

Form DV39
MAGISTRATES COURT OF QUEENSLAND

Domestic and Family Violence Protection Act 2012
Section 184A
Domestic and Family Violence Protection Rules 2014
Rule 14AA

AFFIDAVIT OF ATTEMPTED PERSONAL SERVICE

Aggrieved *(Insert Name)*

Respondent *(Insert Name)*

Applicant *(Insert Name)*

I, *(full name and rank of deponent)* of *(address of deponent)*, state on oath (or: solemnly and sincerely affirm and declare) -

1. At *(time)* on *(day)* the day of *(month)* 20 *(year)* at *(place of service)*, I *(full name and rank of officer)* attempted to personally serve, *(name of respondent)* with the following document/s *(describe the documents attempted to be served)* by *(method of service, eg personally handing to respondent)*. *Copies of the document/s attempted to be served are exhibited and marked "A".
2. Personal service was not effected because *(state the reasons why service was not effected)*.
3. *(Repeat 1. & 2 for each attempt at service)*.
4. The contents of this affidavit are stated on the basis of information and belief. The contents as stated herein are true to the best of my knowledge.
5. I understand that if I make an affidavit that I know is false in a material particular, I may commit an offence.

* *Delete if not applicable.*

If the affidavit extends over more than one page, at the foot of the first and every other page except the last:*

AFFIDAVIT OF ATTEMPTED PERSONAL SERVICE	Name:
Filed on Behalf of <i>(insert name)</i> :	Address for service:
<i>Domestic and Family Violence Protection Rules 2014.</i>	Phone No:**
	Email address:**
Rule 14AA	Fax No:**

***leave blank if you do not want this information to be given to the other party*

.....
Deponent / Substitute signatory* (*delete one*)

.....
Witness

*At the end of the body of the affidavit:**

The contents of this affidavit are true, except where they are stated on the basis of information and belief, in which case they are true to the best of my knowledge.

I understand that a person who makes an affidavit that the person knows is false in a material particular commits an offence.

I state that: (**delete whichever statements are not applicable*)

- A. This affidavit was made in the form of an electronic document.*¹
- B. This affidavit was electronically signed.*²
- C. This affidavit was made, signed and witnessed under part 6A of the *Oaths Act 1867*.*³

SWORN / AFFIRMED by)
)
.....)
[insert full name of deponent]) [signature of deponent /
) substitute signatory*]
at.....)
[insert place where deponent is located])
)
) [date]

Signed for and at the direction of the deponent by*

.....*
[insert full name of substitute signatory]*

**delete if not applicable*

.....
[Australian legal practitioner/government legal officer/employee of the Public Trustee, as applicable]*⁴

**delete if not applicable*

BEFORE ME:)
)
)
)
 [insert full name of witness]) [signature of witness]
)
)
)
 [insert type of witness]⁵) [date]
)
)
)
 [witness's place of employment /)
 employment address / home address /)
 telephone number / email address / law)
 practice, as applicable]⁶)

For special witnesses or other prescribed persons to complete- Tick as applicable	
<input type="checkbox"/>	I am a special witness or another prescribed person under the <i>Oaths Act 1867</i> . (see sections 12, 16C and 31S of the <i>Oaths Act 1867</i>)
<input type="checkbox"/>	This affidavit was made in the form of an electronic document. ⁷
<input type="checkbox"/>	I electronically signed this affidavit. ⁸
<input type="checkbox"/>	This affidavit was made, signed and witnessed under part 6A of the <i>Oaths Act 1867</i> – I understand the requirements for witnessing a documentary by audio visual link and have complied with those requirements. ⁹

*The footnotes are to assist in the completion of this form and should be deleted once complete.**

***delete instructions**

¹ Include this statement if you electronically signed the document or if you physically signed the document over audio visual link and then sent a scanned copy of that document to the witness.

² Include this statement if you or your substitute signatory electronically signed the document using an accepted method under the *Oaths Act 1867*. Do not include this statement if you signed the document on paper.

³ Include this statement if the affidavit was made over audio visual link.

⁴ Substitute signatory to include additional information if directed over audio visual link. A person may be directed by audio visual link to sign a document for a signatory only if the person is: an Australian legal practitioner; or a government legal officer under the *Legal Profession Act 2007* (who is an Australian lawyer but not an Australian legal practitioner and witnesses documents in the course of the government work engaged in by the officer); or is an employee of the public trustee (s 31P, *Oaths Act 1867*).

⁵ Insert the witness's capacity that makes them eligible to witness the affidavit including under the *Oaths Act 1867*. For example, Australian legal practitioner, lawyer, justice of the peace, commissioner for declarations, notary public, a justice of the peace or commissioner for declarations approved by the Chief Executive under section 12(2) of the *Oaths Act 1867*, government legal officer, etc.

⁶ Legal practitioners who witness this document as a special witness must include their law practice (s 13E, *Oaths Act 1867*). If you are not an Australian legal practitioner or an approved JP or Cdec, at least one of the following must be included on the document: the name of your place of employment, your employment or home address, your telephone

number or your email address. If there are concerns about domestic, family or sexual violence, you should use your discretion and include the information (from the options listed) that minimises the risk of exposing the location of the signatory or other affected persons.

⁷ Tick this box if you electronically signed the document or if you physically signed the document and sent a scanned copy of that document to the signatory.

⁸ Tick this box if you electronically signed the affidavit using an accepted method under the *Oaths Act 1867*. Do not include this statement if you signed the affidavit on paper.

⁹ Tick this box if the affidavit was made over audio visual link.