

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 (Family Law) 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.
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.

Remove this instruction sheet before filing

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: [Check first box](#)

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

Type of proceedings:

- Family law proceedings
 Migration proceedings
 General federal law proceedings [Check this box](#)
 Other (specify) _____

Filed on behalf of: [Write your name here](#)

Full name: _____

Client ID _____

File number _____

Filed at [Leave this section blank](#)

Filed on _____

Court location _____

Court date _____

Name of person swearing/affirming this affidavit (SEE PART C) [Write your name here](#)

Date of swearing/affirming ____ / ____ / ____ [Write the date you sign your affidavit here](#)

Part A About the parties

APPLICANT 1

Family name (as used now)/Title/Organisation

[Write your surname here](#)

Given names (as required)

[Write your first and middle names here](#)

RESPONDENT 1

Family name (as used now)/Title/Organisation

[Write your employers surname here](#)

Given names (as required)

[Write your employers name here](#)

APPLICANT 2

Family name (as used now)/Title/Organisation

[Leave blank](#)

Given names (as required)

[Leave blank](#)

RESPONDENT 2

Family name (as used now)/Title/Organisation

[Leave blank](#)

Given names (as required)

[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 postal address here](#)

[Write your state and postcode](#) State 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)

Independent children's lawyer family name Given names [Leave this section blank](#)

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Firm name

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Part C About you (the deponent)

Family name (as used now)/Title/Organisation Given names

Write your surname here	Write your first and middle names here
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Gender [Check the box to show your gender](#)

Male Female X

Usual occupation (if applicable)

[Write your job title or position here](#)

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 postal address here		
<hr/>		
Write your state and postcode	State	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 the signature (Part E or F) is always the last page of the form. You and the witness to your affidavit must sign the bottom of each additional page.

1. [Write your evidence here](#)

Signature of person making this affidavit (deponent)

Signature of witness

Part E Signature

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

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

Signature of Deponent [Sign here](#)

[Write the suburb and date here](#)

Place _____ Date / /

[Witness signs here](#)

Before me (signature of witness)

[Write the full name of the witness here](#)

Full name of witness (please print)

Justice of the Peace

[Tick the box to show the witness's qualifications](#)

Notary public

Lawyer

* delete whichever is inapplicable

This affidavit was prepared / settled by deponent/s

[Check first box](#)

lawyer

[Leave blank](#)

PRINT NAME AND LAWYER'S CODE

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.

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

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)

- Justice of the Peace Check the box to show the witness's qualifications
 Notary public
 Lawyer

* delete whichever is inapplicable

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

PRINT NAME AND LAWYER'S CODE