and belief and is given in good faith.
 - 11 **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.
 - 12 **For an order or injunction binding on the third party** – I have read and considered Part VIII A A and in the case of a de facto relationship also section 90TA of the Family Law Act.

I have read and understood this Statement of Truth

Signature of respondent or if eFiling, tick box only Date / /

Part M 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

PRINT NAME AND LAWYER'S CODE

Part N Statement of Truth of third party respondent

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

- 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 and in the case of a de facto relationship also section 90TA 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.

I have read and understood this Statement of Truth

Signature of third party respondent or if eFiling, tick box only Date / /

Part O 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 / /