

Instructions for completion

Affidavit of Service (Fair Work – small claims proceedings)

1. This form of affidavit of service may be used as evidence of service for the purpose of rule 10.29 of the *Federal Circuit and Family Court of Australia (Division 2) (General Federal Law) Rules 2025* (the Rules) in any Fair Work proceeding under section 548 of the *Fair Work Act 2009*.
2. This affidavit of service must be sworn or affirmed before a person authorised by law to witness the swearing of affidavits; for example, a lawyer, notary public or Justice of the Peace.
3. Each page must be signed by the deponent (the person making the affidavit).
4. Any alteration in the affidavit of service must be initialled by the deponent and the witness.
5. You must complete address for service details in the footer on page 1.
6. If the facts in the affidavit of service are supported by a document, a copy of the document must be attached to this affidavit of service (rule 17.11 of the Rules). This document is then referred to as an ‘annexure’. If there is more than one annexure refer to each by the deponent’s initials followed by a number starting with ‘1’ (e.g. if the deponent is Ann Nguyen, AN1, AN2, AN3) (rule 17.11(3) of the Rules). If that deponent makes a later affidavit, the annexure numbering must continue sequentially (rule 17.11(5) of the Rules).
7. If it is impractical to annex a document, it may be separately identified as an exhibit: see rule 17.11.
8. Each annexure must include a statement signed by the witness identifying the annexure as the document referred to in this affidavit. The wording of the statement is as follows:

This is the document referred to as [insert annexure identification] in the affidavit of [insert deponent's name] sworn/affirmed at [insert place] on [insert date] before me [witness to sign and provide name and qualification].

The statement must be signed at the same time as the affidavit and by the same witness.

9. Once complete, you must file this form electronically through eLodgment: see Rule 2.12(1). If you cannot electronically file this form you should contact the registry to discuss lodgment options.

Remove this instruction sheet before filing

**IN THE FEDERAL CIRCUIT AND
FAMILY COURT OF AUSTRALIA (DIVISION 2)
AT [REGISTRY]**

Court file number

.....
Applicant

.....
Respondent

.....
Second Respondent (if applicable)

Repeat as necessary for additional parties

Affidavit of Service (Fair Work – small claims proceedings)

1. Person serving documents

Full name

Occupation

Address (incl postcode)

2. Person served

Full name

3. Date documents served/...../.....

4. What documents were served? (cross box if applicable)

- (a) ORIGINATING APPLICATION—FAIR WORK DIVISION
- (b) FORM 5 Small claim under the *Fair Work Act 2009*
dated/...../.....
- (c) FORM 5A Small claim under the *Fair Work Act 2009*—subsections 548(1B) or 548(1C)
dated/...../.....
- (d) Affidavit of
sworn/affirmed on/...../.....
- (e) Other

Filed on behalf of

Prepared by

Name of law firm

Address for service in

Australia

..... State Postcode

Email DX

Tel Fax Attention

5. How were they served on the person? (cross box if applicable)

I handed them to the RESPONDENT at (address)

.....

I attempted to hand them to the RESPONDENT at (address)

.....

The RESPONDENT refused to accept them. I put them down and left them in the presence of the person and said to the person

.....

6. (FOR A RESPONDENT CORPORATION) (cross box if applicable)

I posted them by pre-paid post in an envelope addressed to the RESPONDENT, to the registered office of the RESPONDENT: or

I delivered them to the registered office of the RESPONDENT:

(Address of registered office)

.....

7. How was the person served identified? (Note - do not complete if service was by post to a corporation)

I know the person served

The person is shown in the attached photograph

I had the following conversation with the person on (date)/...../.....
(set out conversation relating to person's identity)

.....

.....

.....

.....

I swear/ affirm that the facts set out above are true.

Sworn / Affirmed by the deponent

at

on/...../.....

Before me:

.....
Signature of deponent

.....
Signature of witness

Full name of witness:

Qualification of witness:

eg Lawyer or JP