

# Application for Consent Orders

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

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

Filed in:

- ☐ Federal Circuit and Family Court of Australia
- ☐ Family Court of Western Australia
- ☒ Other (specify)

COURT USE ONLY

Client ID

File number 593/2021

Filed at Geelong

Filed on 3.11.23

D.O.H 8.11.23

## Notice to the parties

- Each party to the application must sign a Statement of Truth - for an applicant a statement in accordance with Part J and for a respondent a statement in accordance with Part L or N, as applicable.
- The application must be filed promptly. The consent order may not be made if the application is not filed within 90 days of the date of the first Statement of Truth (see Parts J and L).
- Each copy of the proposed orders by consent must be certified by the applicant or lawyer as a true copy.
- If an order or injunction is sought under Part VIIIAA or Part VIIIB of the Family Law Act the third party must be named as a respondent to this application and must sign the proposed orders by consent. The third party must also sign Part N of the form but is not required to complete any other Part.

## Part A About the parties

### APPLICANT

1. What is your family name as used now?

Lindros

Given names?

Yvonne Elizabeth

☐ Male ☒ Female ☐ X

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

2. What is your usual occupation?

Educational Consultant

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

Canny Legal  
E3/33 Mackey St, North Geelong  
State VIC Postcode 3215  
Phone 03 5278 9500  
Email\* [ben.mccarthy@cannygroup.com.au](mailto:ben.mccarthy@cannygroup.com.au)

### RESPONDENT

What is your family name as used now?

Woods

Given names?

Michael John

☒ Male ☐ Female ☐ X

What is your usual occupation?

Surveyor

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

127B Eagle Court, Teesdale  
State VIC Postcode 3328  
Phone 0419 903 858  
Email\* [mavmick@y7mail.com](mailto:mavmick@y7mail.com)

Signature of applicant

Signature of respondent

**APPLICANT**

4. When and in what country were you born?

DAY / MONTH / YEAR COUNTRY

16/09/1984	Germany
------------	---------

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

- ◆ 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.

**APPLICANT 1**

6. **Jurisdiction**

Which of the following applies?

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

- ☒ I am present in Australia  
☒ I am ordinarily resident in Australia  
☒ I am an Australian citizen  
☒ The child (or children) is present in Australia/ordinarily resident in Australia/ is an Australian citizen

**RESPONDENT**

When and in what country were you born?

DAY / MONTH / YEAR COUNTRY

19/07/1975	Australia
------------	-----------

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 1****Jurisdiction**

Which of the following applies?

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

If there is more than one applicant or respondent, attach an extra page with the details for Applicant 2/ Respondent 2, answering Items 1-6. A third party who will be bound by an order sought under Part VIIIAA or Part VIIIB of the Family Law Act must be named as a respondent but need not complete any of this form except Part N.



Signature of applicant



Signature of respondent

## Part B About the relationship of the parties

7. When did you begin living together?

DATE	01/02/2006
------	------------

NOT  
APPLICABLE

☐

8. If married, when and where did you get married?\*

TOWN/CITY

COUNTRY

DATE	18/09/2010	Mount Moriac	Australia
------	------------	--------------	-----------

☐

9. When did you finally separate?

DATE	01/08/2022
------	------------

☐

10. When and where did you get divorced?

TOWN/CITY

COUNTRY

DATE		
------	--	--

☒

Signature of applicant



Signature of respondent

## Part C About other Court cases and orders

IF YOU ARE SEEKING PARENTING ORDERS, ANSWER ITEMS 11 TO 14A.

IF YOU ARE SEEKING FINANCIAL ORDERS, ANSWER ITEMS 11 TO 12 AND 15 TO 20.

11. 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

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

12. Are there any **existing orders**, agreements, parenting plans or undertakings to a court about family law, child support, family violence or abuse in relation to a child (including orders which have applied to a child or a member of the child's family), or child welfare, concerning any of the parties or children listed on this form?

