

# Application - Contempt

Family Law Rules ~ RULE 21.02

Please type or print clearly and mark [X] all boxes that apply. Attach extra pages if you need more space to answer any questions.

Filed in:

- Family Court of Australia  
 Family Court of Western Australia  
 Federal Circuit Court of Australia  
 Other (specify) \_\_\_\_\_

Filed on behalf of:

Full name: \_\_\_\_\_

This form is used to apply for a person to be punished for contempt of court.

Client ID \_\_\_\_\_

File number  
\_\_\_\_\_

Filed at

Filed on

Location

Court date \_\_\_\_\_

Time \_\_\_\_\_

You should only make an application alleging contempt if the respondent's behaviour involved a flagrant challenge to the authority of the Court or a serious disregard of the respondent's obligations under an order.

## Part A Notice to the respondent to this application

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TO

FAMILY NAME

GIVEN NAMES

Address

State

Postcode

This application asks that you be punished for contempt of court.

You must attend the hearing on the Court date shown above. If you do not attend:

- a warrant may be issued for your arrest, or
- the hearing may proceed; and
- a sanction or penalty may be imposed in your absence.

For the sanction or penalty that can be imposed if you are found guilty of contempt of court see page 3.

## Part B About the applicant

- 2 Family name as used now Given names

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- 3 Contact address (address for service) in Australia. If you give a lawyer's address, include the name of the law firm.

	State	Postcode
Phone	Fax *	
DX		
Lawyer's code		
Email *		

\* Please do not include email or fax addresses unless you are willing to receive documents from the Court and other parties in that way.

## Part C Details of the alleged contempt

- You must set out the details of the act or omission that you allege amounts to a contempt of court. If you allege more than one contempt of court you must set out details for each contempt in a separate paragraph on an extra page or pages in accordance with Item 4.
- If the alleged contempt relates to an order or an undertaking, you must attach a copy of the order or undertaking.

- 4 State precisely what the respondent did or did not do which you allege amounts to a contempt of court, including the date, time and place, if applicable. See the example below.

Do not set out the evidence upon which you rely to prove the alleged contempt. This must be set out in an affidavit filed with this form (see Rule 21.02(2)).

Date Time Place

/ /
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Statement of the alleged contempt


### Example

Date Time Place

29/03/04	10 am	18 Main St, Mainville
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Statement of the alleged contempt

The respondent withdrew the amount of \$400,000 from his account at the Commonwealth Bank at Mainville in deliberate breach of the injunction made on 1 February 2012.
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## Part D Affidavit of applicant

**PLEASE DO NOT COMPLETE THIS PART OF THE FORM UNTIL YOU ARE WITH A PERSON WHO IS LEGALLY ABLE TO WITNESS YOUR SIGNATURE.**

You must complete the following affidavit. You must sign it in the presence of a Justice of the Peace, notary public, or lawyer. The person witnessing the affidavit will fill in the place and date.

I swear\* /affirm\* that:

- I am the applicant
- I have read this Application
- The facts of which I have personal knowledge are true
- All other facts are true to the best of my knowledge, information and belief.

Signature of Applicant

Place Date / /

Before me (signature of witness)

Full name of witness (please print)

- Justice of the Peace
- Notary public
- Lawyer

\* delete whichever is inapplicable

This application was prepared by  applicant/s  lawyer

PRINT NAME AND LAWYER'S CODE

### Important Notices to the Respondent/s

**You should seek legal advice about this application.**

If you are found guilty of contempt of court the Court may:

- require you to enter into a bond;
- fine you;
- imprison you.