



FEDERAL CIRCUIT  
AND FAMILY COURT  
OF AUSTRALIA

# Consent Orders Kit



[www.fcfcoa.gov.au](http://www.fcfcoa.gov.au)

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

- Your children
- Your finances
- Maintenance for a party to a marriage or a party to a de facto relationship

There is a filing fee for an Application for Consent Orders.

For more information about fees, visit the fees section at [www.fcfcoa.gov.au](http://www.fcfcoa.gov.au)



**Note:** Applications for Consent Orders should be eFiled through the Commonwealth Courts Portal ([www.comcourts.gov.au](http://www.comcourts.gov.au)).

For more information see the *How do I apply for consent orders?* page at [www.fcfcoa.gov.au/howdoi](http://www.fcfcoa.gov.au/howdoi)

# 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 parties 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 7-10, if you are seeking parenting orders, have you provided separate information for each child? Has the applicant completed a *Notice of child abuse, family violence or risk* form? This form must be filed with the *Application for Consent Orders* when seeking parenting orders.
- At Part G, Item 27** on page 11, 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 28 & 33** on pages 11 & 12, if required have you provided/filed the documents required?
- At Part H** on pages 13-21, if you are the applicant and you are seeking financial orders, have you completed column 1 and has the respondent completed column 2?
- At Part H, Item 59** on page 17, if you are the applicant and you are seeking financial 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 60** on page 17, if you are seeking financial 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 61-66** on pages 18 & 19, if a superannuation splitting order is sought, have you given the details required and provided proof of value of the interest? 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 22 & 23, if you are seeking financial 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 24 & 25, have you marked every box that applies to you? Have you signed your Statement of Truth?
- At Part K & Part M** on pages 24 & 25, 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?
- If you are filing by post or at a family law registry, 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).
- Do you have the filing fee ready, or are you seeking a fee exemption by filing an *Application for exemption from fees* (general or financial hardship)?
- 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 to the Court for consent orders about the care arrangements for your children (known as **parenting orders**), the division of property or maintenance for a party to a marriage or former party to a marriage, or a party to a de facto relationship which has broken down (known as **financial orders**). It can also be used if you are applying for consent orders which vary or discharge existing orders made in the Federal Circuit and Family Court of Australia.

## Important note

**You should read this kit carefully.**

You are responsible for making sure all your paperwork is in order. 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 the *Federal Circuit and Family Court of Australia (Family Law) Rules 2021* (Family Law Rules), 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, your application must be heard in Court. In this situation, 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:

- [www.fcftoa.gov.au](http://www.fcftoa.gov.au)
- Live Chat on the website
- call 1300 352 000
- 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)
- 1300 555 727 (clients who are both deaf/hearing impaired and speech impaired).
- [www.communications.gov.au/accesshub](http://www.communications.gov.au/accesshub)

The Court's website [www.fcftoa.gov.au](http://www.fcftoa.gov.au) provides useful links to all relevant legislation such as the *Family Law Act 1975* and the Family Law Rules. Relevant legislation is also available online on the Australian Government Federal Register of Legislation [www.legislation.gov.au](http://www.legislation.gov.au).

# About the words used in this Kit

**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.

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

**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, mailed 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 abuse of a 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 VIIIAB, Division 4 and sections 90UB, 90UC, 90UD and 90EU of the Family Law Act.

**Financial orders** – orders made by the Court with respect to property, maintenance, superannuation and financial agreements between parties in a marriage or de facto relationship. See page D for examples.

**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.

**Notice of child abuse, family violence or risk** – a form that must be completed by the applicant and filed with the *Application for Consent Orders* when parenting orders by consent are sought in Part F of the application.

**Parenting orders** – orders made by the Court which relate to the care arrangements for any child of a marriage, de facto relationship or to whom the Family Law Act applies. See page D for examples.

**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.

**Property** – means items of a tangible nature to which a party to a marriage or de facto relationship may be entitled to, or in possession of.

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

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

**Registry** – how 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 party to a marriage, or former party to a marriage.

**Spouse or de facto partner maintenance** – financial support for a party to a marriage, or former party to a marriage or a party to a de facto relationship which has broken down.

