# 

# Financial Questionnaire

**Introduction**

You must file this form at the same time as an *Initiating Application (Family Law)* or *Response to Initiating Application (Family Law)* seeking financial orders.

You have an obligation under Rules 6.01 and 6.06 of the *Federal Circuit and Family Court of Australia (Family Law) Rules 2021* (the Rules) to make a full and frank disclosure of your financial circumstances to the Court and to each other party.

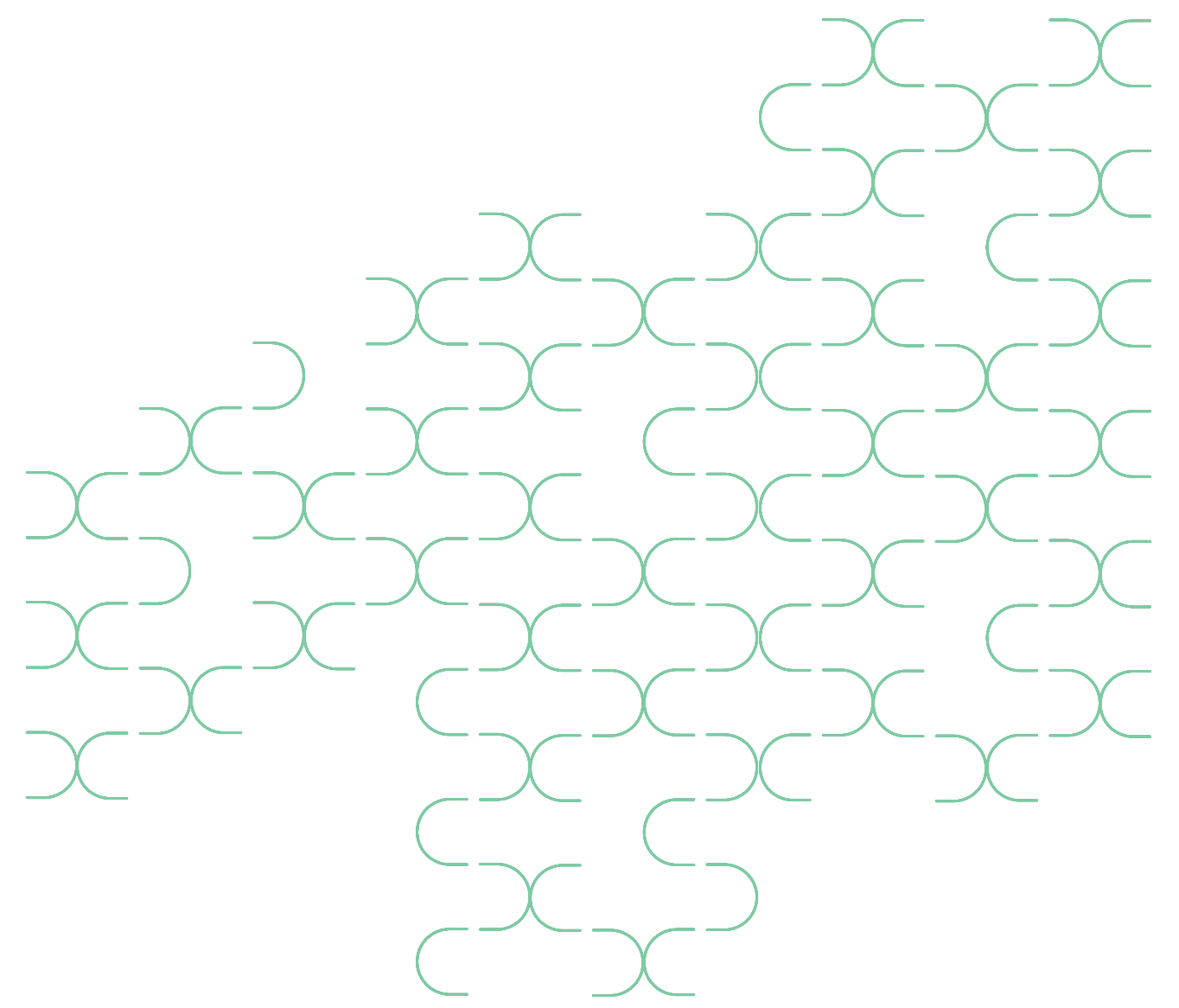
You must sign and date each page of the Questionnaire. Attach extra pages if you need more space to answer any questions.

