



FAMILY COURT
OF AUSTRALIA

Application for Consent Orders Kit

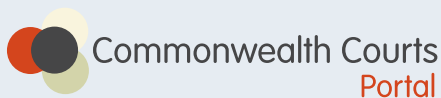
www.familycourt.gov.au

Use this kit to obtain an order when you have reached agreement about:

- Your children
- Your property
- Maintenance for a husband or wife or a party to a de facto relationship

Please be aware that there is a filing fee for an Application for Consent Orders.

For more information about fees, visit the fees section at www.familycourt.gov.au



NOTE: Applications for Consent Orders can be eFiled through the Commonwealth Courts Portal (www.comcourts.gov.au). For more information see the Commonwealth Courts Portal User Guide at www.familycourt.gov.au

This kit includes:

- Information (pages A–I)
- Links to the relevant sections of the *Family Law Act 1975*
- Application for Consent Orders – (pages 1–25)
- Where to file (inside back cover)
- Help in other languages (back cover)

CHECKLIST

This checklist is provided as a guide to completing the form correctly. It highlights particular questions which the Court has found people do not always answer correctly or fully.

- ☐ **At Part A, Item 3** on page 1 have you clearly stated your contact address (address for service) in Australia?
- ☐ **At Part B** on page 2, have you given details of your relationship?
- ☐ **At Part C, Items 10 & 11** on pages 3 & 4, have you provided details of any ongoing Court cases or existing orders concerning the husband, wife, parties to a de facto relationship or the children? Where there is an existing order you may either attach a copy of the order or set out the details of that order. If the orders you seek are intended to vary or discharge an existing order made in a registry other than the registry in which the *Application for Consent Orders* is to be filed, then sealed copies of the existing order must be filed.
- ☐ **At Part C, Items 14, 15, 16 & 18** on page 5, if you have answered yes, have you provided/attached the documents required?
- ☐ **At Part C, Item 18** on page 5, if there is a proceeds of crime order or a forfeiture application in existence in relation to any of the property of any of the parties, have you attached a sealed copy of the order or application?
- ☐ **At Part E**, have you signed each page of the proposed orders by consent and dated the last page the same day you signed your statement of truth? See Parts J, L and N.
- ☐ **At Part F** on pages 7–9, if you are seeking parenting orders, have you provided separate information for each child? Have you completed and attached to the original proposed consent orders an *Annexure to Proposed Consent Parenting Order* form (this form must be attached to **ALL** applications seeking parenting orders)?
- ☐ **At Part G, Item 26** on page 10, if required have you attached copies of your written and signed consent of each party to the de facto relationship and statements of legal advice by the legal practitioners for each party?
- ☐ **At Part G, Items 27 & 32** on pages 10 & 11, if required have you provided/filled the documents required?
- ☐ **At Part H** on pages 12–20, if you are the applicant and you are seeking property or maintenance orders, have you completed column 1 and has the respondent completed column 2?
- ☐ **At Part H, Item 58** on page 16, if you are the applicant and you are seeking property or maintenance orders have you provided your total net worth (not including superannuation) by subtracting your liabilities from the total value of property owned by you, and has the respondent done the same?
- ☐ **At Part H, Item 59** on page 16, if you are seeking property or maintenance orders and either party has acquired or disposed of any property since the date of separation have the details been provided?
- ☐ **At Part H, Items 60–65** on pages 17 & 18, if a superannuation splitting order is sought, have you given the details required and attached a completed *Superannuation Information Form* and any other evidence of value? If you have more than one superannuation interest have you attached a list of all your superannuation interests and given the details required for each interest?
- ☐ **At Part I** on pages 21 & 22, if you are seeking property orders have you addressed each item and provided the net value of the property that the applicant and the respondent will each receive? If you are seeking an order in relation to superannuation have you provided the gross value of the superannuation that the applicant and the respondent will each receive and have you set out the taxation consequences of the order sought?
- ☐ **At Part J & Part L** on pages 23 & 24, have you marked every box that applies to you? Have you signed your statement of truth?
- ☐ **At Part K & Part M** on pages 23 & 24, if you have sought independent legal advice about the orders you seek has the lawyer completed and signed the statement of independent legal advice?
- ☐ Have you answered every question that applies to you?
- ☐ Do you have the original and enough copies for each party to the orders, certified as true copies of the proposed orders to lodge with the application? Remember, the proposed orders should be signed by each party on the same day that that party signs his or her statement of truth (See Parts J, L or N).
- ☐ Have you made copies of the completed *Application for Consent Orders* so that there is a copy for each party to the orders? These will need to be presented when you file the original *Application for Consent Orders* form.
- ☐ Ensure that you file the application within 90 days of the date of the first signed statement of truth (see Parts J & L).

