

# Affidavit – Family law and child support proceedings

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

### COURT USE ONLY

**Filed in:**

- Federal Circuit and Family Court of Australia (Division 1)
- Federal Circuit and Family Court of Australia (Division 2)
- Other (specify) \_\_\_\_\_

**Type of proceedings:**

- Family law proceedings
- Other (specify) \_\_\_\_\_

**Filed on behalf of:**

Full name: Stephen Christopher Cooke

Client ID COO8342167 \_\_\_\_\_

File number (P)NCC3896/2023 \_\_\_\_\_

Filed at \_\_\_\_\_

Filed on \_\_\_\_\_

Court location \_\_\_\_\_

Court date \_\_\_\_\_

**Name of person swearing/affirming this affidavit:**

Stephen Christopher Cooke

Date of swearing/affirming 12/10/2024

## 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.

PO Box 33

SHORTLAND

State NSW

Postcode 2307

Phone Phone 0412846712

Lawyer's code

Email stephencooke.c@gmail.com



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

Independent children's lawyer family name	Given names
Markham	Jo
Firm name	
JLM Family Lawyers	

**Part C About you (the deponent)**

Family name (as used now)	Given names
Cooke	Stephen Christopher
Gender	Usual occupation (if applicable)
<input checked="" type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> X	I.T. Dad

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.


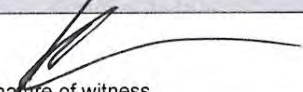
7a Bakeri Cct
Warabrook
State NSW Postcode 2304

**Part D Evidence**

- Set out the facts divided into consecutively numbered paragraphs. Each paragraph should be confined to a distinct part of the subject matter.
- Attach extra page(s) if you need more space. Make sure that the page containing the signature (Part E or F) is always the last page of the form. You and the witness to your affidavit must sign the bottom of each additional page.

I, Stephen Christopher Cooke, am the Applicant in this matter concerning our children, Christian Finn Cooke and Joshua Finn Cooke.

- This affidavit supports my application to vary the order dated 15 October 2024, requesting permission to directly present this affidavit and annexures, as well as the affidavit and annexures filed on 29 October 2024, to the Family Report Writer. These documents include complete copies of my medical records from Atune Health Centre (**See annexure A**) and Chromis Occupational Medicine (included in affidavit filed 29<sup>th</sup> October 2024), obtained under my right to access personal information. These records are expected to match the subpoenaed materials

 Signature of person making this affidavit (deponent)	 Signature of witness
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released on 5 November 2024 and align with the information sought by Ms. Roberts. Together, these records underscore my stable mental health, commitment to self-improvement, and capacity to meet the ongoing challenges presented by my personal and legal circumstances, which are relevant to assessing my suitability as a parent.


2. Additionally, I seek leave to include the property settlement orders dated 13 September 2024, which address concerns regarding my ability to meet my children's financial needs and provide evidence of my financial stability as relevant to this parenting assessment.

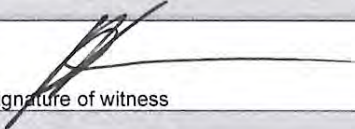
### Concern Over Information Flow

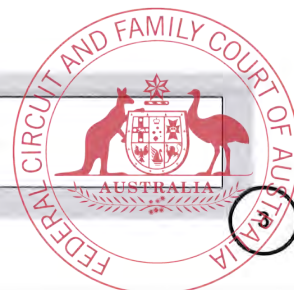
3. The current orders place significant responsibility on Heather and her legal team to manage the flow of information to Mr. Cowen. While I trust that the information will be shared with full transparency and accuracy, the arrangement leaves room for potential oversights that could unintentionally affect the objectivity of the information provided.

### Inclusion of Awaiting Production Subpoena by Ms. Roberts and Discrepancies in Access and Leave Granted for Subpoenas

4. The joint letter received on November 5, 2024 and November 6, 2024 (**see annexure B**), includes a reference to a subpoena issued by Ms. Roberts to Atune Health Centre on 11 October 2024, which is currently in an "awaiting production" state (**See Annexure C**). Including a subpoenaed document that has yet to be produced raises concerns about procedural completeness and fairness in the materials provided to Mr. Cowen.
5. In contrast, subpoenas issued by me to Atune Health Centre (dated 18 October 2024) and Chromis Occupational Medicine (dated 18 October 2024) have returned documents that are available for inspection as of 5 November 2024, yet no leave has been granted for these items. Meanwhile, Ms. Roberts' subpoenas, for which leave has been granted, permit her team to inspect and potentially present these materials to Mr. Cowen, even though per the court portal, the subpoena does not "technically" exist in producible form. **See Annexure C** where the court portal notes "awaiting production."

  
Signature of person making this affidavit (deponent)

  
Signature of witness



6. Additionally, Ms. Roberts' subpoena to Atune requests drug and alcohol test results. However, as discussed during our last mention, I independently arranged these tests through Chromis Occupational Medicine, not Dr. Moisey at Atune.


**Acknowledgment of Amendments by Ms. Markham and Issues of Collaboration with Ms. Roberts' Firm**


7. On November 5, 2024, the joint letter of execution was due. On that same day, Ms. Roberts' firm contacted me to initiate drafting the letter collaboratively, despite my having previously reached out multiple times on this matter. I promptly provided my input, including a request to incorporate the property orders made on September 13, 2024. These orders reflect my financial stability, showing my ability to meet both the needs of my children and the demands of ongoing litigation, which I believe are relevant to assessing my capacity as a parent in the absence of a stable income at the moment.
8. The following day, I received an email from Ms. Roberts' firm rejecting the inclusion of the property orders on the grounds that they were 'irrelevant' to a proceeding evaluating my parenting capacity. This position was communicated after Ms. Jo Markham, the Independent Children's Lawyer, had reviewed my initial email and expressed her acceptance of the proposed changes.

**(See Annexure D)**

**Amendment Request for Order 11: Child Protection Authority Reference**

9. On June 28, 2024, I received a letter from Delaney Roberts Family Lawyers stating that Heather alleged I had physically disciplined Joshua during a weekend visit. Heather claimed that Joshua was distressed due to extended time-outs and physical punishment, **which I deny**. Following this, Heather took Joshua to Dr. Miller, who reported the matter to Child Protection Services. Heather subsequently proposed that my contact with the boys be supervised at a contact centre until a court determination.
10. In response, I felt it necessary to share positive moments from that weekend on Facebook to counter the allegation, showing Joshua and me enjoying time together, playing a video game, and practicing magic tricks contradictory to the tale which had been told. My primary concern was the potential long-term impact

  
Signature of person making this affidavit (deponent)

  
Signature of witness


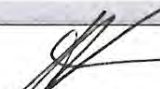



on Joshua and Christian if the situation continued to escalate -I was deeply saddened for Joshua, concerned that he might not fully understand the situation and the potential harm it could cause to him. The following week, I took the opportunity to reassure both boys by saying: 'No matter what happens, know it's not your fault. You will always have a home with me. I will always forgive you. I felt it necessary to impart this reassurance to them.

11. Considering this experience and to prevent further emotional strain on the children in this regard, I respectfully ask the court to amend Order 11 - I request that the reference to a child protection authority be removed and replaced with the following wording:
12. Unless a party objects in writing within 14 days of the date the Single Expert Report is provided to the parties, a copy of the Single Expert Report may be provided to: a. A convener of any dispute resolution conference.
13. I believe this amendment will help prevent unnecessary distress while still allowing for transparency in proceedings. My sons readily express their love for me when given the opportunity, and I am committed to providing a supportive environment for them.


