

Affidavit – Family law and child support proceedings

Federal Circuit and Family Court of Australia (Family Law) Rules 2021 – RULE 8.15

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Filed in:

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

Type of proceedings:

- Family law proceedings
- Other (specify) _____

Filed on behalf of:

Full name: Stephen Christopher Cooke

Client ID _____

File number NCC3896/2023 _____

Filed at Newcastle

Filed on _____

Court location Commonwealth Law Courts Building, 61 Bolton Street, Newcastle NSW 2300 _____

Court date _____

Name of person swearing/affirming this affidavit:

Stephen Christopher Cooke

Date of swearing/affirming 27/3/2024 /2024

Part A About the parties

APPLICANT 1

Family name (as used now)

Cooke

Given names (as required)

Stephen Christopher

RESPONDENT 1

Family name (as used now)

Cooke

Given names (as required)

Heather Anne

APPLICANT 2

Family name (as used now)

Given names (as required)

RESPONDENT 2

Family name (as used now)

Given names (as required)

What is the contact address (address for service) in Australia for the party filing this affidavit?

You do not have to give your residential address. You may give another address at which you are satisfied that you will receive documents. If you give a lawyer's address, include the name of the law firm. You **must** also give an email address.

Clarity Lawyers

45 Hunter Street, Newcastle

State NSW

Postcode 2300

Phone 0240235553

Lawyer's code CLA7584701

Email clarity@claritylawyers.com.au

Part B About the independent children's lawyer (if appointed)

Independent children's lawyer family name

Given names

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Firm name

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Part C About you (the deponent)

Family name (as used now)

Given names

Cooke	Stephen Christopher
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Gender

Male

Female

X

Usual occupation (if applicable)

Parent and Homemaker

What is your address?

You do not have to give your residential address if you are concerned about your safety. You may give another address at which you are satisfied that you will receive documents.

213 Morgan Street

Merewether

State NSW

Postcode 2291

Part D Evidence

1. I am the Applicant Father in these proceedings. I was born on 27 October 1981, I am currently 42.
2. Heather Anne Cooke ("**Heather**") is the Respondent Mother in these proceedings. Heather was born on 31 July 1978 and is currently 45.
3. Heather and I began living together on 24 September 2011 and were married on 26 September 2012.
4. There are two (2) children to the relationship, namely:
 - a. Christian Finn Cooke, born 20 August 2014 and currently 9 years of age ("Christian"); and
 - b. Joshua Finn Cooke, born 27 January 2017 and currently 6 years of age ("Joshua"),
(collectively referred to as "**the children**").
5. Heather and I separated on a final basis on 17 November 2023 and lived under one roof until Heather moved out, taking the children against my wishes, on 2 December 2023. She would not tell me where the children would be staying.
6. After Heather moved out she did not allow me to spend time with the children again until 20 December 2023. I can tender copies of the correspondence showing my attempts to spend time with the children if required.
7. On 12 January 2024 Heather and I attended Family Dispute Resolution. We were unable to reach substantive agreement on parenting or property matters. However, so I could see the children again, I

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agreed to an “interim/interim” arrangement which remains in place whereby the children live with Heather and spend time with me as follows:

- a. During Week 1, from the conclusion of school or 3.00pm on Thursday to the commencement of school (or 9am) on the following Monday; and
- b. During Week 2, from the conclusion of school or 3.00pm on Thursday to the commencement of school (or 9am) on the following Friday.

Parenting During the Relationship

- 8. Christian was born on 20 August 2014. Before relocating to Australia, I was an Account Executive working in account receivable insurance brokerage. Heather requested that I relinquish my job and homeland to assist her in establishing herself in Newcastle, Australia, while I took on the responsibility of raising our children.
- 9. In September 2015, we moved from Canada to Australia, I became the primary homemaker to support Heather's full-time career as a Cardiologist. This decision was prompted by Heather, but jointly made, as Heather said on several occasions she would be “miserable” as a stay-at-home mum and, in returning to Australia, Heather said she had the potential of making double what I was making, meaning it was financially viable for me to care for the children. We both believed it was best for our children to be cared for by a parent.
- 10. On 27 January 2017, Joshua was born. Heather was home for several weeks after giving birth, but I remained the primary carer for Christian during this time and I was also deeply involved in the care for Joshua. Heather changed only the occasional nappy. The boys were bottle fed so I was primarily responsible for feeding both of them almost from birth, including overnight feeds. Heather usually bathed the children when they were tiny but, from the moment Heather returned to work, I did this.
- 11. For the duration of the relationship, I was the primary homemaker, carer and parent whilst Heather worked full-time to support the family financially. I did almost all the cooking for the boys, cleaning, and washing.
- 12. Monday to Friday mornings serve as the precursor to the school day, starting promptly at 9:25am. Joshua typically rises between 5:30 to 6:30am, while Christian wakes around 6:30 to 7:00am. As the boys rotate bathroom use, I prepare coffee for Heather and I and breakfast, tailored to each child's preferences. My morning tasks include gathering outfits and shoes, assisting with homework, administering medications including Christian’s Ritalin, puffer with spacer, and providing supplements like Vitamin C. Sunscreen, bug screen, and weekly nail care are also part of the routine to ensure the boys are ready for the day ahead with the timing adjusted to ensure all tasks are completed by 8.30am allowing time to walk to school together.
- 13. I took and collected our boys from school almost all of the time. In 2023 the boy’s attendance records were excellent, Christian attended 96.5% and Joshua attended 99.3%. School records show frequent

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late attendances by the children but this was on days when I took Christian to Lab Learning, details of which are provided later in this Affidavit. Special appointments prompt earlier departures, with Tuesdays requiring departure by 8:15am for Lab Learning and Thursdays by 8:45am for Christian's drum lessons.

14. During school hours, I did all the family's grocery shopping, house cleaning and laundry duties. I also booked and attended medical appointments, communicated with the school, including regarding Christian's medications (**annexed marked "A" are emails with the school regarding Christian's medication**) picked-up medications and ensured they were administered. Additionally, from early 2022, I volunteered a number of times at the school canteen. This experience brought joy to our sons who were excited to see me.
15. In the afternoons, I would pick up the boys from school and we walked home together. What came next depended on the day but typically I would take them to after-school activities or medical appointments. While their schedules changed from time to time, usually Mondays from 4.30pm to 5pm was Music, Thursdays was Ice Skating from 5.30pm to 6.00pm, Wednesdays was swimming from 5.30pm to 6pm and Tennis on a Thursday from 3.30pm to 4pm. I dedicated significant time to ensuring our children attended and enjoyed extra-curricular activities and benefited from additional educational support where required as shown in the Google Timeline which is **annexed and marked "B"**.
16. On Tuesday mornings from 8.45am to 9.30am I took Christian to Lab Learning which is a clinic where therapists provide learning support. Given the timing, Joshua came with me and while Christian was in "class" I would help Joshua with his schoolwork, or, if it was a nice day, we might go for a walk together and talk. I then returned to collect Christian and would always speak with his teacher to hear how Christian had focussed, what he had learned and to receive guidance as to how I could best support him with his homework. We would also discuss the assigned "reader" which Christian and I would sit together and read at home.
17. Selecting afterschool activities for the boys was a shared responsibility. Heather and I would discuss and agree what activities they were to attend. I took on the responsibility of taking the children to the appointments and adjusting schedules as necessary. For example, I wanted the boys to learn music, Heather agreed and found a teacher and I took them. I arranged appointments for the boys to learn ice-skating and we both saw swimming as essential, so Heather arranged those appointments when they were babies, and I took them.
18. One of the benefits of me taking them to their activities and appointments was that along the way we had discussions about schooling, life in general, strategies to manage and regulate behaviour, and even tackled inevitable squabbles that arose during car rides. I've taught our boys how to tie their skates, emphasised the importance of perseverance in sports, addressed teasing incidents, and enforced

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discipline during activities like swimming. As the activities could get expensive, I took the initiative to apply for and submit active/creative kids NSW vouchers for these activities.

19. On weekends, I would take the children bike riding, inline skating and scootering. We would also play with Lego or video games. Heather joined only occasionally as she frequently worked weekends. If she wasn't working, typically Heather would sleep-in usually until around 8 or 9am and sometimes much later. I expressed concern about her workload and suggested she reduce it, but she clearly loved her work and was at her best in the evenings when she returned home from work. On weekends I observed that she was more likely to be short-tempered and angry.
20. Heather often complained that she was tired when the children became too much for her to handle. I observed her low tolerance for our children to be lower when she drank alcohol. Heather would then retreat upstairs to her bedroom and shut the door. Sometimes I'd later to check in on her to find her doing her own thing on social media, not sleeping at all which frustrated me as she was spending very little meaningful time with me, or our children and I was doing all the hard yards on my own with respect to parenting the boys.
21. On 24 June 2023, I told Heather that I was feeling neglected, had felt this way for quite some time and that I wanted to improve our relationship. What started as a discussion escalated into an argument that ended with Heather announcing our relationship was over. Later, that night Heather said to the children words to the effect of: *"Daddy doesn't love you."* She also said to me, *"I'll have to speak to my accountants and organise buying you out."*
22. On 25 June 2023, following another attempt to reconcile, Heather announced in front of the children, words to the effect of: *"guys, go get your shoes on, we have to leave."* Christian questioned Heather as to why they had to leave and Heather replied with, words to the effect of: *"If we don't leave, I may end up stabbing your father."* I asked Heather where she was taking the children and she ignored me and drove away. 10 hours later, I drove 45 minutes to Heather's mums' home in the hope of finding them there. As I was driving, I received a call from Christian who told me that he was *ok* and that he had cried the entire car ride and was screaming, words to the effect of: *"Mum take me back, I want dad."*
23. On 26 June 2023, Heather dropped the children home at 8.00am for school at 9:00am. Heather left and did not explain what took place the day prior. I rushed to get the children ready as we only had an hour. Both boys were very happy to see me and I was very relieved. Christian said, *"I hate mum for doing this"*.
24. Before the events of 25 June 2023, Christian was very comfortable separating from me when he was dropped to school or playdates for example. Saying "goodbyes" became increasingly challenging for him. He was no longer able to say goodbye and simply break like he had before. For example, even now, at school drop off, after saying my goodbye, as I walk away, Christian will continually repeat

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(yelling if from afar), *“I love you Dad, bet I love you more than me!”*. In most instances when Christian has made that later comment, I have returned to Christian to say, *“Buddy, I will always love you and I love you more than anything in the world.”*

25. I later discussed this with Heather, saying I believe the incident of 25 June 2023 may have caused Christian to develop separation anxiety to which she responded, *“oh, so now it’s my fault”*.
26. When I next met with Christian’s Pediatrician on 1 August 2023, before Heather arrived, I explained what was happening in Christian’s life and that I suspected Christian may have developed separation anxiety from this event. Christian’s Pediatrician directed me to Kane Becker, a Child Psychologist at Oracle. I contacted Dr Becker to arrange 6 appointments to work through the issue with Christian. I attended all but one of these appointments. At our meetings Dr Becker met with me first. I would update him, and he would ask how Christian was going and provide guidance about what I could do to help him. He would then meet with Christian and provide me with an update when he finished.
27. In or around June 2023, Heather said to me, words to the effect of: *“you are solely responsible for Christian’s obesity”* and *“you never take ownership.”* Christian sees his pediatrician at least every 6 months and his weight has never been raised as a concern. I work hard to ensure the boys’ diet is healthy and I always include steamed fresh vegetables when I make their dinner. Even though none of his medical professionals said his weight was an issue, to appease Heather, I purchased a digital smart scale to monitor the children’s weight.
28. On another occasion around June 2023, the boys were being boisterous in our bedroom Heather said, *“if you boys do not stop Mum and Dad are going to get a divorce!”*. This comment shocked me, and I told her she can’t talk to the boys like that. Heather turned her back and ignored me.
29. On the evening of 11 September 2023, upon returning home from Hockey with Joshua, I saw that Heather had dinner without me and appeared to be upset. She then asked with an angry tone: *“What did you do all day?”* I said, *“I folded and put the laundry away, made the beds, pulled the weeds in the front yard, cleaned, and put the dishes away. I also attempted to make breakfast for you this morning.”* I then asked, *“why were you late in getting home for Joshua’s Hockey?”* Heather replied, *“it only takes 10 minutes to drive to Hockey.”* I said, *“not this time a day, we were 8 mins late getting on the ice.”* Later in the bedroom she said in an angry tone *“you live a pretty privileged life”*.
30. On the morning of 12 September 2023, Heather would not get out of bed. I offered to make her a coffee and attempted to discuss Christian’s homework commitments. Heather then said, words to the effect of: *“go away, go away and back off, you live a privileged life!”*.

