

## **Checklist: Writing a statement**

You can print this checklist as it may help you when you need to write a statement. This checklist relates specifically to statements. For tips on writing skills and things to think about when writing any type of legal document, see [Checklist - Writing](#).

### **Writing a statement**

#### **Should I make a statement?**

- A statement can be made by anyone involved in a court case, including a:
- plaintiff or applicant
  - defendant or respondent
  - witness.

The type of case and any orders that may have been made by the court will affect whether you should make a statement. Witnesses who make statements will often be required to give evidence in court. If you are not sure if you need to make a statement, you should get legal advice.

#### **What should be in the statement?**

- A statement should contain:
- the details of the case it is being used in, including the names of parties, court location and court case number
  - the name, address and occupation of the person making the statement
  - the evidence being given by the person making the statement.

#### **Can I use generative artificial intelligence?**

- You must include a sentence or paragraph in your statement regarding the use of generative artificial intelligence.
- Check the [Uniform Civil Procedure Rules 2005](#) (Rules) before using a generative artificial intelligence (AI) program such as ChatGPT to prepare documents for the Local, District or Supreme Court of NSW
- The [District Court](#), [Supreme Court](#) and the [Local Court](#) also have Practice Notes (Practice notes) which limit the use of AI for the preparation of statement and other documents.
- Under the Rules and Practice notes, you must not use AI in your

statement and must include a declaration that AI was not used to generate the content, unless in exceptional circumstances and you have sought permission from the court.

- You must not put any confidential information about your matter into an AI program. If you are unsure or feel the court should let you use AI due to exceptional circumstances, get legal advice.

### **How should the evidence be written?**

- When you write a statement, you should:
  - only write things you know about (not necessarily what you heard someone say)
  - write conversations in the first person (for example, I said "I'll take it", or she said "I'll send it right over")
  - only include information that is relevant
  - number every page.

The last paragraph should say something like:

**"I believe that the contents of this statement are true and correct" or "This statement sets out evidence which I am prepared to give in court as a witness".**

### **Include any annexures?**

- If you want to include any documents as part of your statement, you can attach them to the back as an annexure.
  - Make sure that you give a brief description of what you are attaching in the text of your statement. For example, "on 29 December 2009, I received an email from Mr Lennison. Annexed and marked 'A' is a copy of that email".
  - Each annexure must be identified, for example by letters "A", followed by "B" etc.
  - The first page of each annexure should be signed by the witness.
  - The witness should also sign the annexure, they can also include a statement on the annexure that  
**"This is the document referred to as Annexure [insert annexure letter] in the statement of [insert name of deponent], made on [insert the date the statement was made]."**

 **Sign the statement**

- Although a statement does not always need to be witnessed, it is a good idea to get a solicitor or Justice of the Peace (JP) to witness your signature.
  - You and your witness should sign the bottom of each page of the witness statement.

 **Keep a copy**

- Make sure you keep a copy of your signed witnessed statement for your records.

 **File and serve**

- You should serve (formally give the other party) statements by the date ordered by the court.
  - Any annexures should be attached to and served with the statement.
  - Statements are not always filed with the court. You should check the court's orders before filing any statements.