



Application for Consent Orders Kit

www.familycourt.gov.au

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

- Your children
- Your property
- Maintenance for a husband or wife

This kit includes:

- Information (pages A-I)
- Copies of the relevant sections of the *Family Law Act*
- Application for Consent Orders – Form 11 (pages 1-20)
- Where to file

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? If you were married you will need to provide the Court with a photocopy of your Marriage Certificate or Certificate of Divorce when you lodge the application.
- ☐ **At Part C, Item 13 & 14** on pages 3 & 4, have you provided details of any ongoing Court cases or existing orders concerning the husband, wife 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, Item 21** 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** on page 6, have you attached the signed draft Consent Orders to the application form?
- ☐ **At Part F** on pages 7-8, if you are seeking parenting orders, have you provided separate information for each child?
- ☐ **At Part G** on pages 9-12, if you are the applicant and you are seeking property or maintenance orders, have you completed column 1 and has the respondent completed column 2?
- ☐ **At Part G, Item 47** on page 13, if you are the applicant and you are seeking property or maintenance orders have you provided your total net worth (not including superannuation) by subtracting your liabilities from the total value of property owned by you, and has the respondent done the same?
- ☐ **At Part G, Item 48** on page 13, if you are seeking property or maintenance orders and either party has acquired or disposed of any property since the date of separation have the details been provided?
- ☐ **At Part G, Items 49-53** on page 14, if a superannuation splitting order is sought, have you given the details required and attached a completed superannuation information form? 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 H** on pages 17 & 18, if you are seeking property orders have you addressed each item and provided the net value of the property that the applicant and the respondent will each receive? If you are seeking an order in relation to superannuation have you provided the gross value of the superannuation that the applicant and the respondent will each receive and have you set out the taxation consequences of the order sought?
- ☐ **At Part I & Part K** on pages 18 & 19, have you marked every box that applies to you? Have you sworn/affirmed and signed your affidavit in the presence of a Justice of the Peace, notary public or lawyer?
- ☐ **At Part J & Part L** on pages 19 & 20, if you have sought independent legal advice about the orders you seek has the lawyer completed and signed the statement of independent legal advice?
- ☐ If you are not married and you are seeking an order about children have you filed a copy of the birth certificate of each child with your Application for Consent orders?
- ☐ Have you made two photocopies of the completed application for Consent Orders (Form 11) and two photocopies of the signed draft Consent Orders? These will need to be presented when you file the original Consent Order form with the attached draft Consent Orders.
- ☐ Have you answered every question that applies to you?
- ☐ Ensure that you file the application within 90 days of the date of first affidavit (see Parts I and K).

About this kit

This kit can be used to apply for Consent Orders about the care, welfare and development of your children (known as parenting orders), the division of property or maintenance for a husband or wife or former husband or wife (known as spouse maintenance). It can also be used if you are applying for Consent Orders which vary or discharge existing Family Court orders.

Important note

You should read this kit carefully.

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

If you do not comply with the Family Law Act and 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 then your application must be heard in court. In this case you may need to consider submitting a different type of application. **You should seek legal advice before proceeding any further.**

About the words used in this Kit

Affidavit - is a written statement which is sworn or affirmed by you before a Justice of the Peace, notary public or lawyer. You must have the affidavit at Parts I & K of the Application for Consent Orders sworn or affirmed before filing it with the Court.

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 or mailed, faxed or emailed to them.

Family violence order – an order made under a prescribed law of a State or Territory to protect a person from family violence. Family violence means conduct, whether actual or threatened, by a person towards, or towards the property of, a member of the person's family that causes that or any other member of the person's family to fear for, or to be apprehensive about, his or her personal well being or safety. (See the Family Law Act, Section 60D)

Electronic communication – as the context permits includes transmission of information in the form of speech, data, text or images for example by telephone, or videoconferencing, closed circuit television, facsimile or email.

Draft Consent Orders – a term used to describe the signed agreement which you wish to have made into court orders.

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

Maintenance – financial support

Medical procedures – an Application for Final Orders (Form 1) seeking an order authorising a major medical procedure on a child which is not for the purpose of treating some malfunction or disease.

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

Registrar – the person who considers applications for Consent Orders

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

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

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

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

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

Spouse maintenance – financial support for a husband or wife, or former husband or wife as the case may be.

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

What are consent orders?

The Family Court encourages families in dispute to reach agreement about the care, welfare and development of their children, the division of property or spouse maintenance.

If you want your agreement to become an order of the Court, you can apply for 'Consent Orders' to be made without having to actually go to Court. You can do this by using this kit or with the help of your lawyer.

Consent Orders have the same legal effect as an order made after a Court hearing.

The Consent Orders you cannot seek by using this application

- Child maintenance for children covered by the Child Support (Assessment) Act, that is, those under 18 who were born after 1 October 1989 or whose parents separated after that date – this is handled by the Child Support Agency which can be contacted on tel 131 272 for the cost of a local call.
- Property between couples who have not been married (except in Western Australia).
- Medical procedures.
- Orders under cross vesting laws.
- Step parent maintenance, that is, where the parties are a parent and step parent of the child (see Rule 4.16).
- A parenting order in favour of a person who is not a parent 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 **orders concerning children** you should read and consider sections 60B, 65E and 68F of the Family Law Act.