**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.

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

## What are consent orders?

The Federal Circuit and Family Court of Australia (the Court) encourages families to reach agreement about the care arrangements for their children, the division of their finances 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 attend 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 order you propose.

If you are seeking **parenting orders**, you should read and consider sections 60B, 60CA, 60CC, 61DA, 65DAA, 67Z and 67ZBA of the Family Law Act.

If you are seeking **financial 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 VIIIAB of the Family Law Act. If you are seeking **an order or injunction binding a third party** you should read and consider Part VIIIAB **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 financial orders and more than 12 months has lapsed since your divorce became final, or two years since the end of a de facto relationship, you should read and consider section 44 of the Family Law Act. If you are filing beyond this time frame, you must consent to the Court making the proposed financial orders or you will need to seek the Court's permission to file the application.

If you do not consent to the Court making the proposed financial orders, an *Application for Consent Orders* is not the appropriate form. You should file an *Application in a Proceeding* seeking the Court's permission to bring an application for financial orders.

Each of these sections and Parts of the Family Law Act are available at [www.fcfcoa.gov.au](http://www.fcfcoa.gov.au). The entire Family Law Act is also available online on the Australian Government Federal Register of Legislation [www.legislation.gov.au](http://www.legislation.gov.au).

## 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 must be satisfied that:

- for parenting orders, the arrangements are proper; and
- for financial 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 and you will be able to access sealed copies of the orders using the Commonwealth Courts Portal – [www.comcourts.gov.au](http://www.comcourts.gov.au).

# Setting out your orders

The orders you seek concerning your children, finances, 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 the 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 Services Australia Child Support – [www.servicesaustralia.gov.au](http://www.servicesaustralia.gov.au).
- **Any other aspect of parental responsibility** – this may include the day-to-day care, welfare and development of a child, religion, education and sport.

**NOTE:** If you are seeking parenting orders a *Notice of child abuse, family violence or risk* must be completed by the applicant and filed with this application.

## FINANCIAL ORDERS

These include orders relating to:

- **Spouse maintenance** – financial support for a party to a marriage or former party to a marriage.
- **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 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 1 of this Kit.

## SUPERANNUATION

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

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

- You must attach proof of value in relation to that superannuation interest (ie: a copy of a statement from your superannuation fund).
- You must calculate the value of the superannuation interest and if the *Family Law (Superannuation) Regulations 2001* provide a method for calculating the value then that method must be used.
- You must consider the taxation consequences of the order.
- Where a base amount is allocated then that amount cannot exceed the value of the interest (see section 90XT(4)).

If you are seeking an order that imposes an obligation on the Trustee of the superannuation fund, you must satisfy the Court that the Trustee has been given 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 fund 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 financial orders 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 Items 27, 28 and 33

### **Entitlement to apply and geographic requirements**

- If you answer NO to **26** you must answer **27 to 29** as required and comply with Item 86A (refer also to 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 **30–33**, and
  - answer YES to one of the questions at **34 or 35**, and
  - if you have answered YES to **35**, you must also answer YES to one of the questions at **36 or 37**.

If your de facto relationship broke down more than two years before the date of filing this application, you should read and consider section 44 of the Family Law Act. If you are filing beyond this time frame, you must consent to the Court making the proposed property and maintenance orders or you will need to seek leave of the Court to file the application.

If you do not consent to the Court making the proposed financial orders, an *Application for Consent Orders* is not the appropriate form. You should file an *Application in a Proceeding* seeking the Court's permission to bring an application for financial orders.

## **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 the Federal Circuit and Family Court of Australia, other than the registry in which the *Application for Consent Orders* is to be filed, sealed copies of the existing order must also be filed.

## **Other documents**

If there has been no other case involving you at the Federal Circuit and 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).

If you are seeking parenting orders by consent, the applicant must also file a *Notice of child abuse, family violence or risk*.