**Request for Leave to Include Additional Annexures in October 29 Affidavit**

14. I respectfully request the court's leave to include two annexures beyond the standard limit of five annexures in my affidavit filed on October 29, 2024. These additional annexures provide relevant evidence crucial to assessing my capacity as a parent and Christian's emotional well-being.
15. **Annexure F: Routine Property Inspection Report** – This report, conducted on October 9, 2024, reflects my commitment to maintaining a stable, clean, and welcoming environment for Christian and Joshua at my residence. It demonstrates my dedication to providing a supportive home for them, which is particularly relevant in evaluating my parenting suitability. The property was independently inspected by JCS Real Estate, confirming my efforts to keep the home in excellent condition. Given its importance in illustrating my role as a responsible and attentive parent, I believe this report should be included in my October 29 affidavit for the Family Report Writer's consideration.
16. **Annexure G: Effects of Christian's Medication** – This report from Mr. Kane M. Becker of Oracle Psychology, dated February 25, 2022, documents Christian's

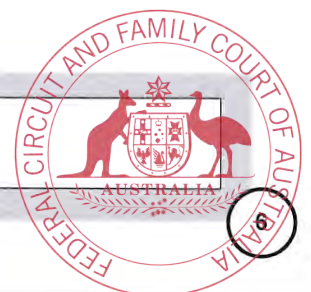
 Signature of person making this affidavit (deponent)	 Signature of witness
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emotional expression and understanding, which was assessed as age-appropriate before he began ADHD medication. Recently, however, Pillar Allied Health expressed concerns regarding Christian's lack of empathy, which was noted during the Family Dispute Resolution Conference on September 18, 2024. This discrepancy raises important questions about the impact of Christian's ADHD medication on his emotional expression, suggesting that his current dosage may influence his capacity for empathy. Including this annexure is critical to provide context for Christian's emotional health and the potential adjustments needed for his medication to support his development.

  
Signature of person making this affidavit (deponent)

  
Signature of witness

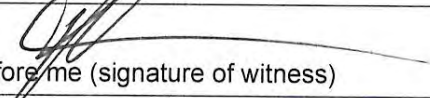


# Part E Signature

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

Signature of Deponent 

Place **NEWCASTLE** Date **7/11/24**

Before me (signature of witness) 

Full name of witness (please print) **Kathrina Briston NSW JP 255871**

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

This affidavit was prepared / settled by  deponent/s  lawyer

**STEPHEN CHRISTOPHER COOKE**

PRINT NAME AND LAWYER'S CODE





**Annexure A**  
(1 of 18)

Belmont - 452 Pacific Hwy  
Cardiff - 52 Ada Street

02 49 544 511      02 49 544 500  
PO Box 272, Warners Bay, NSW 2282  
www.atune.com.au

23/10/2024  
Dr Alexander Amory  
Cooks Hill Family Practice  
Cooks Hill Commercial Centre  
235 Darby Street  
COOKS HILL NSW 2300

This is the annexure marked with the letter "A"  
referred to in the affidavit of S. Cooke  
sworn before me at Newcastle on the  
day of November 20 2024

  
Justice of the Peace

Dear Alexander,

**RE: MrStephen COOKE DOB: 27/10/1981**  
**7a Bakeri Circuit, WARABROOK NSW 2304**  
**Consultation date: 23/10/2024**

I asked Stephen to come in today as he wanted to discuss some changes which have happened in his life and with the ongoing legal case.

I am aware Stephen has conducted a hair follicle test for D&A on his own volition, results of which I have to hand.

I have never had concerns of Drug and Alcohol misuse as part of Stephen's history. This was evident as well in his report. The positive result for amphetamines would correlate to the prescribed dexamphetamine and lisdexamphetamine which he takes daily.

He is doing well with components of executive dysfunction managed on lisdexamphetamine 30mg and dexamphetamine 5mg, 2 a day as top ups.

I had informed Stephen that I had received a subpoena of his medical records which I will be completing and submitting as requested.

I believe the latest update in his proceedings has been completion of financial settlement and is now focusing on parental agreement on the children and custody/care arrangements.

Stephen has completed his internship with Diamond IT however was unable to complete the certification that was mandated to secure an entry level job as he did not have the required allowance of time to dedicate to study.

This was largely secondary to having to spread himself thin trying to keep abreast of his legal proceedings while also trying to juggle day to day routines and his boys care when he has them.

Stephen is acutely aware of the importance of having a job to be financially stable to not only be self sufficient but also to provide a stable and consistent home for both his boys.

We spoke about the best option in this case which is likely a part time job. This will allow protected time for him to complete further certifications with the end goal of securing a full time job in IT.

Working part time would also give him the flexibility to be available and present for his boys who have always been his priority.

Other components of Stephen's life are reasonably balanced with his personal/health investments, self care, house chores/ upkeep and involvement in the community at church.

There continues to be growth with Stephen since his diagnosis and management in being able to navigate and working towards balance in life.

2/...



**Annexure A**  
(2 of 18)

Re Stephen Cooke Page 2

Despite the ongoing legal and its impact personally, his engagement in regular sessions with me and accountability in maintaining healthy outlets, not indulging in substances including alcohol has seen his overall mental state remain stable with no risk concerns.

I will see him back in December.

Kind regards,



**Dr Suraiya Moisey BMed FRANZCP**  
Consultant Psychiatrist  
Provider No: 430478WF





**Annexure A**  
(3 of 18)

Belmont - 452 Pacific Hwy  
Cardiff - 52 Ada Street

02 49 544 511 02 49 544 566  
PO Box 272, Warners Bay, NSW 2282  
www.atune.com.au

RE: MrStephen COOKE DOB: 27/10/1981  
7a Bakeri Circuit, WARABROOK NSW 2304  
Consultation date: 23/10/2024

Dexamfetamine sulfate 5mg - Oral Tablet - Oral

-

5MG

2 A DAY

ePrescribed on 20/09/2024

Sent

Lisdexamfetamine dimesilate 30mg - Oral Capsule - Oral

-

30mg

one a day

ePrescribed on 20/09/2024

Sent

Lisdexamfetamine dimesilate 30mg - Oral Capsule - Oral

-

30MG

ONE A DAY

ePrescribed on 21/06/2024

Sent

Dexamfetamine sulfate 5mg - Oral Tablet - Oral

-

5mg

one a day

ePrescribed on 06/06/2024

Sent

Lisdexamfetamine dimesilate 20mg - Oral Capsule - Oral

-

20MG

ONE A DAY

ePrescribed on 02/05/2024

Sent



**Annexure A**  
(4 of 18)

2/....

Re Stephen Cooke Page 2

**Lisdexamfetamine dimesilate 20mg - Oral Capsule - Oral**

-

20MG

ONE A DAY

Prescribed on 02/04/2024

**Dexamfetamine sulfate 5mg - Oral Tablet - Oral**

-

5MG

1 A DAY

Prescribed on 09/02/2024

**Lisdexamfetamine dimesilate 20mg - Oral Capsule - Oral**

-

20mg

one a day

Prescribed on 09/02/2024

**Lisdexamfetamine dimesilate 20mg - Oral Capsule - Oral**

-

20MG

ONE A DAY

Prescribed on 01/12/2023

**Dexamfetamine sulfate 5mg - Oral Tablet - Oral**

-

5MG

1 A DAY

Prescribed on 02/11/2023

**Lisdexamfetamine dimesilate 20mg - Oral Capsule - Oral**

-

20MG

1 A DAY

Prescribed on 02/11/2023

**Lisdexamfetamine dimesilate 20mg - Oral Capsule - Oral**

-

20mg

one a day

Prescribed on 27/09/2023



**Annexure A**  
(5 of 18)

3/...

Re Stephen Cooke Page 3

Kind regards,



**Dr Suraiya Moisey BMed FRANZCP**  
Consultant Psychiatrist  
Provider No: 430478WF





**Annexure A**  
(6 of 18)

Belmont - 452 Pacific Hwy  
Cardiff - 52 Ada Street

02 49 544 5111 - 02 49 544 566  
PO Box 272, Warners Bay, NSW 2282  
www.atune.com.au

25/09/2024

Dr Alexander TONKIN  
Newcastle General Practice  
62 Denison Street  
HAMILTON EAST NSW 2303

Dear Alexander,

**RE: MrStephen COOKE DOB: 27/10/1981**  
**7a Bakeri Circuit, WARABROOK NSW 2304**  
**Consultation date: 20/09/2024**

This was Stephen's 3-month appointment.