If you are seeking **property orders**, you should read and consider sections 75 and 79 and Part VIIIB 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.

All of these sections, except for Part VIIIB (which deals with superannuation interests), are set out on the following pages. Part VIIIB can be accessed through the Family Court website: www.familycourt.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 has to be satisfied that:

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

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

Setting out your orders

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

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

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

PARENTING ORDERS

These include orders relating to:

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

FINANCIAL ORDERS

These include orders relating to:

- **Spouse maintenance** – financial support for a husband or wife or former husband or wife
- **Property** – how your property, superannuation, financial resources and liabilities should be shared between you.

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.

Following are parts of the *Family Law Act 1975*, which you should read before applying for Consent Orders.

SUPERANNUATION

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

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

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

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

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

- (a) a copy of the draft consent order that you intend to apply for, signed by the parties;
- (b) a written notice stating that:
 - (i) the parties intend to apply for the order sought if no objection to the order is received from the Trustee within 28 days after receiving the notice; and
 - (ii) if the Trustee objects to the order sought, the Trustee must give the parties written notice of the objection within the same period of 28 days.

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

The draft Consent Orders 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.

What if there is an existing order?

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

Other documents

If there has been no other case involving you at the Family Court registry in which your Application for Consent Orders is to be filed you must also file a copy of the following:

- Marriage certificate (see below) or Certificate of Divorce
- Birth certificate of each child (if you were not married and you are seeking an order about children)

Marriage certificate

If you were married, you must file a photocopy of your Marriage Certificate. If you do not have your marriage certificate to photocopy a certified copy can be obtained from the Registrar of Births, Deaths and Marriages in the country, state or territory where you were married.

If you cannot provide a photocopy of your marriage certificate, then the Court will need evidence from you in an affidavit proving that you are married. You should obtain legal advice about how to do this.

If your marriage certificate is not in English, then you must also lodge:

- an English translation of it, and
- an affidavit from the translator which
 - ~ states his or her qualifications to translate,
 - ~ attaches a copy of the marriage certificate,
 - ~ attaches the translation,
 - ~ states that the translation is an accurate translation of the marriage certificate, and
 - ~ states that the attached copy of the marriage certificate is a true copy of the marriage certificate translated.

If you have been divorced you may file a copy of the Certificate of Divorce or decree.

Change of name, address

If you change address after the application is filed you must file a Notice of Address for Service (Form 8) so the Court can send any papers to the correct address. This form is available from the Family Court website: www.familycourt.gov.au or Court registries. If you change your name after the application has been filed, you must inform the Court in writing.

Duty of disclosure

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

WARNING

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

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

Parenting orders

SECTION 60B OBJECT OF PART AND PRINCIPLES UNDERLYING IT

60B(1) [Object of Part] The object of this Part is to ensure that children receive adequate and proper parenting to help them achieve their full potential, and to ensure that parents fulfil their duties, and meet their responsibilities, concerning the care, welfare and development of their children.

60B(2) [Principles underlying object] The principles underlying these objects are that, except when it is or would be contrary to a child's best interests:

- (a) children have the right to know and be cared for by both their parents, regardless of whether their parents are married, separated, have never married or have never lived together; and
- (b) children have a right of contact, on a regular basis, with both their parents and with other people significant to their care, welfare and development; and
- (c) parents share duties and responsibilities concerning the care, welfare and development of their children; and
- (d) parents should agree about the future parenting of their children.

SECTION 65E CHILD'S BEST INTERESTS PARAMOUNT CONSIDERATION IN MAKING A PARENTING ORDER

In deciding whether to make a particular parenting order in relation to a child, a court must regard the best interests of the child as the paramount consideration.

Note – Division 10 details with how a court determines a child's best interests.

SECTION 68F HOW A COURT DETERMINES WHAT IS IN CHILD'S BEST INTERESTS

68F(1) [Determining child's best interests]

Subject to subsection (3), in determining what is in the child's best interests, the court must consider the matters set out in subsection (2).

68F(2) [What court must consider]

The court must consider:

- (a) any wishes expressed by the child and any factors (such as the child's maturity or level of understanding) that the court thinks are relevant to the weight it should give to the child's wishes;
- (b) the nature of the relationship of the child with each of the child's parents and with other persons;
- (c) the likely effect of any changes in the child's circumstances, including the likely effect on the child of any separation from:
 - (i) either of his or her parents; or
 - (ii) any other child, or other person, with whom he or she has been living.
- (d) the practical difficulty and expense of a child having contact with a parent and whether that difficulty or expense will substantially affect the child's right to maintain personal relations and direct contact with both parents on a regular basis;
- (e) the capacity of each parent, or of any other person, to provide for the needs of the child, including emotional and intellectual needs;
- (f) the child's maturity, sex and background (including any need to maintain a connection with the lifestyle, culture and traditions of Aboriginal peoples or Torres Strait Islanders) and any other characteristics of the child that the court thinks are relevant;
- (g) the need to protect the child from physical or psychological harm caused, or that may be caused, by:
 - (i) being subjected or exposed to abuse, ill-treatment, violence or other behaviour; or
 - (ii) being directly or indirectly exposed to abuse, ill-treatment, violence or other behaviour that is directed towards, or may affect, another person;
- (h) the attitude of the child, and to the responsibilities of parenthood, demonstrated by each of the child's parents;
- (i) any family violence involving the child or a member of the child's family;
- (j) any family violence order that applies to the child or a member of the child's family;
- (k) whether it would be preferable to make the order that would be least likely to lead to the institution

- of further proceedings in relation to the child;
- (l) any other fact or circumstance that the court thinks is relevant.