Separation

31. Heather's decision to end our relationship stemmed from my refusal to sign a document called the 'Game Plan.' This document, developed by Heather and Simon Farmer from Walsh Financial Planners, sought to use our joint matrimonial assets to secure a \$950,000 loan to purchase an investment

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property in Queensland in which I would have no interest as it would be owned 100% by Heather. It also misrepresented the value of a Praemium investment, approximately 95% higher than the actual value. This matter is expanded upon in the property section below.

32. I refused to sign the Game Plan document because, while I wasn't a party to its preparation, I understood its financial implications, none of which were to my benefit, particularly at a time when my relationship with Heather was uncertain.

Parenting Post-Separation

33. In the week following separation, I approached Heather in Joshua's bedroom and asked her to reconsider separation for the sake of the children and the relationship we once had. I expressed my desire to attend marriage counselling and to find ways to handle the financial issues that we were facing. Heather responded with, words to the effect of: *"I am exceptional, don't I deserve to be with someone who is equally exceptional?"*

34. I have traditionally shouldered most of the household duties as outlined in this Affidavit. When shopping I had always used what I thought was a joint credit card. However, on 17 June 2023, I got a notice on my phone saying the credit card had been removed so I could no longer use it. I told Heather this had happened and, as I had no other access to funds I said *"I have to do grocery shopping for the kids"*. She replied *"I'll do it"*. I said *"that's my role"* to which she replied *"not anymore"*. Thereafter, Heather took on the responsibility of grocery shopping for the boys. I observed a shortage of groceries for packing school lunches, and as a result the kids were having to go to school with incomplete lunches including unfamiliar items. Consequently, the lunches weren't being eaten and I didn't have access to funds to do supplementary shops.

35. In June or July, before our separation, Heather suggested separating the children, with her taking Joshua and me taking Christian. I objected, emphasising the importance of keeping them together as brothers. I responded, *"you can't separate the kids, they're brothers. And what about me, wouldn't you miss me?"* Heather paused for a moment before saying *"Yes, but we need to do what is in the best interest of the kids."* Then I said *"what is in the best interest for the kids is to keep the kids together, they are brothers. We need to keep the family together."* Heather said *"well, I think it is still worth considering as an option"*. I felt confused about her suggestion.

36. Heather has also discussed future parenting arrangements with the children in the absence of any agreement between us. On 28 November 2023 at 7:00pm while watching TV in our Master Bedroom, Christian said, words to the effect of: *"I heard Granny and Mum talking today saying that they need a TV, they're going to take this TV Dad. Dad, you'll need another TV"*.

37. On Sunday, 19 November 2023, Heather insisted we go to Telstra Kotara Mall to separate the phone bill. Both kids initially seemed fine, but ten minutes in, Christian appeared unwell. I took him to the

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car while my sister, Angela cheered him up over a video call. When asked why he was at the mall, Christian hesitated and said, *"I don't want to talk about it, it makes me sad"*.

38. Not long before Heather left, she expressed the necessity of preparing the children. Initially, I assumed the discussion revolved around the children's transition between two homes and ensuring their comfort with the arrangement. However, the conversation abruptly halted when, in response to my inquiry about who would be stepping into my role, Heather simply said, *"me possibly having an affair is not important," "it doesn't matter," and "it's none of your business who I decide to have a relationship with..."*. I wasn't suggesting infidelity, it had not, until then, occurred to me that Heather may have been having an affair. This possibility did worry me though as I was concerned about an unknown person becoming involved with our children. Heather declined to provide further details.
39. When I asked Heather who was stepping into my role, I had hoped she would say that Granny, Heather's mother, as she is familiar to the boys and had previously done the same for Heather's sister when her marriage broke down. I advised Heather I am not comfortable with the children being in the care of a stranger to which Heather responded something to the effect of: *"my judgment of a person in this regard should suffice"*.
40. During the relationship Heather often controlled who I saw and when I saw them. For example, on 17 November 2023, Heather organised a play date for Chrisitan without consulting me first despite that she had arranged for me to be the facilitator. I received a message from a close friend saying: *"I think the girls organised a play date with Lucas at yours at 10 tomorrow. Just checking if it is still good?"* I responded and said: *"Sorry Dan. Not a good weekend for me. Heather's a go though"*.
41. Since separation I have frequently arranged playdates for the boys and organised a birthday party for Joshua at Revolution Sports Park with his best friend. I am also developing new friendships and working toward building new professional relationships.
42. On 27 November 2023, while helping the children with their school shoes, I overheard Christian teasing Joshua with words to the effect of: *"mum told me last night that she loves me more than you Joshua"*. Joshua replied with words to the effect of: *"well mum says she only loves you Christian when you do your homework."* Such exchanges weren't surprising, as I've witnessed Heather tell the children she doesn't love them when they misbehave. I have also witnessed Heather periodically banish Christian from our bedroom for misbehaving saying things like, *"I do not love you anymore, you sleep on your own tonight"*. Whenever this occurred, I adjusted the routine and stayed with him in his bed, offering comfort as I put him to sleep. It's important to note, this occurred at a time Christian still had not transitioned into sleeping in his own bed and at the time was still very much accustomed to going to sleep for the night between both parents.
43. Following events noted above and more recent events below, I am concerned about Heather's ability to co-parent and facilitate my relationship with the children:

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- a. On 19 January 2024, Christian revealed Heather had changed my profile picture on her phone to a photo of me crying. He explained, *"So when mommy pushes the little circle, it's a picture of you crying."* And *"On the phone to call people. It says Steve and there's a picture of you crying"* and *"it's in the little circle so when she taps it, there's a picture of you crying and then whenever we call you, I can see the picture and then when you pick up the phone, it goes away"*. Disturbed by this, I asked, via my lawyers, that the photo be removed and deleted. **Annexed and marked "C" is the letter from my lawyer dated 22 January 2024.**
- b. On 6 March 2024, an issue arose between Heather and me regarding a Facebook post. I emailed Heather about the issue and she implied that I had been monitoring or harassing her Facebook activity. This was not the case, so I unfriended her to avoid further conflicts. **Annexed and marked "D" is correspondence between lawyers dated 6 & 8 March 2024.**
- c. On 6 March 2024, I received an email invitation from Walsh's Chartered Accountants to attend a meeting with Heather and our financial planner. I didn't find this unusual given our intertwined finances and the fact that they were preparing my tax return. Hesitant to communicate directly with Heather, I sought legal advice and subsequently responded to Walsh's inquiring about the meeting's agenda. Heather added her lawyers to the email and replied *"Stephen you will not be present at my planned meeting with Simon to discuss my financial goals. Nor will you be privy to the agenda, nor receiving a recording of this meeting. Your request is a breach of my privacy. It constitutes ongoing harassment. Additionally, you are not to contact me on any issue other than parenting unless through our respective solicitors"*. I had merely responded to an invitation extended to me; I did not harass Heather. **Annexed and marked "E" is a copy of the emails.**
- d. On 6 March 2024 at 6:06pm at Arnold Swim Centre, Joshua said to me on the way out *"Mom says she going to vomit, she doesn't want to see you"*. He then said, *"I dare you to touch mom."* I said to Joshua *"No, that's probably not a good idea buddy"*.
- e. On 20 October 2023 I scheduled Christian's paediatrician appointment with Dr. Elder (who Christian was seeing as Dr Alison Freeth was on maternity leave) for 22 February 2024 at 10.30am and communicated the details of the appointment booking to Heather via Signal messaging. On 1 February 2024, I called the practice to confirm the appointment time and date. Kelly, the receptionist stated the appointment was scheduled for 12 March 2024 at 4.00pm. On the appointment day, I arrived slightly early and chatted briefly with the staff until Heather arrived. Upon arrival, Heather immediately insisted I leave stating, *"you can't be here, you need to leave"*. Surprised I asked, *"why can't I be here?"* Heather continued to say *"no, no, no"* and was starting to create a scene. I could see that the interaction was distressing to Christian and Joshua, I said, *"ok, I'm leaving"*. I stood up, I apologised to all and told the boys *"I will see you guys tomorrow"* and left with Christian vocalising his disappointment, saying *"nooooooo"*. I was surprised by

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Heather’s reaction as historically, Christian and I would attend these meetings with Dr. Alison Freeth without Heather being present, so I was genuinely surprised when I was asked to leave.

f. On 17 March 2024 I took Joshua and Christian for a walk. Unprompted, Christian said “Mum said you went to my appointment to harass her”. Joshua added that later the same day “Mum said it would be helpful if you died”.

44. Since separation, when spending time with our children, very little has changed in terms of our routine. Some practical changes had to be made though, for example, I had to get them added to my Medicare Card and to my BUPA Health Insurance Card. They also have less toys than they did before as Heather took most of them when she left. Otherwise, the big difference I observe is that rather than being simply happy to see me they are ecstatic and want to spend every moment with me and, when it comes time to leave, they are sad.



Issues of Risk

45. Our bedtime routine began at 7.30pm. Both boys would typically fall asleep between 8.00pm and 8.30pm in the master bedroom bed, with Mom and Dad lying on either side. I usually read two stories to the boys before bed. When the children were asleep, I would carry them and tuck them into their own bed for the night.

46. On 6 September 2023, Heather was upstairs. I was downstairs preparing our nighttime water bottles as I do every night before joining them to read a book. I heard Christian scream and then yell words to the effect of: “you hit me, I’m bleeding, and I can taste blood.” I rushed upstairs and consoled Christian who confirmed his mother had slapped him. I looked and saw his mouth was bleeding. I asked Joshua to leave the room and I then confronted Heather as she had slapped him before but never hard enough to draw blood. I said “what’s going on? You’re trying to blow up a marriage over what? Not being able to parent the kids? This is not about me is it, this is about you not being able to cope with the kids. I have not one memory of this ever happening in my childhood”. Heather said, “I want a divorce”. I said, “I am not going to abandon our marriage or our children”. Even though I didn’t believe it was an accident, thinking it best for Christian I said, “I will speak to Christian and tell him it was an accident”.

47. On another occasion on 18 November 2023, Heather lost her temper and I heard her strike Christian whilst we were watching a movie as a family. I saw a slap mark on his face.