Biological regime is working well on Vyvanse 30mg with dexamphetamine 5 mg 1 tablet in the morning with the option of another either at the tail end or in addition depending on the task at hand.

There continues to be ongoing psychosocial stressors in his life which he had and does always discuss with me.

Stephen had single-handedly cleaned and fixed the house where they're residing, to get it ready for sale which he managed to do successfully.

Since then he has moved into a rental property in Warabrook which is in a nice neighbourhood however the place needs a lot of work which Stephen has been focusing on.

Stephen is doing well in balancing the requirements of house duties alongside the care of his kids when he has them. The other parts of his time is spent on this arduous chaotic legal matter and has also started an internship with an IT company which he is hoping to secure a job with once he completes it.

Court proceedings continue however from my understanding Stephen has developed remarkable capacity to engage lateral thinking and curiosity and is challenging situations when he feels there are discrepancies.

Stephen has demonstrated the ability to juggle responsibilities at hand while also being cognisant about the need to self care, his food, exercise and sleep hygiene.

I will see him back in 3 months time.

Yours sincerely

A handwritten signature in black ink, appearing to be "S. Moisey", written over a horizontal line.

**Dr Suraiya Moisey BMed FRANZCP**  
Consultant Psychiatrist  
Provider No: 430478WF





**Annexure A**  
(7 of 18)

Belmont - 452 Pacific Hwy  
Cardiff - 52 Ada Street

02 49 544 511 — 02 49 544 566  
PO Box 272, Warners Bay, NSW 2282  
www.atune.com.au

26/06/2024  
Dr Alexander TONKIN  
Newcastle General Practice  
62 Denison Street  
HAMILTON EAST NSW 2303

Dear Alexander,

**RE: MrStephen COOKE DOB: 27/10/1981**  
**1/213 Morgan Street, MEREWETHER NSW 2291**  
**Consultation date: 21/06/2024**

This was Stephen's 2-month appointment.

He has remained compliant to Vyvanse 20 mg with a top of 5 mg Dex as advised at the tail end

Since have seen Stephen last, there has been far more responsibilities on his plate as he continues to juggle the complexity of the legal issues, being a dad to his 2 boys who is now has reduce access to as per interim orders where the time he has with them he dedicates solely to being a father, maintenance of the household, and more recently studying to up skill in courses in an effort to find a job.

Stephen is acutely aware that in managing multitude of responsibilities the importance of routine from his sleep-wake cycle, dietary regulation and exercise which of late has been rollerskating and running.

He has been eating a lot better.  
Stephen can appreciate the impact of healthy dopamine.

The stress of his marriage and his family break up is most certainly a factor however it has not resulted in any concerns with depressive symptoms.

Stephen certainly demonstrates resilience and knowing what is within his control and that his foremost importance lies with the wellbeing of his children.

Stephen's focus not only for the now but also in the future and the plan he needs to make to be able to provide the self-harm for his family.

With the increase in responsibilities on his plate I have suggested an increase in his Vyvanse to 30 mg for further coverage and a further dexamphetamine particularly as he studies later in the evening

I will see Stephen back in 2 months time

Yours sincerely

A handwritten signature in black ink, appearing to be "S. Moisey", written over a horizontal line.

**Dr Suraiya Moisey BMed FRANZCP**  
Consultant Psychiatrist  
Provider No: 430478WF





**Annexure A**  
(8 of 18)

Belmont - 452 Pacific Hwy  
Cardiff - 52 Ada Street  
02 49 544 511 02 49 544 566  
PO Box 272, Warners Bay, NSW 2282  
www.atune.com.au

08/05/2024  
Dr Alexander TONKIN  
Newcastle General Practice  
62 Denison Street  
HAMILTON EAST NSW 2303

Dear Alexander,

**RE: MrStephen COOKE DOB: 27/10/1981**  
**1/213 Morgan Street, MEREWETHER NSW 2291**  
**Consultation date: 07/05/2024**

It has been a stressful few months for Stephen.

He has a legal team who is supporting him through the complexity of the children's care/custody arrangement and the property.

It is a complicated web however he seems to be navigating this with precision and caution, not leaving a stone unturned.

Stephen seems to have picked the solicitor up and challenged her when there are inconsistencies and lack of transparency in their decisions however my understanding is that Stephen doesn't have confidence and faith in their service and is often having to re evaluate and reassess their work which I can only imagine is emotionally exhausting.

Given the sensitive nature of his personal matter, I have suggested it would be best to source a team in Sydney away from the familiarity in Newcastle.

He is trying his best to juggle the legal mater, finding a job, getting the house ready for sale (as part of the court orders which dictates house has to be sold by July 11th or it goes to auction) and being the present, caring father he has always been with his boys.

Medications have been helpful particularly now when the demands of exec functioning is put to the test. Stephen is doing his best within his capacity while also recognising the importance of his health and wellbeing.

Aside from the stability with medications, he is eating better, does not consume any substance that can alter his perception and is invested in his support network of friends and family.

His interest is only in what's best for his boys.

I have advised him, recognising the overwhelm on his plate that he needs to currently prioritise his decision on a legal team where he has trust in their competency and selling of the house.

These tasks are monumental and sufficient of an investment now to allow his emotional cup to be invested solely with the boys.

2/...



**Annexure A**  
(9 of 18)

Re Stephen Cooke Page 2

I will see him back in 6 weeks.

Kind regards,



**Dr Suraiya Moisey BMed FRANZCP**  
Consultant Psychiatrist  
Provider No: 430478WF





**Annexure A**  
(10 of 18)

Belmont - 452 Pacific Hwy  
Cardiff - 52 Ada Street

02 49 544 511 — 02 49 544 566  
PO Box 272, Warners Bay, NSW 2282  
www.atune.com.au

14/02/2024  
Dr Alexander TONKIN  
Newcastle General Practice  
62 Denison Street  
HAMILTON EAST NSW 2303

Dear Alexander,

**RE: MrStephen COOKE DOB: 27/10/1981**  
**1/213 Morgan Street, MEREWETHER NSW 2291**  
**Consultation date: 09/02/2024**

This was Stephen's 3 month appointment.

There has been a lot of stress, personal and familial on his plate which has seen him battle waves of emotions, even grief from having his family unit and children taken away.

Stephen purports that Heather's leaving and removal of furniture/belongings was done in haste and suddenly which blind sided him and the boys.

Sadly this happened the same day that she participated with Stephen and the boys to put up their Christmas tree. Stephen has been devastated at the impact it has had on his boys whom he was the primary care giver for.

There has been since then a whirlwind of professional bodies involvement from a legal standing which he has participated in, hoping he would have 50/50 custody but relented to the current interim arrangement when he was threatened by her side of a vacuum process.

When he is not with the boys, he has been working towards job applications, networking and polishing up components of his training in IT which would be required for these jobs. He now has his resume on Seek.

Stephen has also been looking after his health recognising that while it would be easy to succumb to the current psychological upheaval, he has been eating a lot better, exercising, keeping alcohol to a minimum and sleeping reasonably well.

Stephen has been able to invest in the balance of professional and personal life reasonably well given his current predicament of an acrimonious divorce.

Since being medicated, with vyvanse 20mg in the day and dexamphetamine 5mg as a top up, he has continued to notice and utilise the benefits in executive functioning currently needed to navigate the complexity of documents, conversations, proceedings, meetings, mediation and preparation for upcoming court well.

His perspective in being able to focus, maintain attention with clarity has allowed him to initiate, persevere and complete necessary tasks based on level of priority in a time efficient manner.

The court date is set for early April. Stephen has the support of his legal team, family in Canada, and a close network of friends here.

2/...



**Annexure A**  
(11 of 18)

Re Stephen Cook Page 2

No change to medications.

I will see him back in 3 months time.