About this kit

This kit can be used to apply for consent orders about the care arrangements for your children (known as parenting orders), the division of property or maintenance for a husband or wife or former husband or wife, or a party to a de facto relationship which has broken down (known as spouse or de facto partner maintenance). It can also be used if you are applying for consent orders which vary or discharge existing Family Court orders.

Important note

You should read this kit carefully.

You are responsible for making sure all your paperwork is in order. Family Court staff can help you with the provision of forms and information about the processing of your application but they cannot give you legal advice.

If you do not comply with the *Family Law Act 1975* and Family Law Rules 2004, your *Application for Consent Orders* may be delayed or refused.

If the parenting orders you intend to seek **are inconsistent with a family violence order** between any of the parties or concerning any of your children then your application must be heard in court. In this case you may need to consider submitting a different type of application. **You should seek legal advice before proceeding any further.**

All forms referred to in this application are available from

- go to **www.familycourt.gov.au**
-  **LIVE CHAT** on the website
- call **1300 352 000** or
- visit a family law registry near you.

Legal advice

It is important that you understand the meaning and effect of the orders you seek.

Even if you have decided to make your application without the help of a lawyer, you should obtain independent legal advice about the effect and consequences of the orders you propose and signing of the Statement of Truth.

You can get legal advice from a:

- legal aid office
- community legal centre, or
- private law firm.

Court staff can help you with questions about forms and Court processes, but cannot give you legal advice.

Hearing impaired clients

The National Relay Service is a free telephone service that allows deaf, or hearing and/or speech impaired clients with a TTY machine, to make telephone calls to a registry.

- **Telephone: 133 677** (clients who are deaf or hearing impaired)
- **TTY 1300 720 980** (clients who are both deaf/hearing impaired and speech impaired).

www.relayservice.com.au

The Family Court's website **www.familycourt.gov.au** provides useful links to all relevant legislation such as the *Family Law Act 1975*. Copies of the entire Family Law Act are also available from libraries or can be purchased from the Commonwealth Government Information Shops (previously known as Commonwealth Government book shops) which are located in all capital cities. These are listed in the white pages of your phone book.

About the words used in this kit

Applicant – The person who seeks to have the court make orders.

Annexure to proposed consent parenting order – a form that must be completed and included with all applications for parenting orders – see Rule 10.15A of the Family Law Rules.

Contact address (address for service) in Australia – the address in Australia that a party in a case nominates as being the place where documents are to be left for them or mailed, faxed or emailed to them.

De facto relationship – a relationship between two persons who are not legally married to each other; and not related by family and having regard to all the circumstances of their relationship, have a relationship as a couple living together on a genuine domestic basis. A de facto relationship can exist between two persons of different sexes and between two persons of the same sex. (See the Family Law Act, section 4AA).

Family violence – means violent, threatening or other behaviour by a person that coerces or controls a member of the person's family (the family member), or causes the family member to be fearful. A child is exposed to family violence if the child sees or hears family violence or is otherwise exposed to family violence. See the Family Law Act, section 4AB, which gives examples.

Family violence may also amount to child abuse.

Abuse – in relation to a child means,

- (a) an assault, including a sexual assault, of the child; or
- (b) a person (the first person) involving the child in a sexual activity with the first person or another person in which the child is used, directly or indirectly, as a sexual object by the first person or the other person, and where there is an unequal power in the relationship between the child and the first person; or
- (c) causing the child to suffer serious psychological harm, including (but not limited to) when that harm is caused by the child being subjected to, or exposed to, family violence; or
- (d) serious neglect of the child.

Family violence order – an order (including an interim order) made under a prescribed law of a State or Territory to protect a person from family violence.

Financial agreement – In relation to a marriage means an agreement that is a financial agreement under section 90B, 90C, 90D, of the Family Law Act but it does not include an ante-nuptial or post-nuptial settlement to which section 85A of the Act applies. In relation to a de facto relationship means a financial agreement under Part VIIIA, Division 4 and sections 90UB, 90UC, 90UD and 90EU of the Family Law Act.

Filing – the procedure of you lodging an application or other document with a registry of the Court. You can do this by hand, post or electronic means.

Maintenance – financial support.

Medical procedures – an *Initiating Application* (Family Law) seeking an order authorising a major medical procedure on a child which is not for the purpose of treating some malfunction or disease.

Party – a person involved in a case before the court. Once the *Application for Consent Orders* is filed, both the applicant and respondent become parties to the application.

Proposed orders by consent – a term used to describe the signed agreement which you wish to have made into court orders.

Registrar – the person who considers the *Application for Consent Orders*.

Registry – how Family Court offices are known. For example, the Melbourne Registry is in the Commonwealth Law Courts building on William Street.

Respondent – Party to an *Application for Consent Orders* who is asked to consent to an application to have the Court make the orders.

Sealed copy – a copy of a document which has an original Court seal stamped on it.

Service – the process of giving or delivering documents to a party after the documents have been filed. You should obtain the Court's *Service Kit*.