## 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 6.06 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
- you being fined or
- 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 Part 3.1 of the Family Law Rules. An Independent Children's Lawyer, if one has been appointed, must be treated as a party – see rule 3.11 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 VIIIAB 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.fcftoa.gov.au](http://www.fcftoa.gov.au), or
- [www.legislation.gov.au](http://www.legislation.gov.au)

## 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 are the 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
- Section 67Z – the Court's obligation if you make an allegation of child abuse
- Section 67ZBA – the Court's obligation if you make an allegation of family violence
- 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 VIII AA – in respect of orders or injunctions binding third parties
- Part VIII B – 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 VIII AB and VIII B, 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 to apply out of time
- Section 90SL – declaration of interests in property
- Section 90SM – alteration of property interests
- Part VIII AA – in respect of orders of injunctions binding third parties – see also section 90TA
- Part VIII B – 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 Federal Circuit and Family Court of Australia website [www.fcfcfa.gov.au](http://www.fcfcfa.gov.au) - *Application for Consent Orders - proposed orders template* as a guide to setting out these proposed 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 financial orders by consent 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 financial orders by consent 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 financial orders which will bind a third party, there are special requirements which need to be met. See page G 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 section 64B), 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 section 61DA(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:

- in the child's best interests, and
- that the arrangement is reasonably practicable (s65DAA(5)).

**NOTE:** If you are seeking parenting orders by consent, a *Notice of child abuse, family violence or risk* must be filed by the applicant with this application – see sections 67Z and 67ZBA of the *Family Law Act 1975*, and rule 2.03 of the Family Law Rules 2021.

**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.

**STEP 7**

This application should be eFiled using the Commonwealth Courts Portal – [www.comcourts.gov.au](http://www.comcourts.gov.au). Visit [www.fcfoa.gov.au/hdi/apply-consent-orders](http://www.fcfoa.gov.au/hdi/apply-consent-orders) for more information. Once the documents are accepted for filing, sealed copies of the application will be available on the Commonwealth Courts Portal for you to save or print.

If you do not have access to a computer or you are unable to pay the filing fee by credit or debit card online, you can file the application by post or in person at a Court registry by filing:

- 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,
- any other document that is referred to in this Kit; and
- if seeking a fee exemption, an *Application for exemption from fees* (general or financial hardship), or when filing by post without a fee exemption, a *credit card payment form*.

Provide extra copies of the documents for any additional parties.

**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, you will be emailed the file number and the application will be available on the Commonwealth Courts Portal. The application will be considered by a judicial registrar. If the judicial registrar is satisfied that the orders should be made, sealed orders will become available on the Portal to download. If the Court declines to make the orders, you will be notified and should obtain legal advice. It may be necessary for your application to be heard in Court.

If you are not registered for the Portal, you can email [registerme@comcourts.gov.au](mailto:registerme@comcourts.gov.au) once you have received notification that the documents have been filed and provide your full name, date of birth, name of the other party and the file number, so your registration can be enabled. Each party should have their own Portal registration.

**STEP 9**

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

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

# Application for Consent Orders

Federal Circuit and Family Court of Australia (Family Law) Rules 2021 – RULE 10.04

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:

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

COURT USE ONLY

Client ID \_\_\_\_\_

File number \_\_\_\_\_

Filed at \_\_\_\_\_

Filed on \_\_\_\_\_

## 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 VIII AA or Part VIII AB 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.

## Part A About the parties

### APPLICANT

1 What is your family name as used now?

Given names?

^  Male  Female  X

^ You are not required to answer this question. The information assists to understand the diversity of family relationships in Australia and contributes to gender disaggregated data. The Court's privacy policy can be found on [www.fcfoa.gov.au](http://www.fcfoa.gov.au)

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. You must give an email address.

State	Postcode
Phone	
Lawyer's code	
Email	

### RESPONDENT

What is your family name as used now?

Given names?

^  Male  Female  X

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. You must give an email address.

State	Postcode
Phone	
Lawyer's code	
Email	

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**NOT  
APPLICABLE**6**

When did you begin living together?

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

**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 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

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

1.

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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):

- |   |                                      |
|---|--------------------------------------|
| <input type="checkbox"/> order          | <input type="checkbox"/> undertaking |
| <input type="checkbox"/> parenting plan | <input type="checkbox"/> agreement   |

**OR**

**GIVE THE FOLLOWING DETAILS**

Court name and place	Date
/   /	

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

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

Details of the order / agreement / parenting plan / undertaking

1.