You must also sign the statement of truth on the last page of the Questionnaire.

The other party/ies will also complete the same Questionnaire.

When completing the Questionnaire you are **not permitted** to use ‘NK’ (meaning ‘not known’). If you cannot answer a question you must leave the answer blank and that will be addressed by the Court.

If your case goes to trial, when you first give evidence before the Judge you will be asked to adopt the facts contained in the Questionnaire as part of your evidence before the Court.

You should familiarise yourself with section 79 and section 75 of the *Family Law Act 1975* (the Act). If there are third parties you may also need to consider Part VIIIAA of the Act and if there is superannuation you will need to consider Part VIIIB of the Act. If the case involves a de facto financial cause you will need to consider Part VIIIAB of the Act.

The Act and Rules can be accessed through the Federal Circuit and Family Court of Australia website [www.fcfcoa.gov.au](https://www.fcfcoa.gov.au/) or at [www.legislation.gov.au](http://www.legislation.gov.au).

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# Financial Questionnaire

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| --- | --- | --- |
| Federal Circuit and Family Court of Australia (Family Law) Rules 2021 – subrule 6.06(5) | | |
| **Please type or print clearly** and mark [**X**] all boxes that apply. Attach extra pages if you need more space to answer any questions. | **COURT USE ONLY** |
| Client ID  File number SYC8535/2021  Filed at  Filed on  Court location |

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Part A** | | **About you** | | | | | | | |
| 1. Your full name and occupation | | | | | | | | | |
|  | Gary Steven Benson | | | | | | | | |
|  | Retired | | | | | | | | |
| 1. Give the following details for each of your children | | | | | | | | | |
|  | Family name | | Given names | | Time spent with you | | | Date of birth | Gender (M/F/X) |
|  | Benson | | Naomi June | | Adult | | | 21/10/1998 | F |
|  |  | |  | |  | | |  |  |
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| **Part B** | | **Contribution** | | | | | | | |
| 1. Set out the contribution based entitlement claimed, expressed as a percentage of the net value of the assets. | | | | | | | | | |
|  |  | | | **APPLICANT** | |  | **RESPONDENT** | | |
|  | At final separation | | | 35 % | |  | 65 % | | |
|  |  | | |  | |  |  | | |
|  | Current | | | 35 % | |  | 65 % | | |

