

This sheet contains instructions provided by the Federal Circuit and Family Court of Australia and should not be filed with this form.

Instructions for completion

Affidavit

1. This form of affidavit may be used in any proceeding, save and except where another form of affidavit is applicable under the:
 - a. *Federal Circuit and Family Court of Australia (Division 1) Rules 2021*;
 - b. *Federal Circuit and Family Court of Australia (Division 2) (Family Law) Rules 2021 (Family Law Rules)*;
 - c. *Federal Circuit and Family Court of Australia (Division 2) (Bankruptcy) Rules 2021*;
 - d. *Federal Circuit and Family Court of Australia (Division 2) (General Federal Law) Rules 2021 (General Federal Law Rules)*.
2. Each paragraph in this affidavit must be numbered.
3. This affidavit must be sworn or affirmed before a person authorised by law to witness the swearing of affidavits; for example, a lawyer, notary public or Justice of the Peace.
4. Each page must be signed by the deponent (the person making the affidavit).
5. Any alteration in the affidavit must be initialled by the deponent and the witness.
6. You must identify the type of proceedings this affidavit is being used for on page 1 of the form.

Family law proceedings

7. Affidavits must comply with the formal requirement for documents (see Rule 2.14 of the Family Law Rules) and the limitations on number and length of affidavits (see Rule 5.08 of the Family Law Rules and the modified rule in the *Federal Circuit and Family Court of Australia (Division 2)(Family Law) Rules 2021* for proceedings in Division 2 of the Court)
8. You must complete address for service details in the footer on page 1. All correspondence concerning the affidavit will be sent to the email or mailing address inserted and all documents in the proceedings will be deemed to have been served on you if emailed or posted to that address. If your address details change, you must file a *Notice of Address for Service* within seven days and serve a copy on all other parties: see Rule 2.25 of the Family Law Rules.
9. If the facts in the affidavit are supported by a document, a copy of the document must be attached to this affidavit. This document is then referred to as an 'annexure'. If there is more than one annexure refer to each by a number or letter; for example – 'Annexure 1' or 'Annexure A'. The annexure should also have page numbers. If there is more than one annexure, the page numbers must run consecutively until the last page of the last annexure. A document annexed or exhibited to an affidavit must be served with the affidavit. See Rule 8.15(4) of the Family Law Rules.
10. Each annexure must include a statement signed by the witness identifying the annexure as the document referred to in this affidavit. The wording of the statement is as follows:

This is the document referred to as [*insert annexure identification*] in the affidavit of [*insert deponent's name*] sworn/affirmed at [*insert place*] on [*insert date*] before me [*witness to sign and provide name and qualification*].

The statement must be signed at the same time as the affidavit and by the same witness.
11. The Court may strike out any material which cannot be used in evidence; for example, if the material is unnecessary, scandalous or contains opinions of persons not qualified to give them. See Rule 8.18 of the Family Law Rules.
12. If the deponent does not have an adequate command of English, a translator must read or give in writing a translation of the affidavit and oath/affirmation in a language which is understood, and must certify in the signing clause that he or she has done so. Use the alternative jurat for the swearing/affirming of the affidavit and the translator's certificate in Part F. See Rule 8.17 of the Family Law Rules.

Remove this instruction sheet before filing

13. Once complete, you need to file the affidavit and any annexures with the Court. It must be filed electronically on the Commonwealth Courts Portal (www.comcourts.gov.au) unless it is not reasonably practicable to do so. You will need to serve a copy on the other party or parties and keep a copy for your records.

Migration and general federal law proceedings

14. Affidavits must comply with the formal requirement for documents (see Rule 4.04 of the General Federal Law Rules).
15. You must complete address for service details in the footer on page 1. All correspondence concerning the affidavit will be sent to the email or mailing address inserted and all documents in the proceedings will be deemed to have been served on you if emailed or posted to that address. If your address details change, you must file a *Notice of Address for Service* within seven days and serve a copy on all other parties: see Rule 6.02 of the General Federal Law Rules.
16. If the facts in the affidavit are supported by a document, a copy of the document must be attached to this affidavit. This document is then referred to as an 'annexure'. If there is more than one annexure refer to each by a number or letter; for example – 'Annexure 1' or 'Annexure A'. The annexure should also have page numbers. If there is more than one annexure, the page numbers must run consecutively until the last page of the last annexure. A document annexed or exhibited to an affidavit must be served with the affidavit. See Rule 15.15 of the General Federal Law Rules.
17. Each annexure must include a statement signed by the witness identifying the annexure as the document referred to in this affidavit. The wording of the statement is as follows:

This is the document referred to as [insert annexure identification] in the affidavit of [insert deponent's name] sworn/affirmed at [insert place] on [insert date] before me [witness to sign and provide name and qualification].