Spouse – a husband or wife, or former husband or wife.

Spouse or de facto partner maintenance – financial support for a husband or wife, or former husband or wife or a party to a de facto relationship which has broken down as the case may be.

Statement of Truth – is a written statement which you must sign to confirm that the contents of your applications are truthful. You must sign the Statement of Truth at Parts J & L of the *Application for Consent Orders* before filing it with the Court.

Superannuation Information Form – a form required to be used in property cases where there are superannuation interests being considered as part of the property settlement or division. The form is used to seek information from the trustee of the superannuation plan.

Third party – for property orders a person who is not a party to the marriage or de facto relationship.

What are consent orders?

The Family Court encourages families in dispute to reach agreement about the care arrangements for their children, the division of property or spouse or de facto partner maintenance.

If you want your agreement to become an order of the Court, you can apply for consent orders to be made without having to actually go to Court. You can do this by using this kit or with the help of your lawyer. Consent orders have the same legal effect as an order made after a Court hearing.

The consent orders you cannot seek by using this application

- Child maintenance for children covered by the Child Support (Assessment) Act, that is, those under 18 who were born after 1 October 1989 or whose parents separated after that date - this is handled by the Child Support Agency which can be contacted on **131 272** for the cost of a local call.
- Declarations about the existence of a de facto relationship.
- Medical procedures.
- Orders under cross vesting laws.
- A parenting order in favour of a person who is not a parent, grandparent or other relative under Section 65G of the Family Law Act.

You should seek legal advice before proceeding any further with any of these types of applications.

What you need to consider

It is important that you understand the meaning and effect of the orders you are seeking.

Even if you have decided to make your application without the help of a lawyer, you should obtain independent legal advice about the effect and consequences of the orders you propose.

If you are seeking **orders concerning children** you should read and consider sections 60B, 60CA, 60CC, 61DA and 65DAA of the Family Law Act.

If you are seeking **property orders** in relation to a marriage, you should read and consider sections 75 and 79 and Part VIIIB of the Family Law Act. If you are seeking financial orders as a party to a de facto relationship which has broken down, you should read and consider sections 90SK, 90SL, 90SM and Part VIIIB of the Family Law Act. If you are seeking **an order or injunction binding a third party** you should read and consider Part VIIIAA and if a party to a de facto relationship, you should also read and consider section 90TA of the Family Law Act.

If you are seeking **spouse maintenance orders**, you should read and consider sections 72, 74 and 75 of the Family Law Act.

If you are seeking **de facto partner maintenance orders**, you should read and consider sections 90SB, 90SD, 90SE and 90SF of the Family Law Act.

If you are seeking **orders for property settlement or maintenance** and more than 12 months has lapsed since your divorce became final, you should read and consider s44 (3) of the Family Law Act. This may apply and if so, you must consent to the Court making the proposed property and maintenance orders.

If you do not consent to the Court making the proposed property and/or maintenance orders, an *Application for Consent Orders* is not the appropriate form. You should file an *Application in a Case* seeking the Court's permission to bring an application for property settlement/maintenance.

All of these sections and Parts of the Family Law Act can be accessed through the Family Court website: www.familycourt.gov.au or from any Court registry.

What the Court must consider

The matters the Court must consider when deciding an *Application for Consent Orders* are set out in the Family Law Act. The Court has to be satisfied that:

- for parenting orders, the arrangements are proper;
- for property orders, the arrangements are just and equitable.

If the Court is satisfied that the orders should be made, the Court will issue the consent orders. Copies will be returned to you.

Setting out your orders

The orders you seek concerning your children, property, spouse or de facto partner maintenance will depend on the circumstances of your family.

You should seek legal advice about what orders to apply for.

Generally, consent orders that can be made by a court fall into two categories – parenting orders and financial orders.

PARENTING ORDERS

These include orders relating to:

- **The person with whom the child lives** – including any shared arrangements.
- **The times that a child may spend with** – a parent with whom they are not living, or anyone else who plays an important part in their life, such as a grandparent and can be either face-to-face, or by phone, email or letters.
- **Child maintenance** – for children not covered by the Child Support (Assessment) Act. If you are unsure contact the Child Support Agency.
- **Any other aspect of parental responsibility** – this may include the day-to-day care, welfare and development of a child, religion, education and sport.

You must attach to the application a completed *Annexure to Proposed Consent Parenting Order* form – see Rule 10.15A of the Family Law Rules.

FINANCIAL ORDERS

These include orders relating to:

- **Spouse maintenance** – financial support for a husband or wife or former husband or wife.
- **De facto partner maintenance** – financial support for a party to a de facto relationship which has broken down (provided the requirements of section 90DK are met).
- **Property** – how your property, superannuation, financial resources and liabilities should be shared between you (in the case of a de facto relationship which has broken down, provided the requirements of section 90SK are met).