68F(3) [Consent Orders]

If the court is considering whether to make an order with the consent of all the parties to the proceedings, the court may, but is not required to, have regard to all or any of the matters set out in subsection (2).

68F(4) [Definitions] In paragraph (2)(f):

“**Aboriginal peoples**” means the peoples of the Aboriginal race of Australia;

“**Torres Strait Islanders**” means the descendants of the indigenous inhabitants of the Torres Strait Islands.

Financial orders (other than child maintenance)

SECTION 72 RIGHT OF SPOUSE TO MAINTENANCE

- 72** A party to a marriage is liable to maintain the other party, to the extent that the first-mentioned party is reasonably able to do so, if, and only if, that other party is unable to support herself or himself adequately whether –
- (a) by reason of having the care and control of a child of the marriage who is not attained the age of 18 years;
 - (b) by reason of age or physical or mental incapacity for appropriate gainful employment; or
 - (c) for any other adequate reason, having regard to any relevant matter referred to in sub-section 75(2).

SECTION 74 POWERS OF COURT IN SPOUSAL MAINTENANCE PROCEEDINGS

- 74** In proceedings with respect to the maintenance of a party to a marriage, the court may make such order as it considers proper for the provision of maintenance in accordance with this Part.

SECTION 75 MATTERS TO BE TAKEN INTO CONSIDERATION IN RELATION TO SPOUSAL MAINTENANCE

- 75(1) [Exercise of jurisdiction]** In exercising jurisdiction under section 74, the court shall take into account only the matters referred to in sub-section (2).

75(2) [Matters]

The matters to be so taken into account are –

- (a) the age and state of health of each of the parties;
- (b) the income, property and financial resources of each of the parties and the physical and mental capacity of each of them for appropriate gainful employment;
- (c) whether either party has the care or control of a child of the marriage who has not attained the age of 18 years;
- (d) commitments of each of the parties that are necessary to enable the party to support:
 - (i) himself or herself; and
 - (ii) a child or another person that the party has a duty to maintain;
- (e) the responsibilities of either party to support any other person;
- (f) subject to subsection (3) the eligibility of either party for a pension, allowance or benefit under –
 - (i) any law of the Commonwealth, of a State or Territory or of another country; or
 - (ii) any superannuation fund or scheme, whether the fund or scheme was established, or operates, within or outside Australia, and the rate of any such pension, allowance or benefit being paid to either party;
- (g) where the parties have separated or the marriage has been dissolved, a standard of living that in all the circumstances is reasonable;
- (h) the extent to which the payment of maintenance to the party whose maintenance is under

consideration would increase the earning capacity of the party by enabling that party to undertake a course of education or training or to establish himself or herself in a business or otherwise to obtain an adequate income;

- (j) the extent to which the party whose maintenance is under consideration has contributed to the income, earning capacity, property and financial resources of the other party;
- (k) the duration of the marriage and the extent to which it has affected the earning capacity of the party whose maintenance is under consideration;
- (l) the need to protect a party who wishes to continue that party's role as a parent;
- (m) if either party is cohabiting with another person – the financial circumstances relating to the cohabitation;
- (n) in terms of any order made or proposed to be made under section 79 in relation to the property of the parties;
- (na) any child support under the Child Support (Assessment) Act 1989 that a party to the marriage has provided, is to provide, or might be liable to provide in the future, for a child of the marriage; and
- (o) any fact or circumstance which, in the opinion of the court, the justice of the case requires to be taken into account.
- (p) the terms of any financial agreement that is binding on the parties.

75(3) [Entitlement to pension]

In exercising its jurisdiction under section 74, a court shall disregard any entitlement of the party whose maintenance is under consideration to an income-tested pension, allowance or benefit.

SECTION 79 ALTERATION TO PROPERTY INTERESTS

79(1) [Orders] In proceedings with respect to property of the parties to a marriage or either of them, the court may make such order as it considers appropriate altering the interests of the parties in the property, including an order for a settlement of property in substitution for any interests in the property and including an order requiring either or both of the parties to make, for the benefit of either or both of the parties, or a child of the marriage, such settlement or transfer of property as the court determines.

