



Application for Consent Orders Kit

www.familycourt.wa.gov.au

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

- Your children
- Your property
- Maintenance for a husband, wife or de-facto spouse

This kit includes:

- Information (pages A-L)
- Copies of the relevant sections or references of the *Family Law Act 1975*, *Family Court Act 1997* and *Interpretation Act 1984*
- Information for de factos
- Sample orders

CHECKLIST

This checklist is provided as a guide to completing the form correctly. It highlights particular questions that 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? **De facto parties seeking property orders will require an affidavit.**
- At Part C, Item 10 & 11** on pages 3 & 4, have you provided details of any ongoing Court cases or existing orders concerning the applicant, respondent 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 Court other than the Court 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 14, 15 & 16** on page 5, if you have answered yes, have you provided/attached the documents required?
- At Part C, Item 18** on page 5, if there is a proceeds of crime order or a forfeiture application in existence in relation to any of the properties of any of the parties, have you attached a sealed copy of the order or application?
- At Part E** have you signed each page of the draft Consent Orders and dated the last page the same day you signed your affidavit? See Parts I, K and M.
- At Part F** on pages 7-9, if you are seeking parenting orders, have you provided separate information for each child?
- At Part G** on pages 10-18, 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 46** on page 14, 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 47** on page 14, 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 48-53** on pages 15 & 16, if a superannuation splitting order is sought, have you given the details required and attached a completed superannuation information form or last two member statements? If you have more than one superannuation interest have you attached a list of all your superannuation interests and the given details required for each interest?
- At Part H** on pages 19 & 20, if you are seeking property orders have you addressed each item and provided the net value of 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 orders sought?
- At Part I & Part K** on pages 21 & 22, 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 21 & 22, if you have sought independent legal advice about the orders you seek has the lawyer completed and signed the statement of independent legal advice?
- Have you answered every question that applies to you?
- Do you have the original and **five copies** of the draft consent orders to lodge with the application and filing fee (see Court Fees brochure). Remember the draft orders should be signed by each party on the same day that that party swears/affirms his or her affidavit (See Parts I, K or M).
- Have you made **two copies** of the completed application for Consent Orders (Form 11)? These will need to be presented when you file the original application for Consent Orders form.
- Ensure that you file the application within 90 days of the date of the first affidavit (see Parts I and K).

About this kit

This kit can be used to apply for Consent Orders about the care arrangements for your children (known as parenting orders), the division of property or maintenance for a husband, wife or de facto spouse (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 1975*, *Family Court Act 1997* (where applicable) and *Family Law Rules 2004*, your application for Consent Orders may be delayed or refused.

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

All forms referred to in this kit/application are available from

- go to www.familycourt.wa.gov.au
- call 08 9224 8222
- visit the Court's registry

Legal advice

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

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

You can get legal advice from a:

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

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

The Family Court's website www.familycourt.wa.gov.au provides useful links to all relevant legislation such as the *Family Law Act 1975* and *Family Court Act 1997*.

Copies of the *Family Law Act 1975* 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.

Copies of the *Family Court Act 1997* are also available from libraries or can be purchased from the State Law Publisher, Ground Floor, 10 William Street, Perth. Telephone 08 9426 0000.

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.

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.

De Facto relationship – a relationship between two persons who are not legally married to each other; and not related by family and having regard to all the circumstances of their relationship, have a relationship as a couple living together on a genuine domestic basis. A de facto relationship can exist between two persons of different sexes and between two persons of the same sex. (See the *Family Law Act 1975*, section 4AA or equivalent *Family Court Act 1997* section)

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

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.

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 or that or any other member of the person's family reasonably to fear for, or reasonably be apprehensive about, his or her personal well being or safety. Note: A person reasonably fears for, or reasonably is apprehensive about, his or her personal wellbeing or safety in particular circumstances if a reasonable person in those circumstances would fear for, or be apprehensive about, his or her personal wellbeing or safety. (See the *Family Law Act*, section 4 (1)).

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

Financial agreement – In relation to a marriage means an agreement that is a financial agreement under section 90B, 90C, 90D, of the *Family Law Act* but it does not include an ante-nuptial or post-nuptial settlement to which section 85A of the Act applies. In relation to a de facto relationship see the *Family Court Act 1997*.

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

Maintenance – financial support.

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

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

Registrar – the person who considers applications for Consent Orders.

Registry - how Family Court offices are known. For example, the Family Court of Western Australia at Perth.