Once you have reached agreement you need to prepare your application to the Court. See the 'How to apply' section on page I of this Kit.

SUPERANNUATION

There are special requirements where you are making an application for orders for property settlement and either party has a superannuation interest.

If you are seeking a splitting order in relation to a superannuation interest in accordance with Section 90MT of the Family Law Act:

- (a) You must attach to the application a completed *Superannuation Information Form* in relation to that superannuation interest.
- (b) You must calculate and agree the value of the superannuation interest and consider the taxation consequences of the order. If the *Family Law (Superannuation) Regulations 2001* provide a method for calculating the value then that method must be used. Otherwise you must agree an appropriate method of valuing the interest. The completed *Superannuation Information Form* will have sufficient information to allow the value to be calculated in accordance with the regulations.
- (c) Where a base amount is allocated then that amount cannot exceed the value of the interest (see Section 90MT(4)).

If you are seeking an order that imposes an obligation on the Trustee of the superannuation plan you must satisfy the court that the Trustee has been accorded procedural fairness in relation to the making of the order.

The Court requires that at least 28 days before filing the application, you must serve written notice of the following matters on the Trustee of the superannuation plan in which the superannuation interest is held:

- (a) the terms of the orders that will be sought from the Court to bind the Trustee
- (b) that the Trustee may object to the orders sought by giving written notice within 28 days of receiving the notice.

If the Trustee does not object to the orders sought within 28 days after receiving the notice you may file the application.

The proposed orders by consent must contain a provision that each party and the Trustee have liberty to apply in relation to the implementation of the orders affecting the superannuation interest.

You should seek legal advice and, where necessary, accounting advice about these requirements.

DE FACTO RELATIONSHIP JURISDICTION – FINANCIAL CAUSES

There are special requirements where you are making an application for orders for maintenance and/or property settlement as a party to a de facto relationship.

You must complete Part G of the application and must establish that you are entitled to apply and meet certain geographical requirements.

- Mark NO or YES for each box in Part G where required
- Produce any documents required by your answers to 26, 27 and 32

Entitlement to apply and geographic requirements

- If you answer NO to **25** you must answer **26** to **28** as required and comply with item 86A (refer also item 85) of Schedule 1 of the *Family Law Amendment (Financial Matters and other Measures) Act 2008*.
- To enable the Court to exercise its jurisdiction in de facto financial causes you must:
 - answer YES to one of the questions at **29** – **32**, and
 - answer YES to one of the questions at **33** or **34**, and
 - if you have answered YES to **34**, you must also answer YES to one of the questions at **35** or **36**

If your de facto relationship broke down more than two years before the date of filing this application, an *Application for Consent Orders* is not the appropriate form. You should file an *Application in a Case* seeking the Court's permission to bring an application for property settlement/maintenance.

What if there is an existing order?

If the orders you seek are intended to vary or discharge an existing order which was made in any other court or Family Court registry, other than the registry in which the *Application for Consent Orders* is to be filed, then sealed copies of the existing order must also be filed.

Other documents

If there has been no other case involving you at the Family Court registry in which your *Application for Consent Orders* is to be filed you must also file a copy of the certificate of registration of de facto relationship or other proof (if you were a party to a de facto relationship which is registered under a prescribed law of a state or territory and are seeking financial or de facto partner maintenance orders).

Change of name, address

If you change address after the application is filed you must file a *Notice of Address for Service* so the Court can send any papers to the correct address. If you change your name after the application has been filed, you must inform the Court in writing.

Duty of disclosure

You must make full disclosure of your financial circumstances. You must read Rule 13.04 of the Family Law Rules.

WARNING

A failure to give full and frank disclosure has serious consequences. These consequences may include:

- any consent orders being set aside
- you having to pay the other party's legal costs
- your being fined
- you being charged with contempt of court.

Who should be a party

A person against whom an order is sought or whose rights may be directly affected by an issue in the case must be included as a party to the application for consent orders. For the persons who must be parties to an application seeking parenting orders see Rule 6.02(2) of the Family Law Rules. An Independent Children's Lawyer, if one has been appointed, must be treated as a party – see Rule 8.02(4) of the Family Law Rules.

Certain persons are entitled to become a party to proceedings between parties to a marriage (see section 79(10)) and parties to a de facto relationship which has broken down (see section 90SM(10)). You may be required to notify the third party about this application—see sections 79F, 79G, 79H and 79J (in relation to proceedings between parties to a marriage) and sections 90SO, 90SP, 90SQ and 90SR (in relation to proceedings between parties to a de facto relationship which has broken down).

If an order or injunction is to be binding on a third party under Part VIIIAA or Part VIIIB of the Family Law Act, that third party must:

- be named as a respondent to the application
- sign the proposed consent order
- sign Part N (see supplementary page to the *Application to Consent Orders*).