The statement must be signed at the same time as the affidavit and by the same witness.
18. The Court may strike out any material which cannot be used in evidence; for example, if the material is unnecessary, scandalous or contains opinions of persons not qualified to give them. See Rule 15.16 of the General Federal Law Rules.
19. If the deponent does not have an adequate command of English, a translator must read or give in writing a translation of the affidavit and oath/affirmation in a language which is understood, and must certify in the signing clause that he or she has done so. Use the alternative jurat for the swearing/affirming of the affidavit and the translator's certificate in Part F. See Rule 15.14 of the General Federal Law Rules.
20. Once complete, you need to file the affidavit and any annexures with the Court. It must be filed electronically using [eLodgment](#), unless it is not reasonably practicable to do so. You will need to serve a copy on the other party or parties and keep a copy for your records.

Remove this instruction sheet before filing

Affidavit

Family Law Rules 2021 – RULE 8.15
General Federal Law Rules 2021 – RULE 4.04

COURT USE ONLY

Filed in: Tick the first box

- Federal Circuit and Family Court of Australia
 Family Court of Western Australia
 Other (specify) _____

Type of proceedings:

- Family law proceedings **Tick this box**
 Migration proceedings
 General federal law proceedings
 Other (specify) _____

Filed on behalf of:

Full name: **Write your name here** _____

**Choose whether you want to swear (religious oath) or affirm (non-religious oath) your affidavit.
Delete or cross out the other choice.**

Name of person swearing/affirming this affidavit (SEE PART C)

Write your name here _____

Date of swearing/affirming **Write the date** _____

Leave this section blank

Client ID _____

File number _____

Filed at _____

Filed on _____

Court location _____

Court date _____

Part A About the parties

APPLICANT 1

Family name as used now

Write your surname here

Given names

Write your first and middle names here

RESPONDENT 1

Family name as used now

Write your spouse's surname here

Given names

Write your spouse's first and middle names

APPLICANT 2

Family name as used now

Leave blank

Given names

Leave blank

RESPONDENT 2

Family name as used now

Leave blank

Given names

Leave blank

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.

Write your address here

State **Write your state** Postcode **Write your postcode**

Phone **Write your telephone number here**

Lawyer's code **Leave blank**

Email **Write your email address here**

Part B

About the independent children's lawyer (if appointed)

Leave this section blank

Independent children's lawyer family name

Given names

--	--

Firm name

--

Part C

About you (the deponent)

What is your family name used now?

Your given names?

Write your surname here

Write your first and middle names here

Gender Tick the box to show your gender

Male

Female

X

Usual occupation

Write your job title or position

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.

Write your address here

Write your address here	
State Write your state	Postcode Write your postcode

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 Part E is always the last page of the form. You and the witness to your affidavit must sign the bottom of each additional page.

You must explain all the steps you have taken to contact and locate your spouse, including:

1. Details of when you last contacted your spouse, and the circumstances surrounding that contact.
2. Details of your attempts to find your spouse, including:
 - a. contact you made with their close friends and family
 - b. searches you have undertaken, for example, the electoral roll, white pages, Facebook
 - c. any notices you have posted in the newspaper.
3. Your spouse's last known address.
4. Details of your spouse's employment, including any contact you made with their employer.

Sign here

Signature of person making this affidavit (deponent)

Witness signs here

Signature of witness

5. Details of any child support or maintenance arrangements or orders.
6. Any reasons why your spouse cannot be contacted, for example a history of homelessness or domestic violence.
7. The costs of trying to locate your spouse, including the financial difficulties you would experience paying those costs.
8. Any other relevant information.

SAMPLE

Sign here

Signature of person making this affidavit (deponent)

Witness signs here

Signature of witness

Part E Signature

Choose whether you want to swear (religious oath) or affirm (non-religious oath) your affidavit. Delete or cross out the other choice.

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

Sign here
Signature of Deponent

Place **Write the suburb** Date **Write the date**

Witness signs here
Before me (signature of witness)

Write the witness's name here
Full name of witness (please print)

Tick the box to show the witness's qualifications

- Justice of the Peace
 Notary public
 Lawyer

* delete whichever is inapplicable

This affidavit was prepared / settled by deponent/s **Tick this box**
 lawyer

Leave blank

PRINT NAME AND LAWYER'S CODE

Delete this section if you speak English and do not require an interpreter.

Part F Alternative jurat for non-English speaking affidavit

Use this alternative jurat for the swearing/affirming of the affidavit and the translator's certificate. See Rule 8.17 of the Family Law Rules or Rule 15.14 of the General Federal Law Rules.

Interpreter/translator's certification

I certify that I understand the English language and the language, and that I have truly interpreted to the deponent (named in Part C) the contents of this affidavit and the oath or affirmation which was administered.

Signature of interpreter

Date

Cross out one of these words to show whether you are swearing or affirming your affidavit.

Sworn*/affirmed* by the deponent through the interpretation of:

Interpreter's full name

Address

Language

Signature of Deponent

Place

Date

Before me (signature of witness)

Full name of witness (please print)

Tick the box to show the witness's qualifications

- Justice of the Peace
 Notary public
 Lawyer

* delete whichever is inapplicable

This affidavit was prepared / settled by deponent/s **Tick this box**
 lawyer

PRINT NAME AND LAWYER'S CODE