79 (1B) [Adjournment of proceedings] The court may adjourn proceedings with respect to the property of the parties to a marriage or either of them, except where the parties to the proceedings are –

- (a) parties to concurrent, pending or completed proceedings for principal relief;
 - (b) parties to a marriage that has been dissolved or annulled under the law of an overseas country, where that dissolution or annulment is recognised as valid in Australia under section 104; or
 - (c) parties to a marriage who have been granted a legal separation under the law of an overseas country, where that legal separation is recognised as valid in Australia under section 104,
- on such terms and conditions as it considers appropriate for such period as it considers necessary to enable the parties to the proceedings to consider the likely effects (if any) of an order under this section on the marriage or the children of the marriage, but nothing in this subsection shall be taken to limit any other power of the court to adjourn such proceedings.

79(4) [Matters to be taken into account] In considering what order (if any) should be made under this section in proceedings with respect to any property of the parties to a marriage or either of them, the court shall take into account –

- (a) the financial contribution made directly or indirectly by or on behalf of a party to the marriage or a child of the marriage to the acquisition, conservation or improvement of any of the property of the parties to the marriage or either of them, or otherwise in relation to any of that last-mentioned property, whether or not that last-mentioned property has, since the making of the contribution, ceased to be the property of the parties to the marriage or either of them;
- (b) the contribution (other than the financial contribution) made directly or indirectly by or on behalf of a party to the marriage or a child of the marriage to the acquisition, conservation or improvement of any of the property of the parties to the marriage, or either of them, or otherwise in relation to any of that last-mentioned property, whether or not that last-mentioned property has, since the making of the contribution, ceased to be the property of the parties to the marriage or either of them;
- (c) the contribution made by a party to the marriage to the welfare of the family constituted by the parties to the marriage and any children of the marriage, including any contribution made in the capacity of homemaker or parent;
- (d) the effect of any proposed order upon the earning capacity of either party to the marriage;

- (e) the matters referred to in subsection 75(2) so far as they are relevant;
- (f) any other order made under this Act affecting a party to the marriage or a child of the marriage; and
- (g) any child support under the Child Support (Assessment) Act 1989 that a party to the marriage has provided, is to provide, or might be liable to provide in the future, for a child of the marriage.

79(5) [Adjournment of proceedings] Without limiting the power of any court to grant an adjournment in proceedings under this Act, where, in the proceedings with respect to the property of the parties to a marriage or either of them, a court is of the opinion –

- (a) that there is likely to be a significant change in the financial circumstances of the parties to the marriage or either of them and that, having regard to the time when that change is likely to take place, it is reasonable to adjourn the proceedings; and
- (b) that an order that the court could make with respect to the property of the parties to the marriage or either of them if that significant change in financial circumstances occurs is more likely to do justice as between the parties to the marriage than an order that the court could make immediately with respect to the property of the parties or either of them,

the court may, if so requested by either party to the marriage, adjourn the proceedings until such time, before the expiration of a period specified by the court, as that party to the marriage applies for the proceedings to be determined but nothing in this subsection requires the court to adjourn any proceedings in any particular circumstances.

In respect of superannuation interests see Part VIIIB of the *Family Law Act*.

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

Legal advice

Family Court staff cannot provide legal advice, although they can help with questions about legal procedure and the Court process.

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 the rules of evidence that may apply to your affidavit.

If you are unsure of how to seek legal advice or how to choose a lawyer, the Law Society or Institute in your State or Territory may be able to help you.

If you think you may be eligible for legal aid, contact your nearest Legal Aid office. If you are an Aboriginal or Torres Strait Islander you can also contact your local Aboriginal, or Aboriginal and Torres Strait Islander Legal Service.

You may also be able to obtain assistance from your nearest Community Legal Centre.

How to apply

- STEP 1** Type the orders you seek in a draft Consent Order, giving careful consideration to the information set out in the front section of this kit on pages A to H.
- Set out each order sought in a separate paragraph and number each paragraph. Each page should be signed by each party and dated.
- STEP 2** Complete the Application for Consent Orders (Form 11) in this kit. The application should be completed by all parties and should be typed or clearly handprinted in ink. The parties must sign the Application in the space provided at the bottom of each page.
- STEP 3** If you are applying for Consent Orders for property settlement and either party has a superannuation interest, there are special requirements which need to be met. See page C for details.
- STEP 4** Attach the signed draft Consent Orders to the back of the application form.
- STEP 5** At the end of the application at parts I & K there are affidavits which each party must complete and swear or affirm. Be careful to mark [X] all the boxes that apply to your application. You must do this before a Justice of the Peace, Notary Public or lawyer.
- 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 J and L of the application form.
- STEP 7** File
- the original and two copies of your Application for Consent Orders (Form 11) along with three certified copies of the draft Consent Orders; and
 - any other document that is referred to in this Kit.
- Provide extra copies of the documents for any additional parties.
- When filing your application it may be better to personally deliver the documents to the Court so that where possible any problems with your paperwork can be attended to at the time.
- You must file your application within 90 days of the date of the first affidavit (see Parts I and K) otherwise the consent orders may not be made.**
- Each party should keep copies of the completed application and the orders.
- STEP 8** After an Application for Consent Orders is filed a registrar will consider it. If the registrar is satisfied that the orders should be made, the registrar will sign the proposed orders and sealed copies will be sent to you. If the registrar is not satisfied, a notice will be sent to you with a brief explanation as to what you need to do.
- It may be necessary for your application to be heard in court.
- STEP 9** If the order splits, flags or otherwise imposes an obligation on the trustee of a superannuation plan, the applicant must serve a copy of the order on the Trustee of the superannuation plan in which the interest is held.