Relevant legislation referred to in this kit

Below is a list of the sections of the Family Law Act and other legislation referred to in this kit.

Note: You are required to read and consider certain sections and Parts of the Family Law Act before signing the Statement of Truth in this application (See Parts J, L and N of the *Application for Consent Orders*).

To access the relevant sections of the Family Law Act:

- go to www.familycourt.gov.au
- call **1300 352 000** or
- visit a family law registry near you.

Parenting orders

Family Law Act 1975

- Section 64B – meaning of parenting order and related terms
- Section 60B – object of Part VII of the Act and principles underlying it
- Section 60CA – child’s best interests paramount consideration in making a parenting order
- Section 60CC – how a Court determines what is in a child’s best interests
- Section 61DA – presumption of equal shared parental responsibility when making parenting orders
- Section 65DAA – Court to consider child spending equal time or substantial and significant time with each parent in certain circumstances
- Subsection 4(1) – interpretation of:
 - **‘Aboriginal or Torres Strait Islander’ culture** in relation to a child
 - **‘Family violence’** - see also subsections 4(1AB) and 4(1AC)
 - **‘Abuse’** - in relation to a child.

Financial orders (other than child maintenance)

In relation to proceedings between parties to a marriage:

Spouse maintenance

Family Law Act 1975

- Section 72 – right of spouse to maintenance
- Section 74 – powers of court in spousal maintenance proceedings
- Section 75 – matters to be taken into consideration in relation to spousal maintenance

Declarations and alteration of property interests

Family Law Act 1975

- Section 44(3) – time restrictions on property and maintenance proceedings
- Section 78 – declaration of interests in property
- Section 79 – alteration of property interests
- Part VIIIAA – in respect of orders or injunctions binding third parties
- Part VIIIB – in respect of superannuation interests

In relation to proceedings between parties to a de facto relationship:

Entitlement to apply and geographical requirements

Family Law Act 1975

- Section 4AA – meaning of ‘De facto relationship’
- Section 90SA – not apply to certain matters covered by binding financial agreements
- Section 90SB – entitlement to apply
- Section 90SD – geographical requirements (de facto partner maintenance)
- Section 90SK – geographical requirements (declarations and alterations of property interests)

Family Law Amendment (De Facto Financial Matters and Other Measures) Act 2008

- Item 86A, Schedule 1 – where both parties to a de facto relationship that broke down before 1 March 2009 may opt for Parts VIIIAA and VIIIB, and subsection 114(2A), of the *Family Law Act 1975* to apply in relation to the de facto relationship.

De facto partner maintenance

Family Law Act 1975

- Section 90SB – when an order for de facto partner maintenance can be made
- Section 90SD – geographical requirements to allow an order to be made (de facto partner maintenance)
- Section 90SE(1) – power of court in de facto partner maintenance proceedings
- Section 90SF – matters to be taken into consideration in relation to maintenance

Declarations and alteration of property interests

Family Law Act 1975

- Section 44(5) – period in which to apply
- Section 44(6) – leave provisions – no provision for parties to consent
- Section 90SL – declaration of interests in property
- Section 90SM – alteration of property interests
- Part VIIIAA – in respect of orders of injunctions binding third parties – see also section 90TA
- Part VIIIB – in respect of superannuation interests

How to apply

STEP 1

Type the orders you seek in a proposed orders by consent, giving careful consideration to the information set out in the front section of this kit on pages A to I.

Set out each order sought in a separate paragraph and number each paragraph. Each page should be signed by each party and dated.

You may like to use the template provided on the Family Court website www.familycourt.gov.au *Application for Consent Orders - proposed orders template* as a guide to setting out these proposed consent orders.

STEP 2

Complete the *Application for Consent Orders* in this kit. The application should be completed by all parties and should be typed or clearly hand printed in ink. The parties must sign the Application in the space provided at the bottom of each page.

STEP 3

If you are applying for consent orders for property settlement and either party has a superannuation interest, there are special requirements which need to be met. See page D for details.

If you are applying for consent orders for property settlement and/or maintenance as a party to a de facto relationship, there are special requirements which need to be met – see page E for details.

If you are applying for a consent order for property settlement and an order sought will bind a third party there are special requirements which need to be met. See page F under 'Who should be a party' for details.

If you are applying for a consent order for parenting orders or orders which would vary existing parenting orders (see s64B), you must consider what is in the best interests of the child. You should bear in mind that the Court is required to apply the presumption that it is in the best interests of the child for the child's parents to have equal shared parental responsibility for the child, except where the circumstances in s61DA(2) apply. In cases where the circumstances in s61DA(2) do not apply, and all parties are seeking a parenting order or orders which will provide for something different to the child's parents having equal shared parental responsibility, you are going to have to provide information to persuade the court that the order or orders you are seeking, is in fact in the child's best interests.