|  |  |  |  |
| --- | --- | --- | --- |
| **At commencement of cohabitation** | | | |
| 1. Did you have any property, superannuation, financial resources and/or liabilities when you and the other party commenced cohabitation? | | | |
|  | No |  | |
|  | Yes. Give details below |  | |
|  | **Property** | | **Market value** |
|  | 14 Delia Parade, Engadine NSW 2233 | | $ E 250,000 |
|  | Collective Australian bank notes | | $ E 50,000 |
|  | Partnership capital in Grant Thornton Chartered Accountants | | $ E 300,000 |
|  | VN HSV Group A Holden Commodore | | $ E 64,000 |
|  | Tiki Village Timeshare unit on the Gold Coast | | $ E 8,000 |
|  | Shares | | $ NK |
|  | Bank accounts | | $ E 300,000 |
|  | **Liabilities** | | **Amount** |
|  |  | | $ |
|  |  | | $ |
|  |  | | $ |
|  | **Superannuation** | | **Value** |
|  | MLC Life superannuation | | $ E 64,000 |
|  | Legal & General Life superannuation | | $ 4,000 |
|  | N.U.L.I.S. Nominees (Australia) Pty Ltd superannuation | | $ 2,000 |
|  | **Financial Resources** | | **Value** |
|  |  | | $ |
|  |  | | $ |
|  |  | | $ |
|  |  | | |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| 1. Did the other party have any property, superannuation, financial resources and/or liabilities when you and the other party commenced cohabitation? | | | | | |
|  | No | |  | | |
|  | Yes. Give details below | |  | | |
|  | **Property** | | | | **Market value** |
|  | Parkside property | | | | $ E 40,000 |
|  | Motor vehicle | | | | $ Nominal |
|  |  | | | | $ |
|  | **Liabilities** | | | | **Amount** |
|  |  | | | | $ |
|  |  | | | | $ |
|  |  | | | | $ |
|  | **Superannuation** | | | | **Value** |
|  | Superannuation | | | | $ E 10,000 |
|  |  | | | | $ |
|  |  | | | | $ |
|  | **Financial Resources** | | | | **Value** |
|  |  | | | | $ |
|  |  | | | | $ |
|  |  | | | | $ |
|  |  | | | | |
| **During cohabitation** | | | | | |
| 1. Set out in dot point form the different types of contributions you rely on to support your claim | | | | | |
|  | **Financial contributions – (s 79(4)(a) or s 90SM(4)(a) as applicable)** | | | | |
|  | During the marriage, I was the primary income earner. After retirement, I continued to be the primary financial provider through recreational gambling. This has been very profitable over the years.  In 1992, I contributed $102,000 to the purchase of a property in Adelaide. The property was rented out and rent received was used to pay rates and other property expenses. The Adelaide property sold for $130,500. | | | | |
|  | .In 1996, I purchased a one-bedroom unit at EG5/199 Pyrmont Street, Pyrmont for $129,000. This was purchased solely in my name and using only my funds. I rented this property for $260 per week and in May 1998 I sold the unit for $203,000  In 1996, Debra and I jointly purchased a three-bedroom penthouse known as PH1/199 Pyrmont Street, Pyrmont for $391,000. I contributed $51,000 and Debra contributed $40,000 towards the purchase and the balance was financed by a mortgage from Westpac for approximately $300,000.  In 2000, Debra and I purchased for $510,000 a two-bedroom home at 224 Connell’s Point Road, Connells Point. I recall that I provided more than 90 percent of the funds for this purchase and Debra provided the remainder.  In 2002, Debra and I purchased a property at 23 Birdwood Street, Sylvania for $950,000, using the proceeds of the sale of the Connells Point property. In addition, I contributed approximately $308,000 acquired from my gambling wins. | | | | |
|  | In 2008, Debra and I purchased a property at 21 Ilma Avenue, Kangaroo for $3,700,000. I contributed approximately $1,700,000 that I had accumulated from further gambling wins and the remainder was financed from the Commonwealth Bank for $2,850,100. The Sylvania property later sold, reducing the mortgage on Kangaroo Point to $2,200,000.  In 2010, I settled on the purchase of a Condo at 200 W Sahara Avenue #3508 Las Vegas, Nevada, United States of America. for USD$350,000 (the equivalent of AUD$381,929 at that time based on the historic RBA exchange rate of .9164). | | | | |
|  |  | | | | |
|  | **Non-financial contributions – (s 79(4)(b) or s 90SM(4)(b) as applicable)** | | | | |
|  | Throughout the marriage, I did minor maintenance to the houses that we lived in such as landscaping, gardening, and minor repairs.  I paid over $1,000,000 in for improvements to the Kangaroo Point property funded from my gambling winnings. | | | | |
|  | **Contributions to welfare of family – (s 79(4)(c) or s 90SM(4)(c) as applicable)** | | | | |
|  | I paid for a cleaner to attend the former matrimonial home once or twice a week to undertake all the cleaning and a landscaper to undertake some gardening. Debra cooked occasionally and we regularly dined out as a family. Debra also undertook laundry duties. | | | | |
