

Instructions for completion (remove before filing)

Affidavit – General Federal Law and Migration proceedings

1. This affidavit form should be used for any proceeding which is subject to the:
 - a. *Federal Circuit and Family Court of Australia (Division 2) (General Federal Law) Rules 2021 (the Rules)*; or
 - b. *Federal Circuit and Family Court of Australia (Division 2) (Bankruptcy) Rules 2021*.You must identify the type of proceedings this affidavit is being used for on page 1 of the form.
2. Affidavits must comply with the formal requirement for documents (rr 2.01, 15.12 and 15.13 of the Rules).
3. Each paragraph in this affidavit must be numbered (r 15.12 of the Rules).
4. 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.
5. Each page must be signed by the deponent (the person making the affidavit) (r 15.13(1) of the Rules) and the witness.
6. Any handwritten alteration to the affidavit must be initialled by the deponent and the witness (r 15.13(3) of the Rules).
7. If you are relying on a document to support anything in your affidavit, you must attach a copy of the document as an annexure to the affidavit.
8. You must complete:
 - a. your address for service on the footer of page 1. In the event that the address for service is not the same as the address for service provided in your originating application/response, or the most recent Notice of Address for Service filed for you, the address contained in that other document will take precedence (r 6.01 and 6.02 of the Rules);
 - b. the details in Part D specifying by whom the affidavit was prepared. This must be completed even if the affidavit was prepared by you, the witness or any other person.
9. If there is more than one annexure, you must refer to each by a number or letter, for example 'Annexure 1' or 'Exhibit 1', 'Annexure A' or 'Exhibit A'.
10. An annexure should also have page numbers. If there is more than one annexure, the page numbers must run consecutively from the beginning of the affidavit until the last page of the last annexure (r 15.15(4) of the Rules).
11. A document annexed or exhibited to an affidavit must be served with an affidavit (r 15.15(6) of the Rules).
12. Each annexure or exhibit 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. (rr 15.15(3)(b) or 15.15(5)(c) of the Rules)
13. 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 (r 15.16 of the Rules).
14. If the deponent does not understand English, a translator must read or give in writing a translation of the affidavit and the oath/affirmation in a language which is understood, and must certify in the signing clause that they have done so. **Part E** of this form must be used. (r 15.14(3) of the Rules)
15. Once complete, an affidavit and its annexures must be filed as one document with the Court using [eLodgment](#), or if unable to be electronically filed, filed in-person.
16. You will need to serve a copy of the affidavit and any annexures or exhibits on all other parties (rr 6.03, 6.11 and 6.12 of the Rules). You should keep a copy for your records.
17. If your affidavit does not comply with these instructions, the affidavit may not be read into evidence in the proceedings.

Remove this instruction sheet before filing

Affidavit – General Federal Law and Migration proceedings

Federal Circuit and Family Court of Australia (Division 2) (General Federal Law) Rules 2021 – **Division 15.3**
Federal Circuit and Family Court of Australia (Division 2) (Bankruptcy) Rules 2021

Filed in:

Federal Circuit and Family Court of Australia

Type of proceedings:

- Migration proceedings
- Bankruptcy proceedings
- Fair Work proceedings
- Other (specify) _____

Filed on behalf of:

Full name: _____

Client ID _____

File number _____

Filed at _____

Filed on _____

Court location _____

Court date _____

Name of person swearing/affirming this affidavit:

Date of swearing/affirming ____ / ____ / ____

Part A About the parties

APPLICANT 1

Family name (as used now)/Title/Organisation

Given names (as required)

APPLICANT 2

Family name (as used now)/Title/Organisation

Given names (as required)

RESPONDENT 1

Family name (as used now)/Title/Organisation

Given names (as required)

RESPONDENT 2

Family name (as used now)/Title/Organisation

Given names (as required)

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.

.....

State Postcode

.....

Phone

.....

Lawyer's code

.....

Email

Part B About you (the deponent)

Family name (as used now)/Title/Organisation

Given names

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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.

	State
	Postcode

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

1. I [name address and occupation] say on oath [*or] affirm:

I am the [role of party e.g. Applicant/Respondent] [*or] I am the [position of officer e.g. director] of the [role of party e.g. Applicant/Respondent] and I am authorised to make this affidavit on the [role of party e.g. Applicant/Respondent]'s behalf [*or] I am [capacity in which you are giving evidence as a witness].

2.

3.

Signature of person making this affidavit (deponent)

Signature of witness

Part D Signature

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

Signature of Deponent

Place

Date / /

Before me (signature of witness)

Full name of witness (please print)

- Justice of the Peace
- Notary public
- Lawyer
- Other authorised person (specify)

* delete whichever is inapplicable

This affidavit was prepared / settled by deponent/s
 lawyer

PRINT NAME AND LAWYER'S CODE

Part E

Alternative jurat for non-English speaking affidavit

Use this alternative jurat for the swearing/affirming of the affidavit and the interpreter/translator's certificate. See r 15.14 of the 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 B) 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
 Other authorised person (specify)

* delete whichever is inapplicable

This affidavit was prepared / settled by deponent/s
 lawyer

PRINT NAME AND LAWYER'S CODE

