



The Family Court registrars encounter difficulties with consent order applications. Taking note of these difficulties may help increase the rate at which these applications are processed.

Registrars frequently see the following technical difficulties in applications for consent orders and these will lead to the application being requisitioned:

- In de facto property applications, the failure to provide the written consent by the parties and/or legal statement of legal advice by a legal practitioner where the parties are opting in.
- Parties using an obsolete version of the Application form.
- Parties not completing all the required questions of the joint application.
- Parties not attaching copies of orders, undertakings, parenting plans or agreements or providing details of the same.
- Parties failing to provide adequate information in relevant parts of the application to address the threshold of whether the financial orders are just and equitable, especially in the situation where one of the parties is not legally represented.
- The inclusion of child support orders in the Minute of Orders.
- The parties not providing three clean typed certified copies of the Minutes of Consent Order or a form of order for the Registrar to sign.
- The Affidavit of the Applicant/Respondent in the application not completed.
- Parties not supplying a valuation/completed Superannuation Information Form where a superannuation splitting order is sought.
- Parties seeking an order for the Family Law Act 1975 for “joint parental responsibility” notwithstanding the decision in *NandN (2007) FamCA 168*.
- Parties failing to address the issue of parental responsibility in the orders.
- The drafting of Orders to be made in the Federal Magistrates Court and under that Court’s Rules rather than in the Family Court of Australia and under the Family Law Rules.