

Preparing statements

The Queensland Civil and Administrative Tribunal (QCAT) is committed to actively resolving disputes in a way that is fair, just, accessible, quick and inexpensive.

A statement is a written outline of the facts of your case. Statements from you, as an applicant or respondent, and any other witnesses will form the evidence you intend to rely on to support your case at the tribunal.

Content of statements

A statement is your opportunity to provide the facts to the tribunal making a decision about your application.

You must give careful thought to the evidence you present in your statements. You have to prove the facts you claim. It is helpful if you prepare your statement while the facts about the dispute or the application are fresh in your mind.

The **applicant's** statement should explain what is being sought and be as specific as possible e.g. payment of money owing and why you say you are entitled to that money.

The **respondent** should identify clearly which items in the applicant's statements they agree with and which items they disagree with and why.

If the respondent has a counter-application the statement should clearly explain any amount sought and the basis of the counter-application (an application lodged by a respondent against an applicant).

The preparation of statements is the main part of your case.

Your case needs to be set out in detail in your statements, at a hearing there may be limited time to give oral evidence (speak to) to the tribunal.

Statement checklist

- Statements should preferably be typed and each page numbered. It should be headed with the application number, parties' names and the name of the witness. Each separate event or fact should have its own numbered paragraph. This will help the parties and the tribunal refer to your material.
- Your statement should relate closely to the issues set out in the application, response and/or counter-application, and be in chronological order of events.
- Only provide information about which you have personal knowledge. If you want to provide information someone else has given or knows, they should write a separate statement.

- Some information can only be accepted if provided by experts e.g. the cost of performing or rectifying building works. If cost is an issue, then you must have a person in the particular trade provide a statement outlining cost estimates and reasons for reaching such an estimate.
- You may need to go into detail for complex matters. For example, if you claim there are defects in building work done, each defect must be described in detail, together with an estimated cost of rectifying the defect provided by a suitable expert.
- If your statement refers to **attached documents** each attachment should be numbered. You must refer to each attachment in your statement and explain why each attachment is relevant to the case.

Statements of other witnesses

- You may be asked to provide signed statements from each of your witnesses as evidence to prove your case.
- The witnesses should have personal knowledge of the issues in dispute and/or may have particular expertise in those issues in dispute.
- The witnesses who provide statements are required to be available to attend the hearing, but may not actually be required to participate in the hearing. If required they may be subjected to cross-examination under oath, unless the other party accepts the contents of their statement. Cross-examination involves the other party or the QCAT decision-maker asking the witness questions about the contents of their statement and any other relevant issues.
- If you are unable to get a witness to sign a statement you may have to contact QCAT to arrange for a notice to attend to be issued to that person, so they will be compelled to attend at the hearing and give evidence.

Legal advice or assistance with statements

Visit www.qcat.qld.gov.au for more information on [Legal advice and representation](#)

Statement example

This statement template is available as a Microsoft Word document from www.qcat.qld.gov.au

To assist you to prepare your statement, use the questions on the following page as a guide. You do not need to include the guiding questions in your final statement.

QCAT application number:

Parties names : <your name and person or company you are having a dispute with>

Statement of: <name of person making the statement>

SAY WHEN

On [insert date],.....

SAY WHO

On [insert date], my partner [insert name] and I...

SAY WHAT

On [insert date], my partner [insert name] and I entered into a contract...

SAY HOW

On [insert date], my partner [insert name] and I entered into a contract in writing, see document attached as [e.g. Attachment 1]...

SAY WHY

On [insert date], my partner [insert name] and I entered into a contract in writing, see document attached as [e.g. Attachment 1], for the construction of a house...

SAY WHERE

On [insert date], date, my partner [insert name] and I entered into a contract in writing, see document attached as [e.g. Attachment 1], for the construction of a house on our land at [insert address]...

SAY WITH WHOM

On date, my partner [insert name] and I entered into a contract in writing, see document attached as [e.g. Attachment 1], for the construction of a house on our land at [insert address]...with [insert name], a builder licensed by the Queensland Building and Construction Commission [licence number...]

SAY WHAT OCCURRED

On date, my partner [insert name] and I entered into a contract in writing, see document attached as [e.g. Attachment 1], for the construction of a house on our land at [insert address]...with [insert name], a builder licensed by the Queensland Building and Construction Commission [licence number...]

The building work started on [insert date], but the following things occurred... (continue to use the guiding questions above to develop your statement)

Witness signature

Witness name

Date of statement: