## Applicant’s Statement of evidence

An unfair dismissal conference (conference) is a private conference that is conducted by the Fair Work Commission (the Commission). At the end of the conference, the Commission Member will make a decision immediately or at a later date in relation to your unfair dismissal application.

At the conference, the Commission Member will consider the details of your particular circumstances and the circumstances of the respondent (the employer).

Providing a Statement of evidence is an important part of preparing for the conference.

### What is a Statement of evidence?

A **Statement of evidence** is a summary of the evidence that you, and anyone else that you bring, will give in support of your case.

You will generally be required to give sworn evidence at the conference. You will also get an opportunity to challenge the respondent's (the employer's) evidence.

### How to complete your Statement of evidence

Use the **Statement of evidence** to organise the evidence you will submit at your conference. The statement will help you put your information in order and make sure you don't miss anything on the day of the conference.

Your evidence should be about your knowledge and/or observations (or, in the case of your witnesses, their knowledge and/or observations) of issues or events relevant to your unfair dismissal application. Evidence should be about facts and not about emotions.

This **Statement of evidence** has space for three witness statements. If you have more than three witnesses, please attach extra pages.

Sample witness statements can be found on page 2.

### What to do with your completed Statement of evidence?

Cross-check the information in your **Statement of evidence** with the answers you have given in your **Outline of argument: merits** and your **Outline of argument: objections** (if applicable).

Send your completed **Statement of evidence** to the Commission **by the date and time specified in the requirements**. Contact details for your case manager can be found on your Notice of Listing. You should also send a copy of all your material to the respondent (the employer) so they can respond to your claims.

Print out all of your documents and bring them with you on the day so that you can refer to them during the conference.

### Sample statement—Applicant

|  |
| --- |
| I will be giving evidence that:* I started working with the respondent's business, Jody's Chip Shop, on 1 May 2009 as a kitchen hand.
* I worked part-time. My hours of work were Monday to Friday, 5pm to 9pm.
* My rate of pay was $18.50 per hour.
* On 15 January 2012, Sam Sleigh who is one of the other kitchen hands told me that Jody Dunn (the manager and owner) had said I had…
* I told Trudy Hayler that this was wrong.
* I then called Jody Smith and told him what really happened. I said that what really happened was that...
* I told Melinda Ngyuen, the cashier on duty, what had happened.
* On 16 January, I met with Jody Smith. He told me....
* At the meeting, I said....
* At the end of the meeting, Jody told me I was dismissed.
* Since the dismissal I have applied for (describe what jobs you have applied for).
* I got a job with Dean's Sandwich Bar on 2 February 2012. I am employed for 15 hours per week as a sandwich hand and earn $18.00 per hour.
 |

### Sample statement—Applicant’s witness

|  |
| --- |
| Trudy Dunn will be giving evidence that:* Trudy Dunn works at the respondent's business, Jody's Chip Shop, as a kitchen hand.
* On 15 January 2012, she was in the kitchen and she heard...
* Etc.
 |

## Applicant’s Statement of evidence

### Matter details

|  |  |
| --- | --- |
| **Matter number** (e.g. U2015/12345) |  |
| **Applicant** (you, employee) |  |
| **Applicant’s representative** (if any) |  |
| **Respondent** (the employer) |  |
| **Respondent’s representative** (if any) |  |
| **Date of conference or hearing** |  |

### List of witnesses

|  |  |  |
| --- | --- | --- |
| **1.** | **Name** (e.g. you, the applicant) |  |
|  | **Position** (at your former employer) |  |

|  |  |  |
| --- | --- | --- |
| **2.** | **Name**  |  |
|  | **Position** (e.g. current employee, supplier) |  |
|  | **Relationship to applicant** (e.g. your friend, a former colleague) |  |

|  |  |  |
| --- | --- | --- |
| **3.** | **Name**  |  |
|  | **Position** (e.g. current employee, supplier) |  |
|  | **Relationship to applicant** (e.g. your friend, a former colleague) |  |

*Attach additional pages if necessary*

## Applicant’s Statement of evidence

### Witness statement number 1

#### *Sample witness statements can be found on page 2*

|  |  |
| --- | --- |
| **Name**  |  |
| **Position** |  |

#### **Witness statement**

|  |
| --- |
|  |

#### *Attach additional pages if necessary*

## Applicant’s Statement of evidence

### Witness statement number 2

#### *Sample witness statements can be found on page 2*

|  |  |
| --- | --- |
| **Name**  |  |
| **Position** |  |
| **Relationship to applicant** |  |

#### **Witness statement**

|  |
| --- |
|  |

#### *Attach additional pages if necessary*

## Applicant’s Statement of evidence

### Witness statement number 3

#### *Sample witness statements can be found on page 2*

|  |  |
| --- | --- |
| **Name**  |  |
| **Position** |  |
| **Relationship to applicant** |  |

#### **Witness statement**

|  |
| --- |
|  |

#### *Attach additional pages if necessary*

### Legal advice

The Commission cannot provide legal advice.

As part of the unfair dismissal application process, parties may choose to obtain their own independent legal advice.

### There are community legal centres in each state and territory. Community Legal Centres Australia legal help page ([clcs.org.au/index.php/findlegalhelp](https://clcs.org.au/index.php/findlegalhelp)) can assist with finding the nearest community legal centre. Please note that Community Legal Centres Australia does not itself offer legal advice.Further information

For eligibility information, refer to the Unfair dismissal—Am I eligible to apply? page on the Commission's website ([www.fwc.gov.au/job-loss-or-dismissal/unfair-dismissal/about-unfair-dismissal/check-eligibility-unfair-dismissal](http://www.fwc.gov.au/job-loss-or-dismissal/unfair-dismissal/about-unfair-dismissal/check-eligibility-unfair-dismissal)).

You can also refer to the full set of unfair dismissal guides available on the Unfair dismissal page ([www.fwc.gov.au/job-loss-or-dismissal/unfair-dismissal](http://www.fwc.gov.au/job-loss-or-dismissal/unfair-dismissal)) of our website.

1. Overview of the unfair dismissal laws

2. Flowchart on the process

3. Making an application

4. Responding to an application

5. Objecting to an application

6. Preparing for conciliation

7. Preparing for a conference or hearing

8. Frequently asked questions

9. Glossary of common terms

The Unfair Dismissals Benchbook can also assist parties lodging or responding to unfair dismissal applications ([www.fwc.gov.au/benchbook/unfair-dismissals-benchbook](http://www.fwc.gov.au/benchbook/unfair-dismissals-benchbook)).

If you require further information or help, please refer to the Contact us page on the Commission's website ([www.fwc.gov.au/about-us/contact-us](http://www.fwc.gov.au/about-us/contact-us)).

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This guide is not intended to be comprehensive. It is designed to assist in gaining an understanding of the Fair Work Commission and its work. The Fair Work Commission does not provide legal advice.