48. I observed Heather consuming alcohol in excess most days during the relationship. Heather consumed one, sometimes two bottles of wine most nights. On nights she had been drinking, Heather could become quite mean and insensitive to both me and the children.. Heather often asked me to purchase alcohol for her, sometimes when speaking and sometimes by text message where, as recently as October and November 2023 she asked if we had wine. **Annexed and marked “F” are messages from Heather requesting wine.**



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Circumstances of Urgency and Best Interests of the Children

- 49. On 24 November 2023, I instructed my lawyer to write to Heather setting out my proposal for the care of the children and inviting Heather to respond or alternatively attend mediation to discuss the issue.
- 50. On Friday, 1 December 2023 at 4.58pm, my lawyer received a response from a lawyer instructed by Heather. **Annexed and marked “G” is a copy of the letter in response.** I believe the timing of the letter was strategic on Heather’s behalf and contributed to what occurred over the weekend of 2 and 3 December 2023 as noted below.
- 51. On the morning of 2 December 2023, the children and I were setting up and decorating the Christmas tree. I briefly left home to go to the pharmacy. When I returned home, I observed bags and boxes of personal belongings being packed by Heather and being placed into 5 trucks, in attendance were Heather’s sister (Carol Kelly-Finn), her sister’s boyfriend (Adam Potts) and another person unknown to me. Heather took many expensive items from the home and left very little of the children’s belongings without consulting me or allowing the chance for us to reach agreement as to the division of chattels. **Annexed and marked “H” are photos I took on this day.**
- 52. I sent an email to Heather clearly stating I did not consent to the children leaving and that I would bring an urgent recovery application. **Annexed and marked “I” is a copy of that email.**
- 53. As Heather was leaving, I telephoned the police. I was worried about the safety of the children leaving the home in the context of risk issues particularly the recent incident where Heather slapped Christian. The police came and said that Heather was allowed to leave, they did not address the safety of the children. They provided me with information about family violence including financial abuse.
- 54. Heather still has not told me where she is currently residing. I hold strong concerns about the safety and well-being of the children who have been removed from their home and placed in an unfamiliar environment.
- 55. On 4 December 2023 I was relieved to receive a phone call from Joshua at bedtime during which it was clear that he had attended school that day. Concerningly Joshua said to me *"why did you steal \$8,000.00 from mom? Why did you call the police to try and prevent mum from leaving?"*. My response was simply *"sorry buddy, that’s not something I can discuss with you"*.
- 56. I believe it is in the best interests of the children to return to living in the former matrimonial home with me as I have always been their main caregiver and attachment figure. They have a consistent routine and structure and I do not think it is in their best interests to be living with Heather who works long hours and does not cope well with the children, particularly Christian.

Property

- 57. I remain entirely dependent on Heather for financial support. In 2022, Heather earned a taxable income of \$477,857. I am yet to receive financial disclosure of her current taxable income though projections I have seen place it significantly higher than last year.

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58. Heather controlled and made all decisions regarding the finances during the relationship. I had access to a credit card which I used to make purchases to support the household. Larger purchases were always monitored and discussed between Heather and me.
59. Since Heather left the former matrimonial home, I have no means of supporting myself. Heather has refused my request for financial support and suggests I simply obtain employment. I have not been in the workforce for 8 years and will need to undertake further training and updating of my credentials in addition to further education to re-enter the workforce and earn an income sufficient to meet my outgoings. I also plan to continue in my role as primary carer of the children whilst they live with me which will impact my employment prospects.
60. In the weeks leading up to separation Heather had been pressuring me to sign documents which I believe saw our home further encumbered and I was uncomfortable with that given how our relationship was.
61. Heather meets with professionals (accountants and brokers) and makes unilateral decisions about finances and then pressures me to sign forms or documents without explaining things to me properly. In late 2023 I found some documents Heather had left at the property that evidenced a loan I was previously unaware of which Heather had taken out in around June 2022 with Westpac against account ending in #2919 in the sum of \$231,647. At this stage I don't know if these funds are secured against our joint property.
62. As noted above, on 3 November 2023 I attended a conference call at Heather's office with Heather and Darole Evans, Mortgage Broker of Walshs. During this conference call, I learned that there had been more discussions about buying into the medical practice Heather works for and buying an investment property. I was not previously privy to these discussions, despite me recently asking Heather about it and being told that there were no new developments. During the call, Darole hinted that this buy-in might involve a substantial cost. When I later asked Heather about it after the call, she suggested around \$500,000.
63. What struck me the most though during the call, was the revelation that Heather would be the exclusive owner of the new investment property despite it being secured by our joint assets. Until this point, we had always maintained a 50/50 partnership in all our investments.
64. Later that evening, I shared my concerns regarding securing a substantial loan in which I had no interest. I also brought up her previous desire to leave the marriage only expressed a few months ago. She reassured me that this arrangement was in our best interest and continued to say, *"in the event of a divorce, this would actually simplify matters—I would retain the buy-in into the practice and the investment property, while you would keep the house."*

DocuSigned by:

Stephen Christopher Cooke

6A3986B91A2B419
Signature of person making this affidavit (deponent)

DocuSigned by:

Pnue Erin Garvin

Signature of witness

747504599E8F43C...

65. I conveyed my reluctance toward this proposed arrangement and reaffirmed my commitment to making our relationship work, I emphasised that I did not want a divorce. And I doubted whether this plan of Heather's truly had my best interests in mind.
66. As I prepared dinner in the kitchen for the children moments later, Heather joined us reiterating her optimism about our future together, repeating twice, *"I believe we will be together for a very long time"*.
67. On 7 November 2023, I emailed Heather and the accountants advising that I declined signing a document that was to be sent to Westpac Bank. It was my understanding that this document titled "Game Plan" would have pledged all out joint assets and securities, including the former matrimonial home, to Westpac Bank as security to issue a \$950,000 loan to Heather. When Heather returned home that evening from work, she greeted me with an icy stare, and she chose not to engage in conversation with me. Heather chose to sleep on the floor of Joshua's bedroom that night.
68. On 8 November 2023, Heather sent me a text message saying: *"If I can't use the equity in the house for an investment property, can I use the equity in the house to buy into the business? I'm going to need a sizeable personal loan."* I replied: *"Seriously cannot expect us to discuss this over a text message. We'll have to make time for a proper conversation when the kids are not around, preferably when they are at school."* Heather then responded: *"Not really, it's pretty simple. Can I use the equity in the house to buy a proven and profitable business? The risks aren't the same as an investment property."* **Annexed and marked "J" is a copy of these text messages.**
69. Heather has made investments in my name, only since the separation have I accessed the account, which I don't understand and the value differs significantly from the value on the document I was given by the broker. I have used these funds to live on since separation. I have drawn down \$30,000, utilised \$15,000 and its value is now approximately \$144,000. While this asset is in my name, I see it as a marital asset that should form part of our property settlement so I have been careful to utilise it sparingly. In this regard, I note that, while Heather asserts that I am frivolous, this is not the case.
70. If I don't receive spousal maintenance, the investment referred to above represents the only funds I have access to and, once exhausted, I have no other money.
71. On 17 November 2023, Heather unilaterally removed the following sums from our joint accounts:
- \$38,470.58 from the account ending #2594;
 - \$178,201.51 from the account ending #5063;
 - \$163,967 from the account ending #7778;
 - \$6,401.93 from the account ending #7671; and
 - \$4,854.23 from account ending #5055.
72. Although this Court's Orders of 29 January 2024 required further disclosure about the accounts referred to in paragraphs a, b and c above by 4pm on 5 February 2024, it has not been received yet.

DocuSigned by:

Stephen Christopher Cooke

Signature of person making this affidavit (deponent)

DocuSigned by:

Prue Erin Garvin

Signature of witness

747504599E8F43C...

- 73. Heather believes all of the assets of the marriage are solely hers and fails to recognise or value my contribution. Heather makes all the decisions about our lifestyle, if and when I can return to Canada, where we live, and how household income is spent. For example, when Heather left the home, she took all valuable items and where there were duplicates, she took the better. When asked if she could take an alternative coffee machine (we had two) her response was *“I paid for everything in this house so I get to choose and you don’t”*.
- 74. In the context of a property pool in the vicinity of \$2,000,000 and in circumstances where Heather earns approximately \$10,000 per week, I seek that this Honourable Court make the interim orders as sought in my Amended Initiating Application, being that the above sums be returned to the accounts that they were removed from, that Heather continue to meet all outgoings associated with the home and my car and pay spousal maintenance to me. I further seek the release of \$50,000 to my solicitor’s trust account to assist in the payment of my legal fees.
- 75. I say these monies should be returned as I am worried there won’t be enough funds left to meet my claim.
- 76. Assuming Heather continues to pay the mortgage on our home, my current conservative expenses are about \$4,500 per month, without any allowance being made for unanticipated costs such as car or property repairs. I anticipate that figure would increase by approximately \$1,000 per month should our children spend more time with me. As noted above, I do not have any current income and, while I am working toward updating my skills so that I can re-enter the workforce, this will take time. I further note that if I had to rent a property appropriate for housing our children, the weekly rental would be not less than \$1,000 per month.
- 77. Heather wants to move back into the house, if I am forced to move, I will need to secure a rental property which I estimate will cost in the vicinity of \$800 to \$1,000 a week and require payment of a bond. Without a job and no personal credit history, in the current rental market, I understand that even if I find a rental property, it will be almost impossible for me to secure one and I do not have family or friends in a position to offer me accommodation.

Responses to Heather’s Affidavit

- 78. In her affidavit at paragraphs 20 and 23 Heather states I repeatedly failed several courses then withdrew from university. I say I successfully completed 5 courses and achieved both Distinction and High Distinction. I failed only two courses at a time when our children were attending daycare and were frequently unwell and in need of my care. I tried to balance family responsibilities, including assuming nighttime care duties for our children to allow Heather the rest needed to perform effectively in her profession. I reluctantly withdrew from university as I could not dedicate the time needed to my studies and care for two then, very young children.

<p>DocuSigned by: <i>Stephen Christopher Cooke</i> 643986891A2B419 Signature of person making this affidavit (deponent)</p>	<p>DocuSigned by: <i>Prue Erin Garvin</i> 747504599E8F43C... Signature of witness</p>
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79. In paragraph 29 of her Affidavit, Heather describes me as a person who “*did not appear interested in caring for the children but he also did not want to study or get a job*”. This is not true, and I again say that the decision for me to remain at home as primary carer for our children was a joint decision. Since separating I have been pursuing CompTIA certificates in Network+ and Security+, qualifications often sought after for securing positions within the government's cybersecurity sector. My objective is to attain these certifications and leverage my practical experience and growing network to secure an IT Help Desk position. Concurrently, I aim to further my training with the aspiration of eventually transitioning into a DevOps role. My goal is secure a role that can be adaptable to fit in with our children’s needs and to eventually become financially self-sufficient.
80. Heather asserts that I would data mine all day while the children were at school. This simply isn’t correct as I would never have had time to do so, and the process was automated. Maintaining our home and caring for our children took up the majority of my time. However, when our electricity bills did escalate and Heather raised concerns, I stopped data mining.
81. I deny Heather’s assertion in paragraph 31 of her Affidavit. I do recall an event that happened in 2019 in which three China War ships arrived in Sydney Harbour which everyone was talking about. But that occurred two years before our mining/bitcoin endeavour. This was as joint endeavour to yield greater return from our solar install as opposed to selling excess back to the energy company.
82. In paragraph 36 Heather maintains that I did not tend to the children as if I was the primary parent. This is untrue and my role is clearly articulated above.
83. In paragraph 37, Heather mentions that in June 2023, my GP diagnosed me with anxiety. This is not correct. I discussed with him my struggles with eating and sleeping due to a stressful situation at home. When he inquired about the duration of the symptoms, I said I thought it would be temporary as I believed it was related to the problems I was experiencing with Heather. The GP prescribed what I believe to be situational anxiety medication to be taken to assist with getting my appetite back and if my symptoms persisted, I should come back as there are better medications available. At that time, I did not require the medication as Heather and I appeared to reconcile.
84. At paragraph 38 Heather suggests I am uninformed and about my ADHD, I deny this. I am neither uneducated nor unaware. Having been diagnosed with ADHD in September last year, I am still familiarising myself with its specifics and managing it with my Psychiatrist’s help. Despite being new to my ADHD diagnosis, which came after years of successful parenting, I do find the medication beneficial. I take one tablet a day of Lisdexamfetamine (5mg evening short acting) and one Vyvanse (20mg morning long acting). As Christian also has been diagnosed with ADHD, I am doing all I can to learn about it because, as my Psychiatrist, Dr Moisey pointed out, while I have only a low level of ADHD and am medicated at low dosage, my understanding of my own diagnosis has the potential to help Christian. I say that ADHD does not impact my parenting capacity.