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, or de facto husband or wife or former de facto husband or wife.

Spouse maintenance – financial support for a spouse.

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

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

What are consent orders?

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

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

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

The Consent Orders you cannot seek by using this application

- Child maintenance for children covered by the Child Support (Assessment) Act, that is, those under 18 who were born after 1 October 1989 or whose parents separated after that date – this is handled by the Child Support Agency which can be contacted on 131 272 for the cost of a local call.
- Declarations about the existence of a de facto relationship.
- Medical procedures.
- Orders under cross vesting laws.
- A parenting order in favour of a person who is not a parent, grandparent or other relative under Section 65G of the *Family Law Act 1975* or Section 92 of the *Family Court Act 1997*.

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, 60CA, 60CC, 61DA and 65DAA of the *Family Law Act 1975* or Part 5 of the *Family Court Act 1997* for an ex-nuptial child.

If you are seeking **property orders**, you should read and consider sections 75 and 79 and Part VIII B of the *Family Law Act 1975*, or section 205 of the *Family Court Act 1997* and section 13A of the *Interpretation Act 1984* for de facto relationships. If you are seeking **an order or injunction binding a third party** you should read and consider Part VIII A of the *Family Law Act 1975*.

If you are seeking **spouse maintenance orders**, you should read and consider sections 72, 74 and 75 of the *Family Law Act 1975*.

All of these sections, except for Part VIII A and Part VIII B (which deals with superannuation interests), are set out on the following pages. Part VIII B can be accessed through the Family Court website:

www.familycourt.wa.gov.au

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

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

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 1975* or the *Family Court Act 1997*. 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:

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

FINANCIAL ORDERS

These include orders relating to:

- **Spouse maintenance** – financial support for a husband, wife, former husband/wife or de facto.
- **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 H of this Kit.

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

SUPERANNUATION

For married parties, 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 1975*:

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

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

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

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

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

The 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.

De facto parties seeking financial orders

De facto parties seeking financial orders are required to file a separate affidavit. See Important Information for De Factos – page 1.

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.wa.gov.au or Court registry. 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 2004*.

WARNING

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

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

Who should be a party

A person against whom an order is sought or whose rights may be directly affected by an issue in the case must be included as a party to the application for consent orders. For the persons who must be parties to an application seeking parenting orders see Rule 6.02(2) of the *Family Law Rules 2004*.

Certain persons are entitled to become a party to proceedings between parties to a marriage (see section 79(10)) and parties to a de facto relationship which has broken down (see *Family Court Act 1997*). You may be required to notify the third party about this application – see sections 79F, 79G, 79H and 79J (in relation to proceedings between parties to a marriage) and the equivalent sections of the *Family Court Act 1997*.

If an order or injunction is to be binding on a third party under Part VIII AA or Part VIII AB of the *Family Law Act 1975*, that third party must:

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

Relevant legislation referred to in this kit

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

Please note that the Western Australian legislation in relation to ex-nuptial children is substantially the same as below (see Part 5 of the *Family Court Act 1997*).

Note: You are required to read and consider certain sections and Parts of the *Family Law Act 1975* or *Family Court Act 1997* equivalent before signing the affidavit in this application (See Parts I, K and M of the Application for Consent Orders).

To access the relevant sections of the *Family Law Act 1975* or *Family Court Act 1997*:

- Visit a public library near you.
- The Family Court's website www.familycourt.wa.gov.au provides useful links to all relevant legislation such as the *Family Law Act 1975* and *Family Court Act 1997*.
- Copies of the *Family Law Act 1975* 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.
- Copies of the *Family Court Act 1997* can be purchased from the State Law Publisher, Ground Floor, 10 William Street, Perth. Telephone 08 9426 0000.

Parenting orders

Family Law Act 1975

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

Financial orders (other than child maintenance)

Please note that the Western Australian legislation in relation to de facto spouses is substantially the same as below (see Part 5 of the *Family Court Act 1997*).

