

Application in a Proceeding Cover Sheet

**In the Federal
Circuit and Family
Court of Australia**

File number	NCC3896/2023
Filed at	NEWCASTLE
Filed on (ACT Time)	Thursday 07/11/2024 01:57 PM
Presiding Judicial Officer	Judicial Registrar Furner
Court location	Via Web Conference
Court date	Wednesday 18/12/2024
Time	12:00 PM
Type of hearing	Directions Hearing

The following questions have been answered online for the attached application

Filed on behalf of: The Applicant

Prepared by: **Stephen Christopher Cooke**

Lawyer's code:

Name of law firm:

Address for service in Australia: **PO Box 33**

Suburb: **SHORTLAND**

State: **NSW**

Postcode: **2307**

Email:

Phone:

Mobile:

The orders sought

Order(s) sought

Parenting

Urgency

Are you seeking orders for urgent consideration?

No

Parties

Applicant 1

Name

STEPHEN CHRISTOPHER COOKE

Gender

Male

Date of birth

27/10/1981



Country of birth	Canada
Residential address	7A BAKERI CCT WARABROOK 2304 NSW AUSTRALIA
ATSI origin	No

Respondent 1

Name	HEATHER ANNE COOKE
Gender	Female
Date of birth	31/7/1978
Country of birth	Australia
Residential address	Address not provided or unknown
ATSI origin	No



Application in a Proceeding Cover Sheet

**In the Federal
Circuit and Family
Court of Australia**

File number	This application is under review. Do not serve this document until it contains a seal of the Court.
Filed at	
Filed on <small>(ACT Time)</small>	
Presiding Judicial Officer	
Court location	
Court date	
Court time	
Type of hearing	

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Application in a Proceeding

Federal Circuit and Family Court of Australia (Family Law) Rules 2021 – CHAPTER 5
 Federal Circuit and Family Court of Australia (Division 2) (General Federal Law) Rules 2021 – CHAPTER 1, PART 4, DIVISION 1

Please type or print clearly and mark [X] all boxes that apply. Attach extra pages if you need more space to answer any questions.

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
- Migration proceedings
- General federal law proceedings
- Other (specify) _____

Filed on behalf of:

Full name _____

Client ID COO8342167

File number / appeal number
(P)NCC3896/2023

Filed at _____

Filed on _____

Court location _____

Court date _____

Time _____

IMPORTANT: Information for respondents to the application is on page 4.

Part A About the parties

1 APPLICANT 1

Family name as used now

Cooke

Given names

Stephen Christopher

APPLICANT 2

Family name as used now

Given names

2 What is your contact address (address for service) in Australia? If you give a lawyer's address, include the name of the law firm.

PO Box 33 SHORTLAND

State NSW Postcode 2307

Phone 0412846712

DX _____

Lawyer's code _____

Email stephencooke.c@gmail.com

RESPONDENT 1

Family name as used now

Cooke

Given names

Heather Anne

RESPONDENT 2

Family name as used now

Given names

Respondent's address

N/A

State NSW Postcode _____

Phone _____

If there is a second applicant or second respondent attach a separate sheet answering this question for Applicant 2/Respondent 2.



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

3 Independent children’s lawyer family name Given names

Markham	Jo
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4 The contact address (address for service) in Australia for the independent children’s lawyer is:

	State Postcode
Phone 0474 134 961	
Email admin@jlmfamilylawyers.com.au	
Lawyer’s code	

Part C About the orders you are seeking – family law proceedings only

If you are seeking interlocutory orders in family law proceedings, complete this Part. If you are seeking interlocutory orders in migration or general federal law proceedings, skip this Part and complete Part D.

5 What type of orders are you seeking? Mark [X] all boxes that apply.

<input checked="" type="checkbox"/> Interlocutory (parenting orders)	<input type="checkbox"/> Interlocutory (financial orders)
<input type="checkbox"/> Procedural	<input type="checkbox"/> Other (specify) _____

Do you want this application to be dealt with in the absence of the parties in accordance with Part 5.3 of the Family Law Rules?

Yes – see the notes below

No

- Notes**
- a) If the respondent objects to the application being determined in the absence of the parties you still must attend the court.
 - b) If the application is to be heard in the absence of the parties each party must file at least 2 days before the hearing a list of documents to be read by the Court and a supporting submission (see rule 5.15 of the Family Law Rules).
 - c) An enforcement hearing cannot be held in the absence of the parties.



Part D The orders you are seeking

6 State the interlocutory orders that you are seeking.

[PLEASE NUMBER EACH ORDER SOUGHT]


1. Order to permit Stephen Cooke to directly submit his affidavit (dated 29 October 2024 and 7 November 2024) and annexures, including complete medical records from Atune Health Centre and Chromis Occupational Medicine, to the Family Report Writer. This submission aligns with Stephen's right to access his personal medical records and is intended to ensure that all relevant information is provided accurately and completely, minimizing the risk of inadvertent omissions or oversights. The records are expected to coincide with those subpoenaed for release on 5 November 2024..
2. Amend Order 11 to remove "child protection authority" from the list of parties authorized to receive the Family Report, replacing it with "a convener of any dispute resolution conference." This amendment aims to protect the children from potential emotional harm.
3. Order to allow the inclusion of documents related to financial stability, specifically the property settlement orders dated 13 September 2024, as evidence of Stephen's ability to meet Christian and Joshua financial needs.
4. I seek leave to include two additional annexures (F and G) in the affidavit filed by me on 29 October 2024, as they provide relevant evidence crucial to assessing my parenting capacity and my son Christian's emotional well-being.

Attach extra pages if you need more space.

Part E Certification

I certify that to the best of my knowledge and information, the orders sought in this application are supported by evidence.

Part F Signature of applicant or lawyer

Signed 	Date 07/11/2024
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This application was signed by the applicant/s lawyer for the applicant/s

This application was prepared by applicant/s lawyer

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PRINT NAME AND LAWYER'S CODE

Please go to page 4 for the Important Notices to the Respondent/s



Important Notices to the Respondent/s

You should seek legal advice about this application.

For all family law applications

If you oppose the orders sought in this application or want the Court to make different orders **you must:**

- file with the Court a *Response to an Application in a Proceeding*; **and**
- serve a copy of the documents filed on each other party not less than 2 days before the Court date shown on page 1 of this form.

You must attend at court on the date shown on page 1 of this form, unless you agree with the applicant's request that the Court determine the application in the absence of the parties. If you object to the applicant's request, you must immediately notify the Court and the other party in writing, telling them of your objection.

If you are required to attend and you do not attend, orders may be made in your absence.

If the application is to be determined in the absence of the parties each party must file at least 2 days before the hearing a list of documents to be read by the court and a supporting submission (see rule 5.15 of the Family Law Rules).

Approved by Chief Justice/Chief Judge pursuant to rule 15.21 of the Family Law Rules and rule 2.04 of the General Federal Law Rules

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