Kind regards,



**Dr Suraiya Moisey BMed FRANZCP**  
Consultant Psychiatrist  
Provider No: 430478WF





**Annexure A**  
(12 of 18)

Belmont - 452 Pacific Hwy  
Cardiff - 52 Ada Street

02 49 544 511 02 49 544 566  
PO Box 272, Warners Bay, NSW 2282  
www.atune.com.au

07/12/2023

Dr Alexander TONKIN  
Newcastle General Practice  
62 Denison Street  
HAMILTON EAST NSW 2303

Dear Alexander,

**RE: MrStephen COOKE DOB: 27/10/1981**  
**1/213 Morgan Street, MEREWETHER NSW 2291**  
**Consultation date: 01/12/2023**

This was Stephen's 1 month appointment.

Unfortunately there has been a major eruption in his personal life.

From Stephen's perspective, the situation has escalated beyond his belief. Allegedly, Heather had wanted Stephen to sign on the dotted line to allow her financial access to buy into the practice. When he had refused to agree, she had tried to get him to sign the house as collateral. Fortunately he did his own investigations and quite quickly right realised doing so would see him destitute. Again when he refused, several days later she transferred all the money out of the joint account (from properties they co own) into her personal account.

In disbelief, fortunately, Stephen was able to act accordingly and sought help from a lawyer and from a financial support institution and has now claimed financial abuse.

This has been the trigger to further fracture his already devolving marriage. It would seem that Stephen and Heather will be going through separation and then divorce which is most certainly going to be acrimonious.

The boys are privy to this disharmony and Christian who already struggles with his mental health is not doing well. Allegedly, Heather has been playing mind games with them. Her inconsistency in parenting and her intolerance has certainly heightened. She has threatened to take the kids away from him and move out. Stephen suspects that she has another man but she has not given him confirmation. He does not trust her and now in her presence feels disgusted, used and abused. Up until a couple of weeks ago, Stephen was still trying to make the marriage work but at this point is broken and destroyed.

He did go through a few days of breaking down but has been able to pull himself together and continues as he has always done by focusing on the kids wellbeing. Stephen is confident that he has been the stable parental figure and has provided consistency for both his boys. Stephen will fight tooth and nail to have majority custody but is under no illusion that this will be an easy battle either.

The medication has been helpful in keeping his perspective and focus. Stephen certainly does not demonstrate any symptoms of an Axis I mood disorder despite the current adversities.

I will check in on Stephen on a monthly basis.

Yours sincerely

A handwritten signature in black ink, appearing to be "S. Molesey", written over a white rectangular area.

**Dr Suraiya Molesey BMed FRANZCP**  
Consultant Psychiatrist - Provider No: 430478WF





**Annexure A**  
(13 of 18)

Belmont - 452 Pacific Hwy  
Cardiff - 52 Ada Street

02 49 544 511 02 49 544 566  
PO Box 272, Warners Bay, NSW 2282  
www.atune.com.au

08/11/2023  
Dr Alexander TONKIN  
Newcastle General Practice  
62 Denison Street  
HAMILTON EAST NSW 2303

Dear Alexander,

**RE: MrStephen COOKE DOB: 27/10/1981**  
**1/213 Morgan Street, MEREWETHER NSW 2291**  
**Consultation date: 02/11/2023**

This was Stephen's 6-week appointment.

Vyvanse 20 mg has been going well.  
He takes it at 9:00 in the morning and at last of 5 PM.

The only negatives are dry mouth.  
There has been an appetite reduction however he is now enjoying process of food as this task is now manageable as part of day-to-day responsibilities.  
He has also noticed reduced alcohol consumption as it does not have the same affect any longer.

Stephen only complaint, is that the duration is short lived for how long his days are which often starts at 7 AM and does not finish till 8 PM when the kids go down.  
He has tried bringing the vyvanse forward but it results in a compromise to the drop off time.  
Not having coverage for the later part is a noticeable struggle when it comes to children related responsibilities.

I have suggested trialing dexamphetamine 5 mg first thing in the morning and then delaying the Vyvanse till mid morning.  
I am hoping this will provide him with the required 12 hours.

He has noticed an improvement in clarity, calmness, and ability to prioritise and manage time. Stephen also reports that he has been clearing backlog of tasks that for so long he has procrastinated. He has been thinking several steps ahead which he was amazed by.

Heather has also noticed an improvement in his executive functioning and his ability to multitask effectively.

Unfortunately his hobby has now been pushed to the nighttime.  
It has somewhat compromised going to bed at a reasonable time which I have reminded him is a bad habit to continue as it will affect the efficacy of the stimulants.

Unfortunately his relationship and intimacy is still an issue.  
Heather is reluctant to see a marriage counsellor and any advances made by Steven to discuss this matter is met with hostility.  
Stephen feels a sexless marriage is not one he can stay in.

He also feels at a disadvantage to her and certainly not an equal.

2/...



**Annexure A**  
(14 of 18)

Re Stephen Cooke Page 2

Pursuing this further would only be futile. I have suggested his best course is to invest in himself and his self worth. This would include actively looking for work, social development and hobbies.

I will see him back in a months time.

Yours sincerely



**Dr Suraiya Moisey BMed FRANZCP**  
Consultant Psychiatrist  
Provider No: 430478WF





***Annexure A***  
(15 of 18)

Belmont - 452 Pacific Hwy  
Cardiff - 52 Ada Street

02 49 544 511 — 02 49 544 566  
PO Box 272, Warners Bay, NSW 2282  
www.atune.com.au

10/10/2023

Dr Alexander TONKIN  
Newcastle General Practice  
62 Denison Street  
HAMILTON EAST NSW 2303

Dear Alexander,

**RE: MrStephen COOKE DOB: 27/10/1981**  
**1/213 Morgan Street, MEREWETHER NSW 2291**

Thank you for a referral for second opinion and ongoing management.

Stephen is a 41-year-old married man to Heather Cook, Specialist cardiologist for the last 10 years. They have 2 boys aged 9 diagnosed with ADHD and 6 1/2 was currently a stay home dad. His family and friends are back in Canada. Stephen and Heather have been back living in Australia for the last 10 years.

Stephen's passion is IT however he never pursued this as a career giving me the impression it was secondary to a sacrifice and failed opportunities.

Stephen came upon encouragement by Heather who suspects he has ADHD. Stephen's symptoms of struggle are very similar to his oldest son. Stephen has also done some reading and would certainly resonate with the diagnosis.

Some of the key elements which he resonates with include

1. hyperfocus on IT. This can be hours to the exclusion of other activities even eating and drinking. It is often to the irritation of his family.
- The current dispute is costing him his marriage. His over-indulgence and unnecessary investment with needing state-of-the-art IT system.
2. Poor short-term memory.
3. Forgetfulness and ease in misplacing everything.
4. Time blindness and tardiness.
5. If disinterested no matter how much effort he puts in his struggles to keep himself focused and motivated.

He has no known past psychiatric history.

Stephen has no known medical comorbidities either.

Stephen tried weed briefly in University but has never had an issue with substance abuse. Alcohol fidgetiness since he was 14 and became a reliance to manage social anxiety. At 1 point it became daily, drinking 2 to 3 glasses of wine. This is no longer a concern. No issues with caffeine or sugar misuse.

Stephen grew up in Toronto Canada. He is the middle child of 3.

Stephen describes dad as an anxious man and suspicious that he may have ADHD himself. On the same token, he describes dad as a successful man in his business ventures and I suspect the role model Stephen placed on a pedestal. Dad however had a temper, he did not see gray, was set in his ways. Stephen found hard but fair. I wonder if Steven has compensated and normalised but will come across as an abusive authority figure. Stephen often defaulted to dad for reassurance and remained thirsty for validation. I suspect he never felt good enough.

2/...



## **Annexure A** (16 of 18)

Re Stephen Cooke Page 2

Stephen is uncertain if mum has any mental health issues. He describes her as permissive and passive. "She was nice, she did all the meals "interestingly when it comes to discipline and being apparent she deflected to dad.

I also suspect that Stephen was the classic middle child with a passive personality and he never lived up to his family's expectations.

For purposes of inclusion or exclusion of ADHD the rest of the first and second assessment focused on identifying clinical criteria.

