

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) 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.

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Affidavit

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

COURT USE ONLY

Filed in:

- 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
 Other (specify)

Filed on behalf of:

Full name: Amrita Chandran

Client ID _____

File number _____

Filed at _____

Filed on _____

Court location _____

Court date _____

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

Date of swearing/affirming 24 / 02 / 20XX

Part A About the parties

APPLICANT 1

Family name as used now

Chandran

Given names

Amrita

RESPONDENT 1

Family name as used now

Chandran

Given names

Kunal

APPLICANT 2

Family name as used now

Given names

RESPONDENT 2

Family name as used now

Given names

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.

37 Applicant Street, Epping

State NSW

Postcode 2121

Phone 04X XXX XXXX

Lawyer's code _____

Email Amrita.Chandran@email.com.au

Part B About the independent children's lawyer (if appointed)

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?

Chandran

Amrita

Gender

Male

Female

X

Usual occupation

Real Estate Agent

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.

37 Applicant Street, Epping

State NSW

Postcode 2121

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. I am the Applicant.
2. I was born on 16 December 1992 and am currently X years old.
3. Kunal was born on 7 October 1988 and is currently X years old.
4. Kunal and I commenced living together in January 20XX and married on 27 November 20XX.
5. Kunal and I separated on 19 March 20XX. We had been married for less than 4 months.
6. On the date of our separation, I moved back in with my parents in Epping.
7. Kunal has continued to reside in the unit we rented together.

Amrita Chandran

Signature of person making this affidavit (deponent)

Lisa Witness

Signature of witness

Domestic Violence

8. On the morning of 19 March 20XX, Kunal yelled at me and threatened to punched me in the face during an argument.
9. I made a report to the Police and they applied for an Apprehended Domestic Violence Order (ADVO) against Kunal. The matter was listed for first mention on 2 April 20XX at Parramatta Local Court and Kunal consented without admissions. A final ADVO was made for my protection with the standard orders, a non-contact order and a 100 meter restriction from my home. A copy of the Final ADVO dated 2 April 20XX is attached at **Annexure A**.
10. On 19 March 20XX I moved out of our rented unit back in with my parents in Epping. I have not spoken to Kunal since our separation. All contact between us is through his solicitor.
11. On 10 April 20XX, I travelled to Crows Nest to collect some of my belongings. Kunal was not home at the time. This was organised through Kunal's solicitors.
12. I have not organised to attend counselling with Kunal because I am concerned that he will act out towards me, or try to hit me.

Amrita Chandran

Signature of person making this affidavit (deponent)

Lisa Witness

Signature of witness

Part E Signature

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

Amrita Chandran
Signature of Deponent

Place Epping

Date 24/02/20XX

Lisa Witness

Before me (signature of witness)

Lisa Witness
Full name of witness (please print)

- Justice of the Peace
 Notary public
 Lawyer

* delete whichever is inapplicable

This affidavit was prepared / settled by deponent/s
 lawyer

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.

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 / /

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
- Notary public
- Lawyer

* delete whichever is inapplicable

This affidavit was prepared / settled by deponent/s
 lawyer

PRINT NAME AND LAWYER'S CODE

Annexure A

This is the document referred to as Annexure A in the affidavit of Amrita Chandran, sworn/affirmed at Epping on 24 February 20XX before me Lisa Witnesses, Justice of the Peace.

Lisa Witness

.....

Witness

SAMPLE

**FINAL APPREHENDED DOMESTIC
VIOLENCE ORDER – Kunal Chandran**
Crimes (Domestic and Personal Violence) Act 2007

Kunal Chandran you must follow the orders below. It is a criminal offence not to follow these orders. You could be arrested by police and charged. If you are convicted, you could go to prison for up to 2 years and be fined up to \$5,500.

You could also be charged with other criminal offences. If you are convicted of these offences, you could receive a much higher penalty.

You must follow these orders until 2 April 20XX.

The Orders have been made to protect Amrita Chandran.

