

Application for Consent Orders

Form 11 - Family Court Rules – Rule 166(1)(b)

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 Western Australia

Other (specify) _____

COURT USE ONLY

File number _____

Filed at _____

Filed on _____

Notice to the parties

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

Part A About the parties

1 APPLICANT

What is your family name as used now?

CITIZEN

Given names?

JOHN

Male Female

2 What is your usual occupation?

Musician

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.

1 Kangaroo Court, Perth

State WA Postcode 6000

Phone 0491 578 888 Fax *

DX

Lawyer's code

Email* john@legalaspirations.com.au

RESPONDENT

What is your family name as used now?

CITIZEN

Given names?

MARY

Male Female

What is your usual occupation?

Teacher

What is your contact address (address for service) in Australia? If you give a lawyer's address, include the name of the law firm.

1 Koala Close, Perth

State WA Postcode 6000

Phone 0491 570 158 Fax *

DX

Lawyer's code

Email* mary@legalaspirations.com.au

* 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
1 January 1972	Australia

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
10 October 1975	England

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

No

Yes Aboriginal

Yes Torres Strait Islander

Yes Aboriginal and Torres Strait Islander

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

If there is more than one applicant or respondent, attach an extra page with the details for Applicant 2 / Respondent 2, answering Items 1-5. A third party who will be bound by an order sought under Part VIII A A or Part VIII A B of the Family Law Act must be named as a respondent but need not complete any of this form except Part M.

Part B About the relationship of the parties

6

When did you begin living together?

DATE 14 February 1997

7

If married, when and where did you get married?

DATE	TOWN/CITY	COUNTRY
14 February 1997	Perth	Australia

8

When did you finally separate?

DATE 1 July 2022

9

When and where did you get divorced?

DATE	TOWN/CITY	COUNTRY
/ /		

NOT APPLICABLE

Part C About other Court cases and orders

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

IF YOU ARE SEEKING **FINANCIAL ORDERS**, ANSWER ITEMS 10 TO 12 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 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

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

Not applicable (there is no family violence order)

Yes

No GIVE BRIEF DETAILS

12A Has the Department for Child Protection or any other child welfare authority had any involvement with you or the other party or the child/ren or a member of the child/ren's family?

No

Yes GIVE BRIEF DETAILS

13 If you are seeking an order regarding parental responsibility that is other than an order for equal shared parental responsibility give brief details as to why that order is in the best interests of the child/ren.

- 14 Have the parties previously entered into a **financial agreement**, or a **superannuation agreement** under the Family Law Act or under any relevant State or Territory legislation?
- No**
- Yes** ATTACH A COPY OF THE AGREEMENT/S
- 15 If either party has a superannuation interest, has the non-member spouse served a waiver notice on the Trustee of the eligible superannuation plan under section 90XZA or section 90YZQ of the Family Law 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) or under any relevant State or Territory legislation)?
- 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) of the Family Law Act or Family Court Act equivalent?
- No**
- Yes** Has written notice been given to that person?
- Yes** ATTACH A COPY OF THE NOTICE
- No**

Part D

About the children – NOT APPLICABLE – no children under 18 years of age

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

RESPONDENT

Child 1

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 2

FATHER MOTHER
 OTHER PERSON Age _____
 Male Female
 Name and relationship to the child

FATHER MOTHER
 OTHER PERSON Age _____
 Male Female
 Name and relationship to the child

APPLICANT

Child 3

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 4

FATHER MOTHER

OTHER PERSON Age _____

Male Female

Name and relationship to the child

FATHER MOTHER

OTHER PERSON Age _____

Male Female

Name and relationship to the child

Part E Order/s sought

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

Part F Details for parenting orders

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

APPLICANT 1

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 named in the draft Consent Orders are present in Australia/ordinarily resident in Australia/ is an Australian citizen

I am present in Western Australia

The child or children named in the draft Consent Orders are present in Western Australia

RESPONDENT 1

Jurisdiction
Which of the following applies?
EVERY BOX THAT APPLIES TO RESPONDENT 1

I am present in Australia

I am ordinarily resident in Australia

I am an Australian citizen

I am present in Western Australia

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).