☒ **No**

☐ **Yes**

**EITHER** attach a full copy of the order, agreement, parenting plan or undertaking or set out details below (attach an extra page if you need more space, numbering the page/s Item 12 page 2 and so on).

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

☐ order

☐ undertaking

☐ parenting plan

☐ agreement

**OR**

☐ **GIVE THE FOLLOWING DETAILS**

Court name and place

Date

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

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



Signature of applicant



Signature of respondent

Details of the order / agreement / parenting plan / undertaking

1.

IF THERE IS MORE THAN ONE CASE PLEASE ATTACH AN EXTRA PAGE, NUMBERING ITEM 12 – PAGE 2

~~13. Is there a family violence order?~~

☐ ~~No~~

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

☐ ~~Yes~~

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

~~13A. Has there been any contact with the department responsible for child safety with respect to the children named in this application or any child of the household?~~

☐ ~~No~~

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

~~14. Are you seeking a parenting order that provides for the child's parents to have equal shared parental responsibility for the child?~~

☐ ~~Yes~~ Go to item 14A if applicable

☐ ~~No~~ Complete the following

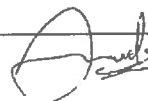
~~Is this a case where all parties accept that the presumption in Section 61DA(1) does not apply?~~

☐ ~~Yes~~ Give brief details of why the presumption does not apply

☐ ~~No~~ Briefly explain why it is in the best interests of the child for the Court to make the order/s you are seeking rather than order/s which provide for the child's parents to have equal shared parental responsibility for the child.



Signature of applicant



Signature of respondent

~~14A. Are you seeking a parenting order that provides for the child's parent to spend time with the child?~~

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

\_\_\_\_\_

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

\_\_\_\_\_

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

- ☒ **No**  
☐ **Yes** PROVIDE A COPY OF THE AGREEMENT/S

16. If either party has a superannuation interest, has the non-member spouse or former de facto partner served a waiver notice on the Trustee of the eligible superannuation plan under section 90XZA of the Act for a payment split made in relation to the superannuation interest?

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

17. 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

18. 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**

19. Is there a proceeds of crime order or current forfeiture application in relation to any of the property of any of the parties (see *Proceeds of Crime Act 2002* (Cth))?

- ☒ **No**  
☐ **Yes** ATTACH A SEALED COPY OF THE ORDER OR APPLICATION

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

- ☒ **No**  
☐ **Yes** Has written notice been given to that person?

☐ **Yes**

☐ **No**



Signature of applicant



Signature of respondent

## Part D About the children

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

21. Give the following details for each child:

	Family name	Given names	Date of birth	M/F/X^	Primary care giver*
Child 1:	<u>Woods</u>	<u>Alison Elizabeth</u>	<u>10/02/2012</u>	<u>F</u>	<u>Joint</u>
Child 2:	<u>Woods</u>	<u>Lewis John</u>	<u>17/10/2015</u>	<u>M</u>	<u>Joint</u>
Child 3:	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
Child 4:	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>

\* IF THE CHILD DOES NOT SPEND EQUAL TIME WITH EACH OF THE PARENTS IDENTIFY THE PERSON WITH WHOM THE CHILD LIVES MOST OF THE TIME

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

22. 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 21.**

### APPLICANT

#### Child 1

- ☐ FATHER
 ☐ MOTHER
 ☐ OTHER PERSON Age
 ☐ Male ☐ Female ☐ X

Name and relationship to the child


### RESPONDENT

- ☐ FATHER
 ☐ MOTHER
 ☐ OTHER PERSON Age
 ☐ Male ☐ Female ☐ X

Name and relationship to the child

Jessica Grebert – Partner of the Respondent

#### Child 2

- ☐ FATHER
 ☐ MOTHER
 ☐ OTHER PERSON Age
 ☐ Male ☐ Female ☐ X

Name and relationship to the child


- ☐ FATHER
 ☐ MOTHER
 ☐ OTHER PERSON Age
 ☐ Male ☐ Female ☐ X

Name and relationship to the child

Jessica Grebert – Partner of the Respondent



Signature of applicant



Signature of respondent

## Part E Order/s sought

23. The parties seek orders in terms of the proposed orders by consent that are signed by the parties and lodged with this *Application for Consent Orders*.

