Form 59

Rule 29.02(1)

Affidavit

No.       of 20

Federal Court of Australia

District Registry: [State]

Division: [Division]

**[Name of First Applicant]** [if 2 or more add "and another" or "and others"]

Applicant[s]

**[Name of First Respondent]** [if 2 or more add "and another" or "and others"]

Respondent[s]

Affidavit of: **[deponent's name]**

Address: [deponent's address]

Occupation: [deponent's occupation]

Date: [date affidavit sworn/affirmed]

[\*Insert table of contents if affidavit (including annexures) exceeds 10 pages]**Contents**

| **Document number** | **Details** | **Paragraph** | **Page** |
| --- | --- | --- | --- |
| 1 | Affidavit of [deponent] in support of [application] for [insert details] [sworn/affirmed] on [date] |  |  |
| 2 | Annexure “[AB1]”, being copy of [brief description] |  |  |
| 3 | Annexure “[AB2]”, being copy of [brief description] |  |  |

I [name address and occupation] [\*either]say on oath [\*or]affirm:

1. [\*]I am the [role of party eg Respondent] [\*or]I am the [position of officer eg director] of the [role of party eg Respondent] and I am authorised to make this affidavit on the [role of party eg Respondent]’s behalf. [\*or]I am a witness.
2. [State which answers are true based on your own knowledge and which are true to the best of your knowledge, information and belief based on your inquiries of relevant persons].

**[Insert headings to identify subject matter in paragraph(s).]**



|  |  |  |
| --- | --- | --- |
| Sworn / Affirmed by the deponent  at [place]  in [State or Territory]  on [date]  Before me: | )  )  )  )  ) |  |
| Signature of deponent |
|  |  |  |

Signature of witness

[Name and qualification of witness]

[\* Delete if inapplicable]

**Instructions for completing affidavits**

**[These instructions do not form part of the affidavit and MUST BE DELETED before the affidavit is sworn or affirmed]**

1. Each page of the affidavit (but not any annexure) must be signed by the deponent (other than a deponent who is unable to sign because of a physical disability) and the person before whom it is sworn (r29.02(7)).
2. An affidavit must be made in the first person (r 29.02(1)).
3. An affidavit must be divided into numbered paragraphs, each dealing with a separate subject, to the extent practicable (r29.02(3)).
4. If facts in the affidavit are supported by a document, annex a copy of the document to the affidavit, unless the document is an original or is of such dimensions that it cannot be annexed (r29.02(4)), in which case, it must be exhibited (r29.02(5)).
5. Each page of the affidavit, including any annexure, must be consecutively numbered starting with page 1 (r29.02(6)).
6. Attach a certificate to the first page of each annexure and exhibit. The certificate must be entitled in the same manner as the affidavit and identified by the deponent’s initials followed by a number, starting with 1 (r29.02(8)). For example, the first annexure of an affidavit of James William Green would be identified as “JWG1”. The second annexure would be “JWG2” and the first exhibit to that affidavit would be “JWG3”. No subsequent annexure or exhibit in any later affidavit sworn by the same deponent may duplicate the number of a previous annexure or exhibit (r29.02(10)).
7. Each exhibit to an affidavit must be signed on the first page of the exhibit by the person before whom the affidavit is sworn (r29.02(11).
8. The deponent must swear or affirm the affidavit before a person authorised by law to witness the swearing of affidavits (‘witness’). Persons authorised to witness an affidavit in Federal Court proceedings are a Judge of the Court; the Chief Executive Officer and Principal Registrar; a Registrar; a District Registrar; a Deputy District Registrar authorised under s 44 of the *Federal Court of Australia Act*; a member of staff of the Federal Court authorised under s 44 of the *Federal Court of Australia Act*; a justice of the peace; a commissioner for affidavits; a commissioner for declarations; any other person who is authorised to administer oaths for the purposes of the Federal Court or the High Court or the Supreme Court of a State or Territory (includes lawyer with a current practising certificate).
9. Serve copies of all documents exhibited or annexed to an affidavit with the affidavit. (r29.05).
10. If the deponent is illiterate, see rules 29.04(1) & (5)). If the deponent is blind, see rules 29.04(2), (3) & (5)). If the deponent is incapable of signing the affidavit because of a physical disability, see rules 29.04(4) & (5)).