Hyperactivity is less obvious. He does fidget eliciting either watching TV or doing an activity that he is disinterested in. There is a tendency to stim by tapping his fingers to his thumb and repeating.

Inattention is a significant struggle unless it is IT but this too can see him fall down the rabbit hole.

Impulsivity is another component of struggle particularly for anything computers and IT. Stephen enjoys the hire of pursuing an investing despite problems. He perseveres with the goal being the completion and a sense of accomplishment. Stephen enjoys gaming and other technology based outlets but often feels guilty when he indulges. I suspect this is from him feeling he is not contributing being a stay-at-home dad and therefore not entitled to rest and relaxation.

Sensory overload to the point of frustration is often associated with his kids screaming particularly when he is focused with IT related tasks.

Rejection sensitivity dysphoria is a major component but only when it comes to Heather. Again I suspect this is due to a power imbalance as it does not seem to be present in any other interpersonal relationships. The RSD observed with Heather is felt as a visceral sensation. He often seeks reassurance from Heather whom I feel he puts on a pedestal the very same way he had dad. Heather is seen as the voice of reason and stability however deflecting to her with the relationship down further.

His head is described as busy, constantly thinking and moves a lot faster than his speech.

Executive functioning is poor every stage from planning to execution is a stuckness.

Short-term memory is poor especially if material is present in in words or verbally. The concept of out of sight out of mine certainly resonates.

Tardiness is another struggle as his poor time management with due to a tendency to underestimate at every turn.

He remembers himself being hopeless at school. Stephen was assessed as having some form of a learning difficulty and hearing impairment. I wonder if that was an incorrect label for what may have been ADHD. Even with 1-1 support he struggled academically.

In year 8, Steven found IT which started the birth of his passion. He sees ideas and invaluable in practical commodity and everyday life. Stephen did well in computer sciences subject but only when it was hands-on but not when it was theoretical and reading-based.

Unfortunately in early high school, Stephen started smoking and then drinking where he where he started to gravitate towards likeminded individuals. I suspect substances became a Band-Aid for social development and to a degree has featured as pockets in his adult life.

3/...



## Annexure A

(17 of 18)

Re Stephen Cooke Page 3

Stephen briefly attended college but did not do well and has never pursued tertiary education again.

He has had a reasonable working experience. Initially work was about bringing in money and was all that he could do without having a degree. He then worked for 10 years in the family business which was insurance based almost without choice. While he did not struggle it was not interesting. Stephen has also done multiple other jobs when in Canada but mostly an administrative, low-grade roles.

He tried to pursue an IT course online when he was in Australia earlier in the piece was unable to sustain the course as he was struggling studying with looking after a newborn baby.

The last time he interviewed for a job was with NAB a few years ago. This seemed interested in him however he did not have some of the computing experience that was required. Since the interview, Steven has been teaching himself the courses and is confident if he goes for another interview he will be successful.

In social situations, Stephen finds it difficult to look at people when conversing as he finds faces distracting. Stephen also struggles to articulate a narrative coherently. He needs to consciously focus on how to construct sentences as his head is much faster than his speech and the entire process is overwhelming. He is therefore better at impromptu banter and with Stephen otherwise struggles to stay present, attentive and focused on conversations. He is often been reprimanded for dreaming, getting lost in content going on tangents and derailing. In general his emotional battery is short.

When he comes to chores which is the essentially the largest part of his day to day life, Stephen believes that he gets them done to the best of his abilities. However however has often remarked that it is not good enough as tasks are half done or done incorrectly.

She has also commented on his poor time management, inefficient use of time, poor ability to prioritise tasks and effectively work through them due to the ease of distractibility and his inability to see a clear pathway from A to B.

I also suspect Heather struggles to step back and put herself in his shoes as she would come across as a high achiever and cannot understand inefficiency.

Stephen would certainly admit that he struggles with process orientated tasks such as groceries, meal plan and prepping and cooking. In my opinion the role of house management and maintenance of routine with the kids is a much bigger feat than a professional job but clearly one that he struggles with.

Heather and Stephen are going through a tough time in their marriage is on the rocks. He does not feel good enough and is a burden. Intimacy ended 1 is the oldest child started to exhibit ADHD symptoms and then acquired the diagnosis. Heather has also struggled with accepting the diagnosis and perceives it as parenting failure.

Stephen is hoping to have his dysfunctions and disability recognised and managed which he feels is one large aspect in salvaging their relationship which I suspect is an over simplification. Stephen however reassures me that he is not naive and knows that there are other issues much bigger than ADHD symptoms and that they would need marital counselling.

On Axis I assessment anxiety is a diagnosis that Stephen is certainly familiar with and not only parallel but secondary to ADHD. I suspect there is underlying anankastic traits and OCPD.

He raised OCD as a possible cluster of symptoms that he may struggle with drawing to my attention to checking behaviour around safety. There is a ritual to it the act of which provides relief but it seems to be exclusive to keeping the children in check and generalised checking of electrical items/devices before leaving the house.

There is no pervasive themes of major depression or any other mood disorder at hand.

4/...



## **Annexure A** (18 of 18)

Re Stephen Cooke Page 4

In my initial clinical impression, Stephen's primary diagnosis is attention deficit disorder, inattentive subtype. He also struggles with secondary anxiety on a background of cluster C personality traits.

1. I discussed my formulation with him drawing in examples from the history provided.
2. have commenced him on Vyvanse 20 mg giving him information about the pharmacology of the long acting, the benefits to be expected and potential side effects.
3. last year fabricated the responsibility onto him to ensure optimal dietary choices, hydration, some form of exercise and sleep hygiene.
4. psychosocial recovery is the aim with hopefully executive functioning stability with medications. It is about finding his work, purpose and sense of being a man of the house. I have encouraged him to move forward with looking for work as this will certainly provide a better balance of work and home life and help with his confidence and self worth.
5. He is to call me in a week to discuss symptom improvement before further changes are made.
6. I will see him back in a months time.

Yours sincerely



**Dr Suraiya Moisey BMed FRANZCP**  
Consultant Psychiatrist  
Provider No: 430478WF



DELANEY ROBERTS



**Annexure B**  
(1 of 9)

This is the annexure marked with the letter "B" referred to in the affidavit of S. Cooke sworn before me at Newcastle on the 7<sup>th</sup> day of November 2024

Our Ref: ALR OS 13629  
Your Ref:

5 November 2024

  
Justice of the Peace

Mr D Cowen  
The Relationspace  
601/67 Castlereagh Street  
SYDNEY NSW 2000

**By Email only: [reception@kentconveyancing.com.au](mailto:reception@kentconveyancing.com.au)**

Dear Colleague



**Re: Cooke & Cooke NCC3896/2023**

We refer to the above matter. We act on behalf of the Respondent Mother, Ms Heather Anne Cooke. The Applicant Father, Mr Stephen Christopher Cooke, is self-represented.

There are two subject children:

1. Christian Finn Cooke, born 20 August 2024 and aged 10, and
2. Joshua Finn Cooke, born 27 January 2017 and aged 7.

The children are represented by Independent Children's Lawyer, Jo Markham of JLM Family Lawyers. All parties are copied into this correspondence.

The matter is in Division 2 of the Federal Circuit and Family Court of Australia in Newcastle. Orders made on 15 October 2024 appoint you as the Single Expert to prepare a Family Report in relation to the children pursuant to Part 7.1 of the Federal Circuit and Family Court of Australia (Family Law) Rules 2021 ("**the Family Law Rules**"). Order 2 particularises the matters to be addressed in the Report.