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

**12** Is there 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)


**12A** Has there been any contact with the department responsible for child safety with respect to the children named in this application or any 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.


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

**Yes.** Having regards to section 65DAA(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 fund under section 90XZA 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* (Cth))?

**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 or finances. 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/X^
Child 1	.....	.....	.....	.....	.....
Child 2:	.....	.....	.....	.....	.....
Child 3:	.....	.....	.....	.....	.....
Child 4:	.....	.....	.....	.....	.....

21

\* 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

^ You are not required to answer this question. The information assists to understand the diversity of family relationships in Australia and contributes to gender disaggregated data. The Court's privacy policy can be found on [www.fccoa.gov.au](http://www.fccoa.gov.au)

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

### RESPONDENT

#### Child 1

FATHER                       MOTHER  
 OTHER PERSON    Age \_\_\_\_\_  
 Male                       Female                       X  
 Name and relationship to the child  
 \_\_\_\_\_  
 \_\_\_\_\_

FATHER                       MOTHER  
 OTHER PERSON    Age \_\_\_\_\_  
 Male                       Female                       X  
 Name and relationship to the child  
 \_\_\_\_\_  
 \_\_\_\_\_

#### Child 2

FATHER                       MOTHER  
 OTHER PERSON    Age \_\_\_\_\_  
 Male                       Female                       X  
 Name and relationship to the child  
 \_\_\_\_\_  
 \_\_\_\_\_

FATHER                       MOTHER  
 OTHER PERSON    Age \_\_\_\_\_  
 Male                       Female                       X  
 Name and relationship to the child  
 \_\_\_\_\_  
 \_\_\_\_\_

**APPLICANT****Child 3**

FATHER                       MOTHER

OTHER PERSON    Age \_\_\_\_\_

Male                       Female                       X

Name and relationship to the child


**RESPONDENT**

FATHER                       MOTHER

OTHER PERSON    Age \_\_\_\_\_

Male                       Female                       X

Name and relationship to the child


**Child 4**

FATHER                       MOTHER

OTHER PERSON    Age \_\_\_\_\_

Male                       Female                       X

Name and relationship to the child


FATHER                       MOTHER

OTHER PERSON    Age \_\_\_\_\_

Male                       Female                       X

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 8-10 when filing.

**APPLICANT 1**

**23** **Jurisdiction**

Which of the following applies?

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

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

**RESPONDENT 1**

**Jurisdiction**

Which of the following applies?

**EVERY** BOX THAT APPLIES TO RESPONDENT 1

Present in Australia

Ordinarily resident in Australia

An Australian citizen

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

24

### Child 1

Proposed arrangements for the child:

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


### Child 2

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).

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**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 they are in and what progress is being made).



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



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).

Four horizontal lines for writing housing details for Child 3.

**Child 4**

Proposed arrangements for the child:

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

Four horizontal lines for writing housing details for Child 4.

**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).

One horizontal line for writing supervision details for Child 3.

One horizontal line for writing supervision details for Child 4.

**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).

Four horizontal lines for writing financial support details for Child 3.

Four horizontal lines for writing financial support details for Child 4.

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

Four horizontal lines for writing health details for Child 3.

Four horizontal lines for writing health details for Child 4.

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

Four horizontal lines for writing education details for Child 3.

Four horizontal lines for writing education details for Child 4.

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

Four horizontal lines for writing other matters for Child 3.

Four horizontal lines for writing other matters for Child 4.

If there are no more children and you are not seeking any financial orders: **GO TO PART J, ON PAGE 24.** 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.

**NOTE:** If you are seeking parenting orders by consent, in addition to completing Item 25, a *Notice of child abuse, family violence or risk* must also be filed **by the applicant**, with this application.

**25 Risk of abuse, neglect or family violence**

**APPLICANT 1**

**RESPONDENT 1**

**A. Whether a child has been or is at risk of abuse, neglect or family violence**

I certify that I **do not**, or the party I represent **does not**, consider that a child concerned in the proposed order has been or is at risk of being subjected to or exposed to abuse, neglect or family violence.

I certify that I do, or the party I represent does, consider that a child concerned in the proposed order has been or is at risk of being subjected to or exposed to abuse, neglect or family violence.