|  | Debra and I shared parenting responsibilities of our daughter, Naomi, including bathing, feeding and attending to dropping Naomi off at school, equestrian, tennis, dancing, taekwondo and basketball. | | | | |
|  | | | | | |
| **Since separation** | | | | | |
| 1. Set out in dot point form the different types of contributions you rely on to support your claim. | | | | | |
|  | **Financial contributions – (s 79(4)(a) or s 90SM(4)(a) as applicable)** | | | | |
|  | Debra and I separated in 2013 when I moved out of the former matrimonial home. I then moved back into the former matrimonial home to assist with the care of Naomi in 2014. Debra and I were separated under the same roof. | | | | |
|  | On 23 May 2015, Debra and I purchased a property at 5 Bradman Road, Menai **(“Menai property”)** at auction for $1,008,000. Debra’s brother, Craig, and his family moved into this property. They continued to live there rent-free until we sold the property on 5 August 2019 for $980,000.  On 4 February 2021, Debra and I sold the property at Kangaroo Point for $6,000,000. At settlement, on 10 June 2021 Debra and I received half of $2.7 million. As part of the settlement, Debra and I jointly provided vendor finance to the purchaser, Connie Lay-Ming Mirzikinian, in the sum of $3,000,000. The mortgagor discharged the mortgage on 23 December 2021 and the entire loan was repaid together with interest. The proceeds were divided equally between Debra and I. | | | | |
|  | From 2013 to 2014, I paid for all the bills, groceries, household expenses, travel expenses and other expenses of Debra, Naomi and I. I continue to pay for Naomi’s Netflix, Stan and Foxtel accounts. | | | | |
|  | **Non-financial contributions – (s 79(4)(b) or s 90SM(4)(b) as applicable)** | | | | |
|  | Not applicable. | | | | |
|  |  | | | | |
|  | **Contributions to welfare of family – (s 79(4)(c) or s 90SM(4)(c) as applicable)** | | | | |
|  | I paid for a cleaner to attend the former matrimonial home once or twice a week to undertake all the cleaning and a landscaper to undertake some gardening. Debra cooked occasionally and we regularly dined out. Debra also undertook some laundry duties.  Debra and I shared parenting responsibilities of our daughter, Naomi, including bathing, feeding and attending to dropping Naomi off at school, equestrian, tennis, dancing, taekwondo and basketball. | | | | |
|  | | | | | |
| **Part C** | | **Other matters that may be relevant to division of property** | | | |
| * 1. Set out the adjustment to the contribution-based claim (if any) expressed as a percentage of the net value of the assets of the parties having regard to the factors in s 79(4)(d), (e), (f) and (g) or s 90SM(4)(d), (e), (f) and (g) as applicable. | | | | | |
|  |  | | **APPLICANT** |  | **RESPONDENT** |
|  |  | | % |  | % |
| * 1. Set out in dot point form what relevant section s 75(2) or s 90SF(3) (as applicable) or other factors you rely upon for that adjustment. | | | | | |
|  | **Relevant Section 75(2) matters (s 79(4)(e) or s 90SM(4)(e) as applicable)** | | | | |
|  | I am 64 years of age. Debra is 62 years of age. | | | | |
|  | I am unemployed. | | | | |
|  | I have suffered bouts of atrial fibrillation which required a cardioversion procedure to be undertaken. I also suffer from hypertension, hign cholestrol and regular bouts of gout which are debilitating. To combat my health issues, I take medication daily and am also a candidate for a pacemaker.  To the best of my knowledge, Debra is in good health. | | | | |
|  | **Effect of any order on earning capacity (s 79(4)(d) or s  90SM(4)(d) as applicable)** | | | | |
|  | Not applicable. | | | | |
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| Question 8.b. continued | |
|  | **Other orders (s 79(4)(f) or s 90SM(4)(f) as applicable)** |
|  | Not applicable. |
|  |  |
|  |  |
|  |  |
|  | **Child Support (s 79(4)(g) or s 90SM(4)(g) as applicable)** |
|  | Not applicable. |
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| **Part D** | | **Statement of truth** | | | |
| I believe that the facts contained in this Questionnaire are true.  I understand that a Judge of the Court and the other parties in the case will rely on the facts that I have set out in this Questionnaire as being true. | | | | | |
|  |  | |  |  | |
|  |  |  |
|  | Your signature | |  | Place | Date |
|  |  | | | | |
|  | Applicant | | | | |
|  | Respondent | | | | |
|  | Other (specify) | | | | |

Approved by the Chief Executive Officer pursuant to paragraph 6,06(5)(b) of the Rules 0921V1