## Part F Details for parenting orders

~~Omit all of this Part if no parenting orders are sought, and remove pages 8-10 when filing.~~

## Part G De facto relationship jurisdiction – financial causes

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

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

### ~~Entitlement to apply and geographic requirements~~

- ~~26. Did your de facto relationship break down on or after 1 March 2009 or if resident in South Australia on or after 1 July 2010?~~

~~☐ No If No, complete ITEMS 27 to 29 as required~~

~~☐ Yes If Yes, go to ITEM 30~~

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

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

- ~~28. Have the parties previously entered into a designated State/Territory financial agreement in relation to their de facto relationship?~~

~~☐ No IF NO, GO TO ITEM 30~~

~~☐ Yes IF YES, GO TO ITEM 29 AND PROVIDE A COPY OF THE AGREEMENT/S~~

- ~~29. Has that agreement ceased to have effect without any property being distributed or any maintenance being paid under the agreement?~~

~~☐ No~~

~~☐ Yes~~

- ~~30. Is the period or the total of the periods of the de facto relationship at least 2 years?~~

~~☐ No~~

~~☐ Yes~~



Signature of applicant



Signature of respondent



31. ~~Is there a child of the de facto relationship?~~

- ☐ ~~No~~  
☐ ~~Yes~~

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

- ☐ ~~No~~  
☐ ~~Yes~~

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

- ☐ ~~No~~  
☐ ~~Yes~~ **YOU MUST FILE A COPY OF THE CERTIFICATE OF REGISTRATION OR OTHER PROOF**

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

- ☐ ~~No~~  
☐ ~~Yes~~

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

- ☐ ~~No~~  
☐ ~~Yes~~

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

- ☐ ~~No~~  
☐ ~~Yes~~

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

- ☐ ~~No~~  
☐ ~~Yes~~



.....  
Signature of applicant



.....  
Signature of respondent

## Part H Details for financial orders

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

- The Court may refuse to make the financial orders you seek if the proposed orders are not just and equitable.
- The amounts shown for the value of property, superannuation, liabilities and financial resources should be current figures.
- Column 1 should be completed by the **applicant** and must contain details of all property, superannuation, liabilities and financial resources of the applicant.
- Column 2 should be completed by the **respondent** and must contain details of all property, superannuation, liabilities and financial resources of the respondent.
- Attach extra pages if you need more space to answer any item and clearly number it (for example, if you need more space for Item 44, the extra page would be numbered Item 44, page 2.)
- If the amount for an item is nil, write NIL. If you can only give an estimate write the letter 'E' before the stated amount.

Use whole dollars.

### INCOME

	APPLICANT	RESPONDENT
38. Gross weekly income	E \$2,692	E \$2,524
39. Do the orders sought affect your earning capacity? (eg. Are you disposing of or acquiring an investment or business?)	<input checked="" type="checkbox"/> <b>No</b> GO TO ITEM 40 <input type="checkbox"/> <b>Yes</b> GIVE DETAILS	<input checked="" type="checkbox"/> <b>No</b> GO TO ITEM 40 <input type="checkbox"/> <b>Yes</b> GIVE DETAILS

### CHILD SUPPORT

40. Are you paying child support?	<input checked="" type="checkbox"/> <b>No</b> GO TO ITEM 41 <input type="checkbox"/> <b>Yes</b> GIVE DETAILS  Amount paid per week  Paid to (name)	<input checked="" type="checkbox"/> <b>No</b> GO TO ITEM 41 <input type="checkbox"/> <b>Yes</b> GIVE DETAILS  Amount paid per week  Paid to (name)
41. Are you receiving child support?	<input checked="" type="checkbox"/> <b>No</b> GO TO ITEM 42 <input type="checkbox"/> <b>Yes</b> GIVE DETAILS  Amount received each week  Paid to you by (name)	<input checked="" type="checkbox"/> <b>No</b> GO TO ITEM 42 <input type="checkbox"/> <b>Yes</b> GIVE DETAILS  Amount received each week  Paid to you by (name)