**Documents**

Pursuant to Orders 3 and 5, we **enclose** the following documents:

NEWCASTLE - ADAMSTOWN



PROFESSIONAL  
STANDARD SCHEME



## **Annexure B**

(2 of 9)

1. Applicant Father:

- (a) Notice of Address for Service sealed 31 October 2024,
- (b) Affidavit sealed 29 October 2024,
- (c) Affidavit sealed 15 October 2024,
- (d) Application in a Proceeding - Procedural Ancillary sealed 15 October 2024,
- (e) Notice of Ceasing to Act - Ramsden Family Law sealed 11 October 2024,
- (f) Certificate of Dispute Resolution sealed 27 September 2024,
- (g) Chambers Hearing Judicial Registrar Furner Settled parenting or property only dated 13 September 2024,
- (h) Costs Notice sealed 23 July 2024,
- (i) Financial Statement sealed 19 July 2024,
- (j) Application in a Proceeding - Interlocutory Financial sealed 19 July 2024,
- (k) Affidavit sealed 19 July 2024,
- (l) Costs Notice - Ramsden Family Law sealed 8 July 2024,
- (m) Notice of Ceasing to Act - Clarity Lawyers sealed 24 May 2024,
- (n) Notice of Address for Service sealed 23 May 2024,
- (o) Costs Notice sealed 10 April 2024,
- (p) Outline of Case (Interim Hearing) sealed 10 April 2024,
- (q) Financial Statement sealed 2 April 2024,
- (r) Affidavit sealed 2 April 2024,
- (s) Amended Application for Final Orders sealed 2 April 2024,
- (t) Child Impact Report sealed 8 March 2024,
- (u) Financial Statement sealed 12 February 2024,
- (v) Costs Notice - Clarity Lawyers sealed 25 January 2024,
- (w) Affidavit of Service Anthony Hopley sealed 12 December 2023,
- (x) Questionnaire - Parenting sealed 6 December 2023,
- (y) Financial Statement sealed 5 December 2023,
- (z) Application in a Proceeding - Interlocutory Financial sealed 5 December 2023,
- (aa) Application for Final Orders sealed 5 December 2023,
- (ab) Initiating Application sealed 5 December 2023,
- (ac) Genuine Steps Certificate sealed 5 December 2023,

2)



## **Annexure B**

(3 of 9)

- (ad) Notice of Child Abuse, Family Violence or Risk sealed 5 December 2023,  
(ae) Family Law and Child Support - Stephen Cooke sealed 5 December 2023.
2. Further, we **enclose** comprehensive copies of the medical records provided to Stephen Cooke under full disclosure rights, and we have no reason to believe that these records will differ from the contents of the subpoenas, which are set to be unsealed on 5 November 2024. Additionally, this disclosure aligns with the information sought by Ms. Roberts in her subpoena requests:
  3. (a) ~~Chromis~~ Occupational Medicine sealed 18 October 2024,  
(b) ~~Atune~~ Health Centre - Dr. Suraiya Moisey sealed 18 October 2024.
  4. Respondent Mother:
    - (a) Response to Initiating Application sealed 5 February 2024,
    - (b) Affidavit sealed 5 February 2024,
    - (c) Genuine Steps Certificate sealed 5 February 2024,
    - (d) Notice of Risk sealed 5 February 2024,
    - (e) Affidavit sealed 3 April 2024,
    - (f) Amended Response to Initiating Application sealed 8 April 2024,
    - (g) Case Outline sealed 11 April 2024,
    - (h) Affidavit sealed 30 October 2024,
  5. Child Impact Report sealed 8 March 2024, and
  6. Orders sealed 15 October 2024.

Further, we **enclose** copies of the sealed Subpoenas to the following entities:

1. Lab Learning sealed 19 December 2023,
2. Newcastle General Practice sealed 19 December 2023,
3. Oracle Psychology sealed 19 December 2023,
4. Merewether Heights Public School sealed 19 December 2023,
5. Newcastle Paediatric Clinic sealed 19 December 2023,
6. ~~Atune~~ Health Centre sealed 16 February 2024,
7. Merewether Heights OOSH sealed 14 March 2024,
8. ~~Atune~~ Health Centre sealed 11 October 2024,
9. Merewether Heights OOSH sealed 11 October 2024,



## **Annexure B**

(4 of 9)

10. Merewether Heights Public School sealed 11 October 2024,
11. Pillar Allied Health sealed 11 October 2024,
12. Atune Health Centre sealed 22 October 2024,
13. Chromis Occupational Medicine sealed 22 October 2024.

Order 12 states, if requested to do so by you, the Solicitor for the Respondent Mother is granted leave to photocopy any or all documents produced under Subpoenas and to provide a copy to you directly. Please advise if you wish to make such a request. Order 13 provides you liberty to inspect any Court material, including documents produced under Subpoenas, at the Newcastle Registry or electronically.

### **Requirements**

We **enclose** Divisions 7.1.4, 7.1.5 and 7.1.6 of the Family Law Rules. Rule 7.13 requires you to read the enclosed Divisions.

Rule 7.21(1) provides the Report must be addressed to the Court and the instructing parties, attach a copy of this letter and any other correspondence between you and the parties, include a list of any documents relied upon in preparing the Report and be verified by an Affidavit.

Rule 7.21(2) provides the Affidavit verifying the Report must state

*"I have made all the inquiries I believe are necessary and appropriate and to my knowledge there have not been any relevant matters omitted from this report, except as otherwise specifically stated in this report.*

*I believe that the facts within my knowledge that have been stated in this report are true.*

*The opinions I have expressed in this report are independent and impartial.*

*I have read and understand Divisions 7.1.4, 7.1.5 and 7.1.6 of the Federal Circuit and Family Court of Australia (Family Law) Rules 2021 and have used my best endeavours to comply with them*

*I have complied with the requirements of the following professional codes of conduct or protocol, being [ state the name of the code or protocol ].*

*I understand my duty to the court and I have complied with it and will continue to do so."*

Rule 7.22 states the required contents of the Report.

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**Annexure B**  
(5 of 9)

Please note all parties must be included in any correspondence with you and all instructions to you must be in writing and countersigned by the parties. Please forward the Report to each of the parties. Please direct correspondence to the parties' Solicitors (where applicable).

The Applicant Father and the Respondent Mother will each pay equal shares of your fees. Please issue two (2) Tax Invoices accordingly.

if you have any questions or require additional information, please do not hesitate to contact us.

Yours faithfully

Anna Roberts  
**Delaney Roberts Family Lawyers**  
**Solicitor for the Respondent Mother**

Email: aroberts@delaneyroberts.com.au  
Phone: 02 4952 3901

Stephen Christopher Cooke  
**Applicant Father**

Email: stephencooke.c@gmail.com  
Phone: 0412 846 712

Jo Markham  
**JLM Family Lawyers**  
**Independent Children's Lawyer**  
Email: admin@jlmfamilylawyers.com.au  
Phone: 0474 134 961

5 |



DELANEY ROBERTS



**Annexure B**  
(6 of 9)

Our Ref. ALR\_QS:13629  
Your Ref.

6 November 2024

Mr D Cowen  
The Relationspace  
601/67 Castlereagh Street  
SYDNEY NSW 2000

**By Email only: [reception@therelationspace.com.au](mailto:reception@therelationspace.com.au)**

Dear Colleague

**Re: Cooke & Cooke NCC3896/2023**

---

We refer to the above matter. We act on behalf of the Respondent Mother, Ms Heather Anne Cooke. The Applicant Father, Mr Stephen Christopher Cooke, is self-represented.

There are two subject children:

1. Christian Finn Cooke, born 20 August 2024 and aged 10, and
2. Joshua Finn Cooke, born 27 January 2017 and aged 7.

The children are represented by Independent Children's Lawyer, Jo Markham of JLM Family Lawyers. All parties are copied into this correspondence.

The matter is in Division 2 of the Federal Circuit and Family Court of Australia in Newcastle. Orders made on 15 October 2024 appoint you as the Single Expert to prepare a Family Report in relation to the children pursuant to Part 7.1 of the Federal Circuit and Family Court of Australia (Family Law) Rules 2021 ("**the Family Law Rules**"). Order 2 particularises the matters to be addressed in the Report.