You must follow these orders even if Amrita Chandran doesn't want you to or tells you that you don't need to. If you attempt to do any of the things below, it will still be a criminal offence called a breach.

Orders about behaviour

1. You must not do any of the following to Amrita Chandran, or anyone they have a domestic relationship with:
 - a) assault or threaten them,
 - b) stalk, harass or intimidate them, and
 - c) intentionally or recklessly destroy or damage any property of harm an animal that belongs to or is in the possession of Amrita Chandran.

For example:

- You must not do any of these things in person, through another person, or through electronic communication and devices (for example, by phone, text messages, emails, Facebook or other social media, or GPS tracking).
- You must not do or say anything that may make Amrita Chandran feel frightened, or feel that you may harm them or damage their belongings in any way, including any jointly owned property and pets.

Orders about family law and parenting

6. You must not approach Amrita Chandran or contact her in any way, unless the contact is:
 - a) through a lawyer, or
 - b) to attend accredited or court-approved counselling, mediation and/or conciliation, or
 - c) as ordered by this or another court about contact with child/ren, or
 - d) as agreed in writing between you and the parent(s) about contact with child/ren,

For example:

- You must not approach or contact Amrita Chandran in person or through electronic communication (for example, by phone, text messages, emails, or Facebook or other social media) or by any other means, including by asking someone else to contact them.
- If Amrita Chandran contacts you and you reply, no matter how many times they contact you or the reason for doing it, you will be breaching this order.
- If you have a family law order or any other court order relating to the care of your child/ren, you should contact a lawyer if you are in any doubt about what you can and cannot do.

For (b): For family law matters, accredited means accredited under the *Family Law Act 1975*.

Orders about where you cannot go

- 9 You must not go within 100 metres of:
- any place where Amrita Chandran lives, or
 - any place where they work, or
 - any place listed here 37 Applicant Street, EPPING NSW 2121.

For example:

- You are not allowed to go within 100 metres of the boundary of those places.
- If you have been living at this address and need to pick up any of your belongings, you can apply to the court for a Property Recovery Order or you can contact police.

Most relationships do not include fear, control or violence. You are now part of a minority of people who has one of these orders, and this is recorded on the NSW Police system.

When children are exposed to violence in the home, they are much more likely to suffer from depression, anxiety and aggression, and they do worse at school.

Many people take this as a turning point.

If you would like to talk to someone about managing your emotions or stresses, help is available. Call:


- Men's Referral Service on 1300 766 491
- Relationships Australia on 1300 364 277
- The Parent Line on 1300 1300 52.

If you breach this order:

- You could go to prison for up to 2 years and be fined up to \$5,500.
- You could be charged with other criminal offences (for example, assault or intimidation), as well as the breach of this order. If convicted of these offences, you could receive a higher penalty, such as more time in prison.

Immediately take all firearms and prohibited weapons, along with related licences and permits you have to the police. If you keep any of these, you could be in breach of this order and could also be charged with other criminal offences.

If you have any questions about the order, you can contact:

- a solicitor
- Legal Aid NSW on (02) 9219 5000
- Local Police Station and ask for the Domestic Violence Liaison Officer (if you are the protected person)
- LawAccess NSW on 1300 888 529 or www.lawaccess.nsw.gov.au
- Interpreting Services on 131 450 or www.tisnational.gov.au. 

Defendant:	Kunal Chandran, 7 October 1988, CNI 1234567
To protect:	Amrita Chandran, 16 December 1992, CNI 2345678
Relationship to Defendant:	The protected person is or has been in a relationship (married, de factor or intimate) with the defendant.
Case number and Court:	20XX/00001224, Parramatta Local Court
Local Area Command Address:	Parramatta Police Station
Fax Number:	02 99999999
Name of issuing Police Officer:	Owens, Philip
Order Date and Time:	19 March 20XX, 09.29
Applicant:	Senior Constable Owen Watts
Police Application ID:	12345678
Police Application Event Number:	654321

SAMPLE