Signature of applicant



Signature of respondent

## 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.

### APPLICANT

42. Real estate

Address TO BE SOLD - 127B Eagle Court, Teesdale	
State VIC	
Your % Share 50	
Value of your share	E \$475,000 noting that the Property is to be sold, with the associated expenses to be paid from the proceeds, and the remainder to be divided equally.

43. Motor vehicles

Make	
Model	
Value of your share	NIL

44. Furniture, furnishings and effects

Nominal
---------

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

Name of Institution ING	
Your share	E \$6,120
Account number 3519	
Name of Institution ING	
Your share	E \$20,272
Account number 2728	

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

Name of business	
Your % share	
Value of your share	NIL

47. Investments including shares in public companies

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

48. Life insurance policies

Company	
Policy No.	
Surrender value of your share	NIL

49. Interest in any other property, including in any leased property

Give details	
Value of your share	NIL

### RESPONDENT

Address TO BE SOLD - 127B Eagle Court, Teesdale	
State VIC	
Your % Share 50	
Value of your share	E \$475,000 noting that the Property is to be sold, with the associated expenses to be paid from the proceeds, and the remainder to be divided equally.

Make Nissan	
Model Patrol	
Value of your share	Nominal

Nominal
---------

Name of Institution NAB	
Your share	\$183
Account number 7647	

Name of Institution NAB	
Your share	E \$3,791
Account number 6064	

Name of business	
Your % share	
Value of your share	NIL

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

Company	
Policy No.	
Surrender value of your share	NIL

Give details	
Value of your share	NIL



Signature of applicant



Signature of respondent

50. TOTAL VALUE  
OF PROPERTY  
OWNED BY YOU

E\$501,392

Write this amount at Item 59A

E\$478,974

Write this amount at Item 59C

## LIABILITIES

### APPLICANT

51. Amount owing  
on home  
mortgage

Name of lender Bank of Melbourne

Address of property 127B Eagle  
Court, Teesdale

State VIC

Your share of amount owing E \$334,500  
noting that this is  
to be discharged  
following the sale  
of the property,  
with the  
proceeds to be  
distributed  
equally

52. Amount owing  
on any other  
mortgage

Name of lender

Address of property

State

Your share of amount owing NIL

### RESPONDENT

Name of lender Bank of Melbourne

Address of property 127B Eagle  
Court, Teesdale

State VIC

Your share of amount owing \$334,500 noting  
that this is to be  
discharged  
following the sale  
of the property,  
with the proceeds  
to be distributed  
equally

53. Amounts  
owing on any  
credit/charge  
cards

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

Type of card

Your share of amount owing NIL

54. Amounts owing  
on any other  
loans

Give details Amount owing on Solar  
Panels

Name of lender/s Plenti

Your share of amount owing E \$3,028

Give details Amount owing on Solar  
Panels

Name of lender/s Plenti

Your share of amount owing E \$3,028

55. 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

56. Income tax  
liabilities

Current financial year

Amount unpaid from previous  
financial years NIL

Current financial year

Amount unpaid from previous  
financial years NIL

Signature of applicant

Signature of respondent

57. Any other liabilities

Give details	
Your share of amount owing	NIL

Give details	
Your share of amount owing	NIL

58. YOUR TOTAL LIABILITIES

<b>E\$337,528</b> Write this amount at Item 59B
--

<b>E\$337,528</b> Write this amount at Item 59D
--

## YOUR TOTAL NET WORTH (NOT INCLUDING SUPERANNUATION)

### APPLICANT

### RESPONDENT

59. To calculate your total net worth, subtract the amounts at Item 58 from the amounts at Item 50.

Insert the total from Item 50

<b>A</b>	<b>E\$501,392</b>
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<b>C</b>	<b>E\$478,974</b>
----------	-------------------