I certify that I **do not**, or the party I represent **does not**, consider that a child concerned in the proposed order has been or is at risk of being subjected to or exposed to abuse, neglect or family violence.

I certify that I do, or the party I represent does, consider that a child concerned in the proposed order has been or is at risk of being subjected to or exposed to abuse, neglect or family violence.

**B. Whether a party has been or is at risk of family violence**

I certify that I **do not**, or the party I represent **does not**, consider that I, the party I represent or another party to the proceedings has been or is at risk of being subjected to family violence.

I certify that I do, or the party I represent does, consider that I, the party I represent or any other party to the proceedings has been or is at risk of being subjected to family violence.

I certify that I **do not**, or the party I represent **does not**, consider that I, the party I represent or another party to the proceedings has been or is at risk of being subjected to family violence.

I certify that I do, or the party I represent does, consider that I, the party I represent or any other party to the proceedings has been or is at risk of being subjected to family violence.

**C. Allegations of or risk of abuse, neglect or family violence**

I certify that **no** allegations of or risk of, abuse, neglect or family violence have been made in:

- Any document filed or exhibited in the proceedings; or
- Any report prepared for the proceedings; or
- Any document subpoenaed to the Court in the proceedings.

**OR**

Allegations of or risk of abuse, neglect or family violence have been made in:

- Document/s filed or exhibited in the proceedings
- Report/s prepared for the proceedings
- Documents subpoenaed to the Court in the proceedings

Provide details:


I certify that **no** allegations of or risk of, abuse, neglect or family violence have been made in:

- Any document filed or exhibited in the proceedings; or
- Any report prepared for the proceedings; or
- Any document subpoenaed to the Court in the proceedings.

**OR**

Allegations of or risk of abuse, neglect or family violence have been made in:

- Document/s filed or exhibited in the proceedings
- Report/s prepared for the proceedings
- Documents subpoenaed to the Court in the proceedings

Provide details:


Signature of applicant  
 Signature of applicant's solicitor

Signature of respondent  
 Signature of respondent's solicitor

(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**

- 26 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 27 to 29** as required
- Yes** If Yes, go to **ITEM 30**

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

APPLICANT	RESPONDENT
<input type="checkbox"/> <b>No</b> <input type="checkbox"/> <b>Yes ATTACH COPIES OF YOUR WRITTEN AND SIGNED CONSENT AND STATEMENT OF LEGAL ADVICE BY A LEGAL PRACTITIONER</b>	<input type="checkbox"/> <b>No</b> <input type="checkbox"/> <b>Yes ATTACH COPIES OF YOUR WRITTEN AND SIGNED CONSENT AND STATEMENT OF LEGAL ADVICE BY A LEGAL PRACTITIONER</b>

- 28 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 30**
- Yes IF YES, GO TO ITEM 29 PROVIDE A COPY OF THE AGREEMENT/S**

- 29 Has that agreement ceased to have effect without any property being distributed or any maintenance being paid under the agreement?
- No**
- Yes**

- 30 Is the period or the total of the periods of the de facto relationship at least 2 years?
- No**
- Yes**

- 31 Is there a child of the de facto relationship?
- No**
- Yes**

- 32 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**

33

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**

34

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

35

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

36

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

37

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 financial orders

Omit all of Part H if no financial orders are sought. GO TO PART J ON PAGE 24.

- The Court may refuse to make the financial 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 44, the extra page would be numbered Item 44, 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

38 Gross weekly income

\$

\$

39 Do the orders sought affect your earning capacity? (e.g. Are you disposing of or acquiring an investment or business?)

No GO TO ITEM 40  
 Yes GIVE DETAILS

No GO TO ITEM 40  
 Yes GIVE DETAILS

### CHILD SUPPORT

40 Are you paying child support?

No GO TO ITEM 41  
 Yes GIVE DETAILS

Amount paid per week \$

Paid to (name)

No GO TO ITEM 41  
 Yes GIVE DETAILS

Amount paid per week \$

Paid to (name)

41 Are you receiving child support?

No GO TO ITEM 42  
 Yes GIVE DETAILS

Amount received each week \$

Paid to you by (name)

No GO TO ITEM 42  
 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.