If you are applying for a consent order that provides for equal shared parental responsibility and makes a provision for a child to spend time with a parent, the Court may need to consider whether the proposed arrangement is reasonably practicable (s65DAA(1)(b), (2)(d)). You are going to have to provide information to persuade the court that the orders that you are seeking are:

(a) in the child's best interest and

(b) that the arrangement is reasonably practicable (s65DAA(5)).

Please note: If applying for parenting orders by consent, you must attach to the proposed consent order an *Annexure to Proposed Consent Parenting Order* to inform the Court whether there are any concerns about abuse, neglect or family violence and, if so, how the orders deal with those matters – see Rule 10.15A of the Family Law Rules.

STEP 4

Sign each page of the proposed orders and date the last page. Make sure you do this on the same day you sign the statement of truth in Parts J, L and N.

Note: Each party must sign both the consent orders and the statement of truth on the same day. However, all the parties do not need to sign on the same day.

STEP 5

At the end of the application at parts J and L there are statements of truth which each party must complete and sign. Be careful to mark [X] all the boxes that apply to your application.

STEP 6

If you have sought independent legal advice about the orders you seek, your lawyer must complete the 'Statement of Independent Legal Advice', contained in parts K and M of the application form.

STEP 7

File

- the original and two copies of your *Application for Consent Orders* along with the original signed proposed orders and two copies certified as true copies of the consent orders (for more information see supplement to *Application for Consent Orders*)
- any other document that is referred to in this Kit.

Provide extra copies of the documents for any additional parties. When filing your application it may be better to personally deliver the documents to the Court so that where possible any problems with your paperwork can be attended to at the time.

You must file your application within 90 days of the date of the first statement of truth (see Parts J and L) otherwise the consent orders may not be made.

Each party should keep copies of the completed application and the orders.

STEP 8

After an *Application for Consent Orders* is filed a registrar will consider it. If the registrar is satisfied that the orders should be made, the registrar will sign the proposed orders and sealed copies will be sent to you. If the registrar is not satisfied, a notice will be sent to you with a brief explanation as to what you need to do. It may be necessary for your application to be heard in court.

STEP 9

If the order splits, flags or otherwise imposes an obligation on the trustee of a superannuation plan, the applicant must serve written notice of the terms of the order on the Trustee of the superannuation plan in which the interest is held.

Please note: It is in your interests to seek legal advice.

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 proposed orders by consent must be certified by the applicant or lawyer as a true copy.
- If an order or injunction is sought under Part VIIIAA or Part VIIIB of the Family Law Act the third party must be named as a respondent to this application and must sign the proposed orders by consent. 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

1 What is your family name as used now?

Given names?

☐ Male ☐ Female

2 What is your usual occupation?

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"/>	
State	Postcode
Phone	Fax *
DX	
Lawyer's code	
Email *	

RESPONDENT

What is your family name as used now?

Given names?

☐ Male ☐ Female

What is your usual occupation?

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"/>	
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**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**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

♦ 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 VIIIAA or Part VIIIB 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**

/

/

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

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

/

/

DATE	/	/	TOWN/CITY	COUNTRY
------	---	---	-----------	---------

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

/

/

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

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

/

/

DATE	/	/	TOWN/CITY	COUNTRY
------	---	---	-----------	---------

☐

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 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 proposed orders by consent 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.

You must attach a completed *Annexure to Proposed Consent Parenting Order* form if you are applying for parenting orders.

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).

--

Signature of applicant _____

Signature of respondent _____

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.

Signature of applicant _____

Signature of respondent _____

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

Signature of applicant _____ Signature of respondent _____

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	

APPLICANT**RESPONDENT**

- 45** 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 \$

- 46** 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 \$

- 47** Life insurance policies

Company
Policy No.
Surrender value of your share \$

Company
Policy No.
Surrender value of your share \$

- 48** 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 \$

- 49** **TOTAL VALUE OF PROPERTY OWNED BY YOU**

\$

\$

Write this amount at Item 58A on page 16

Write this amount at Item 58C on page 16

Signature of applicant _____

Signature of respondent _____

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

Signature of applicant _____ Signature of respondent _____

YOUR TOTAL NET WORTH (NOT INCLUDING SUPERANNUATION)

APPLICANT

RESPONDENT

58 To calculate your total net worth, subtract the amounts at Item 57 from the amounts at item 49.

Insert the total
from Item 49

A

\$

C

\$

Insert the total
from Item 57

B

\$

D

\$

**YOUR TOTAL
NET WORTH
(NOT INCLUDING
SUPERANNUATION)**

\$

\$

59 Has either
party acquired
or disposed of
any property
since the date
of separation?

☐

No GO TO ITEM 60

☐

Yes GIVE DETAILS

☐

No GO TO ITEM 60

☐

Yes GIVE DETAILS

Signature of applicant _____

Signature of respondent _____

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

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

APPLICANT

Applicant %
Respondent %

RESPONDENT

☐ **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

- 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

RESPONDENT

☐ **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

Signature of applicant _____

Signature of respondent _____

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 proposed orders by consent 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 proposed orders by consent, 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 VIIIB 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 VIIIB 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 VIIIAA 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 proposed Consent Orders and explained their rights, entitlements and obligations.
- ☐ I gave the **respondent** a copy of the Family 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 O Statement of independent legal advice

Signature of lawyer	Print name
	Date / /

Where to file

For more information about the Family Court of Australia:

Go to www.familycourt.gov.au, **Live chat** on the website or call **1300 352 000**.

