

Sample 3: Affidavit in support of a request for a decision by default

QCAT

Queensland Civil and Administrative Tribunal

Instructions for completing

Affidavit in support of a request for a decision by default

General instructions

Copies of the affidavit and providing copies to other parties

Only one copy of this affidavit supporting a request for a default decision and all attachments needs to be lodged.

Important note: Do not use this form if you are applying for an electronic decision by default.

Affidavits must be lodged

The affidavit must be lodged at the same Magistrates Court or QCAT registry at which you filed the original application.

PART A

If there is insufficient space for the names of either applicant or respondent, you may attach additional pages with similar details.

PART D 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 the State, 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.

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

Sample 3: Affidavit in support of a request for a decision by default cont'd

QCAT
Queensland Civil and Administrative Tribunal

Affidavit in support of a request for a decision by default

Refer to attached instructions at the front of this form prior to filling out this form.

For office use only	
Case number:	
Date:	
Registry:	
Sent to:	

PART A APPLICANT'S AND RESPONDENT'S DETAILS

Applicant
John Edward Gee

Respondent
Mary Johanssen

PART B CASE NUMBER

Case number
[]

Registry
Brisbane

John Gee
Person making affidavit to sign

Karen Jones
Person taking the affidavit to sign

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Sample 3: Affidavit in support of a request for a decision by default cont'd

PART C DETAILS

1.
(insert full name of person making affidavit)

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

Postcode

state on oath / solemnly and sincerely affirm and declare:

Complete 1 or 2 if you are the applicant:

1. The respondent has not paid the amount claimed by me.
 The amount of \$ remains owing to me.

2. The respondent has paid the following amounts to me in part satisfaction of this application.
 Complete the table in number 5. The amount of \$ remains owing to me.

Complete 3 or 4 if you are the solicitor/agent/director of the applicant:

3. I have this day spoken with
(insert name and role of person) being the person who has custody and control of the records of the applicant and they informed me and I believe that the respondent has not paid the amount claimed by the applicant.
 The amount of \$ remains owing to the applicant.

4. I have this day spoken with
(insert name and role of person) being the person who has custody and control of the records of the applicant and they informed me and I believe that the following amounts have been received from the respondent in part satisfaction of this application. Complete the table in number 5. The amount of \$ remains owing to the applicant.

5.

Date	Payment
DD/MM/YYYY	
DD/MM/YYYY	
DD/MM/YYYY	
DD/MM/YYYY	
DD/MM/YYYY	
DD/MM/YYYY	
DD/MM/YYYY	

John Gee
 Person making affidavit to sign

Karen Jones
 Person taking the affidavit to sign

Sample 3: Affidavit in support of a request for a decision by default cont'd

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 – \$10,000.

SIGNATURE

Sworn (or affirmed) by (insert full name)

John Edward Gee

on 23 / 01 / 2017 at (place) Brisbane

in the presence of:

John Gee

Person making affidavit to sign

Karen Jones

Person taking the affidavit to sign

John E Gee

Print name

Commissioner for declarations / solicitor /
justice of the peace

Affidavit in support of a request for a decision by default – page 3 of 3

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