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

Application for Consent Orders

1

FORM 11 Family Law Rules ~ RULE 10.15

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

Filed in:

- ☐ Family Court of Australia
☐ Family Court of Western Australia
☐ Other (specify) _____

COURT USE ONLY

Client ID

File number

Filed at

Filed on

Notice to the parties

- Each **applicant** must swear/affirm the affidavit in Part I.
- Each **respondent** must swear/affirm the affidavit in 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 must be certified by you or your lawyer as a true copy.
- Each party must sign in the space provided at the bottom of each page.

Part A About the parties

1 APPLICANT

What is your family name as used now?

Given names?

☐ Male ☐ Female

2

What is your usual occupation?

3

What is your contact address (address for service) in Australia?

State	Postcode
Phone	Fax*
DX	
Lawyer's code	
Email*	

RESPONDENT

What is your family name as used now?

Given names?

☐ Male ☐ Female

What is your usual occupation?

What is your contact address (address for service) in Australia?

State	Postcode
Phone	
Lawyer's code	
Email*	

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

Signature of applicant_____

Signature of respondent_____

2

APPLICANT**RESPONDENT**

4 When and in what country were you born?

DAY/MONTH/YEAR

COUNTRY

/ /

When and in what country were you born?

DAY/MONTH/YEAR

COUNTRY

/ /

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

☐

No

☐

Yes Aboriginal

☐

Yes Torres Strait Islander

☐

Yes Aboriginal and Torres Strait Islander

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

☐

No

☐

Yes Aboriginal

☐

Yes Torres Strait Islander

☐

Yes Aboriginal and Torres Strait Islander

6 In which country was your mother born?

In which country was your mother born?

7 In which country was your father born?

In which country was your father born?

8 How well do you speak English?

☐

Very well

☐

Well

☐

Not well

☐

Not at all

How well do you speak English?

☐

Very well

☐

Well

☐

Not well

☐

Not at all

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

If there is more than one applicant or respondent, attach an extra page with the details for Applicant 2/Respondent 2, answering Items 1-8.

Part B About the relationship of the parties

9 When did you begin living together?

DATE

/ /

NOT
APPLICABLE☐

10 When and where did you get married?

DATE

/ /

TOWN/CITY

COUNTRY

☐

11 When did you finally separate?

DATE

/ /

☐

12 When and where did you get divorced?

DATE

/ /

TOWN/CITY

COUNTRY

☐

Signature of applicant_____

Signature of respondent_____

Part C About other Court cases and orders

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

IF YOU ARE SEEKING **FINANCIAL ORDERS**, ANSWER ITEMS 13, 14, AND 17 TO 21.

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

☐ **No**

☐ **Yes** PLEASE GIVE THE FOLLOWING DETAILS

Court name and place

Next Court date

	/ /
--	-----

State the names of the parties

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

1.

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

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

☐ **No**

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

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

☐ order

☐ undertaking

☐ parenting plan

☐ agreement

OR

☐ **GIVE THE FOLLOWING DETAILS**

Court name and place

Date

	/ /
--	-----

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

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

Signature of applicant_____

Signature of respondent _____

4

Details of the order/ agreement/ parenting plan/ undertaking

1.

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

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

☐ **Yes**
☐ **No GIVE BRIEF DETAILS (see sections 68R, 68S and 68T of the *Family Law Act*)**

- 16 Has any person with whom the child will reside or have contact been convicted of an offence under a child welfare law or the Family Law Act, or of a criminal offence relevant to a child's welfare?

☐ **No**
☐ **Yes GIVE DETAILS**

Name of the person	Approximate date
	/ /

Court name and place	Offence

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

☐ **No**
☐ **Yes ATTACH A COPY OF THE AGREEMENT/S**

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

☐ **No**
☐ **Yes ATTACH A COPY OF THE NOTICE**

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

☐ No

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

Signature of applicant _____ Signature of respondent _____

5

- 20 Is any party currently bankrupt or currently a debtor in bankruptcy proceedings started by either a creditor's petition or a debtor's petition?

☐ No

☐ Yes

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

☐ No

☐ Yes ATTACH A SEALED COPY OF THE ORDER OR APPLICATION

Part D About the children

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

- 22 Give the following details for each child

	Family name	Given names	Primary care giver*	Date of birth	Sex
Child 1:				/ /	
Child 2:				/ /	
Child 3:				/ /	
Child 4:				/ /	

* IDENTIFY THE PERSON WITH WHOM THE CHILD LIVES MOST OF THE TIME

- 23 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 22.**

APPLICANT

Child 1

☐ FATHER ☐ MOTHER
☐ OTHER PERSON Age _____
☐ Male ☐ Female

Name and relationship to the child

Child 2

☐ FATHER ☐ MOTHER

RESPONDENT

☐ FATHER ☐ MOTHER
☐ OTHER PERSON Age _____
☐ Male ☐ Female

Name and relationship to the child

☐ FATHER ☐ MOTHER

<input type="checkbox"/> OTHER PERSON	Age _____
<input type="checkbox"/> Male	<input type="checkbox"/> Female
Name and relationship to the child	