ACT	Canberra Registry	Cnr University Ave and Childers St, Canberra, ACT 2600 (GPO Box 9991 Canberra ACT 2601)	 1300 352 000
NSW	Albury Registry	Level 1, 463 Kiewa St, Albury, NSW, 2640 (PO Box 914 Albury NSW 2640)	
	Dubbo Registry	Cnr Macquarie and Wingewarra Sts Dubbo, NSW 2830 (PO Box 1567 Dubbo NSW 2830)	
	Lismore Registry	Level 2, 29–31 Molesworth St, Lismore, NSW 2480 (PO Box 9 Lismore NSW 2480)	
	Newcastle Registry	61 Bolton St, Newcastle, NSW 2300 (PO Box 9991 Newcastle NSW 2300)	
	Parramatta Registry	1–3 George St, Parramatta, NSW 2123 (PO Box 9991 Parramatta NSW 2123)	
	Sydney Registry	97–99 Goulburn St, Sydney, NSW 2000 (GPO Box 9991 Sydney NSW 2001)	
	Wollongong Registry	Level 1, 43 Burelli St, Wollongong, NSW 2500 (PO Box 825 Wollongong NSW 2500)	 1300 352 000
NT	Alice Springs Registry	Westpoint Building, Cnr Railway Terrace and Stott Terrace Alice Springs NT 0870 (GPO Box 9991 Darwin NT 0801)	
	Darwin Registry	Supreme Court Building, State Square, Darwin NT 0800 (GPO Box 9991 Darwin NT 0801)	 1300 352 000
QLD	Brisbane Registry	119 North Quay, Brisbane, QLD 4000 (GPO Box 9991 Brisbane QLD 4001)	
	Cairns Registry	Level 3 and 4, 104 Grafton St Cairns QLD 4870 (PO Box 9991 Cairns QLD 4870)	
	Rockhampton Registry	46 East St (Cnr Fitzroy St), Rockhampton, QLD 4700 (PO Box 9991 Rockhampton QLD 4700)	
	Townsville Registry	Level 2, 143 Walker St Townsville Qld 4810 (PO Box 9991 Townsville QLD 4810)	 1300 352 000
SA	Adelaide Registry	3 Angas St, Adelaide, SA 5000 (GPO Box 9991 Adelaide SA 5001)	 1300 352 000
TAS	Hobart Registry	39–41 Davey St, Hobart, Tas 7000 (GPO Box 9991 Hobart Tas 7001)	
	Launceston Registry	Level 3, ANZ Building, Cnr Brisbane and George Sts Launceston Tas 7250 (PO Box 9991 Launceston Tas 7250)	 1300 352 000
VIC	Dandenong Registry	53–55 Robinson St, Dandenong, Vic 3175 (PO Box 9991 Dandenong Vic 3175)	
	Melbourne Registry	305 William St, Melbourne, Vic 3000 (GPO Box 9991 Melbourne Vic 3001)	 1300 352 000
WA	Family Court of Western Australia	150 Terrace Rd, Perth, WA 6000 (GPO Box 9991 Perth WA 6848)	 (08) 9224 8222

Help in other languages

If you have difficulty with English, contact the Department of Immigration and Citizenship's translating and interpreting service on 131 450. If you need an interpreter for a Court event please ask Court staff to arrange an interpreter for you.

Arabic

إن كنت تلافي صعوبة في التعامل باللغة الإنجليزية فاتصل بخدمة الترجمة الخاطبة والشفهية التابعة لـ Department of Immigration and Citizenship (دائرة الهجرة والجنسية) على الرقم 131 450. أما إن كنت بحاجة لمترجم شفهي لأمر يتعلق بالنزول أمام المحكمة فاطلب من موظفي المحكمة تدبير مترجم لك.

Cantonese

如果您不懂英語，請聯絡Department of Immigration and Citizenship (移民及公民事務部) 的翻譯和傳譯服務，電話131 450。如果處理法庭事務時需要傳譯員協助，請要求法院工作人員為您安排。

Croatian

Ako imate poteškoća s engleskim jezikom, nazovite službu prevoditelja i tumača pri Department of Immigration and Citizenship (Ministarstvu za useljavanje i državljanstvo) na 131 450. Zatreba li vam tumač zbog poslova sa sudom, zamolite djelatnike u sudu da vam organiziraju tumača.