DocuSigned by:

Stephen Christopher Cooke

Signature of person making this affidavit (deponent)

DocuSigned by:

Pnue Erin Garvin

Signature of witness

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85. At paragraph 39 of her Affidavit, I am described as being a parent who wishes to be the “friend” or “fun” parent. In part, this is true as I do have a positive and fun relationship with our children and I do not believe in corporal punishment. Historically, I have only ever smacked our children on the bottom if I genuinely thought they were in danger, and I haven’t had to do that in years. My approach to parenting is to use “count-downs”, “time-outs” and “removal of privileges such as television or devices”. I find that this works effectively and when the boys are with me, I find them generally well behaved.
86. I vehemently deny the allegations made against me specifically, her claims in paragraphs 37 and 45 regarding my alcohol consumption and adherence to my ADHD medication. Throughout our relationship, and presently, I have maintained a moderate level of alcohol consumption. Additionally, I diligently adhere to my prescribed ADHD medication regimen. Upon receiving Heather's affidavit, I immediately arranged to get tested to show that I didn’t drink without any suggestion that I had taken time to “clean up”. On 8 February 2024, I voluntarily underwent comprehensive drug and alcohol testing. The results of these tests, including a hair follicle test conducted by Psychemedics and a urine test by Laverty Pathology, conclusively demonstrate that my alcohol consumption is below the cutoff level, with a measurement of 2pg/mg. Furthermore, the concurrent urine drug test confirmed the presence of my prescribed ADHD medication. These results are available for submission to the Court upon request.
87. I deny any allegations made by Heather that I have ever harassed her generally, sexually or pressured her in any way to engage in sexual intercourse.
88. In relation to the issues Heather raises regarding our neighbours, I say that our former matrimonial home is a duplex and our neighbours are very close. Living in close quarters with neighbours while raising two happy, spirited and sometimes boisterous young boys can be challenging. This did lead to issues with our previous neighbours. They moved out in around April 2022 and since that date, we have not had any issues with our current neighbours.
89. Heather’s accusation of frivolously spending \$30,000 on a server is unfounded. Heather fully supported the purchase of the server as it was bought as a family media hub to store and distribute TV content. Heather also asked that the invoice be in her name so that she could benefit from a tax credit. Heather supported my endeavours involving the purchase of bitcoin mining equipment and backup internet for the security systems, acknowledging via Signal that *"Those cameras are a godsend"*. Notably, the Ring security system requires the internet to function, further justifying the purchase as a deliberate investment in security, rather than frivolity.

<p>DocuSigned by: <i>Stephen Christopher Cooke</i> 6439868912B419 Signature of person making this affidavit (deponent)</p>	<p>DocuSigned by: <i>Pruce Erin Garvin</i> 747504599E8F43C... Signature of witness</p>
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Part E Signature

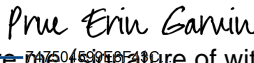
I swear*/ affirm* the contents of this affidavit are true

This document was signed and witnessed over audio visual link in accordance with section 14G of the Electronic Transactions Act 2000

DocuSigned by:

 Signature of Deponent

Merewether
 Place Date 27/3/2024

DocuSigned by:

 Before me (Signature of witness)

Prue Erin Garvin (JP 192672)
 Full name of witness (please print)

- Justice of the Peace
- Notary public
- Lawyer
- Other authorised person (specify)

* delete whichever is inapplicable

This affidavit was prepared / settled by deponent/s
 lawyer

Jacqueline Ann Turner
 CLA7584701
 PRINT NAME AND LAWYER'S CODE

IN THE FEDERAL CIRCUIT AND FAMILY COURT OF AUSTRALIA
No. NCC3896/2023

IN THE MATTER OF

Stephen Christopher Cooke
Applicant

and

Heather Anne Cooke
Respondent

ANNEXURE SHEET

This is the document referred to as Annexure A in the affidavit of
Stephen Christopher Cooke, affirmed at Merewether on 27 March
2024.

Before me:

DocuSigned by:

Prue Erin Garvin

747504599E8F43C

Prue Erin Garvin
Justice of the Peace 192672



Stephen Cooke <stevecooke.c@gmail.com>

Christian Cooke - Dr Alison Feedback form

4 messages

Stephen Cooke <stevecooke.c@gmail.com>

Mon, May 30, 2022 at 2:11 PM

To: Jeremy.Maher2@det.nsw.edu.au

Cc: Heather Cooke <heather111finn@gmail.com>

Hi Jeremy,

We're trialing a new medication for Christian (Ritalin) and his Dr. has asked us to forward the attachment for feedback.

Can you kindly get this back to her by the end of the week?

Best regards,

Stephen Cooke



Christian Cooke - Dr Alison Feedback form.pdf

888K

Jem Maher (Jeremy Maher) <Jeremy.Maher2@det.nsw.edu.au>

Tue, May 31, 2022 at 3:49 PM

To: Stephen Cooke <stevecooke.c@gmail.com>

Hi Stephen,

Thanks for the message and I will make sure to get the form sent by Friday. I had actually already noticed that Christian was very settled and able to focus on activities for longer upon his return. He has had another positive day, particularly this morning.

Regards,

Jem

From: Stephen Cooke <stevecooke.c@gmail.com>

Sent: 30 May 2022 14:11

To: Jem Maher (Jeremy Maher) <Jeremy.Maher2@det.nsw.edu.au>

Cc: Heather Cooke <heather111finn@gmail.com>

Subject: Christian Cooke - Dr Alison Feedback form

You don't often get email from stevecooke.c@gmail.com. [Learn why this is important](#)

[External Email] This email was sent from outside the NSW Department of Education. Be cautious, particularly with links and attachments.

[Quoted text hidden]

*** This message is intended for the addressee named and may contain privileged information or confidential information or both. If you are not the intended recipient please notify the sender and delete the message. ***

Stephen Cooke <stevecooke.c@gmail.com>

Wed, Jun 1, 2022 at 10:38 AM

To: "Jem Maher (Jeremy Maher)" <Jeremy.Maher2@det.nsw.edu.au>

That's great to hear!

Best regards,

Stephen Cooke

[Quoted text hidden]

Stephen Cooke <stevecooke.c@gmail.com>
To: merewethht-p.school@det.nsw.edu.au
Cc: Heather Cooke <heather111finn@gmail.com>

Mon, Jun 6, 2022 at 8:40 AM

Hi Dorothy,

Christian has been prescribed Ritalin going forward (kindly see attached)

What do you need from us to enable you to administer on site going forward for the Midday/Lunch dose?

Kind regards,

Stephen Cooke

----- Forwarded message -----

From: **Stephen Cooke** <stevecooke.c@gmail.com>

Date: Mon, 30 May 2022, 2:11 pm

Subject: Christian Cooke - Dr Alison Feedback form

To: <Jeremy.Maher2@det.nsw.edu.au>

Cc: Heather Cooke <heather111finn@gmail.com>

[Quoted text hidden]

2 attachments



Christian Cooke - Dr Alison Feedback form.pdf

888K



Christian Cooke ADHD schedule.pdf

298K

Dr Alison Freeth MBBS (Hons) FRACP**Consultant Paediatrician** Prov. No 450033AH**General Paediatrician**

Suite 1.2, Medical Suites, 26 Lookout Rd, New Lambton Hts ph 61-2-49526599 fax 61-2-49526659

The Newcastle



Paediatric Clinic

Letter Date: 23/05/2022

Consultation Date: 23/05/22

Re: Christian COOKE DOB: 20/08/14
213/1 Morgan Street
MEREWETHER NSW 2291
Phone: 0412 846 712dad 0431 016 494

This letter is to inform you that the above child is commencing medication, **Ritalin 10mg short acting tablet**, for the treatment of ADHD. The medication should be administered as per the following schedule. Please note the "optional" increases depend on the child's response to medication.

Week	Breakfast dose	Midday/Lunch dose
Week 1	½ tablet =5mg	nil
Week 2	½ tablet =5mg	½ tablet =5mg
Week 3	1 tablet =10mg	½ tablet=5mg
Week 4	1 tablet =10mg	1 tablet =10mg
Week 5 (Optional)	1 ½ tablets =15mg	1 tablet =10mg
Week 6 (Optional)	1 ½ tablets =15mg	1 ½ tablets =15mg

Can the child's teacher please complete the feedback questionnaire provided and return to me via email reception@tnpc.com.au

Kind Regards,

Dr Alison Freeth

BEFORE MEDICATION

Dr Alison Freeth
 The Newcastle Paediatric Clinic
 Suite 102, Newcastle Private Specialist Centre
 26 Lookout Road, New Lambton Heights, NSW 2305
 Ph 4952 6599, Fax 4952 6659
 Email: reception@tnpc.com.au

Child's name _____ Date _____

Person completing form _____ Relationship to child: _____

Any Medication No/Yes. (*Please circle*) If yes, name of medication: _____

Please score as best describes the child's behaviour as it appears at present and return to me at The Newcastle Paediatric Clinic (details above) via email, fax or post. This should be completed before starting medication and again 1-2 months after starting medication.

0- Not at all 1- Just a little 2 - Often 3 - Very often

Inattention/overactivity	Morning Score	Afternoon Score
Fidgeting	0 1 2 3	0 1 2 3
Hums and makes other odd noises	0 1 2 3	0 1 2 3
Excitable, impulsive	0 1 2 3	0 1 2 3
Inattentive, easily distracted	0 1 2 3	0 1 2 3
Fails to finish things s/he starts (short attention span)	0 1 2 3	0 1 2 3
Oppositional/Defiant		
Quarrelsome	0 1 2 3	0 1 2 3
Acts "smart"	0 1 2 3	0 1 2 3
Temper outbursts	0 1 2 3	0 1 2 3
Defiant	0 1 2 3	0 1 2 3
Uncooperative	0 1 2 3	0 1 2 3

Do you have any other observations or comments about the child's behaviour or medication?

TAKING MEDICATION

Dr Alison Freeth
 The Newcastle Paediatric Clinic
 Suite 102, Newcastle Private Specialist Centre
 26 Lookout Road, New Lambton Heights, NSW 2305
 Ph 4952 6599, Fax 4952 6659
 Email: reception@tnpc.com.au

Child's name _____ Date _____

Person completing form _____ Relationship to child: _____

Name of medication _____

Please score as best describes the child's behaviour as it appears at present and return to me at The Newcastle Paediatric Clinic (details above) via email, fax or post. This should be completed before starting medication and again 1-2 months after starting medication.

0- Not at all 1- Just a little 2 - Often 3 - Very often

Inattention/overactivity	Morning Score	Afternoon Score
Fidgeting	0 1 2 3	0 1 2 3
Hums and makes other odd noises	0 1 2 3	0 1 2 3
Excitable, impulsive	0 1 2 3	0 1 2 3
Inattentive, easily distracted	0 1 2 3	0 1 2 3
Fails to finish things s/he starts (short attention span)	0 1 2 3	0 1 2 3
Oppositional/Defiant		
Quarrelsome	0 1 2 3	0 1 2 3
Acts "smart"	0 1 2 3	0 1 2 3
Temper outbursts	0 1 2 3	0 1 2 3
Defiant	0 1 2 3	0 1 2 3
Uncooperative	0 1 2 3	0 1 2 3

Do you have any other observations or comments about the child's behaviour or medication?

IN THE FEDERAL CIRCUIT AND FAMILY COURT OF AUSTRALIA
No. NCC3896/2023

IN THE MATTER OF

Stephen Christopher Cooke
Applicant

and

Heather Anne Cooke
Respondent

ANNEXURE SHEET

This is the document referred to as Annexure B in the affidavit of
Stephen Christopher Cooke, affirmed at Merewether on 27 March
2024.

