

Sample 4: Affidavit of service

QCAT

Queensland Civil and Administrative Tribunal

Form Number 9 (version 3)
Queensland Civil and Administrative Tribunal Rules 2009 (Rule 42)

Affidavit of service

Refer to attached instructions prior to filling out this form.

Please note that this is an affidavit. Each of the following pages must be signed by the person making the affidavit in the presence of a qualified witness (the person taking the affidavit).

For office use only

Case number:	
Date:	
Registry:	

PART A APPLICANT'S AND RESPONDENT'S DETAILS

Case number (if known):

Applicant

Jane Wright

Respondent

George Getz

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For more information on QCAT: Call 1300 753 228 or visit www.qcat.qld.gov.au

Affidavit of service cont'd

PART B DETAILS OF SERVICE

I,
(insert full name of person making affidavit)

of *(insert residential or business address, or place of employment)*

state on oath / solemnly and sincerely affirm and declare:

On the / / at am / pm,

I served
(insert name of person or entity/s served)

a copy of
(insert name of document/s)

filed on / / at the Queensland Civil and Administrative Tribunal

(insert tribunal address)

as follows: *(For personal service please complete part B1, for other service please tick relevant boxes in parts B2 and B3)*

PART B1 PERSONAL SERVICE

Note: *personal service is required for applications for minor civil dispute - minor debt claims.*

1. I delivered the copy to him her them
personally at *(insert address)*

2. I identified the person served by

(insert means of identification)

Person making affidavit to sign

Person taking the affidavit to sign (qualified witness)

Affidavit of service cont'd

PART B2 SERVICE OF A COMPANY

I left the copy at the company's registered office, namely

_____ Postcode _____

I posted the copy to the company's registered office, namely

_____ Postcode _____

I served the copy otherwise in accordance with section 109X of the *Corporations Act 2001* (Commonwealth), namely

(insert method of service)

PART B3 OTHER SERVICE

I sent the copy by post to the address in the entity's address for service, namely *(insert address)*

_____ Postcode _____

I sent the copy by post to the address in accordance with the service practice direction to which documents may be posted in circumstances where the entity does not have an address for service, namely *(insert address)*

_____ Postcode _____

I faxed the copy to the fax number () _____ that was included in the entity's address for service.

K Wong
Person making affidavit to sign

Damian Davids
Person taking the affidavit to sign (qualified witness)

Affidavit of service cont'd

PART B3 OTHER SERVICE *(continued)*

I emailed the copy to the email address that was included in the entity's address for service.

(insert email address)

I electronically transmitted the copy to the non-fax or email electronic address that was included in the entity's address for service (e.g. via a website)

(insert electronic address)

I left the copy with a person *(insert name)*
who is apparently an adult and apparently residing or employed at the entity's address for service, namely *(insert address)*

 Postcode

I left the copy with a person *(insert name)*
who is apparently an adult and apparently residing or employed at the address in accordance with the service practice direction at which documents may be left with a person in circumstances where the entity does not have an address for service, namely *(insert address)*

 Postcode

I served the copy in another way in accordance with the service practice direction, namely

(insert method of service)

I served the copy in accordance with the tribunal's direction, namely by

(insert method of service)

I otherwise served the copy in accordance with an Act
namely by *(insert name of Act)*

(insert method of service)

Person making affidavit to sign

Person taking the affidavit to sign (qualified witness)

Affidavit of service cont'd

PART C DOCUMENT SERVED

One of the following must apply, please tick as appropriate:

I have attached to this affidavit a copy of the document served, or

I have already filed the document which is named above in Part B.

PART D INTERSTATE SERVICE

This part only applies if you served the document interstate. Tick as applicable.

I did attach the notice under the *Service and Execution of Process Act 1992* (Commonwealth) to the document.

I did not attach the notice under the *Service and Execution of Process Act 1992* (Commonwealth) to the document.

Warning

Section 216 of the *Queensland Civil and Administrative Tribunal Act 2009* makes it an offence for a person to knowingly give the registry documents containing false or misleading information. Maximum penalty for such an offence – 100 penalty units.

SIGNATURE

Sworn (or affirmed) by (insert full name)

Kylie Wong

on 23 / 11 / 2019 at (place) Toowoomba

in the presence of:

K Wong
Person making affidavit to sign

Damian Davids
Person taking the affidavit to sign (qualified witness)

Damian Davids (JP)

Print name

Commissioner for declarations / solicitor / justice of the peace

Affidavit of service cont'd

QCAT

Queensland Civil and Administrative Tribunal

Instructions for completing

Affidavit of service

Use this form where you are seeking, or are required, to prove that you have provided a copy of a document to another party.

Default decisions

Where you are applying for a decision in default of a response by a respondent you will need to prove that you have provided a copy of your application to the respondent. You may complete this affidavit, or in some cases you may complete the affidavit in the application for decision by default (for example the *Form 6 – application for decision by default – minor debt*).

Interstate service

If the respondent resides in another state or territory you will need to provide an additional notice to the respondent, as required by the *Service and Execution of Process Act 1992* (see also Practice Direction 2 of 2014). The notice is available on the QCAT website at www.qcat.qld.gov.au.

Where to lodge your Affidavit of service

The Affidavit of service must be lodged in the QCAT registry where the application that started the proceeding was lodged.

By post: QCAT, GPO Box 1639, Brisbane QLD 4001

If you are posting your original response and/or counter-application and copies to QCAT, you need to include a stamped self-addressed A4 envelope with your material.

In person: QCAT, Level 9, Bank of Queensland Building, 259 Queen Street, Brisbane QLD 4000, or at any Magistrates Court outside of the Brisbane CBD.

For more information visit www.qcat.qld.gov.au or call 1300 753 228.

PART B DETAILS OF SERVICE

Refer to the *Queensland Civil and Administrative Tribunal Rules 2009* and the tribunal's practice directions for service requirements available at www.qcat.qld.gov.au.

Insert your full name and residential or business address or place of employment.

If the entity served is not an individual then the correct name must be used. For example, a company name, business name (regardless of whether it is registered) or a State agency name. For further information you can refer to the tribunal's factsheet *How to identify and name parties in QCAT* available at www.qcat.qld.gov.au.

If you are serving an application for a minor debt claim you must deliver the copy to an entity personally and in a way that complies with QCAT's practice direction on service. Practice Directions are available at www.qcat.qld.gov.au.

Affidavit of service cont'd

QCAT

Queensland Civil and Administrative Tribunal

SIGNATURE

Please sign in the presence of a person who is authorised by the *Oaths Act 1867* to take an affidavit:

- (a) a justice, commissioner for declarations or notary public under the law of Queensland, the Commonwealth or another State,
- (b) a lawyer,
- (c) a conveyancer, or another person authorised to administer an oath, under the law of the state, the Commonwealth or another state,
- (d) if the affidavit is taken outside Australia — a person authorised to administer an oath under the law of the place in which the affidavit is taken.

Each page must be signed in the presence of a qualified witness.

A qualified witness includes a lawyer, Justice of the Peace or a Commissioner for Declarations.

Your Information

QCAT collects your contact details for the purposes of compliance with the *Queensland Civil and Administrative Tribunal Act 2009* in relation to proceedings in QCAT. QCAT may contact you to seek your assistance in research to assist in the evaluation of the operation of QCAT. You are not obliged to participate in feedback or surveys. If you do participate no identifying particulars will be published. QCAT will not disclose your contact details or any other personal information to a third party unless required by law.