



PREPARING AN AFFIDAVIT

This fact sheet outlines how to prepare an affidavit for matters before the Industrial Court of Queensland (Court), Queensland Industrial Relations Commission (Commission) and the Industrial Registrar via a **Form 20 - Affidavit**, which is downloadable from the forms page on the www.qirc.qld.gov.au.

What is an affidavit?

An affidavit is a written statement of evidence that is sworn on oath or affirmed before an **authorised witness** (in person or electronically). There are important steps to follow to ensure the document is made lawfully and accurately.

The person making the affidavit is known as the **deponent** (or **signatory**). By signing an affidavit, the person confirms that the contents are true and correct to the best of their knowledge and belief.

If required by the Court, Commission or Industrial Registrar, the person making the affidavit must appear to give evidence or for cross-examination¹.

Drafting an affidavit

When drafting your affidavit, be sure to:

- use only the approved form (**Form 20**), should the content go over one page, use an approved **Affidavit – Continuation page**;
- include only facts that are relevant to the matter;
- include only facts within your own knowledge unless you clearly identify information that is based on information and belief. If you include information based on information and belief, you should identify the source of that information and explain why you believe it to be true;
- write in clear, simple language;
- write in the first-person using words such as "I", "me" and "my";
- use numbered paragraphs;
- include one fact or topic per paragraph, where possible;
- present events in a logical order, such as chronological order;
- do not include opinions, arguments, assumptions or speculation; and
- sign and date the affidavit correctly, before an authorised person (see below for further information).

The deponent does not have to give a residential address if they are concerned about their safety. They may give another address at which they are satisfied they will receive documents, for example, a business address.

¹ See rule 50 of the *Industrial Relations (Tribunals) Rules 2011*

Should the affidavit contain scandalous or oppressive matter, the Court, Commission or Industrial Registrar may remove or strike out that material.

The Industrial Registry cannot provide legal advice. If you are unsure about your legal rights or what evidence to include in your affidavit, you should seek independent legal advice. Knowingly making a false statement in an affidavit is a serious matter and can be considered a criminal offence.

Exhibits to an affidavit

If you refer to documents throughout your affidavit that support your evidence, you may attach them as exhibits. These may be documents such as contracts of employment, correspondence, photographs, medical certificates, reports etc.

Each exhibit should be clearly identified through the content of the affidavit by using a sequential, identifying number. For example, a simple way is by using the initials of the person making the affidavit followed by a number e.g. if a person's name is John Smith, they may choose to name their exhibits JS1, JS2 etc. Each exhibit must also be accompanied by a certificate in the approved form (**Form 21 – Certificate of exhibit to affidavit**) which is required to be signed and witnessed by the same authorised person².

Signing an affidavit and having it witnessed

An affidavit must be sworn or affirmed in the presence of an authorised witness. An oath is a religious declaration that the contents of the affidavit are true and correct, while an affirmation is a non-religious declaration to the same effect. Ensure you have ticked or selected whether the affidavit is sworn or affirmed. An affidavit may be sworn or affirmed in person or, where permitted by law, remotely using approved electronic witnessing processes. The deponent and the authorised witness must sign each page of the affidavit. Any handwritten amendments must be initialled by both the deponent and the authorised witness.

Examples of an authorised witnesses include a Justice of the Peace (JP), a Commissioner for Declarations (C.dec), or a lawyer³. [Find a JP or Cdec](#)

If signing electronically, you will need to participate in an online meeting with a **special witness**. A special witness is an authorised witness permitted to oversee the signing of documents via a remote audiovisual line or electronic methods.

Substitute Signatory

If you are not able to physically sign the document yourself, or have difficulties in applying an electronic signature, you may direct another person to sign the document on your behalf. This person is referred to as a **substitute signatory**. A substitute signatory can only be used if the deponent and the substitute signatory meet with the authorised witness.

² See rule 53 of the *Industrial Relations (Tribunals) Rules 2011*

³ See s 16A of the *Oaths Act 1867*

After the affidavit is signed

If the Court, Commission or Industrial Registrar have directed that the affidavit be filed, you must file the affidavit by the date specified, serve a copy on all other parties, and keep a copy for your records.

Always check any orders, directions or practice directions that apply to the matter as these may set specific requirements for filing and service.

Affidavit Checklist

Before filing your affidavit, check that you have:

- ☐ used the approved form (Form 20) to prepare the affidavit, and the approved Affidavit - Continuation page should the content exceed one page;
- ☐ included the correct details for the matter;
- ☐ stated your name, occupation (if applicable) and address;
- ☐ included only relevant facts;
- ☐ numbered each paragraph;
- ☐ attached and identified all exhibits and completed a certificate for each one (Form 21);
- ☐ ticked or selected whether the affidavit is sworn or affirmed;
- ☐ signed the affidavit before an authorised witness, either in person or electronically;
- ☐ filed and served the affidavit by the required date. If the affidavit and attachments exceed 30 pages, you will need to file a hard copy. See [Practice Direction 3 of 2021 – Electronic Filing and Hard Copies of Documents](#); and
- ☐ kept a copy for your own records.

Website

Much of the information required by parties about the processes and procedures of the Court, Commission or Industrial Registry may be found on the website including hearing lists, approved forms, guides, fact sheets, practice directions, links to relevant legislation as well as copies of industrial instruments (awards and agreements). It is recommended that parties consult the website for resources prior to contacting the Industrial Registry. The Industrial Registry cannot provide legal advice.

Furthermore, information on the general requirements for filing of documents can be found in the [Industrial Relations \(Tribunals\) Rules 2011](#).

Contact details

Email:	QIRC.Registry@qirc.qld.gov.au
Internet	www.qirc.qld.gov.au
Post:	Industrial Registrar GPO Box 373 Brisbane QLD 4001
In person:	Level 21, Central Plaza 2, 66 Eagle Street, Brisbane QLD 4000
Phone:	1300 592 987

This fact sheet is provided for general information purposes only and does not constitute legal advice. While every effort has been made to ensure the accuracy of the information, the Court, Commission and Industrial Registry accept no responsibility for any errors or omissions. Users should seek independent legal advice before acting on any information contained herein. The Court, Commission and Industrial Registry are not liable for any loss or damage arising from reliance on this material.