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|  | **WITNESS STATEMENT** |  |
|  | *This template provides guidance for the development of witness statements for use in your QCAT case.* |  |

**QCAT 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 Tribunal 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 should label the document with a letter or number, such as “A”, “B, “C” etc or “1”, “2”, “3” etc so you can easily refer to the document in your statement, for example, [exhibit reference/page number].
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 Jack Sands and my address is 19 Aster Street in Cannon Hill, in Queensland. I am the applicant in these proceedings.
2. On 5 July 2015 I went to Rings of Australia at 1/747 Lytton Road, in Murarrie to get a wedding anniversary present for my wife, Sally Sands.
3. I spoke to a sales assistant who had a name badge that said “Sam”.
4. Sam showed me a gold necklace with ruby stones. I said words to the effect, “Are these real rubies set in this necklace?”
5. Sam said “I will go and check”. He went out the back door and came back about 5 minutes later. He then said words to the effect “they are real rubies, and I can give you a good deal today”. He also handed me a brochure with details about the necklace, which is attached and marked “A”.
6. We then negotiated a price and settled on an amount of $2,500, with the necklace to be put on layby. I paid a deposit of $1,000, in cash. I was given a receipt. Attached and marked “B” is a copy of my receipt.
7. A day before my wedding anniversary, on 24 July 2015, I went to pick up the necklace and pay the remaining $1,500.
8. The sales assistant Sam, said words to the effect “We have no record of your layby.”
9. I showed my receipt and I said to Sam words to the effect “you remember me, you gave me a good deal?” Sam could not find the layby. I could not see a necklace the same as or like it displayed in the store.
10. I then asked to speak to a Manager, but I was told that the Manager was not at work that day. I left the store.
11. I have since written to Rings of Australia on 30 July 2015 to seek a refund of my deposit, the letter is attached and marked “”C”.
12. The Manager, Fred Mills, telephoned me on or about 7 August 2015. He said words to the effect “We could not locate your layby. I would never have authorised the sale of that necklace for $2,500.”
13. I said “What do you mean? I want my deposit back.” The call ended shortly after that.
14. I have not had any other communication with Rings of Australia. I bought my wife a different present for our wedding anniversary from another jeweller but had no time to find a good deal.
15. At the time of writing this statement, my deposit had not been returned 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.

…………………………………………………………………[date]

Jack Sands

The applicant