<input type="checkbox"/> OTHER PERSON	Age _____
<input type="checkbox"/> Male	<input type="checkbox"/> Female
Name and relationship to the child	

Signature of applicant _____

Signature of respondent _____

6

APPLICANT

RESPONDENT

Child 3

<input type="checkbox"/> FATHER	<input type="checkbox"/> MOTHER
<input type="checkbox"/> OTHER PERSON	Age _____
<input type="checkbox"/> Male	<input type="checkbox"/> Female
Name and relationship to the child	

<input type="checkbox"/> FATHER	<input type="checkbox"/> MOTHER
<input type="checkbox"/> OTHER PERSON	Age _____
<input type="checkbox"/> Male	<input type="checkbox"/> Female
Name and relationship to the child	

Child 4

<input type="checkbox"/> FATHER	<input type="checkbox"/> MOTHER
<input type="checkbox"/> OTHER PERSON	Age _____
<input type="checkbox"/> Male	<input type="checkbox"/> Female
Name and relationship to the child	

<input type="checkbox"/> FATHER	<input type="checkbox"/> MOTHER
<input type="checkbox"/> OTHER PERSON	Age _____
<input type="checkbox"/> Male	<input type="checkbox"/> Female
Name and relationship to the child	

Part E Order/s sought

- 24 The parties seek orders in terms of the draft Consent Orders that are signed by the parties and attached.

Part F Details for parenting orders

Omit all of this Part if no parenting orders are sought, and remove pages 7 & 8 when filing.

APPLICANT 1

RESPONDENT 1

25 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

Jurisdiction

Which of the following applies?

VERY BOX THAT APPLIES TO RESPONDENT 1.

- ☐ Present in Australia
☐ Ordinarily resident in Australia
☐ An Australian citizen

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

Signature of applicant_____

Signature of respondent_____

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

7

26

Child 1

Proposed arrangements for the child:

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

Child 2

Proposed arrangements for the child:

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

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

--

--

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

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

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

Any other matters (under subsection 68F(2) of the *Family Law Act*).

Signature of applicant _____

Signature of respondent _____

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

8

26

Child 3

Proposed arrangements for the child:

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

Child 4

Proposed arrangements for the child:

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

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

--

--

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

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

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

Any other matters (under subsection 68F(2) of the *Family Law Act*).

--

--

If there are no more children and you are not seeking any financial orders: **GO TO PART I, ON PAGE 19.** If you need more space for any other children, attach an extra page, numbering it Item 26, Child 5; Item 26 Child 6 and so on.

Signature of applicant_____	Signature of respondent _____
-----------------------------	-------------------------------

Part G

Details for property or maintenance orders

Omit all of Part G if no property or maintenance orders are sought. GO TO PART 1 ON PAGE 19

- The Court may refuse to make the property orders you seek if the proposed orders are not just and equitable.
- The amounts shown for the value of property, superannuation, liabilities and financial resources should be current figures.
- Column 1 should be completed by the **applicant** and must contain details of all property, superannuation, liabilities and financial resources of the applicant.
- Column 2 should be completed by the **respondent** and must contain details of all property, superannuation, liabilities and financial resources of the respondent.
- Attach extra pages if you need more space to answer any Item and clearly number it (for example, if you need more space for Item 33, the extra page would be numbered Item 33, 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

27 Gross weekly income

APPLICANT

\$

RESPONDENT

\$

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

☐ **No** GO TO ITEM 29
☐ **Yes** GIVE DETAILS

☐ **No** GO TO ITEM 29
☐ **Yes** GIVE DETAILS

CHILD SUPPORT

29 Are you paying child support?

☐ **No** GO TO ITEM 30
☐ **Yes** GIVE DETAILS

Amount paid per week \$ _____
 Paid to (name) _____

☐ **No** GO TO ITEM 30
☐ **Yes** GIVE DETAILS

Amount paid per week \$ _____
 Paid to (name) _____

30 Are you receiving child support?

☐ **No** GO TO ITEM 31
☐ **Yes** GIVE DETAILS

Amount received each week \$ _____
 Paid to you by (name) _____

☐ **No** GO TO ITEM 31
☐ **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.

31 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 \$

32 Motor vehicles

Make
Model
Value of your share \$

Make
Model
Value of your share \$

33 Furniture, furnishings and effects

Value of your share \$

Value of your share \$

34 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**

35

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 \$

36

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 \$

37

Life insurance policies

Company
Policy No.
Surrender value of your share \$

Company
Policy No.
Surrender value of your share \$

38

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 \$

39

TOTAL VALUE OF PROPERTY OWNED BY YOU

\$

Write this amount at Item 48A on page 13

\$

Write this amount at Item 48C on page 13

Signature of applicant_____

Signature of respondent _____

LIABILITIES

40

Amount owing
on home
mortgage

APPLICANT

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

RESPONDENT

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

41

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 \$

42

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 \$

43

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 \$

44

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 \$

45

Income tax
liabilities

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

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

46

Any other
liabilities

Give details
Your share of amount owing \$

Give details
Your share of amount owing \$

47

**YOUR TOTAL
LIABILITIES**

\$

Write this amount at Item 48B on page 13

\$

Write this amount at Item 48D on page 13

Signature of applicant_____

Signature of respondent _____

YOUR TOTAL NET WORTH (NOT INCLUDING SUPERANNUATION)

APPLICANT

RESPONDENT

48

To calculate your total net worth, subtract the amounts at Item 47 from the amounts at Item 39.