Before me:

DocuSigned by:

Prue Erin Garvin

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Prue Erin Garvin
Justice of the Peace 192672

Google Timeline Data for stevecooke.c@gmail.com

Kids Afterschool Schedule 2023

Date	Check-In	Check-Out	Check-In	Check-Out	Check-In	Check-Out
JANUARY						
Monday, 30 January 2023	LAB Learning Clinic	9:30:00 AM	10:26:00 AM	Music Lessons: Reynolds	3:18:00 PM	4:37:00 PM
FEBRUARY						
Wednesday, 1 February 2023	Merewether Heights Public School		3:29:00 PM	Hunter Ice Skating	5:22:00 PM	6:01:00 PM
Monday, 6 February 2023	LAB Learning Clinic	9:33:00 AM	10:31:00 AM	Merewether Heights Public School	10:45:00 AM	3:25:00 PM
Wednesday, 8 February 2023	Hunter Ice Skating	5:09:00 PM	6:01:00 PM			
Monday, 13 February 2023	LAB Learning Clinic	9:34:00 AM	10:31:00 AM	Merewether Heights Public School	10:39:00 AM	12:55:00 PM
Wednesday, 15 February 2023	Merewether Heights Public School	9:21:00 AM	3:26:00 PM	Hunter Ice Skating	5:13:00 PM	6:14:00 PM
Monday, 20 February 2023	LAB Learning Clinic	9:33:00 AM	10:21:00 AM	Merewether Heights Public School	9:18:00 AM	3:27:00 PM
Wednesday, 22 February 2023	Merewether Heights Public School	9:25:00 AM	3:28:00 PM	Hunter Ice Skating	5:10:00 PM	6:16:00 PM
Monday, 27 February 2023	LAB Learning Clinic	9:31:00 AM	10:26:00 AM	Merewether Heights Public School	10:36:00 AM	3:24:00 PM
MARCH						
Wednesday, 1 March 2023	Merewether Heights Public School	9:13:00 AM	3:25:00 PM	Hunter Ice Skating	5:26:00 PM	6:23:00 PM
Wednesday, 8 March 2023	Merewether Heights Public School	9:18:00 AM	3:35:00 PM	Hunter Ice Skating	5:15:00 PM	6:15:00 PM
Thursday, 9 March 2023	LAB Learning Clinic	9:39:00 AM	10:25:00 AM	Merewether Heights Public School	9:18:00 AM	3:35:00 PM
Thursday, 16 March 2023	LAB Learning Clinic	9:35:00 AM	10:22:00 AM	Merewether Heights Public School	9:18:00 AM	3:35:00 PM
Monday, 13 March 2023	Merewether Heights Public School	9:13:00 AM	3:25:00 PM	Music Lessons: Reynolds	4:28:00 PM	5:03:00 PM
Wednesday, 15 March 2023	Merewether Heights Public School	9:15:00 AM	3:28:00 PM	Hunter Ice Skating	5:34:00 PM	6:37:00 PM
Monday, 20 March 2023	Merewether Heights Public School	9:33:00 AM	3:26:00 PM	Music Lessons: Reynolds	4:23:00 PM	5:05:00 PM
Wednesday, 22 March 2023	Merewether Heights Public School	9:18:00 AM		Hunter Ice Skating	5:14:00 PM	6:25:00 PM
Thursday, 23 March 2023	LAB Learning Clinic	9:33:00 AM	10:22:00 AM	Merewether Heights Public School	10:34:00 AM	3:26:00 PM
Monday, 27 March 2023	Merewether Heights Public School			Music Lessons: Reynolds	4:31:00 PM	5:03:00 PM
APRIL						
Monday, 3 April 2023	Merewether Heights Public School	9:16:00 AM	3:25:00 PM	Music Lessons: Reynolds	4:30:00 PM	5:03:00 PM
Wednesday, 5 April 2023	Merewether Heights Public School	9:19:00 AM	3:25:00 PM	Hunter Ice Skating	5:10:00 PM	6:13:00 PM
Thursday, 6 April 2023	LAB Learning Clinic	9:19:00 AM	9:42:00 AM	Merewether Heights Public School	12:50:00 PM	3:11:00 PM
Monday, 24 April 2023	Merewether Heights Public School			Music Lessons: Reynolds	4:15:00 PM	5:05:00 PM
Thursday, 27 April 2023	LAB Learning Clinic	8:27:00 AM	9:20:00 AM	Merewether Heights Public School	9:40:00 AM	3:21:00 PM
MAY						
Monday, 1 May 2023	Merewether Heights Public School		3:23:00 PM	Music Lessons: Reynolds	4:41:00 PM	5:05:00 PM
Thursday, 4 May 2023	LAB Learning Clinic	8:28:00 AM	9:19:00 AM			
Monday, 8 May 2023	Merewether Heights Public School	9:17:00 AM	3:26:00 PM	Music Lessons: Reynolds	4:33:00 PM	5:02:00 PM
Thursday, 11 May 2023	LAB Learning Clinic	8:31:00 AM	9:24:00 AM	Merewether Heights Public School	11:34:00 AM	3:24:00 PM
Monday, 15 May 2023	Merewether Heights Public School	9:09:00 AM	3:24:00 PM	Music Lessons: Reynolds	4:29:00 PM	5:03:00 PM
Thursday, 18 May 2023	LAB Learning Clinic	8:30:00 AM	9:26:00 AM			
Monday, 22 May 2023	Merewether Heights Public School	9:18:00 AM	3:26:00 PM	Music Lessons: Reynolds	4:28:00 PM	5:04:00 PM
Thursday, 25 May 2023	LAB Learning Clinic	8:33:00 AM	9:20:00 AM	Merewether Heights Public School	3:26:00 PM	
Monday, 29 May 2023	Merewether Heights Public School	9:22:00 AM	3:20:00 PM	Music Lessons: Reynolds	4:25:00 PM	5:04:00 PM
JUNE						
Thursday, 1 June 2023	LAB Learning Clinic	8:35:00 AM	9:25:00 AM	Merewether Heights Public School	9:40:00 AM	3:26:00 PM
Monday, 5 June 2023	Merewether Heights Public School	9:18:00 AM	3:24:00 PM	Music Lessons: Reynolds	4:25:00 PM	5:04:00 PM
Thursday, 15 June 2023	LAB Learning Clinic	9:33:00 AM	9:26:00 AM	Merewether Heights Public School	9:44:00 AM	3:19:00 PM
Monday, 19 June 2023	Music Lessons: Reynolds	4:22:00 PM	5:04:00 PM	Hunter Ice Skating	5:31:00 PM	6:20:00 PM
Thursday, 22 June 2023	LAB Learning Clinic	8:41:00 AM	9:22:00 AM			
Monday, 26 June 2023	Music Lessons: Reynolds	4:27:00 PM	5:04:00 PM	Hunter Ice Skating	5:30:00 PM	6:24:00 PM
Tuesday, 27 June 2023	LAB Learning Clinic	8:40:00 AM	9:46:00 AM	Merewether Heights Public School	9:55:00 AM	3:19:00 PM
JULY						
Tuesday, 4 July 2023	Arnold's Swim Centre	5:19:00 PM	6:09:00 PM			
Wednesday, 12 July 2023	Arnold's Swim Centre	5:19:00 PM	6:09:00 PM			
Monday, 17 July 2023	Hunter Ice Skating	5:29:00 PM	6:23:00 PM			
Wednesday, 19 July 2023	Merewether Heights Public School	9:12:00 AM	3:22:00 PM	Arnold's Swim Centre	5:20:00 PM	6:08:00 PM
Monday, 24 July 2023	Merewether Heights Public School	9:12:00 AM	3:15:00 PM	Hunter Ice Skating	5:28:00 PM	6:20:00 PM
Tuesday, 25 July 2023	LAB Learning Clinic	8:42:00 AM	9:35:00 AM	Merewether Heights Public School	9:54:00 AM	3:23:00 PM
Wednesday, 26 July 2023	Merewether Heights Public School	9:16:00 AM	3:22:00 PM	Arnold's Swim Centre	5:26:00 PM	6:12:00 PM
Thursday, 27 July 2023	Merewether Heights Public School	7:56:00 AM	3:20:00 PM	Tennis (Joshua)	3:39:00 PM	4:09:00 PM
AUGUST						
Tuesday, 1 August 2023	LAB Learning Clinic	8:46:00 AM	9:35:00 AM	Merewether Heights Public School	9:44:00 AM	1:54:00 PM
Wednesday, 2 August 2023	Merewether Heights Public School	9:09:00 AM	3:22:00 PM	Arnold's Swim Centre	5:26:00 PM	6:12:00 PM
Thursday, 3 August 2023	Merewether Heights Public School	8:47:00 AM	3:18:00 PM	Tennis (Joshua)	3:32:00 PM	4:17:00 PM

	Activity	Duration	Start	End
Monday	Reynolds & Co Studios Music	30 mins	4:30pm	5:00pm
Tuesday	Lab Learning	45 mins	8:45am	9:30am
Wednesday	Michael Mills Tennis	30 mins	3:30pm	4:00pm
Wednesday	Arnold's Swim	30 mins	5:30pm	6:00pm
Thursday	Hunter Ice Skating	30 mins	5:30pm	6:00pm

