

Procedural Fact Sheets (Civil) – Supreme and District Courts

Preparing an affidavit

What is an affidavit?

- An affidavit is a written form of evidence used in a court proceeding. It is your statement setting out facts that are within your own knowledge.
- Evidence is the information that you provide to the court to prove a fact. Evidence can be spoken or written, or it can be a physical object.
- A party is only permitted to rely on evidence that is relevant. Be aware that there are several other rules that must be followed for a party to be permitted to rely on particular spoken, written or physical material in proving their case, or, in other words, for that material to be “admitted into evidence”.
- More information about [evidence in a civil claim](#) is available from [LawRight](#), an independent, community legal centre that coordinates pro bono legal services for individuals and community groups involved in current or potential proceedings in Queensland courts. Depending on your circumstances, LawRight may be able to provide you with legal advice and assistance.

Drafting an affidavit

- Use [form 46](#), [rule 431](#)
- Be as brief as possible but include all essential information.
- Write in the first person, by using words like “I” and “we” when describing actions.
- Use a new paragraph for each important fact on which you rely in proving your case. [rule 431](#)
- Ensure that all information is true and correct—there are serious consequences for providing false information to the court, including criminal liability.

Preparing Exhibits

- Attach to the affidavit copies of those documents which establish the facts you rely on in proving your case. These attachments are called “exhibits”.
- Give each exhibit a sequential, identifying number. A simple way of numbering exhibits is by using the initials of the person making the affidavit, followed by a number, e.g., if a party’s name is Jane Smith, they may choose to name their exhibits JS1, JS2, etc.
- Write the identifying number at the top of each exhibit.
- When referring to an exhibit in the affidavit, refer to its identifying number, e.g., by stating “I refer to exhibit JS1”.
- Prepare a certificate of exhibit [form 47](#) to state that the exhibits attached to the affidavit are correct. [rule 435](#)

- The certificate must be signed by both the person making the affidavit and the person who witnesses the affidavit.
- Attach the certificate of exhibit to the affidavit.
- Attach the exhibits behind the certificate in the correct sequential order.
- Ensure that you have the original documents (which have been copied as attachments to an affidavit) with you at any court hearing where you wish to rely on that affidavit, as the judge may ask to see the originals.

Signing an affidavit

- Swear or affirm the affidavit before a qualified witness. This is how you confirm that the information in the affidavit is true and correct.
- See [Section 16A Oaths Act 1867 \(Qld\)](#) for information about who may act as a qualified witness.

Filing and serving an affidavit

- File and serve the affidavit on the opposing party or parties before any hearing at which you intend to rely on the affidavit, in accordance with any time limitations imposed by the [Uniform Civil Procedure Rules 1999 \(Qld\)](#) (UCPR).