In relation to proceedings between parties to a marriage:

Spouse maintenance

Family Law Act 1975

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

Declarations and alteration of property interests

Family Law Act 1975

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

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 G. 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 for married parties. See page E for details.
If you are applying for a consent order for property settlement and an order sought will bind a third party there are special requirements which need to be met. See page F under “Who should be a party” for details.
 If you are applying for a consent order for parenting orders or orders which would vary existing parenting orders (see s 64B), you must consider what is in the best interests of the child. You should bear in mind that the Court is required to apply the presumption that it is in the best interests of the child for the child’s parents to have equal shared parental responsibility for the child, except where the circumstances in s 61DA(2) apply. In cases where the circumstances in s 61DA(2) do not apply, and all parties are seeking a parenting order or orders which will provide for something different to the child’s parents having equal shared parental responsibility, you are going to have to provide information to persuade the Court that the order or orders you are seeking, is in fact in the child’s best interests.
 If you are applying for a consent order that provides for equal shared parental responsibility and makes a provision for a child to spend time with a parent, the Court may need to consider whether the proposed arrangement is reasonably practicable (s65DAA(1)(b), (2)(d)). You are going to have to provide information to persuade the court that the orders that you are seeking are:
 (a) in the child’s best interest and
 (b) that the arrangement is reasonably practicable (s65DAA(5)).
- STEP 4** Sign each page of the draft consent orders and date the last page.
 Make sure you do this on the same day you swear/affirm the affidavit in Parts I, K and M.
Note: Each party must sign both the consent orders and the affidavit on the same day. However, all the parties do not need to sign on the same day.
- STEP 5** At the end of the application at parts I and K there are affidavits which each party must complete and swear or affirm. Be careful to mark [X] in 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 (5) five certified copies of the draft Consent Orders;
 - any other document that is referred to in this kit; and
 - filing fee – see Court Fees brochure.
 Provide extra copies of the documents for any additional parties.
 Provide extra copies of the documents for any additional parties. When filing your application 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 written notice of the terms of the order on the Trustee of the superannuation plan in which the interest is held.

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

IMPORTANT INFORMATION FOR DE FACTOS

De facto partners can only make application for property orders or for partner maintenance if they separated on or after 1 December 2002. There are also other requirements that must be satisfied before the Court can make orders.

To satisfy these requirements you must file an affidavit with your Application for Consent Orders (Form 11).

- 1. The affidavit must establish that at least one of the parties is residing in Western Australia on the day the application for orders is made.**
- 2. The affidavit must also establish at least one of the following 3 things:**
 - that you lived in a de facto relationship with the other party for at least two years, **or**
 - that you lived in a de facto relationship for less than 2 years but that there is a child of the relationship under the age of 18 years and failure to make the order sought would result in serious injustice to the party caring or responsible for the child; **or**
 - that you have lived in a de facto relationship for less than 2 years but that the partner applying for the order has made substantial financial, non-financial or homemaker/parent contributions and failure to make the order would result in serious injustice.
- 3. The affidavit must also establish at least one of the following 2 things:-**
 - that both you and the other party resided in Western Australia for at least one third of the period of your de facto relationship; **or**
 - that substantial financial, non-financial or homemaker/parent contributions have been made by you or the other party while resident in Western Australia.
- 4. The affidavit must also advise whether you or the other party has a spouse. If either party has a spouse the affidavit should indicate that a sealed copy of the Form 11 will be served on that spouse.**

The affidavit can be sworn by one or both of the parties. If the affidavit is sworn by only one party, a sealed copy must be served on the other party.

Section 205ZB(1) of the *Family Court Act 1997* requires an application seeking a property settlement (pursuant to Part 5A of that Act) be made within two years after the relationship ended.

The affidavit form is available at the Court registry or on the Court's website at www.familycourt.wa.gov.au – Kits Forms Brochures – Non Prescribed Forms page. Customer Service Officers can provide further advice about procedural issues but are not permitted to give legal advice.

SUPERANNUATION IMPORTANT INFORMATION FOR DE FACTOS

There are some important matters concerning superannuation that de facto couples should take into account when seeking property orders in the Family Court.

De facto partners are not able to seek orders to “flag” or “split” their superannuation entitlements. These options are only available to parties who were legally married.

This does not mean that the Court does not take superannuation into account when deciding how to divide property between de facto partners. The Court is, in fact, required by the law to consider the superannuation entitlements of both parties.

The Court distributes a Superannuation Information Kit to assist parties who are making an application to the Court for property orders. The information in the kit is relevant only to married couples. De facto couples should not attempt to follow the procedures set out in the Superannuation Information Kit.

Two forms used by parties to proceedings in the Family Court indicate that a Superannuation Information Form should be attached. These are the Form 11 (Application for Consent Orders) and the Form 13 (Financial Statement). De facto partners are not obliged to attach the Superannuation Information Form.