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

Child 2

Proposed arrangements for the child:

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

--

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

Child 3

24

Proposed arrangements for the child:

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

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

--

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

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

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

Any other matters

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 I, ON PAGE 21**. If you need more space for any other children, attach an extra page, numbering it Item 24, Child 5; Item 24 Child 6 and so on.

Part G Details for property or maintenance orders

Omit all of Part G if no property or maintenance orders are sought AND GO TO PART I

- The Court may refuse to make the property orders you seek if the proposed orders are not just and equitable. The Court cannot determine if the orders are just and equitable unless this Part is correctly and fully completed.
- The amounts shown for the value of property, superannuation, liabilities and financial resources should be current figures. (use whole dollars)
- 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 31, the extra page would be numbered Item 31, 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.

INCOME

	APPLICANT	RESPONDENT
25	Gross weekly income \$1,400 (estimate)	Gross weekly income \$1,450 (estimate)
26	Do the orders sought affect your earning capacity? (e.g. Are you disposing of or acquiring an investment or business?) <input checked="" type="checkbox"/> No GO TO ITEM 27 <input type="checkbox"/> Yes GIVE DETAILS	Do the orders sought affect your earning capacity? (e.g. Are you disposing of or acquiring an investment or business?) <input checked="" type="checkbox"/> No GO TO ITEM 27 <input type="checkbox"/> Yes GIVE DETAILS

CHILD SUPPORT

27	Are you paying child support? <input checked="" type="checkbox"/> No GO TO ITEM 28 <input type="checkbox"/> Yes GIVE DETAILS Amount paid per week \$ Paid to (name)	Are you paying child support? <input checked="" type="checkbox"/> No GO TO ITEM 28 <input type="checkbox"/> Yes GIVE DETAILS Amount paid per week \$ Paid to (name)
28	Are you receiving child support? <input checked="" type="checkbox"/> No GO TO ITEM 29 <input type="checkbox"/> Yes GIVE DETAILS Amount received each week \$ Paid to you by (name)	Are you receiving child support? <input checked="" type="checkbox"/> No GO TO ITEM 29 <input type="checkbox"/> Yes GIVE DETAILS Amount received each week \$ Paid to you by (name)

PROPERTY

How to list shared property

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

29 Real estate

APPLICANT

Address 1 Kangaroo Court	
Perth	State WA
Your % share 50	
Value of your share	\$ 250,000

Address	
	State
Your % share	
Value of your share	\$NIL

RESPONDENT

Address 1 Kangaroo Court	
Perth	State WA
Your % share 50	
Value of your share	\$ 250,000

Address 1 Koala Close	
Perth	State WA
Your % share 100	
Value of your share	\$ 300,000

30 Motor Vehicles

Make Toyota	
Model Corolla	
Value of your share	\$ 15,000

Make Mazda	
Model 3	
Value of your share	\$ 15,000

31 Furniture, furnishings and effects

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

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

Name of Institution Bankwest	
Your share 100%	\$ 20,000
Account Number 1234 5678	

Name of Institution	
Your share	\$ NIL
Account Number	

Name of Institution	
Your share	\$ NIL
Account Number	

Name of Institution ANZ	
Your share 100%	\$ 14,000
Account Number 5432 7890	

Name of Institution	
Your share	\$ NIL
Account Number	

Name of Institution	
Your share	\$ NIL
Account Number	

APPLICANT

RESPONDENT

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

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

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

34 Investments including shares in public companies

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

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

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

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

35 Life insurance policies

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

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

36 Interest in any other property, including in any leased property

Give details	
Value of your share	\$ NIL

Give details	
Value of your share	\$ NIL

Give details	
Value of your share	\$ NIL

Give details	
Value of your share	\$ NIL

37 TOTAL VALUE OF PROPERTY OWNED BY YOU

\$285,000

\$579,000

Write this amount at Item 46A on page 14

Write this amount at Item 46C on page 14

LIABILITIES

APPLICANT

RESPONDENT

38 Amount owing on home mortgage

Name of lender Bankwest	
Address of property 1 Kangaroo Court	
Perth	State WA
Your share of amount owing	\$ 30,000

