

## **Formal minutes of consent orders (FCC – pending proceedings)**

**Note** - For pending FCC proceedings, the parties should sign these formal minutes with two cover sheets in their lawyers' offices and file them (in the FCC). These minutes are usually prepared by the applicant's lawyer.

### **What to file in the FCC?**

File (either in person or through your local agent) or post to the Registrar of your filing registry for filing:-

- the signed minutes and two cover sheets (together called a "draft Order") (see precedent below)
- a copy of the draft Order for each party, including any other party such as an independent children's lawyer (ICL)
- a covering letter, citing the name and court file number, in which you refer to the orders as being interim or final, as applicable, and request that sealed orders issue in due course
- (for a consent order splitting superannuation) an affidavit from a lawyer that the superannuation interest has been valued, and the superannuation trustee given procedural fairness (for an online precedent, see our "affidavit in support of superannuation split by consent")

**Note** – That affidavit sets out your obligations in the event of a consent order that includes the making of a splitting order.

- (for a parenting order) a copy of the brochure "Parenting orders – obligations, consequences and who can help" (available online from our website) which should be attached to the minutes.

FAMILY LAW ACT 1975

IN THE FEDERAL CIRCUIT COURT OF  
AUSTRALIA

AT [court location]

No. [court filing number]

Solicitor for the Applicant

[Firm name]

[address]

BETWEEN

[APPLICANT NAME]

(Applicant)

AND

[RESPONDENT NAME]

(Respondent)

Solicitor for the Respondent

[Firm name]

[address]

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ORDER / /20

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FAMILY LAW ACT 1975

IN THE FEDERAL CIRCUIT  
COURT OF AUSTRALIA AT [COURT LOCATION]

FILE NO: [Court file no.]

BETWEEN: [APPLICANT NAME] (Applicant)

AND: [RESPONDENT NAME] (Respondent)

BEFORE: JUDGE [SURNAME]

DATE: [date]

MADE AT: [insert]

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UPON APPLICATION MADE TO THE COURT THE COURT ORDERS THAT:

1. By consent and pursuant to Rule 13.04 of the *Federal Circuit Court Rules*, orders, declarations and notations be made in terms of the attached minutes of consent orders.
2. (For child orders) Pursuant to Section 65DA(2) of the *Family Law Act 1975* the particulars of the obligations these orders create and the consequences that may follow if a person contravenes these orders are attached and are included in these orders.

By the Court

Judge

FAMILY LAW ACT 1975

IN THE FEDERAL CIRCUIT  
COURT OF AUSTRALIA AT [COURT LOCATION]

FILE NO: [Court file no.]

BETWEEN: [APPLICANT NAME] (Applicant)

AND: [RESPONDENT NAME] (Respondent)

BEFORE: JUDGE [SURNAME]

DATE: [date]

MADE AT: [insert]

MINUTES OF CONSENT ORDERS

1. That [insert orders, for samples of which see "interim orders sought" and "final orders sought" under "precedent" in the relevant chapter].
2. [etc].

DATED: [date]

SIGNED: .....  
[Applicant/Applicant's lawyer]

.....  
[Respondent/Respondent's lawyer]

**FEDERAL CIRCUIT COURT OF AUSTRALIA**

File number:

**REGISTRY:** .....

.....  
Applicant

.....  
Respondent

**APPLICATION – Draft Consent Parenting Orders and allegations of abuse or family violence**

**PART A**

Have allegations been made in the course of these proceedings about any party to the proceedings or any child involved in the proceedings concerning the following?

**1. Mark yes or no to each statement below and, if yes, identify where, in any document or exhibit, the allegation has been made:**

|   | YES/NO   | Name of document, date of filing of document and paragraph number/s |
|---|--|---|
| (a) child abuse or neglect, or risk of child abuse or neglect;    | <input type="checkbox"/> Yes <input type="checkbox"/> No |   |
| (b) family violence or risk of family violence;                   | <input type="checkbox"/> Yes <input type="checkbox"/> No |   |
| (c) mental ill-health;  | <input type="checkbox"/> Yes <input type="checkbox"/> No |   |
| (d) drug or alcohol abuse;  | <input type="checkbox"/> Yes <input type="checkbox"/> No |   |
| (e) serious parental incapacity;                                  | <input type="checkbox"/> Yes <input type="checkbox"/> No |   |
| (f) any other allegation involving risk to the child or children. | <input type="checkbox"/> Yes <input type="checkbox"/> No |   |

**PART B**

**2. If such allegations have been made state briefly in numbered paragraphs how the proposed order/s attempt/s to deal with allegations. (Add a page if insufficient space)**

1.

*It is noted that the completing and signing of this form is in no way an admission by either party of any allegations that may have been made but simply draws to the presiding Judicial Officer's attention any evidence that has been filed in these proceedings to comply with the Federal Circuit Court Rules 2001.*

**PART C**

**Apart from any allegation(s) made in the proceedings:**

**3(a) Does either party consider that the child concerned has been at risk of being subjected to or exposed to abuse, neglect or family violence?**

Applicant: .....

Yes  No

Respondent: .....

Yes  No

**3(b) Does either party consider the child is currently at risk being subjected to or exposed to abuse, neglect or family violence?**

Applicant: .....

Yes  No

Respondent: .....

Yes  No

**4(a) Does either party consider that he or she or another party to the proceedings has been at risk of being subjected to abuse or family violence?**

Applicant: .....

Yes  No

Respondent: .....

Yes  No

**4(b) Does either party consider that he or she or another party to the proceedings is currently at risk of being subjected to abuse or family violence?**

Applicant: .....

Yes  No

Respondent: .....

Yes  No

**Signed – Applicant or legal representative**

**Date**

/ /

**Signed – Respondent or legal representative**

**Date**

/ /

**Signed – Other party including any Independent Children’s Lawyer**

**Date**

/ /

Form approved by the Chief Judge pursuant to Subrule 2.04(1A) for the purpose of Subrule 4.08(1)