Insert the total
from Item 39

A \$

C \$

Insert the total
from Item 47

B \$

D \$

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

\$

\$

49

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

☐ **No** GO TO ITEM 50
☐ **Yes** GIVE DETAILS

☐ **No** GO TO ITEM 50
☐ **Yes** GIVE DETAILS

Signature of applicant _____

Signature of respondent _____

SUPERANNUATION

If you have a superannuation interest

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

If you have more than one superannuation interest

- attach a completed Superannuation Information Form for each interest when a splitting order is sought
- attach a list of the interests
- include the details required in 50-53 for each interest
- insert the total value of all interests in Item 54 on this page

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

FINANCIAL RESOURCES

55 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 from a deceased estate?)	GIVE DETAILS	GIVE DETAILS
	\$	\$

Signature of applicant _____ Signature of respondent _____

PROPOSED DIVISION OF PROPERTY

- 56 Proposed percentage division of the property (including superannuation)

APPLICANT

Husband ☐ %
Wife ☐ %

RESPONDENT

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

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

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

☐ Agree
☐ Disagree GIVE BRIEF REASONS WHY YOU DISAGREE

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

☐ Yes GO TO ITEM 59
☐ No GIVE BRIEF DETAILS OF WHO MADE THE GREATER CONTRIBUTION

☐ Agree
☐ Disagree GIVE BRIEF REASONS WHY YOU DISAGREE

Signature of applicant _____ Signature of respondent _____

PROPOSED DIVISION OF PROPERTY [CONTINUED]

59

Were the contributions from each of the parties as homemaker and parent the same?

(see s.79(4)(a) of the Family Law Act)

APPLICANT

- ☐ **Yes** GO TO ITEM 60
- ☐ **No** GIVE BRIEF DETAILS OF WHO MADE THE GREATER CONTRIBUTION

RESPONDENT

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

60

Are there any other relevant matters or facts in relation to the division of the property (eg. health, financial resources, income earning ability)?

(see s.75(2) of the Family Law Act)

- ☐ **Yes** GO TO ITEM 61
- ☐ **No** GIVE BRIEF DETAILS

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

Signature of applicant_____

Signature of respondent_____

Part H Effect of property orders sought

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

61	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 bank, building societies, credit unions or other financial institutions	\$	\$
Interest in any business	\$	\$
Investments including shares in public companies	\$	\$
Life insurance policies	\$	\$
Other property	\$	\$
TOTAL	\$	\$
62	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 institution)	\$	\$
Credit cards	\$	\$
Hire purchase	\$	\$
Other liabilities - specify	\$	\$
TOTAL	\$	\$
63	NET VALUE OF PROPERTY THAT THE APPLICANT WILL RECEIVE	NET VALUE OF PROPERTY THAT THE RESPONDENT WILL RECEIVE
TOTAL	\$	\$

Signature of applicant _____ Signature of respondent _____

64

Superannuation

APPLICANT

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

\$

RESPONDENT

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

\$

65

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

GIVE DETAILS

GIVE 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.
- ☐ The orders are agreed upon by all parties.
- ☐ I am aware of my right to obtain independent legal advice.
- ☐ I have had independent legal advice on my relevant rights under the Family Law Act and the effect and consequences of orders being made in the terms proposed.
- ☐ Apart from column 2 of Parts G and H (if included) the matters stated in this application that are within my personal knowledge are true and all other facts are true to the best of my knowledge, information and belief and the orders sought are supported by evidence.
- ☐ I have signed each page of the attached draft Consent Orders.
- ☐ **For parenting orders** – I have read and considered sections 60B, 65E and 68F of the Family Law Act.
- ☐ **For financial orders** – I have read and considered section 72, section 79, and subsection 75(2) and where there is a superannuation interest, Part VIIIB of the Family Law Act.
- ☐ **For financial orders**
 - (a) I have no interest in property, superannuation, or a financial resource which is not described in column 1 of Part G.
 - (b) Where I give any estimate in this application it is based on knowledge, information and belief and is given in good faith.
- ☐ **For property orders in relation to a superannuation interest** – the trustee of the superannuation plan:
 - (a) at least 28 days before this application is filed – has been served with written notice:
 - (i) of the intention to seek orders from the court in the terms of the attached orders sought; and
 - (ii) that the trustee may object to the orders sought by giving written notice of the objection before this application is filed; and
 - (b) has not objected to the orders sought.