Name of lender Bankwest	
Address of property 1 Kangaroo Court	
Perth	State WA
Your share of amount owing	\$ 30,000

39 Amount owing on any other mortgage

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

Name of lender Bankwest	
Address of property 1 Koala Close	
Perth	State WA
Your share of amount owing	\$ 250,000

40 Amounts owing on any credit/charge cards

Type of card Bankwest Mastercard	Your share of amount owing	\$ 3,000
Type of card	Your share of amount owing	\$ NIL

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

41 Amounts owing on any other loans

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

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

42 Hire purchase / lease

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

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

43 Income tax liabilities

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

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

44 Any other liabilities

Give details	
Your share of amount owing	\$ NIL

Give details	
Your share of amount owing	\$ NIL

45 YOUR TOTAL LIABILITIES

\$33,000

\$280,000

Write this amount at Item 46B on page 14

Write this amount at Item 46D on page 14

SUPERANNUATION

If you have a superannuation interest

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

If you have more than one superannuation interest

- attach a completed Superannuation Information Form for each interest when a splitting order is sought
- attach a list of the interests
- include the details required in Items 48 - 53 for each interest

	APPLICANT	RESPONDENT
48 Name of eligible superannuation plan	Name Australian Super	Name Australian Super
49 Type of interest	<input checked="" 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 checked="" 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
50 Specify the current agreed gross value of the interest in superannuation	\$60,000	\$280,000
51 Has the agreed value in Item 50 been calculated in accordance with the <i>Family Law (Superannuation) Regulations 2001</i> ? (Complete only if sections 90XT(2)(a) or 90YY(2)(a) of the Family Law Act applies to the superannuation interest)	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes

52

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 53)
- Yes - Are there any further payments to be made?
- No (Go to item 53)
- 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 53)

Yes - Are there any further payments to be made?

No (Go to item 53)

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)

%

53

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

\$ Not applicable

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

\$ Not applicable

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

\$ Not applicable

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

\$ Not applicable

FINANCIAL RESOURCES

54

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

\$ NIL

GIVE DETAILS

\$ NIL

PROPOSED DIVISION OF PROPERTY

APPLICANT

RESPONDENT

55 Proposed percentage division of the property (including superannuation)

(To calculate the proposed percentage division, use the totals at Items 62 and 63)

Applicant % 50
Respondent % 50

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

John will retain \$385,500 in net assets plus \$60,000 in super totalling \$445,500.
 Mary will retain \$165,500 in net assets plus \$280,000 in super totalling \$445,500.

56 Were the financial contributions of the parties the same? (see s79(4)(a) of the Family Law Act or equivalent section of the Family Court Act)

Yes GO TO ITEM 57
 No GIVE BRIEF DETAILS OF WHO MADE THE GREATER CONTRIBUTION

John was the primary breadwinner during the parties' marriage and earned more money than Mary.

Agree
 Disagree GIVE BRIEF REASONS WHY YOU DISAGREE

57 Were the non-financial contributions from each of the parties the same? (see s79(4)(b) of the Family Law Act or equivalent section of the Family Court Act)

Yes GO TO ITEM 58
 No GIVE BRIEF DETAILS OF WHO MADE THE GREATER CONTRIBUTION

Agree
 Disagree GIVE BRIEF REASONS WHY YOU DISAGREE

PROPOSED DIVISION OF PROPERTY [CONTINUED]

58 Were the contributions from each of the parties as homemaker and parent the same? (see s79(4)(c) of the Family Law Act or equivalent section of the Family Court Act)

APPLICANT

Yes GO TO ITEM 59

No GIVE BRIEF DETAILS OF WHO MADE THE GREATER CONTRIBUTION

Mary was the primary care giver of the parties' two children during the marriage.

