

Instructions - Writing a witness statement for NCAT

You can print these instructions as it may help you when you need to write a statement for NCAT. These instructions relate specifically to witness statements for NCAT. For tips on writing skills and things to think about when writing any type of legal document, see [Checklist - Writing](#).

Writing a witness statement for NCAT

Layout and headings

There is no set form for a witness statement, however, you should write your statement in a clear and logical way. You should also write the statement using your own words.

When setting out your statement is a good idea to:

- use white A4 paper
- type if possible, or use neat, clear handwriting in black or blue pen
- use only one side of the paper
- write the case name, the Division of NCAT, the file number, the name of the person making the statement and which party the statement is made for at the top of the page.

For example:

Nina Hayes v Sandy Sweet trading as Beautiful Blooms
In the Consumer and Commercial Division of NCAT
File Number GEN 20/12345
STATEMENT OF NINA HAYES (Applicant)

Introduction

At the beginning of your witness statement, you should introduce yourself by giving your:

- name
- address, unless you have concerns for your safety

- age, and
- occupation

For example:

I, Nina Hayes, of 5/16 Bronte St, Liverpool, NSW, 2170, self-employed personal trainer, state:

After you have introduced yourself, you should explain your connection to the case.

For example:

I am the applicant/appellant/respondent.

or

I am employed by the applicant/appellant/respondent.

or

I was asked by the applicant / appellant / respondent to prepare this statement.

or

I am the applicant/appellant/respondent's mother / father / sister / brother / friend.

Contents

When you are preparing your statement, you must:

- use plain language
- write in the first person
- be specific - use dates, times, amounts, locations and names wherever possible
- only refer to things you personally witnessed, that is, what you saw, heard, said and did
- include only one issue per paragraph
- number each paragraph
- number each page consecutively, including any annexures.

Your statement should be:

- double spaced

- left aligned
- size 12 font
- in an easy to read font, for example Arial or Calibri
- written in English.

If your case is about a contract or agreement, you should describe:

- how, when and where the contract or agreement was made
- what was in the contract or agreement
- how and when the contract was carried out or breached
- when payments were made or not made
- any financial loss you have suffered.

Statements should not include opinions or beliefs, or arguments about the law.

For example, you should not write "the respondent signed the contract, so they must have understood its conditions". You would just write, "I saw the respondent sign the contract".

Conversations

If you refer to a conversation that you had in your statement, you should use the actual words spoken.

If you cannot remember exactly what was said, you can include words to the effect of those that were spoken.

For example:

On 14 April 20xx I called Beautiful Blooms and spoke to Sandy Sweet and said words to the effect of "I am getting married and am looking for someone to supply the flowers"

Sandy replied with words to the effect of "Would you like to come into the shop so I can show you some designs and we can discuss, the size, what type of flowers you would like and the price?"

Attaching documents

If you refer to a document in your statement, you should attach it. This document is called an annexure.

There is no rule that says you must attach your documents to your statement, however, it is a good idea to do this if the documents support the

evidence you are giving in your statement. This is also a neater way of presenting evidence at court, and it is easier to refer to at the hearing.

Each document attached should be given a letter of the alphabet.

For example:

A copy of my email to Sandy Sweet dated 23 April 20xx confirming our agreement is attached and marked with the letter A.

Each annexure should also have a statement written on its front page that says something like:

This is the document referred to as Annexure 'A' in the statement of Sandy Sweet made on XX June 20XX.

If you don't attach your documents to your statement, you must still lodge them with the Tribunal and give them to the other party as directed in the timetable the Tribunal makes.

If you are not sure whether to attach any documents to your statement, you should get legal advice.

Signing your statement

At the end of your statement, you must sign and date it.