

# Sample 4: Affidavit of service

# QCAT

Queensland Civil and Administrative Tribunal

Form Number 9 (version 4)  
 Queensland Civil and Administrative Tribunal Rules 2009 (Qld) (rule 42)

For office use only	
Case number	
Date filed	
Registry	

## Affidavit of service

This form **MUST** be filed at the registry where your original application was filed

**Part A APPLICATION AND MATTER DETAILS**

**Applicant** *(the party who made the original application)*  
 Jane Margaret Wright

**Respondent** *(the party against whom the original application was made)*  
 George Getz

**QCAT case number**  
 T21/000765

**Location of Registry**  
*(the QCAT registry or Magistrates Court where the original application was made)*  
 Toowoomba

**Part B DETAILS OF SERVICE**

I, Kylie Wong  
*(insert full name of person making affidavit)*

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

Suburb Toowoomba State/Territory QLD Postcode 4350

**state on oath / solemnly and sincerely affirm and declare:**

On the 23 / 11 / 2021 at 8.00 am  am/pm,  
Day Month Year

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

a copy of Application for minor civil dispute - consumer/trader dispute: property damage caused by a motor vehicle  
*(insert name of document/s)*

filed on 21 / 11 / 2021 at the Queensland Civil and Administrative Tribunal  
Day Month Year  
Toowoomba Magistrates Court, 159 Hume Street, Toowoomba  
*(insert Tribunal address)*

Please tick one of the following options:

I have attached to this form a copy of the document served, OR

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

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## Part B DETAILS OF SERVICE (continued)

YOU MUST PROVIDE DETAILS OF THE SERVICE IN ONE OF FOLLOWING THREE SECTIONS.  
PLEASE COMPLETE THE SECTION THAT IS RELEVANT TO YOUR APPLICATION.

### 1. Personal service on an individual

(note: personal service is required for minor civil dispute - minor debt applications)

I personally delivered the copy to:  him  her  them

at (insert address)

9 Norman Road

Suburb Redwood

State/Territory QLD

Postcode 4350

I identified the person served by (insert means of identification)

asking him 'are you George Getz?', to which he replied 'Yes I am'.

### 2. Service on a company

I personally delivered a copy to a director of the company, namely:

Suburb

State/Territory

Postcode

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

Suburb

State/Territory

Postcode

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

Suburb

State/Territory

Postcode

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

(insert method of service)

*Kyle Wong*

Person making affidavit to sign

*Damian Davidz*

Person taking the affidavit to sign (qualified witness)

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## Part B DETAILS OF SERVICE (continued)

### 3. Other service

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.  
\_\_\_\_\_  
*(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)*:  
\_\_\_\_\_  
\_\_\_\_\_  
Suburb \_\_\_\_\_ State/Territory \_\_\_\_\_ 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)*:  
\_\_\_\_\_  
\_\_\_\_\_  
Suburb \_\_\_\_\_ State/Territory \_\_\_\_\_ Postcode \_\_\_\_\_

I served the copy in another way in accordance with the service practice direction, namely by:  
\_\_\_\_\_  
\_\_\_\_\_  
*(insert method of service)*


I served the copy in accordance with the Tribunal's direction, namely by  
\_\_\_\_\_  
\_\_\_\_\_  
*(insert method of service)*

### Interstate service (You MUST complete this part if you served the document interstate)

Please tick the applicable box:

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.

  
Person making affidavit to sign

  
Person taking the affidavit to sign (qualified witness)

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## WARNING

Section 216 of the *Queensland Civil and Administrative Tribunal Act 2009* (Qld) 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/Affirmed by (insert full name):

Kylie Wong

On the  /  /  at (place)

Day                  Month                  Year

Insert fake signature

Person making affidavit to sign

In the presence of:

Insert fake signature

Person taking the affidavit to sign (qualified witness)

Commissioner for Declarations/Solicitor/  
Justice of the Peace

Damian Davids JP (Qual)

Print name

## Lodgement Details

Deliver to:	Mail to:
Queensland Civil and Administrative Tribunal Floor 11, 259 Queen Street Brisbane Qld 4000 OR your local Magistrates Court. To find your local courthouse visit: <a href="http://courts.qld.gov.au/contacts/courthouses">courts.qld.gov.au/contacts/courthouses</a>	Queensland Civil and Administrative Tribunal GPO Box 1639 Brisbane Qld 4001 OR your local Magistrates Court. To find your local courthouse visit: <a href="http://courts.qld.gov.au/contacts/courthouses">courts.qld.gov.au/contacts/courthouses</a>

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## INSTRUCTIONS FOR COMPLETING FORM 9

### Affidavit of service

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

#### 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 [qcat.qld.gov.au](http://qcat.qld.gov.au).

#### Identify and naming parties

The applicant and respondent must be named correctly. If the party is not an individual then you must use the precise/exact company name, a business name (whether it is registered or not, including real estate agencies), or the name of a State agency or department. To ensure that you are taking action against the right organisation you **MUST** include the correct ABN/ACN for the company or business name. If you do not correctly name a party you may not be able to enforce any order made against them if you succeed in your claim.

Visit the QCAT website for information on [identifying and naming the parties](#) or contact the Australian Securities and Investment Commission (ASIC) for business name and company information. A search fee may be charged.

More than one applicant or respondent can be named in an application. If there is more than one, then everyone **MUST** be named. If there is not enough space to include additional parties, you can attach the contact details (name and address details) on a separate sheet of paper to the application.

#### Legal advice and representation

QCAT staff cannot provide legal advice. All parties involved in a matter before QCAT must usually represent themselves unless leave to be represented has been given.

Information about where to seek legal advice is available at [Where to seek legal advice](#).

#### Protecting your privacy

We collect your contact details to ensure QCAT proceedings comply with the *Queensland Civil and Administrative Tribunal Act 2009* (Qld). We may contact you to help evaluate QCAT operations. You do not have to participate in feedback or surveys. If you do participate, no identifying information will be published. We will not disclose your contact details or any other personal information to a third party unless required by law.

#### Contact us

For information about the application process or going to the Tribunal visit the [QCAT website](#).