Both children are now independent adults.

RESPONDENT

Agree

Disagree GIVE BRIEF REASONS WHY YOU DISAGREE

59 Are there any other relevant matters or facts in relation to the division of the property (e.g. health, financial resources, income earning ability)? (see s75(2) of the Family Law Act or equivalent section of the Family Court Act)

No GO TO ITEM 60

Yes GIVE BRIEF DETAILS

The marriage was long in duration.

John and Mary consider that their contributions were equal overall and both have similar income earning capacities, health and future needs.

The parties do not want to split their superannuation as Mary would like to retain all of her superannuation benefits.

Agree

Disagree GIVE BRIEF REASONS WHY YOU DISAGREE

Part H Effect of property orders sought

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

60

APPLICANT

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

RESPONDENT

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

Real estate	\$500,000 (i.e. Kangaroo Court)	\$300,000 (i.e. Koala Close)
Motor vehicles	\$15,000	\$15,000
Furniture, furnishings and effects	\$Nominal	\$Nominal
Funds in banks, building societies, credit unions or other financial institutions	\$20,000	\$14,000
Interest in any business	\$NIL	\$NIL
Investments including shares in public companies	\$NIL	\$NIL
Life insurance policies	\$NIL	\$NIL
Other property	\$NIL	\$86,500 (Payout)
TOTAL	\$535,000	\$415,500

61

Liabilities for which the applicant will be responsible

Liabilities for which the respondent will be responsible

Home mortgage	\$60,000	\$NIL
Other mortgage	\$NIL	\$250,000
Loans (total from bank, building society, credit union or other financial institutions)	\$NIL	\$NIL
Credit cards	\$3,000	\$NIL
Hire purchase	\$NIL	\$NIL
Other liabilities – specify	\$86,500 (Payout)	\$NIL
TOTAL	\$149,500	\$250,000

NET VALUE OF PROPERTY THAT THE APPLICANT WILL RECEIVE

NET VALUE OF PROPERTY THAT THE RESPONDENT WILL RECEIVE

62

TOTAL (Item 60 – Item 61)

\$385,500

\$165,500

Signature of applicant Signature of respondent

63 Superannuation

APPLICANT

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

\$60,000

RESPONDENT

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

\$280,000

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

GIVE DETAILS NIL

Form with 12 horizontal lines for providing details.

GIVE DETAILS NIL

Form with 12 horizontal lines for providing details.

Part I Affidavit of applicant

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

I swear* /affirm* that:

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

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

- Justice of the Peace Notary public Lawyer

* delete whichever is inapplicable

Part J Statement of independent legal advice

(OMIT IF NOT APPLICABLE)

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

Signature of lawyer	Print name
Date / /	

Part K Affidavit of respondent

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

I swear* /affirm* that:

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

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

- Justice of the Peace Notary public Lawyer * delete whichever is inapplicable

Part L Statement of independent legal advice

(OMIT IF NOT APPLICABLE)

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

Signature of lawyer	Print name
Date / /	

This application was prepared by applicant/s lawyer

John and Mary Citizen

PRINT NAME AND LAWYER'S CODE

Supplement to Application for Consent Orders for use only when an order or injunction is sought binding on a third party under Part VIII AA of the *Family Law Act* or the equivalent part of the *Family Court Act*.

Part M Affidavit of the third party respondent

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

I swear* /affirm* that:

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

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

- Justice of the Peace Notary public Lawyer

* delete whichever is inapplicable

Part N Statement of independent legal advice

(OMIT IF NOT APPLICABLE)

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

Signature of lawyer	Print name
Date / /	