****NOTE** Tennis starts concurrently with the conclusion of the school day.**

Google Timeline Data for stevecooke.c@gmail.com

Kids Afterschool Schedule 2023

Date	Check-In	Check-Out	Check-In	Check-Out	Check-In	Check-Out
JANUARY						
Monday, 30 January 2023	LAB Learning Clinic	9:30:00 AM	10:26:00 AM	Music Lessons: Reynolds	3:18:00 PM	4:37:00 PM
FEBRUARY						
Wednesday, 1 February 2023	Merewether Heights Public School		3:29:00 PM	Hunter Ice Skating	5:22:00 PM	6:01:00 PM
Monday, 6 February 2023	LAB Learning Clinic	9:33:00 AM	10:31:00 AM	Merewether Heights Public School	10:45:00 AM	3:25:00 PM
Wednesday, 8 February 2023	Hunter Ice Skating	5:09:00 PM	6:01:00 PM			
Monday, 13 February 2023	LAB Learning Clinic	9:34:00 AM	10:31:00 AM	Merewether Heights Public School	10:39:00 AM	12:55:00 PM
Wednesday, 15 February 2023	Merewether Heights Public School	9:21:00 AM	3:26:00 PM	Hunter Ice Skating	5:13:00 PM	6:14:00 PM
Monday, 20 February 2023	LAB Learning Clinic	9:33:00 AM	10:21:00 AM	Merewether Heights Public School	9:18:00 AM	3:27:00 PM
Wednesday, 22 February 2023	Merewether Heights Public School	9:25:00 AM	3:28:00 PM	Hunter Ice Skating	5:10:00 PM	6:16:00 PM
Monday, 27 February 2023	LAB Learning Clinic	9:31:00 AM	10:26:00 AM	Merewether Heights Public School	10:36:00 AM	3:24:00 PM
MARCH						
Wednesday, 1 March 2023	Merewether Heights Public School	9:13:00 AM	3:25:00 PM	Hunter Ice Skating	5:26:00 PM	6:23:00 PM
Wednesday, 8 March 2023	Merewether Heights Public School	9:18:00 AM	3:35:00 PM	Hunter Ice Skating	5:15:00 PM	6:15:00 PM
Thursday, 9 March 2023	LAB Learning Clinic	9:39:00 AM	10:25:00 AM	Merewether Heights Public School	9:18:00 AM	3:35:00 PM
Thursday, 16 March 2023	LAB Learning Clinic	9:35:00 AM	10:22:00 AM	Merewether Heights Public School	9:18:00 AM	3:35:00 PM
Monday, 13 March 2023	Merewether Heights Public School	9:13:00 AM	3:25:00 PM	Music Lessons: Reynolds	4:28:00 PM	5:03:00 PM
Wednesday, 15 March 2023	Merewether Heights Public School	9:15:00 AM	3:28:00 PM	Hunter Ice Skating	5:34:00 PM	6:37:00 PM
Monday, 20 March 2023	Merewether Heights Public School		3:26:00 PM	Music Lessons: Reynolds	4:23:00 PM	5:05:00 PM
Wednesday, 22 March 2023	Merewether Heights Public School	9:18:00 AM		Hunter Ice Skating	5:14:00 PM	6:25:00 PM
Thursday, 23 March 2023	LAB Learning Clinic	9:33:00 AM	10:22:00 AM	Merewether Heights Public School	10:34:00 AM	3:26:00 PM
Monday, 27 March 2023	Merewether Heights Public School			Music Lessons: Reynolds	4:31:00 PM	5:03:00 PM
APRIL						
Monday, 3 April 2023	Merewether Heights Public School	9:16:00 AM	3:25:00 PM	Music Lessons: Reynolds	4:30:00 PM	5:03:00 PM
Wednesday, 5 April 2023	Merewether Heights Public School	9:19:00 AM	3:25:00 PM	Hunter Ice Skating	5:10:00 PM	6:13:00 PM
Thursday, 6 April 2023	LAB Learning Clinic	9:19:00 AM	9:42:00 AM	Merewether Heights Public School	12:50:00 PM	3:11:00 PM
Monday, 7 August 2023	Merewether Heights Public School	9:19:00 AM	3:25:00 PM	Hunter Ice Skating	5:38:00 PM	6:20:00 PM
Wednesday, 9 August 2023	Merewether Heights Public School	8:56:00 AM	3:23:00 PM	Arnold's Swim Centre	5:21:00 PM	5:53:00 PM
Thursday, 10 August 2023	Merewether Heights Public School	8:46:00 AM	3:13:00 PM	Tennis (Joshua)	3:42:00 PM	4:04:00 PM
Monday, 14 August 2023	Merewether Heights Public School		3:10:00 PM	Hunter Ice Skating	5:38:00 PM	6:24:00 PM
Tuesday, 15 August 2023	LAB Learning Clinic	8:23:00 AM	9:27:00 AM	Merewether Heights Public School	9:58:00 AM	3:23:00 PM
Wednesday, 16 August 2023	Merewether Heights Public School	8:54:00 AM		Arnold's Swim Centre	5:26:00 PM	6:11:00 PM
Thursday, 17 August 2023	Merewether Heights Public School	8:55:00 AM	3:13:00 PM	Tennis (Joshua)	3:44:00 PM	4:05:00 PM
Tuesday, 22 August 2023	LAB Learning Clinic	8:39:00 AM	9:35:00 AM			
Wednesday, 23 August 2023	Merewether Heights Public School	9:16:00 AM	3:24:00 PM	Arnold's Swim Centre	5:27:00 PM	6:12:00 PM
Thursday, 24 August 2023	Merewether Heights Public School		3:14:00 PM	Tennis (Joshua)	3:38:00 PM	4:02:00 PM
Monday, 28 August 2023	Hunter Ice Skating	5:30:00 PM	6:22:00 PM			
Tuesday, 29 August 2023	LAB Learning Clinic	8:36:00 AM	9:43:00 AM	Merewether Heights Public School	9:54:00 AM	3:22:00 PM
Wednesday, 30 August 2023	Merewether Heights Public School	8:56:00 AM	3:24:00 PM	Arnold's Swim Centre	5:19:00 PM	6:07:00 PM
Thursday, 31 August 2023	Merewether Heights Public School	8:48:00 AM	3:22:00 PM	Tennis (Joshua)	3:36:00 PM	4:03:00 PM
SEPTEMBER						
Tuesday, 5 September 2023	LAB Learning Clinic	8:50:00 AM	9:41:00 AM	Merewether Heights Public School	9:51:00 AM	3:24:00 PM
Wednesday, 6 September 2023	Merewether Heights Public School	9:18:00 AM	3:25:00 PM	Arnold's Swim Centre	5:28:00 PM	6:11:00 PM
Thursday, 7 September 2023	Merewether Heights Public School	8:54:00 AM	3:13:00 PM	Tennis (Joshua)	3:39:00 PM	4:04:00 AM
Monday, 11 September 2023	Merewether Heights Public School			Hunter Ice Skating	5:38:00 PM	6:24:00 PM
Tuesday, 12 September 2023	LAB Learning Clinic	8:34:00 AM	9:30:00 AM	Merewether Heights Public School	9:54:00 AM	3:22:00 PM
Wednesday, 13 September 2023	Merewether Heights Public School	9:06:00 AM	3:24:00 PM	Arnold's Swim Centre	5:26:00 PM	6:09:00 PM
Thursday, 14 September 2023	Merewether Heights Public School	10:28:00 AM	3:11:00 PM	Tennis (Joshua)	3:40:00 PM	4:17:00 PM
Monday, 18 September 2023	Merewether Heights Public School			Hunter Ice Skating	5:38:00 PM	6:23:00 PM
Tuesday, 19 September 2023	LAB Learning Clinic	8:44:00 AM	9:40:00 AM	Merewether Heights Public School	9:51:00 AM	3:21:00 PM
Thursday, 21 September 2023	Merewether Heights Public School		3:15:00 PM	Tennis (Joshua)	3:37:00 PM	4:03:00 PM
OCTOBER						
Tuesday, 3 October 2023	Newcastle Museum	10:23:00 AM	12:19:00 PM			
Wednesday, 4 October 2023	Arnold's Swim Centre	5:12:00 PM	6:07:00 PM			
Monday, 9 October 2023	Merewether Heights Public School	9:06:00 AM	3:25:00 PM	Hunter Ice Skating	5:35:00 PM	6:21:00 PM
Tuesday, 10 October 2023	LAB Learning Clinic	8:52:00 AM	9:40:00 AM	Merewether Heights Public School	9:48:00 AM	3:24:00 PM
Wednesday, 11 October 2023	Merewether Heights Public School	9:16:00 AM	3:25:00 PM	Arnold's Swim Centre	5:12:00 PM	6:07:00 PM
Thursday, 12 October 2023	Merewether Heights Public School	9:03:00 AM	3:17:00 AM	Tennis (Joshua)	3:37:00 PM	4:03:00 PM
Tuesday, 17 October 2023	LAB Learning Clinic	8:33:00 AM	9:42:00 AM	Merewether Heights Public School	9:50:00 AM	3:23:00 PM

	Activity	Duration	Start	End
Monday	Reynolds & Co Studios Music	30 mins	4:30pm	5:00pm
Tuesday	Lab Learning	45 mins	8:45am	9:30am
Wednesday	Michael Mills Tennis	30 mins	3:30pm	4:00pm
Wednesday	Arnold's Swim	30 mins	5:30pm	6:00pm
Thursday	Hunter Ice Skating	30 mins	5:30pm	6:00pm

****NOTE** Tennis starts concurrently with the conclusion of the school day.**

Google Timeline Data for stevecooke.c@gmail.com

Kids Afterschool Schedule 2023

Date	Check-In	Check-Out	Check-In	Check-Out	Check-In	Check-Out
JANUARY						
Monday, 30 January 2023	LAB Learning Clinic	9:30:00 AM	10:26:00 AM	Music Lessons: Reynolds	3:18:00 PM	4:37:00 PM
FEBRUARY						
Wednesday, 1 February 2023	Merewether Heights Public School		3:29:00 PM	Hunter Ice Skating	5:22:00 PM	6:01:00 PM
Monday, 6 February 2023	LAB Learning Clinic	9:33:00 AM	10:31:00 AM	Merewether Heights Public School	10:45:00 AM	3:25:00 PM
Wednesday, 8 February 2023	Hunter Ice Skating	5:09:00 PM	6:01:00 PM			
Monday, 13 February 2023	LAB Learning Clinic	9:34:00 AM	10:31:00 AM	Merewether Heights Public School	10:39:00 AM	12:55:00 PM
Wednesday, 15 February 2023	Merewether Heights Public School	9:21:00 AM	3:26:00 PM	Hunter Ice Skating	5:13:00 PM	6:14:00 PM
Monday, 20 February 2023	LAB Learning Clinic	9:33:00 AM	10:21:00 AM	Merewether Heights Public School	9:18:00 AM	3:27:00 PM
Wednesday, 22 February 2023	Merewether Heights Public School	9:25:00 AM	3:28:00 PM	Hunter Ice Skating	5:10:00 PM	6:16:00 PM
Monday, 27 February 2023	LAB Learning Clinic	9:31:00 AM	10:26:00 AM	Merewether Heights Public School	10:36:00 AM	3:24:00 PM
MARCH						
Wednesday, 1 March 2023	Merewether Heights Public School	9:13:00 AM	3:25:00 PM	Hunter Ice Skating	5:26:00 PM	6:23:00 PM
Wednesday, 8 March 2023	Merewether Heights Public School	9:18:00 AM	3:35:00 PM	Hunter Ice Skating	5:15:00 PM	6:15:00 PM
Thursday, 9 March 2023	LAB Learning Clinic	9:39:00 AM	10:25:00 AM	Merewether Heights Public School	9:18:00 AM	3:35:00 PM
Thursday, 16 March 2023	LAB Learning Clinic	9:35:00 AM	10:22:00 AM	Merewether Heights Public School	9:18:00 AM	3:35:00 PM
Monday, 13 March 2023	Merewether Heights Public School	9:13:00 AM	3:25:00 PM	Music Lessons: Reynolds	4:28:00 PM	5:03:00 PM
Wednesday, 15 March 2023	Merewether Heights Public School	9:15:00 AM	3:28:00 PM	Hunter Ice Skating	5:34:00 PM	6:37:00 PM
Monday, 20 March 2023	Merewether Heights Public School		3:26:00 PM	Music Lessons: Reynolds	4:23:00 PM	5:05:00 PM
Wednesday, 22 March 2023	Merewether Heights Public School	9:18:00 AM		Hunter Ice Skating	5:14:00 PM	6:25:00 PM
Thursday, 23 March 2023	LAB Learning Clinic	9:33:00 AM	10:22:00 AM	Merewether Heights Public School	10:34:00 AM	3:26:00 PM
Monday, 27 March 2023	Merewether Heights Public School			Music Lessons: Reynolds	4:31:00 PM	5:03:00 PM
APRIL						
Monday, 3 April 2023	Merewether Heights Public School	9:16:00 AM	3:25:00 PM	Music Lessons: Reynolds	4:30:00 PM	5:03:00 PM
Wednesday, 5 April 2023	Merewether Heights Public School	9:19:00 AM	3:25:00 PM	Hunter Ice Skating	5:10:00 PM	6:13:00 PM
Thursday, 6 April 2023	LAB Learning Clinic	9:19:00 AM	9:42:00 AM	Merewether Heights Public School	12:50:00 PM	3:11:00 PM
Wednesday, 18 October 2023	Merewether Heights Public School	9:01:00 AM	3:24:00 PM	Arnold's Swim Centre	5:24:00 PM	6:06:00 PM
Thursday, 19 October 2023	Merewether Heights Public School	9:01:00 AM	3:23:00 PM	Tennis (Joshua)	3:42:00 PM	4:03:00 PM
Tuesday, 24 October 2023	LAB Learning Clinic	8:35:00 AM	9:41:00 AM			
Wednesday, 25 October 2023	Merewether Heights Public School	8:59:00 AM	3:23:00 PM	Arnold's Swim Centre	5:25:00 PM	5:43:00 PM
Tuesday, 31 October 2023	LAB Learning Clinic	8:30:00 AM	9:37:00 AM	Merewether Heights Public School	9:47:00 AM	
NOVEMBER						
Wednesday, 1 November 2023	Merewether Heights Public School	8:59:00 AM	3:24:00 PM	Arnold's Swim Centre	5:18:00 PM	5:50:00 PM
Thursday, 2 November 2023	Merewether Heights Public School	9:10:00 AM	3:11:00 PM	Tennis (Joshua)	3:38:00 PM	4:04:00 PM
Tuesday, 7 November 2023	LAB Learning Clinic	8:30:00 AM	9:41:00 AM	Merewether Heights Public School	10:02:00 AM	3:22:00 PM
Wednesday, 8 November 2023	Merewether Heights Public School	8:59:00 AM	3:14:00 PM	Arnold's Swim Centre	5:23:00 PM	5:57:00 PM
Thursday, 9 November 2023	Merewether Heights Public School	9:14:00 AM	3:22:00 PM	Tennis (Joshua)	3:37:00 PM	4:05:00 PM
Tuesday, 14 November 2023	LAB Learning Clinic	8:35:00 AM	9:39:00 AM	Merewether Heights Public School	9:49:00 AM	3:24:00 PM
Wednesday, 15 November 2023	Merewether Heights Public School	9:17:00 AM	3:18:00 PM	Arnold's Swim Centre	5:22:00 PM	6:02:00 PM
Thursday, 16 November 2023	Merewether Heights Public School		3:24:00 PM	Tennis (Joshua)	3:39:00 PM	4:04:00 PM
Tuesday, 21 November 2023	LAB Learning Clinic	8:37:00 AM	9:43:00 AM	Merewether Heights Public School	9:52:00 AM	3:24:00 PM
Thursday, 23 November 2023	Merewether Heights Public School	9:00:00 AM	3:25:00 PM	Tennis (Joshua)	3:40:00 AM	4:07:00 AM
Wednesday, 22 November 2023	Merewether Heights Public School	9:13:00 AM	3:10:00 PM	Arnold's Swim Centre	5:30:00 PM	6:12:00 PM
Tuesday, 28 November 2023	LAB Learning Clinic	8:37:00 AM	9:45:00 AM	Merewether Heights Public School	9:55:00 AM	3:24:00 PM
Wednesday, 29 November 2023	Merewether Heights Public School	9:08:00 AM	3:22:00 PM	Arnold's Swim Centre	5:31:00 PM	5:48:00 PM
Saturday, 2 December 2023	Kids unilaterally removed from my care					

