



Quiz

How to draft an Affidavit

1. Which of the following is NOT a principle contained in section 69ZN of the *Family Law Act 1975* in relation to child related proceedings?
 - a. The court must consider the needs of the child concerned and the impact that the proceedings may have on the child
 - b. The court is to actively direct, control and manage the conduct of the proceedings
 - c. The proceedings must be conducted without undue delay and with as little formality and legal technicality and form as possible
 - d. None. All of the above are principles contained in section 69ZN of the *Family Law Act 1975*
2. Which of the following rules of evidence does not apply to parenting matters?
 - a. Relevance
 - b. Opinion Evidence
 - c. Hearsay
 - d. All of the above
3. What was the decision in the matter of *Huffman & Gorman (No. 2)* [2014] FamCA 1077?
 - a. Recordings were admissible in court as they directly refuted evidence given by one of the parties
 - b. Opinion evidence was admissible in court as it was provided by a person who had significant experience of and time spent with the person they were claiming a medical diagnosis of

- c. Hearsay evidence was admissible as it was directly relevant to the facts in issue
 - d. An affidavit submitted was exempt from the 10 page rule as there was particular circumstances where more information was required in relation to a family violence allegation
- 4. Which of the following is not considered to be good practice in drafting affidavits?
 - a. Indirect speech
 - b. Consistent grammar, words and phrases
 - c. Limiting emotive language
 - d. Both A and C
- 5. What can be taken from the case of *Drew & Jensen* [2017] FCCA 656?
 - a. It is important to not to neglect to disclose negative aspects of a client's circumstances when drafting an affidavit
 - b. It is imperative to draft an affidavit chronologically so that the judge is able to follow the affidavit clearly
 - c. Evidence that is not specific in relation to family violence is still relevant as it can go towards a fact in issue and directly or indirectly effect a decision that is made
 - d. Hearsay evidence should never be included in an affidavit where you could otherwise annex the document containing the correspondence to the affidavit

Answers:

1. D 2. C 3. A 4. A 5. A