

# Instructions for completion

## AFFIDAVIT

1. This form of affidavit may be used in any proceeding where no other form of affidavit is applicable under the *Federal Magistrates Court Rules 2001* (the 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 complete address for service details in the footer on page 1. All correspondence concerning the affidavit will be sent to the mailing address inserted and all documents in the proceedings will be deemed to have been served on you if 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.
7. 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. If it is impractical to annex a document, it may be separately identified as an exhibit; see Rule 15.28.
8. 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.
9. The Court may strike out any material which cannot be used in evidence; for example, if it is unnecessary, scandalous or contains opinions of persons not qualified to give them. See Rule 15.29.
10. 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.
11. Once complete, you need to file the original and a copy of this affidavit for each party to the matter with the court registry. The Court will keep the original and return the copies to you. 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**

**IN THE FEDERAL MAGISTRATES COURT  
OF AUSTRALIA  
REGISTRY: .....**

File number: .....
<b>COURT USE ONLY</b>
Court Location
Court date
Court time

.....  
Applicant

.....  
Respondent

.....  
Other party (if applicable)

*Repeat as necessary for additional parties*

**AFFIDAVIT**

**Name of deponent:** .....

**Date sworn / affirmed:** ...../...../.....

I, (full name) ..... of (address, including State or Territory) ..... and (occupation) ..... make oath and say / affirm:

- 1.
- 2.

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Filed on behalf of \_\_\_\_\_  
 Prepared by \_\_\_\_\_ Lawyer's code \_\_\_\_\_  
 Name of law firm \_\_\_\_\_  
 Address for service in Australia \_\_\_\_\_  
 \_\_\_\_\_ State \_\_\_\_\_ Postcode \_\_\_\_\_  
 Email \_\_\_\_\_ DX \_\_\_\_\_  
 Tel \_\_\_\_\_ Fax \_\_\_\_\_ Attention \_\_\_\_\_

Sworn / Affirmed by the deponent

at (place) .....

on (date) ...../...../.....

-----  
Signature of deponent

Before me:

-----  
Signature of witness

Full name of witness: .....

Qualification of witness: .....

**[Alternative jurat for non-English speaking affidavit]**

Sworn / Affirmed by the deponent through the interpretation of (name of interpreter) ..... of (address of interpreter) ....., (description of interpreter) ....., the interpreter having first sworn that he / she had truly interpreted the contents of this affidavit to the deponent and that he or she would truly interpret to (name of deponent) ..... the oath about to be administered to him / her.

at (place) .....

on (date) ...../...../.....

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Signature of deponent

Before me:

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Signature of witness

Full name of witness: .....

Qualification of witness: .....

I (name of interpreter) ..... certify that I understand the English language and the (name of language used) ..... language, and that I have truly interpreted to the deponent the contents of this affidavit and the oath or affirmation which was administered.

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Signature of the interpreter (print name) .....

Date: ...../...../.....