



FAMILY COURT OF WESTERN AUSTRALIA

PRACTICE DIRECTION

(No. 1 of 2018)

ATTACHMENT OF DOCUMENTS TO AFFIDAVITS

Preamble

Amendments to the Family Law Rules 2004 (Cth) pursuant to the Family Law Amendment (2018 Measures No. 1) Rules 2018 (Cth) came into effect on 1 March 2018. Those amendments, dealing with attachments to affidavits, amend r 15.08 and repeal r 15.12.

Practice Direction

1. The amendments effected by the Family Law Amendment (2018 Measures No. 1) Rules 2018 (Cth) to r 15.08 of the Family Law Rules 2004 (Cth) are not adopted into practice in Western Australia.
2. If documents are sought to be used in conjunction with an affidavit in support of an application for an interim or procedural order:
 - (a) no more than five documents are to be attached to an affidavit of a party; and
 - (b) no more than two documents are to be attached to an affidavit of a witness.
3. If documents are sought to be used in conjunction with an affidavit to be relied upon at trial:
 - (a) no more than 15 documents are to be attached to the affidavit of a party; and
 - (b) no more than five documents are to be attached to an affidavit of a witness.
4. If a party seeks to rely at the hearing/trial on more documents than the number prescribed above:
 - (a) each additional document must be identified in, but not attached to, the affidavit; and
 - (b) if the document is in the possession of the party on whose behalf the affidavit is filed, a copy must be served at the same time as the affidavit is served.
5. Applications to rely on more documents than the number prescribed above will only be considered at the hearing/trial and only if there has been compliance with this Practice Direction.

6. All pages of affidavits must be numbered consecutively, beginning with the first page of the affidavit and concluding with the last page of any document/s attached.
7. All references in this Practice Direction to documents being attached to an affidavit are to be taken as including documents being annexed to an affidavit or filed as an exhibit to an affidavit.
8. This Practice Direction:
 - (a) is subject to any order to the contrary; and
 - (b) comes into effect on 2 July 2018.

STEPHEN THACKRAY
CHIEF JUDGE
FAMILY COURT OF WESTERN AUSTRALIA
24 May 2018