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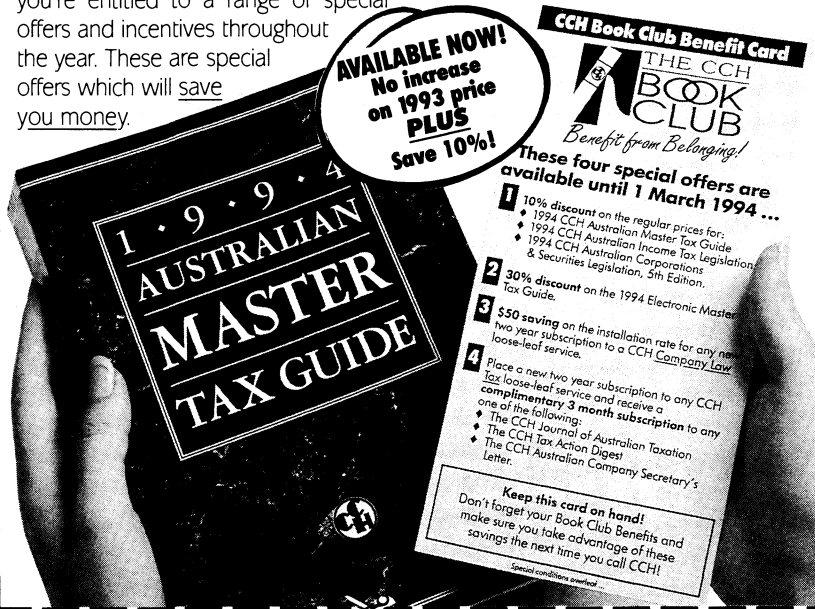
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LETTER TO THE EDITOR

Applications for Consent Orders under Order 9A

An application for approval of Consent Orders in Form 12 A asks the Court to make orders in accordance with Part A of the Form. The affidavit in Parts B and C Seeks the approval of the Court to the Orders "set out in Part A".

When the Court makes an Order under Order 9A it is making the order set out in the Form 12A. It is important therefore that where the practitioner supplies drafts to be sealed by the Court and issued that the terms are precisely in accord with the orders as they appear in the Form 12A. Unfortunately what is occurring in a small number of instances is that this is not the case and additional time is now being taken checking to ensure that drafts match the orders sought in the Form 12A. A common instance is where the Form 12A contains no orders for lump sum spouse maintenance under Section 77A but these appear in the drafts to issue.

While the problem is not large, you will appreciate the concern of the Court that if a draft is not in accordance with the form it may at some future time prove misleading and since it bears the seal of the Court is unlikely that any enquiry would be made to establish whether the order is exactly in accordance with the orders sought in the application. Apart from that, the Court would prefer not have the task of checking the drafts to ensure consistency since that runs counter to one of the main objects of the new procedure, namely, to provide an expeditious system of making Consent Orders.

I would be grateful if you would bring this to the notice of your members in the usual way.

Peter McManus
Regional Registrar (Northern)
Family Court of Australia

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