



AUSTRALIAN CAPITAL TERRITORY

ACT MAGISTRATES COURT

Annexure H to
Practice Direction Civil 3
2 October 2020

WITNESS STATEMENT

This template provides guidance for the development of witness statements for use in proceedings before the Fair Work jurisdiction of the ACT Magistrates Court

File Number:

Applicant/s Name:

Respondent/s Name:

Name and contact details of the person making this Witness Statement:

Name of witness:

Occupation/Employer:

Address:

Preferred phone number:

Alternate phone number:

Email:

The witness states:

(see the tips and example witness statement over the page)

- 1.
- 2.
- 3.
- 4.

This statement made by me accurately sets out the evidence that I would be prepared, if necessary, to give in the Magistrates Court as a witness. The statement is true to the best of my knowledge and belief.

Signature:

Name:

Date:

Tips when writing your Witness Statement

1. Remember to number each paragraph in your Witness Statement. Try to put one fact in each numbered paragraph. Start by saying who you are, your occupation, your address (it can be your work address) and what your involvement in the case is.
2. Set out the things that you know, in chronological order. You should include things that you saw, heard or did.
3. Include relevant dates, or if you are not sure about when something happened, you can give a date range or say “on or about” a date.
4. If you want to write down what someone said to you or things you said to someone else, use quotation marks. If you cannot remember exactly what was said but you remember the general idea of what was said, you can say he/she said words to the effect “.....”.
5. Whenever possible, attach a document that is evidence of what you say. An example of a document you may attach to your Witness Statement is a document that you prepared and sent or a document you received, read and acted on.
6. When you talk about a document in a Witness Statement, you should attach a copy of that document to the end of the statement. You can label the document with a letter or number, such as “A”, “B”, “C” etc or “1”, “2”, “3” etc.
7. Make sure you sign and date your Witness Statement.
8. Remember, you may need Witness Statements from different people to prove different facts in your case.

Example Witness Statement

1. My name is John Smith and my address is 22 Ross Street in Gungahlin, in the Australian Capital Territory. I am the applicant in these proceedings.
2. On 5 July 2019 I began employment with Plants, Plants and More Plants at 54 Koala Street, in Pialligo as a casual retail assistant.
3. I was hired by the owner, Sam Plant. We agreed I would be paid monthly. It was agreed my rate would be \$28 per hour. Annexed and attached to this statement marked “A” is a copy of the last pay slip I received which shows my hourly rate.
4. I worked 10 shifts of 3 hours each between 5 July 2019 and 20 November 2019.
5. On 21 November 2019, I handed in my notice.
6. I have not received payment for the final 3 shifts I undertook on 20 October 2019, 12 November 2019 and 20 November 2019. I believe I am owed \$252.00.
7. I have written a number of letters to Mr Plant seeking payment. To date, I have not received a response. Annexed and attached to this statement marked “B” is a copy of the letters dated 30 November 2019, 14 December 2019 and 2 February 2020 that I have sent to Mr Plant.
8. I have not had any other communication with Mr Plant.

9. At the time of writing this statement, my outstanding wages had not been paid to me.

This statement made by me accurately sets out the evidence that I would be prepared, if necessary, to give in the Tribunal as a witness. The statement is true to the best of my knowledge and belief.