	Activity	Duration	Start	End
Monday	Reynolds & Co Studios Music	30 mins	4:30pm	5:00pm
Tuesday	Lab Learning	45 mins	8:45am	9:30am
Wednesday	Michael Mills Tennis	30 mins	3:30pm	4:00pm
Wednesday	Arnold's Swim	30 mins	5:30pm	6:00pm
Thursday	Hunter Ice Skating	30 mins	5:30pm	6:00pm

****NOTE** Tennis starts concurrently with the conclusion of the school day.**

IN THE FEDERAL CIRCUIT AND FAMILY COURT OF AUSTRALIA
No. NCC3896/2023

IN THE MATTER OF

Stephen Christopher Cooke
Applicant

and

Heather Anne Cooke
Respondent

ANNEXURE SHEET

This is the document referred to as Annexure C in the affidavit of
Stephen Christopher Cooke, affirmed at Merewether on 27 March
2024.

Before me:

DocuSigned by:

Prue Erin Garvin

747504599E8F43C

Prue Erin Garvin
Justice of the Peace 192672



Our Ref: SJM:JAT:2023:520
Your Ref: ALR:ALR:13629

22 January 2024

A Roberts
Delaney Roberts
274 Brunner Road
ADAMSTOWN NSW 2289

Dear Colleague,

Re: NCC3896/2023Cooke and Cooke Family Law Matter

Our client recently had a conversation with the parties' eldest child, Christian, during which he learned that, whenever the children call their Father from your client's mobile phone, they see a photograph of our client sitting on the couch crying.

Given the distress this clearly caused Christian, we kindly request that your client promptly remove the photograph from any place where the children may come across it.

This revelation is particularly concerning in the context of recent mediation where it was mutually agreed not to continue with regular weekly calls to our client because of the distress they caused the children. Seeing a photograph of their father upset each time they call can only be damaging to the children.

Initially, our client hesitated to raise this issue, as Christian, mentioned it spontaneously during a bedtime conversation and subsequently asked our client not to say anything. Our client agreed not to discuss it further, respecting Christian's request. However, upon careful reflection and considering the evident distress the photograph has caused, our client now believes that addressing this matter openly is in the best interests of the children. Accordingly, we simply ask that the photograph be removed or replaced and that this matter **not** be raised with the children in any way.

Level 4, Suite 4A, T&G Building, 45 Hunter Street, Newcastle NSW 2300
Telephone: (02) 4023 5553
ABN: 816 4403 4300

www.claritylawyers.com.au

We kindly ask for confirmation once the photograph has been removed or replaced.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'S. Miller', written in a cursive style.

Samantha Miller

Director and Principal Solicitor

Clarity Lawyers

BSc LLB Dip. Leg. Prac

LLM (Applied Law) Majoring in Family Law

email: samantha@claritylawyers.com.au

IN THE FEDERAL CIRCUIT AND FAMILY COURT OF AUSTRALIA
No. NCC3896/2023

IN THE MATTER OF

Stephen Christopher Cooke
Applicant

and

Heather Anne Cooke
Respondent

ANNEXURE SHEET

This is the document referred to as Annexure D in the affidavit of
Stephen Christopher Cooke, affirmed at Merewether on 27 March
2024.

Before me:

DocuSigned by:

Prue Erin Garvin

747504599E8F43C

Prue Erin Garvin
Justice of the Peace 192672

Our Ref: ALR:BF:13629
Your Ref: Samantha Miller

6 March 2024

Clarity Lawyers
T&G Building
Level 4, Suite 4A 45 Hunter Street
NEWCASTLE NSW 2300

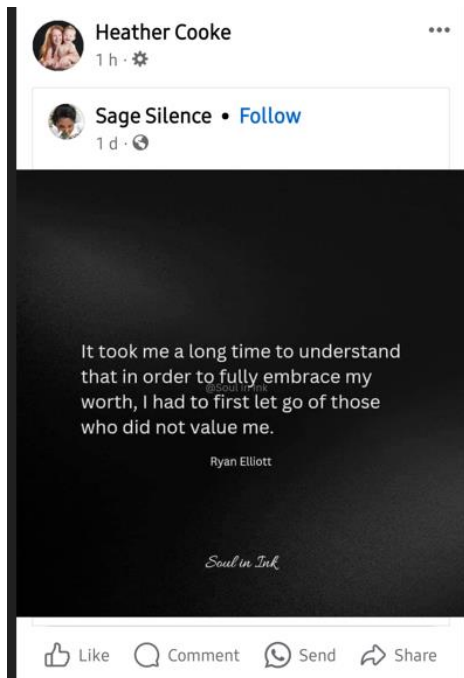
By Email only: samantha@claritylawyers.com.au

Dear Colleagues

**Re: Cooke & Cooke
Property and Parenting Matters**

We refer to your correspondence dated 4 March 2024. We are instructed our client does not agree to the requested material being provided to the Child Impact Report Writer.

We are instructed our client posted the following quote to her Facebook page recently and without making any reference whatsoever to your client:



SYDNEY | NEWCASTLE | ADAMSTOWN

T 1300 760 773
E hello@delaneyroberts.com.au

Telstra Civic, Suite 1, Level 2,
317 Hunter Street, Newcastle NSW 2300
274 Brunker Road, Adamstown NSW 2289
PO Box 206, Adamstown NSW 2289

www.delaneyroberts.com.au

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Roberts Legal Services Group Pty Limited ABN 74 128 628 599.



We have
Accredited Specialists
in Family Law



Your client then emailed our client as follows:

“On Mon, 4 Mar 2024, 9:55 am Stephen Cooke, <stevecooke.c@gmail.com> wrote:

Can you please refrain from posting content like this on Facebook? It's clear that I would share similar sentiments about our situation especially considering your decision to decline marriage counselling and posting such content only serves to alienate me.”

Our client is concerned your client continues to follow and comment on her activities on Facebook, which is clearly inappropriate in the circumstances and indicates a desire your client's desire to continue to attempt to interfere in, and control, our client's actions.

Please remind your client that all communications with our client are to be limited to issues pertaining to the children, as agreed at mediation on 12 January 2024.

Yours faithfully
Delaney Roberts Family Lawyers



Anna Roberts
Director, Solicitor & Family Dispute Resolution Practitioner
BComn LLB GradDipLegPrac
M.AppLaw (Family Law) GradDip (FDRP)

email: aroberts@delaneyroberts.com.au
phone: 02 4952 3901



Our Ref: SJM:2023:520
Your Ref: ALR:ALR:13629

8 March 2024

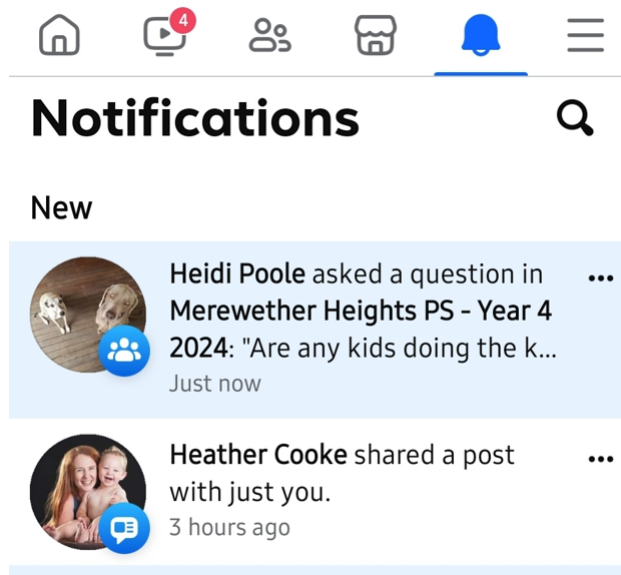
A Roberts
Delaney Roberts
274 Bruncker Road
ADAMSTOWN NSW 2289

Dear Colleagues,

Re: NCC3896/2023Cooke and Cooke Family Law Matter

I refer to your letter dated 6 March 2024 regarding Facebook communication between the parties. It appears there has been some type of misunderstanding by one or both parties with respect to the post your client made on Facebook.

You are correct in that the actual post did not reference my client however my client received the below notification which suggested that the communication was directed at him and him alone, hence his response.



Level 4, Suite 4A, T&G Building, 45 Hunter Street, Newcastle NSW 2300
Telephone: (02) 4023 5553
ABN: 816 4403 4300

www.claritylawyers.com.au

My client refrains from following or commenting on your client's activities. While he initially considered 'unfriending' her, he opted to send the email instead due to concerns that she might lose access to the posts created during their shared life, which could hold sentimental value for her. However, my client has confirmed that he has now unfriended/blocked yours in an effort to prevent any future misunderstandings.

The suggestion that my client's comment 'indicates a desire to continue to attempt to interfere in, and control, your clients actions' are refuted. Furthermore, at any time, your client has been equally capable of blocking/unfriending my client on Facebook as opposed to engaging in costly correspondence through lawyers.

Yours faithfully,



Samantha Miller

Director and Principal Solicitor

Clarity Lawyers

BSc LLB Dip. Leg. Prac

LLM (Applied Law) Majoring in Family Law

email: samantha@claritylawyers.com.au

IN THE FEDERAL CIRCUIT AND FAMILY COURT OF AUSTRALIA
No. NCC3896/2023

IN THE MATTER OF

Stephen Christopher Cooke
Applicant

and

Heather Anne Cooke
Respondent

ANNEXURE SHEET

This is the document referred to as Annexure E in the affidavit of
Stephen Christopher Cooke, affirmed at Merewether on 27 March
2024.

Before me:

DocuSigned by:

Prue Erin Garvin

747504599E8E43C

Prue Erin Garvin
Justice of the Peace 192672

On Thu, 14 Mar 2024, 6:08 pm Heather Cooke, <heather111cooke@gmail.com> wrote:

Hi all,

Stephen you will not be present at my planned meeting with Simon to discuss my financial goals. Nor will you be privy to the agenda, nor receiving a recording of this meeting.

Your request is a breach of my privacy. It constitutes ongoing harrassment. Additionally you are not to contact me on any issue other than parenting unless through our respective solicitors.

Regards

Heather

On Thu, 14 Mar 2024, 5:39 pm Stephen Cooke, <stevecooke.c@gmail.com> wrote:

Hello Marissa,

Certainly, I'm free. Could you kindly inform me about the agenda for the meeting? Additionally, since Heather and I are no longer together, could you please arrange for a Zoom option and recording of the meeting?

Thank you.

Stephen

On Wed, Mar 6, 2024 at 8:31 PM Marissa Walsh <MarissaW@walshs.com.au> wrote:

Hi Heather and Stephen,

My name is Marissa and I am part of the admin team here at Walshs.