**42** 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	\$

**43** Motor vehicles

Make	
Model	
Value of your share	\$

Make	
Model	
Value of your share	\$

**44** Furniture, furnishings and effects

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

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

**45** 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	

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

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

**APPLICANT**

**RESPONDENT**

**46** 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	\$

**47** 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	\$

**48** Life insurance policies

Company	
.....	
Policy No.	
.....	
Surrender value of your share	\$

Company	
.....	
Policy No.	
.....	
Surrender value of your share	\$

**49** 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	\$

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

\$
----

\$
----

Write this amount at Item 59A on page 17

Write this amount at Item 59C on page 17

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

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

# LIABILITIES

## APPLICANT

## RESPONDENT

**51** 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	\$

**52** 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	\$

**53** 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	\$

**54** 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	\$

**55** 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	\$

**56** Income tax liabilities

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

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

**57** Any other liabilities

Give details	
.....	
.....	
Your share of amount owing	\$

Give details	
.....	
.....	
Your share of amount owing	\$

**58** YOUR TOTAL LIABILITIES

<b>\$</b>
<b>Write this amount at Item 59B on page 17</b>

<b>\$</b>
<b>Write this amount at Item 59D on page 17</b>



# SUPERANNUATION

## If you have a superannuation interest

- attach proof of value of the interest when a splitting order is sought (eg: a statement from your superannuation fund with a current value)

## If you have more than one superannuation interest

- attach proof of value for each interest when a splitting order is sought
- attach a list of the interests
- include the details required in Items 61-66 for each interest

### APPLICANT

### RESPONDENT

61 Name of eligible superannuation fund

Name

Name

62 Type of interest

accumulation interest  
 partially vested accumulation interest  
 defined benefit interest  
 self managed fund  
 retirement savings account  
 small superannuation account  
 percentage only interest  
 approved deposit fund  
 eligible annuity

accumulation interest  
 partially vested accumulation interest  
 defined benefit interest  
 self managed fund  
 retirement savings account  
 small superannuation account  
 percentage only interest  
 approved deposit fund  
 eligible annuity

63 Specify the current agreed gross value of the interest in superannuation

\$

\$

64 Has the agreed value in Item 63 been calculated in accordance with the *Family Law (Superannuation) Regulations 2001*? (Complete only if section 90XT (2)(a) of the Act applies to the superannuation interest)

Yes

Yes

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

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

**65** 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 66)
- Yes - Are there any further payments to be made?
  - No (Go to Item 66)
  - 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 66)
- Yes - Are there any further payments to be made?
  - No (Go to Item 66)
  - 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)

**66** 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

**67** 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 FINANCES

## APPLICANT

## RESPONDENT

68

Proposed percentage division of the property (including superannuation)

Applicant	%
Respondent	%

**Agree**

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

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69

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 70**

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

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**Agree**

**Disagree GIVE BRIEF REASONS WHY YOU DISAGREE**

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70

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 71**

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

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**Agree**

**Disagree GIVE BRIEF REASONS WHY YOU DISAGREE**

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

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





# Part I

# Effect of financial orders sought

Omit all of Part I if no financial orders are sought.

73

## APPLICANT

## RESPONDENT

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

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

Real estate



Motor vehicles



Furniture, furnishings and effects



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



Interest in any business



Investments including shares in public companies



Life insurance policies



Other property



**TOTAL**



74

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

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

Home mortgage



Other mortgage



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



Credit cards



Hire purchase



Other liabilities – specify



**TOTAL**



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

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

75

**TOTAL**



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

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

**APPLICANT**

**RESPONDENT**

76 Superannuation

**GROSS VALUE OF THE SUPERANNUATION  
THE APPLICANT WILL RECEIVE**

**GROSS VALUE OF THE SUPERANNUATION  
THE RESPONDENT WILL RECEIVE**

\$

\$

77 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 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 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 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 sections 72 and 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 sections 90SF and 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 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 financial orders in relation to a superannuation interest** – the trustee of the superannuation fund:
  - 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 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 proposed consent orders and explained their rights, entitlements and obligations.
- I gave the **applicant** a copy of the Court's *Marriage, Families and Separation* brochure.