Insert the total from Item 58

<b>B</b>	<b>E\$337,528</b>
----------	-------------------

<b>D</b>	<b>E\$337,528</b>
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**YOUR TOTAL NET WORTH (NOT INCLUDING SUPERANNUATION)**

	<b>E\$163,864</b>
--	-------------------

	<b>E\$141,446</b>
--	-------------------

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

☒ **No GO TO ITEM 61**  
☐ **Yes GIVE DETAILS**

☒ **No GO TO ITEM 61**  
☐ **Yes GIVE DETAILS**

  
.....  
Signature of applicant

  
.....  
Signature of respondent

## SUPERANNUATION

### If you have a superannuation interest

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

### If you have more than one superannuation interest

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

#### APPLICANT

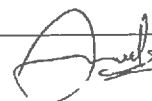
61. Name of eligible superannuation plan Name  
Self-managed Superfund
62. Type of interest 
☐ accumulation interest  
☐ partially vested accumulation interest  
☐ defined benefit interest  
☒ self managed fund  
☐ retirement savings account  
☐ small superannuation account  
☐ percentage only interest  
☐ approved deposit fund  
☐ eligible annuity
63. Specify the current agreed gross value of the interest in superannuation E \$100,749
64. Has the agreed value in Item 63 been calculated in accordance with the Family Law (Superannuation) Regulations 2001?  
(Complete only if section 90XT (2)(a) of the Act applies to the superannuation interest) 
☒ Yes
65. For each interest, whether or not a splitting order is sought, advise if the interest is subject to an earlier payment split. 
☒ No (Go to Item 66)  
☐ Yes - Are there any further payments to be made?  
☐ No (Go to Item 66)  
☐ Yes - Provide the following details:  
 a) The operative time for the split



Signature of applicant

#### RESPONDENT

- Name Self-managed Superfund
- ☐ accumulation interest  
☐ partially vested accumulation interest  
☐ defined benefit interest  
☒ self managed fund  
☐ retirement savings account  
☐ small superannuation account  
☐ percentage only interest  
☐ approved deposit fund  
☐ eligible annuity
- E \$187,710
- ☒ Yes
- ☒ No (Go to Item 66)  
☐ Yes - Are there any further payments to be made?  
☐ No (Go to Item 66)  
☐ Yes - Provide the following details:  
 a) The operative time for the split



Signature of respondent

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)

b) The amount of any future payments in respect of a base amount split in the payment phase (where applicable)

c) The adjusted base amount where the interest is in the growth phase (where applicable)

d) The specified percentage in the case of a percentage split (where applicable)

66. For each interest, whether or not a splitting order is sought:

a) If the interest is a defined benefit interest in the growth phase (not being an interest in a constitutionally protected fund), state the amount of any surcharge debt in the most recent member statement

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

a) If the interest is a defined benefit interest in the growth phase (not being an interest in a constitutionally protected fund), state the amount of any surcharge debt in the most recent member statement

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

## FINANCIAL RESOURCES

67. Interest in any trust or any other financial resources (for example, do you have an expectation of receiving money from a personal injury claim or Court case or property from a deceased estate?)

GIVE DETAILS

GIVE DETAILS



Signature of applicant



Signature of respondent

## PROPOSED DIVISION OF FINANCES

### APPLICANT

### RESPONDENT

68. Proposed percentage division of the property (including superannuation)

Applicant	48%
Respondent	52%

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

69. Were the financial contributions of the parties the same? (see s.79(4)(a) or if a de facto relationship s. 90SM(4)(a) of the Family Law Act)

- ☐ Yes GO TO ITEM 70
- ☒ No GIVE BRIEF DETAILS OF WHO MADE THE GREATER CONTRIBUTION

The Husband made greater financial contributions during the birth of the children, where the Wife temporarily seized work to care for the children.