I am emailing you to confirm your meeting with Simon Farmer on Monday 18th March at 11:30am Brisbane time (AEST). Simon will call Heather's mobile (0431 016 494) at the time of the meeting.

Thank you both! If you have any queries prior to your meeting with Simon please do not hesitate to contact me and I will be more than happy to assist.

I hope you have a lovely evening.

Kind Regards,

Marissa Walsh

Executive Assistant to Peter Hodgson



Chartered Accountants | Financial Advisers | Mortgage Brokers

Level 24, 10 Eagle Street, Brisbane QLD 4000 | GPO Box 12, Brisbane QLD 4001

T: 07 3221 5677 | F: 07 3221 5744 | W: www.walshs.com.au



Walshs Practice Unit Trust ABN 11 248 978 295

Walshs Financial Planning ABN 82 122 293 912 AFSL 432636

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IN THE FEDERAL CIRCUIT AND FAMILY COURT OF AUSTRALIA
No. NCC3896/2023

IN THE MATTER OF

Stephen Christopher Cooke
Applicant

and

Heather Anne Cooke
Respondent

ANNEXURE SHEET

This is the document referred to as Annexure F in the affidavit of
Stephen Christopher Cooke, affirmed at Merewether on 27 March
2024.

Before me:

DocuSigned by:

Prue Erin Garvin

747504599E8F43C.....

Prue Erin Garvin
Justice of the Peace 192672

2:07 🍷

📶 63%

← Heather Cooke @



Now, more than ever, trust and understanding between us seem fragile. I sense a disconnect, and I want to acknowledge that it may feel like I'm trying to manipulate you when, in reality, I'm just trying to express my feelings.

In light of all this, I believe we should seriously consider seeking the help of a third party—a professional who can provide a framework for a he... [Read More](#)

9:52 am ✓

You'll need to get Christian at 3:45 1:45 pm

Thanx. I see that just came through. I'll grab Josh and stick around then. 1:48 pm ✓

Are they in yet 3:41 pm

Checking now, are you nearby?

Not yet. Waiting here on foot 3:44 pm ✓

Did you get ice cream for him 🗨️

Need to get meds from Mrs McClymont 4:22 pm 🗨️

Heather Cooke
Did you get ice cream for him

I did. They're having showers now. Icecream after 4:28 pm ✓

Heather Cooke
Need to get meds from Mrs McClymont

Have them 4:38 pm ✓

Ok is there wine 4:56 pm

Sat, 11 Nov



Meddy is coming too

😊 Signal message



2:10

63%

← Heather Cooke @



You good? You left this am without a warm embrace 🤗 9:59 am

Wed, 11 Oct

All good just tired distracted and ready to handover tomorrow.

Can you pay Christian lab learning.

Thanks

10:00 am

Your morning kisses be like...



Payment Received - Thank You

Payment Completed! Your receipt for this payment of AUD 1,435.76 is sch_YPGDMQBYE7.

LAB Learning Clinic
 ABN: 32620140758
 Phoenix Road
 Black Hill, NSW, 2322
 Australia
 accounts@lablearningclinic.com.au
 ☎ 0421796100

Invoice No. 120948
 To: Christian Cooke
 Invoice Date: 10/10/2023
 Due Date: 11/10/2023
 Payment Date: 12/10/2023

Description	Quantity	Unit Price	Total Price
P.I.C LAB Therapy Session 2023	1.0000	AUD 1,400.00	AUD 1,400.00
Processing Fee:			AUD 35.76
Total Paid including fees and taxes:			AUD 1,435.76
Payment Ref:			sch_YPGDMQBYE7

LAB Learning Clinic Customer Portal now available

Paid

10:04 am

Ok heading home now 4:16 pm

Wine? 4:50 pm

Okav. will pick some up! 4:52 pm

😊 Signal message



Sat, 7 Oct

In the garage 3:53 pm 

You'll be able to receive calls in the Living room closet to the qindow

Flashlights is in the closet 3:57 pm 

Cantouconeup

We have no light

Our battery is dead

Kids freaking out

7:34 pm

Sun, 8 Oct

..are you okay? 2:32 pm 


Yeah 2:41 pm

What happen? 2:41 pm 

Reading echos at rooms

Can you bring home hard cheese and some wine


2:41 pm

Okay 2:44 pm 

Garlic bread??? 7:45 pm

He didn't want it, asked for oreos instead.

Do you guys want me to put some on? 

7:46 pm 

IN THE FEDERAL CIRCUIT AND FAMILY COURT OF AUSTRALIA
No. NCC3896/2023

IN THE MATTER OF

Stephen Christopher Cooke
Applicant

and

Heather Anne Cooke
Respondent

ANNEXURE SHEET

This is the document referred to as Annexure G in the affidavit of
Stephen Christopher Cooke, affirmed at Merewether on 27 March
2024.

Before me:

DocuSigned by:

Prue Erin Garvin

747504599E8F43C

Prue Erin Garvin
Justice of the Peace 192672



Our Ref: ALR:ALR:13629
Your Ref: Samantha Miller

1 December 2023

Clarity Lawyers
T&G Building
Level 4, Suite 4A 45 Hunter Street
NEWCASTLE NSW 2300

By Email Only: samantha@claritylawyers.com.au

Dear Colleagues

**Re: Cooke & Cooke
Property & Parenting**

We refer to the above matter and advise that we act for Dr Heather Anne Cooke.

We have to hand a copy of your letter dated 24 November 2023 and note that you act for Mr Stephen Cooke.

We are instructed to respond as follows:

1. Cohabitation occurred in May 2012, rather than on 24 September 2011.
2. Marriage occurred on 26 September 2012, rather than on 26 September 2014.
3. Our client has not had any discussions with the children regarding future parenting arrangements. Our client's discussions with the children have been limited to informing them of the separation, including that they will be living with each parent in separate houses.
4. Our client believes that Christian's distress instead relates to multiple visible episodes of your client crying and his repeated statements that he will have nowhere to live and will be left destitute, all of which have occurred in the presence of the children. He has also told the children that our client has taken "*all the money*".
5. Our client requests that your client refrain from any further emotional outbursts in the presence of the children and that any discussions regarding the issues arising from separation are raised directly with our client or via respective solicitors.
6. Our client rejects the proposition that your client is the children's primary carer. Christian (9 years) and Finn (6 years) both attend school and have limited need for

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Accredited Specialists
in Family Law



care during the day. Our client manages all issues around the children's needs, including arranging medical and psych appointments, school enrolments, additional learning assistance at school and so on.

7. Whilst our client acknowledges that your client assists with the children, such as to drive them to and from appointments after school, he is unable to look after these tasks without constant direction from our client. Our client is of the view that your client does not have the capacity to independently care for the children for more than one or two days at a time.
8. As such, our client proposes that the children spend time with your client every second weekend from school pick up at 3:25pm to Sunday at 12:00pm. If your client persists with his view that the children should live with him, our client is willing to attend a Mediation to further discuss parenting arrangements.

Property

9. Our client removed the funds on 17 November 2023 in order to protect these funds from your client's excessive spending habits. The funds withdrawn from account ending #7778 are business funds that are used to offset interest on the parties' home loan. The funds from accounts ending #2594 and #5063 are being held in safekeeping. The account details and balances will be disclosed in the course of our client's compliance with her financial disclosure obligations.
10. Our client is not agreeable to depositing any funds into our trust account given that it is a non-interest bearing account. Further, the funds are required for business purposes and to offset the interest on the home loan. It is therefore impracticable for the funds to be moved into our trust account or to be otherwise frozen pending property division. Our client does not have any intention of wasting or otherwise disposing of these funds and acknowledges that these funds form part of the matrimonial property pool.
11. Your client removed the following funds from the parties' joint accounts on 20 November 2023:
 - (a) \$3,920 from account ending #2594, and
 - (b) \$4,102 from account ending #5055.

Spousal maintenance

12. Our client is not aware that an agreement as to spousal maintenance has been reached by the parties.
13. Your client is capable of earning an income, however, has spent the marriage relying on our party's income in order to pursue his hobbies including bitcoin mining. As the marriage has now ended, our client is no longer willing to financially support your client to participate in his hobbies on a full-time basis.
14. Our client proposes that that your client obtain paid employment and, thereafter, an assessment can be made as to whether your client requires any additional financial assistance from our client. Would you please provide us with evidence of your client's

application for suitable paid employment positions as soon as possible so that our client may further consider the issue of spousal maintenance?

15. Our client is not agreeable to an interim property division for litigation funding. We understand that your client is likely to obtain finance through one of the legal financiers with which your firm is registered in order to pay his legal fees.

Financial disclosure

Our client is in the process of providing her financial disclosure documents to us which we shall forward to you as soon as they are to hand. Would you please provide us with your client's financial disclosure documents as soon as possible pursuant to the **attached** list?

We look forward to hearing from you as soon as possible and within seven (7) days.

Yours faithfully

Delaney Roberts Family Lawyers



Anna Roberts
Director, Solicitor & Family Dispute Resolution Practitioner
BComn LLB GradDipLegPrac
M.AppLaw (Family Law) GradDip (FDRP)

email: aroberts@delaneyroberts.com.au
phone: 02 4952 3901

Encl. 1

IN THE FEDERAL CIRCUIT AND FAMILY COURT OF AUSTRALIA
No. NCC3896/2023

IN THE MATTER OF

Stephen Christopher Cooke
Applicant

and

Heather Anne Cooke
Respondent

ANNEXURE SHEET

This is the document referred to as Annexure H in the affidavit of
Stephen Christopher Cooke, affirmed at Merewether on 27 March
2024.

Before me:

DocuSigned by:

Prue Erin Garvin

747504599E8F43C

Prue Erin Garvin
Justice of the Peace 192672



IN THE FEDERAL CIRCUIT AND FAMILY COURT OF AUSTRALIA
No. NCC3896/2023

IN THE MATTER OF

Stephen Christopher Cooke
Applicant

and

Heather Anne Cooke
Respondent

ANNEXURE SHEET

This is the document referred to as Annexure I in the affidavit of Stephen Christopher Cooke, affirmed at Merewether on 27 March 2024.

Before me:

DocuSigned by:

Prue Erin Garvin

747504599E8F43C...

Prue Erin Garvin
Justice of the Peace 192672

From: Stephen Cooke
Sent: 22/03/2024 4:45:03 PM
To: Jacqueline Turner
Subject: Request to not remove children from home Stephen Cooke

----- Forwarded message -----

From: **Stephen Cooke** <stevecooke.c@gmail.com>
Date: Sat, Dec 2, 2023 at 7:49 AM
Subject: Regarding the children
To: Heather Cooke <heather111finn@gmail.com>

I do not consent to the children leaving the home permanently. My solicitor will be putting forward an urgent recovery application if you do. I have concerns for the children's safety which will be ventilated at Court.

Stephen Cooke

IN THE FEDERAL CIRCUIT AND FAMILY COURT OF AUSTRALIA
No. NCC3896/2023

IN THE MATTER OF

Stephen Christopher Cooke
Applicant

and

Heather Anne Cooke
Respondent

ANNEXURE SHEET

This is the document referred to as Annexure J in the affidavit of
Stephen Christopher Cooke, affirmed at Merewether on 27 March
2024.

Before me:

DocuSigned by:

Prue Erin Garvin

747504599E8F43C...

Prue Erin Garvin
Justice of the Peace 192672



Heather Cooke @



Wed, 8 Nov

I've picked up a copy of the Cockatoo Island Excursion form from the office

9:13 am

If I can't use equity in the house for an investment property can I use equity in the house to buy into the business. I'm going to need a sizable personal loan

8:43 am

Heather Cooke

If I can't use equity in the house for an investment property can I use equity in the house to buy into the business. I'm going to need a sizable personal loan

Seriously cannot expect me to discuss this over a text message. We will have to make to time to discuss when the kids are not around, preferably when they are at school.

10:10 am

Not really it's pretty simple. Can I use the equity in the house to buy a proven and profitable business

The risks aren't the same a an investment property

10:33 am

As I have said above.

10:44 am



Signal message