Filipino

Kung kayo ay nahihirapan sa Ingles, tawagan ang serbisyo sa pagsasalin at pagpapaliwanag ng Department of Immigration and Citizenship (Kagawaran ng Imigrasyon at Pagkamamamayan) sa 131 450. Kung kailangan ninyo ng tagapagpaliwanag sa Korte, mangyari lamang na hilingin sa kawani ng Korte na ihanda ang isang tagapagpaliwanag para sa inyo.

Greek

Αν δυσκολεύεστε με τα Αγγλικά, επικοινωνήστε με την υπηρεσία μεταφραστών και διερμηνέων του Department of Immigration and Citizenship (Υπουργείο Μετανάστευσης και Υπηκοότητας) στο 131 450. Αν χρειάζεστε διερμηνέα για κάποια υπόθεση στο Δικαστήριο παρακαλείστε να ζητήσετε από το προσωπικό του Δικαστηρίου να σας κανονίσει διερμηνέα.

Italian

Se avete difficoltà a comunicare in inglese, contattate il servizio traduzioni e interpreti del Department of Immigration and Citizenship (ministero dell'immigrazione e della cittadinanza) al numero 131 450. Se vi serve un interprete per una pratica di natura giudiziaria, chiedete al personale del tribunale di procurarvi un interprete.

Korean

영어로 의사소통을 하시는 데 어려움이 있으시면 Department of Immigration and Citizenship (이민 시민권부)의 통번역 서비스, 전화 131 450번으로 연락하시기 바랍니다. 법원 관련 업무로 통역 서비스가 필요하시면 법원 직원에게 통역 주선을 의뢰하십시오.

Macedonian

Ako imate tешкотии со англискиот јазик, телефонирајте во службата за писмено и усмено преведување на Department of Immigration and Citizenship (Одделот за доселување и државјанство) на 131 450. Ако ви треба преведувач за некоја судска постапка, ве молиме, замолете го персоналот во судот да ви организира преведувач.

Mandarin

如果您不懂英語，請聯絡Department of Immigration and Citizenship (移民和公民事務部) 的翻譯和傳譯服務，電話131 450。如果處理法庭事務時需要傳譯員協助，請要求法院工作人員為您安排。

Polish

Jeśli masz trudności z językiem angielskim, zadzwoń do służby tłumaczy języka pisanego i mówionego przy Department of Immigration and Citizenship (Ministerstwie Imigracji i Obywatelstwa) pod numer 131 450. Jeśli potrzebujesz tłumacza na rozprawę sądową, poproś, aby zamówił go dla Ciebie pracownik sądu.

Russian

Если у вас трудности с английским языком, свяжитесь со службой письменного и устного перевода при Department of Immigration and Citizenship (Департаменте иммиграции и гражданства) по телефону 131 450. Если вам нужен переводчик для суда, попросите работников суда вызвать для вас переводчика.

Serbian

Ako imate problema sa engleskim, obratite se službi prevodilaца и тумача Department of Immigration and Citizenship (Министарства за имиграцију и држављанство) на 131 450. Ако вам треба тумач за суд, молимо вас да замолите особље суда да вам закаже тумача.

Spanish

Si usted tiene dificultades con el inglés, llame al servicio de traducción e interpretación del Department of Immigration and Citizenship (Departamento de Inmigración y Ciudadanía) al 131 450. Si necesita un intérprete para un Tribunal, pida al personal del Tribunal que se lo organice.

Thai

หากท่านมีปัญหาว่ื่องภาษาอังกฤษ ติดต่อบริการล่ามและการแปลของ Department of Immigration and Citizenship (กระทรวงการอพยพและการเป็นประชาชน) ได้ที่หมายเลข 131 450 หากท่านต้องการล่ามสำหรับคดีในศาล กรุณาแจ้งเจ้าหน้าที่ศาลเพื่อจัดหาล่ามให้ท่าน

Turkish

Eğer İngilizce'de zorluk çekiyorsanız, Department of Immigration and Citizenship'e (Göçmenlik ve Vatandaşlık İşleri Bakanlığı) bağlı olan yazılı ve sözlü tercümanlık servisi ile 131 450 nolu telefonla irtibata geçiniz. Eğer bir Mahkeme davası için tercümana ihtiyacınız varsa, lütfen Mahkeme görevlilerinden size bir tercüman ayarlamalarını isteyiniz.

Vietnamese

Nếu bị trở ngại tiếng Anh, xin quý vị liên lạc với dịch vụ thông phiên dịch của Department of Immigration and Citizenship (Bộ Di Trú và Tư Cách Công Dân) theo số 131 450. Nếu cần thông dịch viên khi ra Tòa, xin quý vị hãy yêu cầu nhân viên Tòa án sắp xếp thông dịch viên cho quý vị.