NEWCASTLE ADAMSTOWN

NEWCASTLE ADAMSTOWN

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NEWCASTLE ADAMSTOWN

NEWCASTLE ADAMSTOWN



NEWCASTLE ADAMSTOWN

NEWCASTLE ADAMSTOWN



## **Annexure B**

(7 of 9)

### **Documents**

Pursuant to Orders 3 and 5, we **enclose** the following documents:

1. Applicant Father:
  - (a) Initiating Application sealed 5 December 2023,
  - (b) Affidavit sealed 5 December 2023,
  - (c) Genuine Steps Certificate sealed 5 December 2023,
  - (d) Notice of Risk sealed 5 December 2023,
  - (e) Parenting Questionnaire sealed 6 December 2023,
  - (f) Affidavit sealed 2 April 2024,
  - (g) Amended Initiating Application sealed 2 April 2024,
  - (h) Case Outline sealed 10 April 2024,
  - (i) Certificate of Dispute Resolution sealed 27 September 2024,
  - (j) Affidavit sealed 29 October 2024,
2. Respondent Mother:
  - (a) Response to Initiating Application sealed 5 February 2024,
  - (b) Affidavit sealed 5 February 2024,
  - (c) Genuine Steps Certificate sealed 5 February 2024,
  - (d) Notice of Risk sealed 5 February 2024,
  - (e) Affidavit sealed 3 April 2024,
  - (f) Amended Response to Initiating Application sealed 8 April 2024,
  - (g) Case Outline sealed 11 April 2024,
  - (h) Affidavit sealed 30 October 2024,
3. Child Impact Report sealed 8 March 2024, and
4. Orders sealed 15 October 2024.

Further, we **enclose** copies of the sealed Subpoenas to the following entities:

1. Lab Learning sealed 19 December 2023,
2. Newcastle General Practice sealed 19 December 2023,
3. Oracle Psychology sealed 19 December 2023,
4. Merewether Heights Public School sealed 19 December 2023,
5. Newcastle Paediatric Clinic sealed 19 December 2023,
6. Atune Health Centre sealed 16 February 2024,

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**Annexure B**  
(8 of 9)

7. Merewether Heights OOSH sealed 14 March 2024,
8. Atune Health Centre sealed 11 October 2024,
9. Merewether Heights OOSH sealed 11 October 2024,
10. Merewether Heights Public School sealed 11 October 2024,
11. Pillar Allied Health sealed 11 October 2024,
12. Atune Health Centre sealed 22 October 2024,
13. Chronis Occupational Medicine sealed 22 October 2024.

Order 12 states, if requested to do so by you, the Solicitor for the Respondent Mother is granted leave to photocopy any or all documents produced under Subpoenas and to provide a copy to you directly. Please advise if you wish to make such a request. Order 13 provides you liberty to inspect any Court material, including documents produced under Subpoenas, at the Newcastle Registry or electronically.

**Requirements**

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*I believe that the facts within my knowledge that have been stated in this report are true.*

*The opinions I have expressed in this report are independent and impartial.*

*I have read and understand Divisions 7.1.4, 7.1.5 and 7.1.6 of the Federal Circuit and Family Court of Australia (Family Law) Rules 2021 and have used my best endeavours to comply with them.*

*I have complied with the requirements of the following professional codes of conduct or protocol, being [ state the name of the code or protocol ].*

*I understand my duty to the court and I have complied with it and will continue to do so."*

Rule 7.22 states the required contents of the Report.



**Annexure B**  
(9 of 9)

Please note all parties must be included in any correspondence with you and all instructions to you must be in writing and countersigned by the parties. Please forward the Report to each of the parties. Please direct correspondence to the parties' Solicitors (where applicable).

The Applicant Father and the Respondent Mother will each pay equal shares of your fees. Please issue two (2) Tax Invoices accordingly.

If you have any questions or require additional information, please do not hesitate to contact us.

Yours faithfully

Anna Roberts  
**Delaney Roberts Family Lawyers**  
**Solicitor for the Respondent Mother**

Email: aroberts@delaneyroberts.com.au  
Phone: 02 4952 3901


Stephen Christopher Cooke  
**Applicant Father**

Email: stephencooke.c@gmail.com  
Phone: 0412 846 712

Jo Markham  
**JLM Family Lawyers**  
**Independent Children's Lawyer**  
Email: admin@jlmfamilylawyers.com.au  
Phone: 0474 134 961



This is the annexure marked with the letter "C" referred to in the affidavit of S. Cooke sworn before me at Newcastle on the 7<sup>th</sup> day of November 2024

  
Justice of the Peace

**Annexure C**  
(1 of 1)



Subpoenaed items

[Back](#)

File details

Court: Federal Circuit and Family Court of Australia, Newcastle  
 Number: NCC3896/2023  
 Title: Cooke S C & H A  
 Filing Date: 05-Dec-2023  
 Finalised Date:

Subpoenaed items for this file

No.	Date	Supplier	Description	Status
14	18-Oct-2024	014 Chromis Occupational Medicine/Zoe Phillips	ELEC Records for Stephen Cooke	Stored by the court
There is no leave granted for the subpoenaed item				
13	18-Oct-2024	013 Dr Suraiya Moisey, ATUNE Health Centres	ELEC Records for Stephen Cooke	Stored by the court
There is no leave granted for the subpoenaed item				
12	09-Oct-2024	012 Pillar Allied Health	ELEC C Cooke and J Cooke - Records	Stored by the court
11	09-Oct-2024	011 Merewether Heights Public School	ELEC C Cooke and J Cooke - School Records	Stored by the court
9	09-Oct-2024	Dr Suraiya Moisey, Atune Health Centre	S Cooke - Medical Records	Awaiting production

Leave granted to:

View	Photocopy	Uplift	Name
✓			Delaney Roberts Family Lawyers
✓			JLM Family Lawyers Pty Ltd
✓			Mr Stephen Christopher Cooke
✓			Ms Heather Anne Cooke



Gmail - RE: NCC3896 2023 - Cooke & Cooke - Draft Joint Letter of In...

https://mail.google.com/mail/u/1/?ik=d1835af931&view=pt&search=a...

**M Gmail Annexure D**  
(1 of 8)

Stephen Cooke <stephencooke.c@gmail.com>

**RE: NCC3896/2023 - Cooke & Cooke - Draft Joint Letter of Instruction to Drew Cowen – Family Report**

1 message

Olivia Shedden <oshedden@delaneyroberts.com.au>

Wed, Nov 6, 2024 at 11:06 AM

To: JLM Admin <admin@jlmfamilylawyers.com.au>, Stephen Cooke <stephencooke.c@gmail.com>

Cc: Anna Roberts <aroberts@delaneyroberts.com.au>, Bianca Commins <bcommins@delaneyroberts.com.au>

Dear Colleagues,

Please see attached amended draft letter.

We have removed some of the documents sought to be included by Mr Cooke. Those documents included the Notice of Address for Service (erroneously filed Application in a Proceeding cover page) and Affidavit filed on 15 October 2024. These documents have been removed because Notation A of the Orders of the same date states those documents are rejected for filing. The other documents removed concern only the Property matter or procedural matters, e.g Notice of Address for Service, Costs Notices etc. Those documents do not pertain to the substantive Parenting proceedings and therefore should not be provided to Mr Cowen.

Mr Cooke, in response to your email below, the letter encloses the sealed Subpoenas. The Orders dated 15 October 2024 provide for Mr Cowen's inspection of the documents produced under Subpoena. The letter states all parties are to be included in all correspondence to Mr Cowen.

If you do not require any further amendments to the letter, please sign it and return to us as soon as possible

We look forward to hearing from you.

Yours faithfully

OLIVIA SHEDDEN

Solicitor

LLB (Hons), DipLegPrac, BBus (HRM)

This is the annexure marked with the letter 'D' referred to in the affidavit of S. Cooke sworn before me at Newcastle on the 7th day of November 20 24



Justice of the Peace



Gmail - RE: NCC3896 2023 - Cooke & Cooke - Draft Joint Letter of In...

https://mail.google.com/mail/u/1/?ik=d1835af931&view=pt&search=a...