- ☒ Agree
- ☐ Disagree GIVE BRIEF DETAILS WHY YOU DISAGREE



Signature of applicant



Signature of respondent



70. Were the non-financial contributions from each of the parties the same?  
(see s.79(4)(b) or if a de facto relationship s. 90SM(4)(b) of the Family Law Act)

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

- ☒ **Agree**  
☐ **Disagree GIVE BRIEF DETAILS WHY YOU DISAGREE**

71. Were the contributions from each of the parties as homemaker and parent the same?  
(see s.79(4)(c) or if a de facto relationship s90SM(4)(c) of the Family Law Act)

- ☐ **Yes GO TO ITEM 72**  
☒ **No GIVE BRIEF DETAILS OF WHO MADE THE GREATER CONTRIBUTION**

The Wife made greater contributions as homemaker, particularly during the birth of the children, where the Wife temporarily ceased work and took maternity leave to care for the children.

- ☐ **Agree**  
☒ **Disagree GIVE BRIEF DETAILS WHY YOU DISAGREE**

With the exception of time off after child birth and particularly in the later part of the relationship the husband made greater contributions as home maker and care giver as the wife was generally not home until about or after the children's dinner time as she prioritised work over family. Additionally in relation to activities with the children the wife regularly chose to stay at home for time to herself rather than participate.

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

- ☐ **No GO TO ITEM 73**  
☒ **Yes GIVE BRIEF DETAILS**  
The Husband contributed a greater amount of superannuation to the self-managed superfund at its inception.  
The Wife received a gift of \$14,000 in superannuation from her Father-in-law.  
Both of these variables have been factored into the division of superannuation.

- ☒ **Agree**  
☐ **Disagree GIVE BRIEF DETAILS WHY YOU DISAGREE**



Signature of applicant



Signature of respondent

## Part I Effect of financial orders sought

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

73.

### APPLICANT

### RESPONDENT

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

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

Real estate - Estimated proceeds of sale from the Teesdale property after fees, discharging mortgage and Plenti Loan

E \$127,500

E \$127,500

Motor vehicles - Nissan Patrol

NIL

Nominal

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

E \$26,392

E \$3,974

**TOTAL**

**E\$153,892**

**E\$131,474**

74.

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

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

**TOTAL**

**NIL**

**NIL**

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

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

75. **TOTAL**

**E\$153,892**

**E\$131,474**



Signature of applicant



Signature of respondent

**APPLICANT****RESPONDENT**

76. Superannuation

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

E \$123,783

E \$164,675

77. What are the  
taxation  
consequences  
of any order  
sought in  
relation to any  
interest in  
superannuation  
?**GIVE DETAILS****GIVE DETAILS**.....  
Signature of applicant.....  
Signature of respondent

## Part J

## Statement of Truth of applicant

- Mark [X] every box that applies.
  - You must attach a further Part J and K for each other applicant if applicable.
1. ☒ I am the **applicant**.
  2. ☒ I have read this application and the proposed orders by consent which I am now requesting this Honourable Court to make.
  3. ☒ The orders are agreed upon by all parties.
  4. ☒ I am aware of my right to obtain independent legal advice.
  5. ☒ I have had independent legal advice on my relevant rights under the Family Law Act and the effect and consequences of orders being made in the terms proposed.
  6. ☒ Apart from column 2 of Parts H and I (if included) the matters stated in this application that are within my personal knowledge are true and all other facts are true to the best of my knowledge, information and belief and the orders sought are supported by evidence.
  7. ☒ I have signed each page of the proposed orders by consent, lodged with this application, and dated them today.
  8. ☐ **For parenting orders** – I have read and considered sections 60B, 60CA, 60CC, 60CH, 60CI, 61DA, 64B, 65DAA, 67Z and 67ZBA of the Family Law Act.
  9. ☒ **For financial orders** – I have read and considered in the case of a marriage sections 72 and 79, and subsection 75(2) and where there is a superannuation interest, Part VIIIB of the Family Law Act and in the case of a de facto relationship sections 90SF and 90SM and where there is a superannuation interest, Part VIIIB of the Family Law Act.
  10. ☒ **For financial orders**
    - a. I have no interest in property, superannuation, or a financial resource which is not described in column 1 of Part H.
    - b. Where I give any estimate in this application it is based on knowledge, information and belief and is given in good faith.
  11. ☒ **For financial orders in relation to a superannuation interest** – the trustee of the superannuation plan:
    - a. at least 28 days before this application is filed – has been served with written notice:
      - i) of the terms of the orders that will be sought from the Court to bind the trustee; and
      - ii) that the trustee may object to the orders sought by giving written notice of the objection within 28 days of receiving the notice; and
    - b. has not objected to the orders sought.
  12. ☐ **For an order or injunction binding on the third party** – I have read and considered Part VIIIAA and in the case of a de facto relationship also section 90TA of the Family Law Act.

