

## 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.
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](http://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 middles names here**

### RESPONDENT 1

Family name as used now

**Write your spouse's surname here, if you are making a sole application**

Given names

**Write your spouse's first and middle names, if you are making a sole application**

### APPLICANT 2

Family name as used now

**Write your spouse's surname here, if you are making a joint application**

Given names

**Write your spouse's surname here if you are making a joint application**

### 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

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Firm name

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## 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.

#### Introduction

1. State whether you are the Applicant or Respondent.
2. State your date of birth and current age. If you were born overseas, state your place of birth, the date you moved to Australia, and your current immigration status, for example, Australian citizen.
3. State your spouse's date of birth and current age.
4. State when you and your spouse began living together and when you were married.
5. State your date of separation.
6. List the names and birthdays of any children of the marriage.

Sign here

Signature of person making this affidavit (deponent)

Witness signs here

Signature of witness

7. State when you stopped living together and where each party is currently living, if applicable. State where your children are currently living, if applicable.

**Counselling Certificate**

8. Explain why you have not filed a counselling certificate.

**Other matters**

9. Provide the details of any ongoing cases about domestic violence, abuse in relation to a child, or child welfare issues.
10. Provide the details of any Apprehended Domestic Violence Orders that have been made and annex a copy of all orders. If anyone was charged, state the relevant offences.
11. Provide the details of any ongoing cases or orders about property, maintenance or parenting.

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