DELANEY ROBERTS

**Annexure D**

(2 of 8)

T 02 4075 2737

E [oshedden@delaneyroberts.com.au](mailto:oshedden@delaneyroberts.com.au)

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**From:** JLM Admin <[admin@jlmfamilylawyers.com.au](mailto:admin@jlmfamilylawyers.com.au)>

**Sent:** Tuesday, 5 November 2024 6:04 PM

**To:** Stephen Cooke <[stephencooke.c@gmail.com](mailto:stephencooke.c@gmail.com)>; Olivia Shedden <[oshedden@delaneyroberts.com.au](mailto:oshedden@delaneyroberts.com.au)>

**Cc:** Anna Roberts <[aroberts@delaneyroberts.com.au](mailto:aroberts@delaneyroberts.com.au)>; Bianca Commins <[bcommins@delaneyroberts.com.au](mailto:bcommins@delaneyroberts.com.au)>; FL General Processing <[FLGeneralProcessing@fcfcoa.gov.au](mailto:FLGeneralProcessing@fcfcoa.gov.au)>; casemanager.jrFurner@fcfcoa.gov.au

**Subject:** RE: NCC3896/2023 - Cooke & Cooke - Draft Joint Letter of Instruction to Drew Cowen – Family Repor

Dear Colleagues,

I will be absent from my office on Thursday and Friday of this week.

If the draft letter is ready tomorrow, then I will be in a position to sign it, otherwise, I will have to attend to signing on Monday



Gmail - RE: NCC3896 2023 - Cooke & Cooke - Draft Joint Letter of In... <https://mail.google.com/mail/u/1/?ik=d1835af931&view=pt&search=a...>

I have no issue with its content and also have no issue with the parties co-signing and sending it to the single expert in my absence

**Annexure D**  
(3 of 8)

Regards

Jo Markham

Lawyer

**JLM** Family Lawyers

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admin@jlmfamilylawyers.com.au

Ph: 0474 134 961

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(4 of 8)

Stephen Cooke <stephencooke.c@gmail.com>

**NCC3896/2023 - Cooke & Cooke - Draft Joint Letter of Instruction to Drew Cowen – Family Repor**

2 messages

Stephen Cooke <stephencooke.c@gmail.com>

Tue, Nov 5, 2024 at 5:38 PM

To: Olivia Shedden <oshedden@delaneyroberts.com.au>

Cc: "Jo Markham (Independent childrens lawyer)" <admin@jlmfamilylawyers.com.au>, Anna Roberts <aroberts@delaneyroberts.com.au>, Bianca Commins <bcommins@delaneyroberts.com.au>, FL General Processing <FLGeneral.Processing@fcfcoa.gov.au>, casemanager.jrFurner@fcfcoa.gov.au

Dear Olivia, Jo, and Anna

Thank you for providing the draft joint letter of instruction for Mr. Cowen regarding the Family Report.

I have reviewed the letter and added my list of documents filed on my behalf for inclusion. I am attaching these documents here as well for your reference and inclusion in the final submission. To ensure a thorough review by Mr. Cowen, I would also like to confirm that any subpoenaed materials relevant to the Family Expert's assessment—including those set to be unsealed tomorrow—will be included in the materials sent.

To maintain transparency and ensure all parties are aligned, I kindly request the following:

1. Please copy me on the final submission of the letter and enclosures to Mr. Cowen.
2. Provide confirmation once Mr. Cowen has received the complete set of documents.
3. Confirm that all documents included, particularly subpoenaed materials, are consistent across all parties to avoid any unintentional omissions.

Thank you for your cooperation in finalizing this process.

Kind regards,

Stephen Christopher Cooke  
Email: stephencooke.c@gmail.com  
Phone: 0412 846 712

- 02-04-2024 - SC -Financial Statement.pdf
- 02-04-2024 -SC - Affidavit - Family law and child ...
- 02-04-2024 - SC - Amended Application for Final ...
- 05-12-2023 - SC - Application for Final Orders.pdf
- 05-12-2023 - SC - Application in a Proceeding Int...
- 05-12-2023 - SC - Family law and child support S...
- 05-12-2023 - SC - Genuine Steps Certificate.pdf
- 05-12-2023 - SC - Initiating Application.pdf
- 05-12-2023 - SC - Notice of child abuse, family vi...
- 05-12-2023 -SC - Financial Statement.pdf



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**Annexure D**  
(5 of 8)


- 06-12-2023 - SC - Questionnaire Parenting pdf
- 08-03-2024 - SC - Child Impact Report pdf
- 08-07-2024 - SC - Costs Notice Ramsden Family ...
- 10-04-2024 - SC - Outline of Case (Interim Heari...
- 10-04-2024 -SC - Costs Notice.pdf
- 11-10-2024 -SC - Notice of Ceasing to Act Rams...
- 12-02-2024 - SC -Financial Statement pdf
- 12-12-2023 - SC - Affidavit of Service Anthony H...
- 13-09-2024 - SC - Chambers Hearing Judicial Re...**
- 15-10-2024 - SC - Affidavit - Family law and child ...
- 15-10-2024 - SC -Application in a Proceeding Pro...
- 18-10-2024 - SC - Subpoena Chromis Occupatio ...
- 18-10-2024 -SC - Subpoena Atune Dr Suraiya M...
- 19-07-2024 - SC - Affidavit - Family law and child ...
- 19-07-2024 - SC - Application in a Proceeding Int...
- 19-07-2024 -SC - Financial Statement pdf
- 23-05-2024 - SC - Notice of Address for Service.pdf
- 23-07-2024 - SC - Costs Notice pdf
- 24-05-2024 -SC -Notice of Ceasing to Act Clarity ...
- 25-01-2024 - SC - Costs Notice Clarity Lawyers.pdf
- 27-09-2024 - SC - Certificate of Dispute Resolutio...
- 29-10-2024 - SC - Affidavit - Family law and child ...
- 31-10-2024 - SC - Notice of Address for Service.pdf




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<https://mail.google.com/mail/u/1/?ik=d1835af931&view=pt&search=a...>

 SC - Atune Health Centre - Dr Suraiya Moisey.pdf

 SC - Chromis Occupational Medicine.pdf

 Stephen 05.11.24 Draft Joint Letter of Instruction ...

## **Annexure D**

(6 of 8)

On Tue, Nov 5, 2024 at 3:43 PM Olivia Shedden <[oshedden@delaneyroberts.com.au](mailto:oshedden@delaneyroberts.com.au)> wrote:

Dear Colleagues,

Please see **attached** draft joint letter of instruction to Drew Cowen in respect of the Family Report.

Mr Cooke, please add to the letter the list of documents filed on your behalf which you wish to be enclosed. Please forward those same documents to us so we may send same to Mr Cowen.

Could you both please review the letter and make any proposed amendments in tracked changes or add your signature to the letter?

Once you have both signed the letter, we will sign and forward same together with enclosures to Mr Cowen.

We look forward to hearing from you.

Yours faithfully

OLIVIA SHEDDEN

Solicitor

LLB (Hons) DipLegPrac. BBus (HRM)



T 02 4075 2737

E [oshedden@delaneyroberts.com.au](mailto:oshedden@delaneyroberts.com.au)

Telstra Civic Suite 1, Level 2

317 Hunter Street, Newcastle NSW 2300



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# Annexure D

(7 of 8)

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JLM Admin <admin@jlmfamilylawyers.com.au> Tue, Nov 5, 2024 at 6:03 PM  
To: Stephen Cooke <stephencooke.c@gmail.com>, Olivia Shedden <oshedden@delaneyroberts.com.au>  
Cc: Anna Roberts <aroberts@delaneyroberts.com.au>, Bianca Commins <bcommins@delaneyroberts.com.au>, FL General Processing <FLGeneral.Processing@fcfcoa.gov.au>, "casemanager.jrFurner@fcfcoa.gov.au" <casemanager.jrFurner@fcfcoa.gov.au>

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Regards

Jo Markham

Lawyer



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**Annexure D**  
(8 of 8)

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[Quoted text hidden]