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 have signed each page of the draft Consent Orders sought.
- ☐ I gave the **applicant** a copy of the Family Court's brochure *Marriage, Families and Separation*.
- ☐ I gave the **applicant** a copy of the Family Court's brochure *Mediation ~ Pathway to Agreement*.

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.
- ☐ 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 attached draft Consent Orders.
- ☐ **For parenting orders** – I have read and considered sections 60B, 65E and 68F of the Family Law Act.
- ☐ **For financial orders** – I have read and considered section 72, section 79, and subsection 75(2) and where there is a superannuation interest, Part VIIIB of the Family Law Act.
- ☐ **For financial orders**
- (a) I have no interest in property, superannuation, or a financial resource which is not described in column 1 of Part G.
- (b) Where I give any estimate in this application it is based on knowledge, information and belief and is given in good faith.
- ☐ **For property orders in relation to a superannuation interest** – the trustee of the superannuation plan:
- (a) at least 28 days before this application is filed – has been served with written notice:
- (i) of the intention to seek orders from the court in the terms of the attached orders sought; and
- (ii) that the trustee may object to the orders sought by giving written notice of the objection before this application is filed; and
- (b) has not objected to the orders sought.

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 have signed each page of the draft Consent Orders.
- ☐ I gave the **respondent** a copy of the Family Court's brochure *Marriage, Families and Separation*.
- ☐ I gave the **respondent** a copy of the Family Court's brochure *Mediation ~ Pathway to Agreement*.

Signature of lawyer	Print name
Date / /	

This application was prepared by ☐ respondent/s ☐ lawyer

PRINT NAME AND LAWYER'S CODE

Where to file your application

You can file your application in the Family Court registries listed below. Remember to mark [X] the name of the Court in which you wish to file your application on the front of the form. This form may be created and filed electronically without signature, provided a copy is signed and retained by the person filing the form.

■ www.familycourt.gov.au

ACT

Canberra Registry	Cnr University Ave & Childers St, Canberra, ACT 2600 (PO Box 9991 Canberra ACT 2601)	(02) 6267 0511
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NSW

Albury Registry	Albury Registry 463 Kiewa St, Albury, NSW, 2640 (PO Box 9991 Albury NSW 2640)	(02) 6021 8944
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Dubbo Registry	Cnr Macquarie & Wingewarra Sts Dubbo, NSW 2830 (PO Box 1567 Dubbo NSW 2830)	(02) 6881 1555
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Lismore Registry	29-31 Molesworth St, Lismore, NSW 2480 (PO Box 9 Lismore NSW 2480)	(02) 6621 8977
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Newcastle Registry	61 Bolton St, Newcastle, NSW 2300 (PO Box 9991 Newcastle NSW 2300)	(02) 4926 1255
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Parramatta Registry	1-3 George St, Parramatta, NSW 2150 (PMG CC10 Parramatta NSW 2123)	(02) 9893 5555
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Sydney Registry	97-99 Goulburn St, Sydney, NSW 2000 (PO Box 9991 Sydney NSW 2001)	(02) 9217 7111
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Wollongong Registry	43 Burelli St, Wollongong, NSW 2500 (PO Box 9991 Wollongong NSW 2500)	(02) 4253 6200
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NT

Darwin Registry	80 Mitchell St, Darwin, NT 0800 (PO Box 9991 Darwin NT 0800)	(08) 8981 1488
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Alice Springs Registry	Centrepont Building, Hartley St, Alice Springs NT 0871 (PO Box 9991 NT 0871)	(08) 8952 8222
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QLD

Brisbane Registry	119 North Quay, Brisbane, Qld 4000 (PO Box 9991 Brisbane QLD 4001)	(07) 3248 2200
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Cairns Registry	L-4 Commonwealth Centre, 104 Grafton St, Cairns, Qld 4870 (PO Box 9991 Cairns QLD 4870)	(07) 4041 2377
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Rockhampton Registry	Level 4, Cnr East & Fitzroy Sts, Rockhampton, Qld 4700 (PO Box 9991 Rockhampton QLD 4700)	(07) 4921 2939
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Townsville Registry	L-2, Commonwealth Centre, 43 Walker St, Townsville Qld 4810 (PO Box 9991 Townsville QLD 4810)	(07) 4722 9333
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SA

Adelaide Registry	25 Grenfell St, Adelaide, SA 5000 (PO Box 9991 Adelaide SA 5001)	(08) 8205 2666
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TAS

Hobart Registry	39-41 Davey St, Hobart, Tas 7000 (PO Box 9991 Hobart TAS 7001)	(03) 6232 1725
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Launceston Registry	Cnr Brisbane & George Sts, Launceston TAS 7250 (PO Box 9991 Launceston TAS 7250)	(03) 6334 2111
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VIC

Dandenong Registry	53-55 Robinson St, Dandenong, Vic 3175 (PO Box 9991 Dandenong VIC 3175)	(03) 9767 6200
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Melbourne Registry	305 William St, Melbourne Vic 3000 (PO Box 9991 Melbourne VIC 3001)	(03) 8600 3777
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WA

Family Court of Western Australia 50 Terrace Rd, Perth, WA 6000
(PO Box 9991 Perth WA 6848)

(08) 9224 8222

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