De facto partners also do not have to complete paragraphs 51 of the Form 11 Application for Consent Orders.

PARENTING ORDERS EXAMPLES

*These are general examples only.
You should take legal advice before seeking orders.*

- 1 The children Jack Smith born on 25 January 2007 and Jill Smith born on 8 April 2009 live with the wife/husband/mother/father.
- 2 The husband and the wife/The father and the mother have shared parental responsibility for the children.; or

The wife/husband/mother/father have sole parental responsibility for the children.
- 3 The wife/husband/mother/father spend time with the children as agreed between the parties.

OR

Defined times

Note – These are not recommended times. They are examples and will only be appropriate for some families. There is no need to specify times if you feel you can work these out with the other party. In this example the children live with the husband and spend time with the wife.

- 4 The children Jack Smith born on 25 January 2007 and Jill Smith born on 8 April 2009 spend time with the Wife as follows:
 - (a) Each alternate weekend from 9 am on Saturday until 5 pm on Sunday, extending to 5.00 pm on Monday if the weekend is a long weekend.
 - (b) The weekend time described in paragraph (a) be suspended during school holiday periods.
 - (c) Each year from 5 pm on the Saturday until 5 pm on the Sunday of the Mothers' Day weekend, if that time is not already provided for under this order.
 - (d) The weekend time described in paragraph (a) be suspended on the weekend of Fathers' Day each year from 5 pm on the Saturday until 5 pm on the Sunday.
 - (e) One half of each of the school holiday periods at the conclusion of Terms 1, 2 and 3 each year, commencing at 5 pm on the Friday of the last week of term.
 - (f) The expression "school holiday period" in this order means the period from 5 pm on the last day of the school term to 5 pm on the day immediately before the start of the next term.
 - (g) Three weeks during the Christmas school holidays each year, commencing at 9 am on the first Saturday in January.
 - (h) Each alternate Christmas from 5 pm on 24 December until 10 am on 26 December, commencing in 2012.
 - (i) Each intervening Christmas from 10 am on 26 December until 10 am on 28 December, commencing in 2013.
 - (j) Each alternate Easter from 5 pm on Thursday until 5 pm on Monday, commencing in 2003. If Easter falls during the school holidays at the conclusion of Term 1, the time shall form part of the wife's time for that holiday.
 - (k) On the children's birthdays each year from 9 am to 2 pm, provided the birthday does not fall on a school day.
 - (l) Telephone calls for up to 15 minutes on each of the children's birthdays if the birthday falls on a school day.
 - (m) Telephone calls for up to 15 minutes each Wednesday, with the mother to initiate the call between 6.30 pm and 7 pm.
 - (n) The wife collect the children from the husband's residence at the start of these times and return them to his residence at the end of these times.

EXAMPLES OF PROPERTY ORDERS

*These are general examples only.
You should take legal advice before seeking orders.*

Sale of land and division of proceeds

- 1 The applicant and respondent shall cause the property situate at (*address*), and being more particularly described as (*land description as shown on the Certificate of Title*) to be placed on the market for sale at a price and on conditions to be agreed between them.
- 2 The proceeds of sale of the property be disbursed as follows:
 - (a) in adjustment of rates and taxes
 - (b) in payment of the expenses of sale including real estate agent's commission;
 - (c) in payment of any monies required to secure discharge of any encumbrance registered against the title to the said property; and
 - (d) the balance be divided in proportions % to the applicant and % to the respondent.
- 3 The applicant and respondent have liberty to apply to the Court in relation to the terms and conditions of sale.

Transfer of interest in land

- 4 The applicant/respondent transfer his/her right, title and interest in the property situate at (*address*) and being more particularly described as (*land description on the Certificate of Title*) to the respondent/applicant absolutely.

Transfer of interest in land upon payment

- 5 The applicant/respondent shall pay to the respondent/applicant the sum of \$X within 30 days.
- 6 Upon payment of the said sum the respondent/applicant transfer to the applicant/respondent the whole of his/her right, title and interest in the property situate at (*address*) and being more particularly described as (*land description on the Certificate of Title*).
- 7 The applicant/respondent indemnify the respondent/applicant and keep the respondent/applicant indemnified in relation to all liabilities and outgoings with respect to the property including all obligation pursuant to the mortgage registered against the title to the property.

Assets other than land

- 8 The applicant and respondent each retain the motor vehicles and furniture and household contents presently in their possession or control.