

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) | Tuesday 11/03/2025 02:55 PM |
| Presiding Judicial Officer | Judge Betts |
| Court location | 61 Bolton Street Newcastle |
| Court date | Monday 7/04/2025 |
| Time | 2:30 PM |
| Type of hearing | Compliance and Readiness Hearing |

The following questions have been answered online for the attached application

Filed on behalf of: The Applicant

Prepared by: **DELANEY ROBERTS FAMILY
LAWYERS**

Lawyer's code: **ROB5334090**

Name of law firm: **DELANEY ROBERTS FAMILY LAWYERS**

Address for service in Australia: **Telstra Civic Suite 1, Level 2, 317 Hunter Street,**

Suburb: **NEWCASTLE**

State: **NSW**

Postcode: **2300**

Email:

Phone:

Mobile:

The orders sought

Order(s) sought

Parenting

Urgency

Are you seeking orders for urgent consideration?

Yes

Parties

Applicant 1

Name

HEATHER ANNE COOKE

Gender

Female



| | |
|---------------------|---|
| Date of birth | 31/7/1978 |
| Country of birth | Australia |
| Residential address | C/ SUITE 1, LEVEL 2 317 HUNTER STREET NEWCASTLE 2300 NSW AUSTRALIA |
| ATSI origin | No |

Respondent 1

| | |
|---------------------|---|
| Name | STEPHEN CHRISTOPHER COOKE |
| Gender | Male |
| Date of birth | 27/10/1981 |
| Country of birth | Canada |
| Residential address | 7A BAKERI CIRCUIT WARABROOK 2304 NSW AUSTRALIA |
| ATSI origin | No |



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 Heather Anne Cooke

Client ID _____

File number / appeal number _____

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

Heather Anne

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.

Delaney Roberts Family Lawyers
 Telstra Civic Suite 1, Level 2, 317 Hunter Street,
 Newcastle

State NSW Postcode 2304

Phone 0412 846 712

DX

Lawyer's code ROB5334090

Email oshedden@delaneyroberts.com.au

RESPONDENT 1

Family name as used now

Cooke

Given names

Stephen Christopher

RESPONDENT 2

Family name as used now

Given names

Respondent's address

7A Bakeri Circuit, Warabrook

State NSW Postcode 2304

Phone 0412 846 712



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 |

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

| | | |
|-------------------------------------|-----------|---------------|
| Suite 3/10 Pulteney Street | | |
| | | |
| Taree | State NSW | Postcode 2430 |
| Phone 0474 134 961 | | |
| Email admin@jlmfamilylawyers.com.au | | |
| Lawyer's code JLM6017549 | | |

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. That all timeframes for service pursuant to the <i>Federal Circuit and Family Court of Australia (Family Law) Rules</i> 2021 be dispensed with and that this Application be listed for hearing on an urgent basis. |
| 2. That Orders 2, 6 and 9 of the Orders dated 23 April 2024 be suspended until further Order. |
| 3. That pursuant to section 68B of the <i>Family Law Act 1975</i> (Cth), the Respondent Father is restrained by way of injunction from: <ul style="list-style-type: none"> (a) Going within 100 metres of the Applicant Mother's residence at 24 Fitzwilliam Circuit, Macquarie Hills, (b) Going within 100 metres of the children's school, Merewether Heights Public School at 156 Scenic Drive, Merewether Heights, and (c) Contacting or approaching the children by any means. |

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 |
|--------|------------|
| | 11/03/2025 |

This application was signed by the applicant/s lawyer for the applicant/s

This application was prepared by applicant/s lawyer

| |
|------------------------------|
| Olivia Jade Shedden |
| ROB5334090 |
| 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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