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 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 sections 72 and 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 sections 90SF and 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 financial orders in relation to a superannuation interest** – the trustee of the superannuation fund:
  - 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 Court's *Marriage, Families and Separation* brochure.

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

- 1.  I am a third party to a marriage between the applicant and respondent.
- 2.  I have read this application and the proposed consent orders which I am now requesting this Honourable Court to make.
- 3.  I have agreed to the order or injunction that is binding on me.
- 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.  I have signed each page of the proposed orders by consent, lodged with this application, and dated them today.
- 7.  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.
- 8.  I am satisfied that I have been accorded procedural fairness in relation to the making of the order or injunction binding on me.
- 9.  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 subsection 90AE(4) or 90AF(4) (whichever is applicable).
- 10.  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 proposed consent orders and explained their rights, entitlements and obligations.

Signature of lawyer	Print name
	Date / /

## Where to file

The *Application for Consent Orders* should be eFiled using the Commonwealth Courts Portal. Visit [www.fccoa.gov.au/hdi/apply-consent-orders](http://www.fccoa.gov.au/hdi/apply-consent-orders) for more information.

If you do not have access to a computer or you are unable to pay the filing fee online, you can file the application by post, or in person at a Court registry.

For more information about the Federal Circuit and Family Court of Australia go to [www.fccoa.gov.au](http://www.fccoa.gov.au) Live chat on the website or call **1300 352 000**

NOTE: For filing a family law application in Western Australia visit [www.familycourt.wa.gov.au](http://www.familycourt.wa.gov.au)

<b>ACT</b>	<b>Canberra:</b>	Cnr University Ave and Childers St Canberra ACT 2600 GPO Box 9991 Canberra 2601
<b>NSW</b>	<b>Albury:</b>	Level 1, 463 Kiewa St Albury NSW 2640 PO Box 914 Albury NSW 2640
	<b>Dubbo:</b>	Cnr Macquarie and Wingewarra Sts Dubbo NSW 2830 PO Box 1567 Dubbo NSW 2830
	<b>Lismore:</b>	Level 2, 29-31 Molesworth St Lismore NSW 2480 PO Box 9 Lismore NSW 2480
	<b>Newcastle:</b>	61 Bolton St Newcastle NSW 2300 PO Box 9991 Newcastle NSW 2300
	<b>Parramatta:</b>	1-3 George St Parramatta NSW 2123 PO Box 9991 Parramatta NSW 2123
	<b>Sydney:</b>	97-99 Goulburn St, Sydney NSW 2000 GPO Box 9991 Sydney NSW 2001
	<b>Wollongong:</b>	Level 1, 43 Burelli St, Wollongong NSW 2500 PO Box 825 Wollongong NSW 2500
<b>NT</b>	<b>Darwin:</b>	Supreme Court Building, State Square Darwin NT 0800 GPO Box 9991 Darwin NT 0801
<b>QLD</b>	<b>Brisbane:</b>	119 North Quay Brisbane QLD 4000 PO Box 9991 Brisbane QLD 4001
	<b>Cairns:</b>	Level 3 and 4, 104 Grafton St Cairns Qld 4870 PO Box 9991 Cairns QLD 4870
	<b>Rockhampton:</b>	48 East St (Cnr Fitzroy St) Rockhampton QLD 4700 PO Box 9991 Rockhampton QLD 4700
	<b>Townsville:</b>	Level 2, 143 Walker St Townsville QLD 4810 PO Box 9991 Townsville QLD 4810
<b>SA</b>	<b>Adelaide:</b>	3 Angas St Adelaide SA 5000 GPO Box 9991 SA 5001
<b>TAS</b>	<b>Hobart:</b>	39-41 Davey St Hobart TAS 7000 GPO Box 9991 Hobart TAS 7001
	<b>Launceston:</b>	Level 3, ANZ Building, Cnr Brisbane and George Sts Launceston TAS 7250 PO Box 9991 Launceston TAS 7250
<b>VIC</b>	<b>Dandenong:</b>	53-55 Robinson St Dandenong VIC 3175 PO Box 9991 Dandenong VIC 3175
	<b>Melbourne:</b>	305 William St Melbourne VIC 3000 GPO Box 9991 Melbourne VIC 3001