I have read and understood this Statement of Truth

Signature of applicant

Date 02 / 11 / 2023

## Part K Statement of independent legal advice

(OMIT IF NOT APPLICABLE)

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

Signature of lawyer

Print name

Ben McCarthy

Date 2 / 11 / 2023

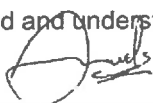
**BEN STUART GEOFFREY MCCARTHY**  
of CANNY LEGAL

East 3, Federal Mills Park  
33 Mackey Street North Geelong 3215  
An Australian Legal Practitioner  
within the meaning of the Legal  
Profession Uniform Law (Victor

**Part L****Statement of Truth of respondent**

- Mark **[X]** every box that applies.
  - You must attach a further Part L and M for each other respondent if applicable.
1. ☒ I am the **respondent**.
  2. ☒ I have read this application and the proposed orders by consent which I am now requesting this Honourable Court to make.
  3. ☒ The orders are agreed upon by all parties.
  4. ☒ I am aware of my right to obtain independent legal advice.
  5. ☐ I have had independent legal advice on my relevant rights under the Family Law Act and the effect and consequences of orders being made in the terms proposed.
  6. ☒ Apart from column 1 of Parts H and I (if included) the matters stated in this application that are within my personal knowledge are true and all other facts are true to the best of my knowledge, information and belief and the orders sought are supported by evidence.
  7. ☒ I have signed each page of the proposed orders by consent, lodged with this application, and dated them today.
  8. ☐ **For parenting orders** – I have read and considered sections 60B, 60CA, 60CC, 60CH, 60CI, 61DA, 64B, 65DAA, 67Z and 67ZBA of the Family Law Act.
  9. ☒ **For financial orders** – I have read and considered in the case of a marriage sections 72 and 79, and subsection 75(2) and where there is a superannuation interest, Part VIIIB of the Family Law Act and in the case of a de facto relationship sections 90SF and 90SM and where there is a superannuation interest, Part VIIIB of the Family Law Act.
  10. ☒ **For financial orders**
    - a. I have no interest in property, superannuation, or a financial resource which is not described in column 2 of Part H.
    - b. Where I give any estimate in this application it is based on knowledge, information and belief and is given in good faith.
  11. ☒ **For financial orders in relation to a superannuation interest** – the trustee of the superannuation plan:
    - a. at least 28 days before this application is filed – has been served with written notice:
      - i) of the terms of the orders that will be sought from the Court to bind the trustee; and
      - ii) that the trustee may object to the orders sought by giving written notice of the objection within 28 days of receiving the notice; and
    - b. has not objected to the orders sought.
  12. ☐ **For an order or injunction binding on the third party** – I have read and considered Part VIIIAA and in the case of a de facto relationship also section 90TA of the Family Law Act.

I have read and understood this Statement of Truth



Date 02 / 11 /2023

Signature of respondent

**Part M Statement of independent legal advice**

(OMIT IF NOT APPLICABLE)

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

Signature of lawyer	Print name	Date / /2023

This application was prepared by ☐ applicant/s ☒ lawyer

Ben McCarthy

PRINT NAME AND LAWYER'S CODE